



St. George Leagues Club Ltd

A.C.N. 000 151 020

Chairman: Ralph Piggott

Chief Executive Officer: Craig Epton

Class 1 Application Local Impact Assessment

**Arncliffe Scots, Sports & Social Club Limited
29 Burrows St
Arncliffe NSW 2205**

**Licence Number: LIQC300225135
LGA: Bayside Council**

22 December 2023

1. EXECUTIVE SUMMARY

1. LIA1 Application:

- St George Leagues Club Limited (the “Club”) submits this Class 1 Local Impact Assessment application (“LIA1”) with respect to the GMT increase application for Arncliffe Scots Sports & Social Club Limited (“Arncliffe Scots Club”) located at 29 Burrows Street, Arncliffe, NSW 2205 (LICQ300225135)
- The Club submits that the requested GMT increase will make a positive community contribution to the local community – please see key points of submission below.

2. Low Range GMT Increase:

- The Club is seeking an increase in its GMT for the Arncliffe Scots Club Premises of eighteen (18) GMEs being a “low range” increase.
- The Arncliffe Scots Club currently has 75 GMEs with a GMT of 75. If approved this low range increase would lift the GMT for the venue from its current 75 to 93.
- The Club Premises is in the Band 2 SA2 of Arncliffe-Bardwell Valley and the Local Government Area of Bayside, and opposite the Band 1 SA2 of Wolli Creek.

3. SEIFA Ranking:

- The Arncliffe-Bardwell Valley SA2 has an Index of Relative Socio-Economic Advantage and Disadvantage (IRSAD) of 7 at an SA2 level; and 9 at a LGA level.
- IRSAD Rankings indicate that the immediate SA2s surrounding the Club premises are advantaged – therefore the GMT increase is not inappropriate.

4. Positive Community Contribution: The Club can demonstrate the following benefits:

- Nine (9) Gaming Machine Entitlements Forfeited.
- Supports Financial Viability of Arncliffe Scots Club.
- Continuation of Funding for Community Sporting Organisations and Field Costs.
- Supports Financial Viability of St George Masonic Club.
- Adoption of Harm Minimisation measures, and a Gaming Plan of Management, in excess of legally-required harm minimisation requirements.
- Responsible Gaming Fund Contribution of \$229,766.00 to promote harm minimisation and being a positive contribution in excess of legal requirements.

5. Current Harm Minimisation and Responsible Gambling Practices and Services:

- Legislative requirements will be complied with in the same way they are complied with at St George Leagues Club.
- BetSafe Self Exclusion Program and Gaming Duties staff hold RCG qualifications.
- Proposed additional Harm Minimisation measures in excess of legislation:
 - Senior Management and Gaming Supervisors have Advanced RCG Training
 - Maintains BetSafe Responsible Gambling Program
 - Player Pre-Commitment Player Cards will be available on request
 - Gambling Incident Register maintained.

6. Office of Responsible Gambling (ORG) Identified Risk Factors are not a concern:

- The proportion of the total population 15 years and over who have completed Year 12 or equivalent in the SA2 is 65.5%, that is 6.6% above the NSW Average of 58.9%.
- The proportion of lone person households in the SA2 is 11% only – which is more than 50% below the NSW Average.
- The population who are indigenous is lower than the NSW average, being 0.9% of the SA2 population which is substantially less than the NSW average of 4.1%.
- The proportion of the population aged 20-24 years of age in the SA2 of 7.25% which is only slightly higher than the NSW average of 6.50% (but they are more educated than average – see first bullet point above).
- The average weekly income per household in the SA2 is \$1,187 which is 8.3% above the NSW average of \$1,096.
- Residents in skilled occupations (professionals, clerical & administration, managers and technicians / trade) in the SA2 is 65.8%, higher than the NSW average of 65.3%.

2. DETAILS OF THE VENUE AND LOCAL COMMUNITY

2.1 BACKGROUND AND HISTORY OF THE CLUB

- 2.2 Arnccliffe Scots Club has a proud history that dates back to 1913 with the establishment of some of its first sporting teams. Arnccliffe Scots Club was established in 1960 when it purchased its current building to provide a place for its members to gather and socialise.
- 2.3 The Arnccliffe Scots Club prides itself on its rich history of sporting excellence and provides services for its members and guests including dining, social activities and events. The Arnccliffe Scots Club's gaming machines remain only one aspect of the services and facilities provided at the Club for members and their guests.
- 2.4 The Club was extensively extended and refurbished in the ensuing decades but has now financially failed which has required it to amalgamate with St George Leagues Club to allow continuing operations and financial support for local community sporting organisations.
- 2.5 The Club offers a bistro, bar and sports lounge. The Club has been supporting local sports teams in the district for over 100 years and continues this support today for junior and senior teams in soccer, netball, baseball and rugby league for both men and women's competitions.

2.6 VENUE DETAILS

Venue Size	910.4m2
Venue Floor Space	1820m2 (less back of house area)
Venue Gaming Area Floor Space	200m2
Venue Gaming Area Location	First Floor, Southern End of Floor
Other Facilities and Services	Bistro, Function room, Lounge Bar, Raffles and Badge Draws and Sport Clubs
Current GMT	75
Current GMEs	75

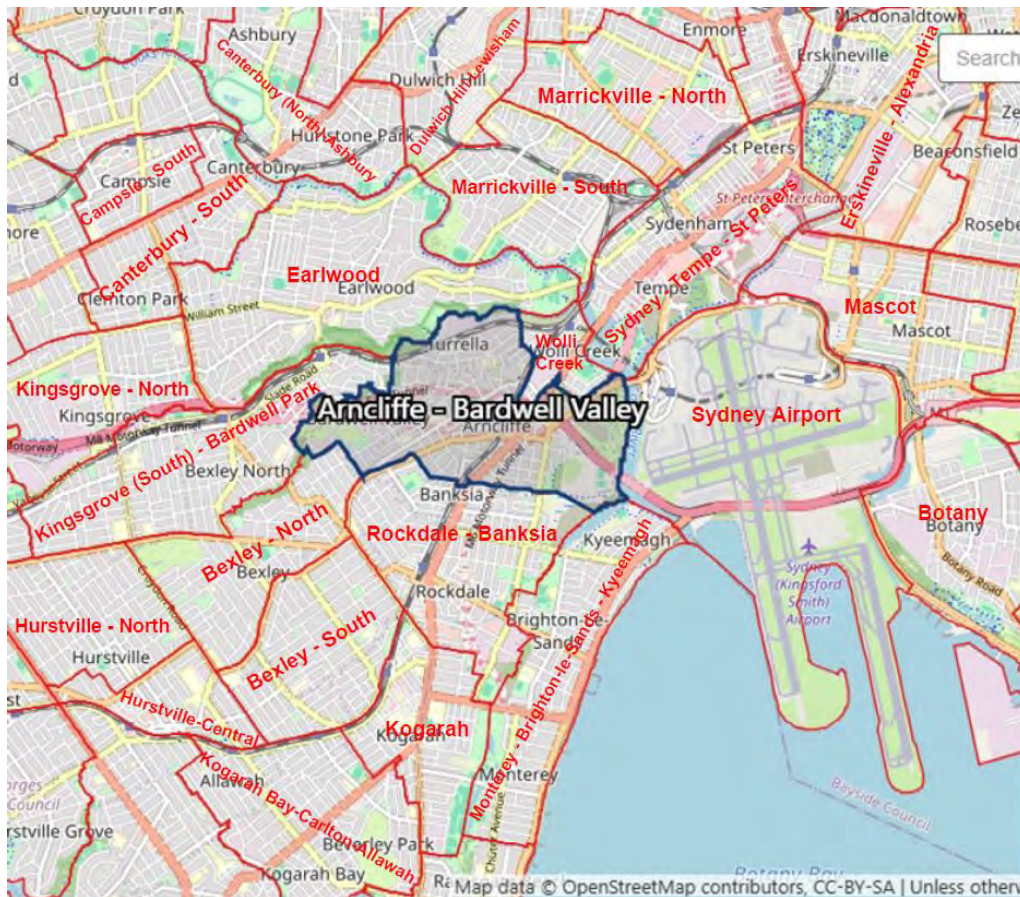
2.7 LOCAL COMMUNITY

Population

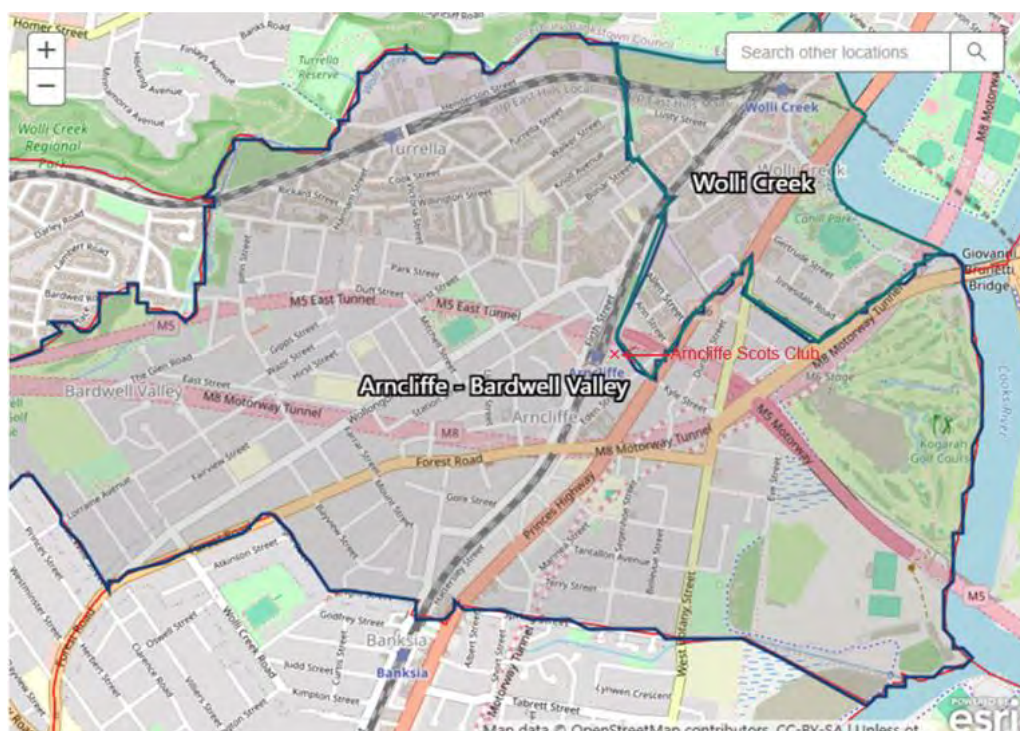
- 2.8 The Local Community is the Arnccliffe-Bardwell Valley SA2 with an estimated current population of 16,751 which is a slight increase from the population of 16,676 at the 2021 Census. This SA2 has an area of approximately 4.3 sq km. However, it is important to understand the position of the club premises. The Arnccliffe Scots Club is on the northern border of the Arnccliffe-Bardwell Valley SA2 opposite the Wolli Creek SA2.
- 2.9 The maps below show that the Arnccliffe-Bardwell Valley SA2 is bordered to the north by the Wolli Creek SA2. Wolli Creek is an area where there has been substantial high-rise development. The Wolli Creek SA2, as you will see from the second map below, is wedged between the Arnccliffe-Bardwell Valley SA2 and the Cooks River. According to the ABS the Wolli Creek SA2 as at 2022 has an estimated population of 11,408 which shows substantial growth from the ABS 2021 Census which records a population of 10,654. The working age population in Wolli Creek is 88% compared with an Australia Average of 64.6%.
- 2.10 The Wolli Creek SA2 is a Band 1 SA2 and has one Club with 38 GMEs and no Hotels. It has just the one gaming machine installation. The Arnccliffe Scots Club, given its proximity to the Wolli Creek SA2, inevitably draws members and guests from this growing Band 1 SA2. Additionally, we are aware that Kogarah Golf Club, which is in the same SA2 as Arnccliffe Scots Club, has recently removed its gaming machine installation and will cease club operations in the future given the sale of their land to a developer and pending amalgamation with Liverpool Golf Club.

Maps

- 2.11 Map 1 – This map below shows the Arncliffe-Bardwell Valley SA2 and surrounding SA2's for 5km.



- 2.12 Map 2 – This map below shows the location of the Arncliffe Scots Clubhouse within the Arncliffe-Bardwell Valley SA2.



SEIFA Ranking

- 2.13 The Census of Population and Housing: Socio-Economic Indexes for Areas (SEIFA), Australia, 2016 shows the following scores in Arncliffe-Bardwell Valley and illustrates that the population in the area is advantaged. The IRSAD scores of 7 at an SA2 level and 9 at an LGA level are high scores and according to ABS indicate a relative lack of disadvantage and greater advantage in general. The IEO scores of 8 at an SA2 level and 9 at an LGA level are again high scores and according to the ABS indicate relatively higher education and occupation status of people in the area in general.

INDICATOR	Arncliffe – Bardwell Valley SA2 Score	Wolli Creek SA2 Score	Arncliffe – Bardwell Valley SA2 Decile	Wolli Creek SA2 Deciles	Bayside LGA Score	Bayside LGA Decile
Index of Relative Socio-economic Advantage and Disadvantage (IRSAD)	1034	1115	7	10	1044	9
Index of Relative Socio-economic Disadvantage (IRSD)	984	1041	4	7	1004	7
Index of Economic Resources (IER)	974	895	4	1	966	4
Index of Education and Occupation (IEO)	1051	1142	8	10	1051	9

- 2.14 The ABS states that IRSAD is the best measure to be used as a general measure of advantage and disadvantage, to understand disadvantage, and advantage, and to offset advantage or disadvantage in analysis. The ABS also states that IER does not include assets of persons, assets include property, savings or equities and the like, which are relevant but not available as they are not collected by the census. The ABS states that IER is not recommended for investigating disadvantage only. Therefore, the IRSAD rankings are the relevant rankings for this application and the Authority should disregard the IER rankings.
- 2.15 Accordingly, the SEIFA Rankings support the position that the SA2 of Arncliffe-Bardwell Valley and the adjoining SA2 of Wolli Creek are both advantaged SA2s and the proposed low range increase in the GMT at Arncliffe Scots Club will not increase the availability to gaming machines in a disadvantaged or vulnerable SA2.

Gaming Machine Data

Number of GMEs per capita for the SA2 (based on 80 GMEs in the SA2 and a usual resident population of 21,448)	0.003
Club Net Profit per Gaming Machine Ranking (Club Ranking – Net Profit per Gaming Machine 31 May 2023)	473
Club Net Gaming Machine Profit Overall Ranking (Club Ranking – Net Profit Overall 31 May 2023)	423
Gaming Machine Expenditure Ranking by LGA (based on Gaming Machine Bi-Annual Report 1/12/22 to 31/05/23)	19

- 2.16 Using the gaming machine data reports prepared and issued by Liquor and Gaming NSW, for the period 1 June 2022 to 31 May 2023 (Club Data) and for period 1 July 2022 to 30 June 2023 (Hotel Data), the revenue for all gaming machines in the Bayside LGA is \$232,362,140 with the average revenue being approximately \$152,368 per machine for a 12-month period.
- 2.17 A gaming performance data report for the Club shows the revenue for a 12-month period, from 1 November 2022 to 30 November 2023, to be \$1,914,723, with the average revenue per machine (based on 40 on the gaming floor) of \$47,868, and an average revenue per GME based on the 77 GMEs on the Club Licence of \$25,529, for that 12-month period.

- 2.18 There are only three (3) Clubs in the Arncliffe-Bardwell Valley SA2 with gaming machines being Arncliffe Scots Club, Bardwell Valley Golf Club and Kogarah Golf Club, together operating as at 31 May 2023, as recorded by Liquor and Gaming NSW, 54 gaming machines. Arncliffe Scots Club has 40 of the 54, so it is not statistically appropriate to use the SA2 gaming performance data for comparison purposes. Considering the Bayside LGA gaming machine revenue data, as set out above, it is apparent that gaming machines at Arncliffe Scots Club are played less intensely than other venues in the Bayside LGA achieving revenues of only 31% of the Bayside LGA gaming machine average revenue.
- 2.19 The Arncliffe Scots Club currently has approximately 910 members with 521 members living within the Arncliffe-Bardwell Valley SA2 and 389 members living outside the SA2.

Other relevant Demographic Information

- 2.20 Relevant SA2 Demographic Information extracted from the ABS website as generated with 2021 Census data:

	Arncliffe-Bardwell Valley SA2	NSW Average
18 Years and Over Population	13,252 approx	
Population Growth	0.5% approx. p.a.	
Male Population Age (approx.)	6,813	4,059,953
• 18-19	180 (2.6%)	1.2%
• 20-24	622 (7.3%)	6.6%
• 25-29	920 (10.8%)	7.1%
• 30-39	1,867 (21.9%)	14.5
• 40-49	1,059 (12.5%)	12.7
• 50-59	843 (9.9%)	14
• 60-69	650 (7.7%)	10.6
• 70-85+	752 (8.8%)	11.6
Female Population Age (approx.)	6,639	4,105,778
• 18-19	76 (1.1%)	1.1%
• 20-24	1,494 (7.2%)	6
• 25-29	904 (11%)	6.8
• 30-39	1,722 (20.9%)	14.5
• 40-49	1,025 (12.5%)	12.8
• 50-59	869 (10.6%)	12.2
• 60-69	640 (7.8%)	11.1
• 70-85+	789 (9.6%)	13.3
Education		
• Persons 15 Years and Over Completed Year 12 or equivalent	65.5%	58.9
• Post-graduate Degree, Graduate Diploma/Graduate Certificate, Bachelor Degree, Advanced Diploma, Certificate	65.2%	64.1
Occupation	Total employed – 7,499	
• Professionals	27.5%	25.8
• Clerical & Administrative	14.4%	13
• Managers	13.3%	14.6
• Technicians/Trade	11%	11.9
• Community/Personal Service	8.8%	10.6

	Arncliffe-Bardwell Valley SA2	NSW Average
<ul style="list-style-type: none"> Sales Labourers Machinery operators/drivers 	8% 8.9% 6%	8 8.2 6
Main areas of employment:		
<ul style="list-style-type: none"> Accommodation and Food Administration Education Retail Professional Finance & Insurance 	2,039 2,171 953 1,455 1,817 1,053	
Unemployment rate	5.7%	4.9
Not in the Labour force	34.3%	35.5
Ethnicity – language		
Speaks a language other than English at home	53.6	26.6
Income Distribution		
Individual (weekly) (%) <ul style="list-style-type: none"> \$1-\$499 \$500-\$999 \$1000-\$1999 \$2000-\$2999 \$3000 or more Nil income 	20.4% 20.6% 27.5% 7.9% 4.0% 9.2%	22.7 21.9 25.6 7.9 5.7 8.5
Household (weekly) (%) <ul style="list-style-type: none"> \$1-\$499 \$500-\$999 \$1000-\$1999 \$2000-\$2999 \$3000 or more Nil income 	13.8% 22% 37.5% 12.4% 5.8% 2.3%	15.8 24.8 33.5 11.3 6.3 1.9
Median equivalised total household income	\$1,187	1,096
Employment		
<ul style="list-style-type: none"> Employed Unemployed Not in labour force 	7,499 454 34.3%	35.5
Housing costs		
<ul style="list-style-type: none"> Median Weekly Rent Payment Median Monthly Mortgage Payment 	\$500 \$2,400	420 2,167
Housing Tenure Type		
<ul style="list-style-type: none"> Owned outright Owned with a mortgage Rented 	26% 32.3% 37.8%	31.5 32.5 32.6
Household Type		
<ul style="list-style-type: none"> Lone person Group Family 	1,200 (11%) 371 4,000	25% 3.9% 71%

2.21 We refer to point 6 of the Executive Summary for an analysis of the demographic data against the ORG identified risk factors.

3. HARM MINIMISATION AND RESPONSIBLE GAMBLING PRACTICES AND SERVICES

3.1 Arnccliffe Scots Club's profit per machine is significantly less than the LGA's profit per machine for the reported corresponding 12-month period as set out above.

3.2 **Mandatory Harm Minimisation Measures:** Arnccliffe Scots Club's harm minimisation measures following the recent amalgamation will include:

Signage	<ul style="list-style-type: none">• Counselling services available including the BetSafe programs;• Chance of winning information• Gaming machine notice.
Gambling Help wording	<ul style="list-style-type: none">• on all player activity statements (patrons are directed to the Gamble Aware NSW website), ATMS, cash-back terminals and cash-back terminals operated by a player card;
BetSafe Self-Exclusion Program	<ul style="list-style-type: none">• Prominent signage where patrons can contact the Club's Duty Manager or phone a toll-free hotline.• Self-Exclusion tool that enables gamblers to ban themselves from the Club's gaming area or areas of multiple venues.
Gaming Area	<ul style="list-style-type: none">• Gaming area is restricted to persons over the age of 18 years and is not in a part of the Club where minors will pass through or see the gaming area.• No externally visible signage or advertising visible outside the gaming area• Gaming room is not currently physically separated from the general bar area by a permanent floor to ceiling wall but plans are in place to do so• Patrons are not compelled to pass through the gaming area to access other areas of the Club and cannot see any of the gaming machines from any public areas of the Club
Payments, Transactions and Lending	<ul style="list-style-type: none">• Cheque payments are restricted as a payment method and have a prize limit of \$5,000• Cash payments are limited to \$5,000• (ATMs) are located outside the gaming area and patrons are not permitted to make withdrawals using a credit card account• The Club has a policy not to provide advances to patrons by either cash or cheque• Club staff are prohibited from lending money to patrons• Patrons are prohibited from borrowing

	money from other patrons
Player Accounts	<ul style="list-style-type: none"> The Club issues player account cards and provides player activity statements to patrons upon request
Staff RCG Qualifications	<ul style="list-style-type: none"> All staff involved in gaming duties hold current Responsible Conduct of Gambling (RCG) qualifications available at all times for inspection by the Authority when on duty. Senior Management and Gaming Supervisors of the Club have undergone Advanced RCG Training
Mandatory Gaming Machine Shutdown	<ul style="list-style-type: none"> Monday-Friday 4:00am to 10:00am Saturday-Sunday 6:00am to 9:00am Public Holiday 6:00am to 9:00am

3.3 All legislative requirements, including those set out in the Gaming Plan of Management which is Annexure 2, will be complied with.

3.4 **Voluntary Harm Minimisation Measures:** The Club will also voluntarily provide the following harm minimisation measures in excess of what is legally required which represent a positive benefit for the community:

Advanced RCG	<ul style="list-style-type: none"> ensuring a dedicated gaming staff member, with an Advanced Certificate of Gaming accreditation, is on duty at all times during gaming machine operating hours (including after midnight). This is effective as a harm minimisation measure as a properly trained person will feel more comfortable approaching gaming patrons and enquiring about their wellbeing. distributing leaflets and flyers that are designed to inform patrons of the dangers of problem gambling and of the availability of counselling and the self-exclusion scheme. These will be language appropriate and provide a way for people to exercise self-responsibility in a non-confronting way.
BetSafe Program	<ul style="list-style-type: none"> assists gamblers to stop, control or minimise their gambling and provide a suite of tools and assistance to family members who may be concerned about another person's gambling.
Community Support	<ul style="list-style-type: none"> donations to a number of local sporting clubs include Soccer, Netball, Rugby League and Baseball. provision of Club premises for social and hobby clubs. Club provides an education program for vulnerable groups about the potential harms from gambling

	<ul style="list-style-type: none"> Club is a supporter of Gamble Aware week
Player support	<ul style="list-style-type: none"> provide pre-commitment player cards where requested by patrons proposal to maintain a Gambling Incident Register to record any incident where a patron of the Club displays behaviour or engages in problematic gambling behaviour as observed by our dedicated Responsible Gambling Officer
Cashless Gaming Trial	<ul style="list-style-type: none"> The Club has proposed that the Arncliffe Scots Club take part in the cashless gaming trial. Cashless Gaming can advance harm minimisation measures at the Club.
Gaming Plan of Management	<ul style="list-style-type: none"> The adoption of a Gaming Plan of Management which goes above and beyond the Club's legislative obligations, demonstrating a positive contribution to the local community in relation harm minimisation and operation of ALL gaming machines at Arncliffe Scots Club.

3.5 Please see at Annexure 1 the BetSafe Responsible Conduct of Gambling Program for your information that will be applicable to Arncliffe Scots Club from approval of the GME transfer and GMT increase.

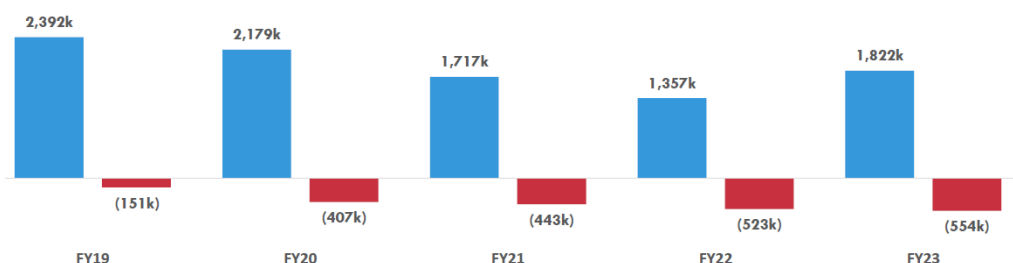
3.6 Please see at Annexure 2 the proposed Gaming Plan of Management which will be adopted at Arncliffe Scots Club from approval of the GME Transfer and associated GMT increase.

4. POSITIVE CONTRIBUTION TO COMMUNITY

4.1 The Club can demonstrate below how if approved the GME Transfer application and associated GMT increase will have a positive contribution on the community (as required by clause 33(b) of the *Gaming Machines Regulation* 2019).

4.2 **Nine (9) Gaming Machine Entitlements Forfeited:** Gaming Machine Entitlements are being purchased from another Club and as a result of this GME Transfer a total of nine (9) Gaming Machine Entitlements will be forfeited reducing the total GME in the State of New South Wales. Forfeiture is a major harm minimisation benefit that is derived from GME transfer and the associated GMT increase, and is a key harm minimisation measure of the relevant legislation.

4.3 **Supports the Financial Viability of Arncliffe Scots Club:** Arncliffe Scots Club, in the face of deteriorating financial performance, has amalgamated with St George Leagues Club. The graph below shows the increasing losses made by Arncliffe Scots Club from FY19 until FY23 despite COVID funding in FY21 and FY22. The approval of the GME Transfer and associated GMT increase will allow for investment into the club premises that needs significant repair and upgrading, as well as continued support into the future by Arncliffe Scots Club of local community sport.



- 4.4 **Supports Continuation of Funding for Community Sporting Organisation & Field Costs:** Arncliffe Scots Junior Rugby League Football Club Incorporated, Arncliffe Scots FC, Arncliffe Scots Baseball Club and Arncliffe Scots Ladies Netball Club all have historically received financial support from the Arncliffe Scots Club. The level of support was reduced in recent years as Arncliffe Scots Club financial performance waned. If approved the GME Transfer and associated GMT increase will support the continued funding of these community sporting organisations and the funding of the costs associated with sporting field ground leases that the Club is lessee/licensee of on behalf of those organisations. Such support would be in addition to the legally required commitment made in the amalgamation MOU which is limited.
- 4.5 **Supports Financial Viability of St George Masonic Club:** The GMEs to be transferred to Arncliffe Scots Club, if this application is approved, are to come from the St George Masonic Club. Please see Annexure 3 for a letter from the CEO of St George Masonic Club. The purchasing of the GMEs from a club that requires financial assistance is not legally required. The support of St George Masonic Club is in addition to the Club's legally required obligations.
- 4.6 **Adoption of Harm Minimisation Measures and a Gaming Plan of Management which exceeds legally required harm minimisation measures and relevant guidelines:** See at Annexure 2 the proposed Gaming Plan of Management which will be adopted at Arncliffe Scots Club in the event of approval of the GME Transfer and associated GMT increase. This will benefit the local community with the adoption of harm minimisation measures that go above and beyond that required by the Gaming Machines Act and Regulations. A Gaming Plan of Management is not a legal requirement of GME transfer and GMT increase and therefore its adoption, and the harm minimisation benefits it brings, are in addition to legally required harm minimisation measures.
- 4.7 **Responsible Gaming Fund Payment:** The Club proposes to make a financial contribution of \$229,766.00 in the event the Authority approves this application. The proposed contribution will be made to the Responsible Gambling Fund and has been calculated in accordance with GL4014 Class 1 Local Impact Assessment process guidelines, such that the donation will constitute a positive contribution for the purposes of section 36(3)(c) of the Gaming Machines Act. This payment advances harm minimisation as the Responsible Gaming Fund supports research into individual and community level gambling harm minimisation, regulation of gambling products, practices and environments, gambling among vulnerable groups, emerging technologies and new trends, measuring and understanding gambling prevalence and harm and the efficacy and effectiveness of treatment. The research helps build the evidence base for responsible gambling policy, interventions and programs. This proposed financial contribution is a proposed payment which is in addition to the legally required obligations of the Club on a GME Transfer and GMT increase and is, pursuant to section 36A of the Gaming Machines Act, to be treated by the Authority as if it were a contribution to the local community where Arncliffe Scots Club is located.

5. COMMUNITY CONSULTATION

- 5.1 The Club is committed to fulfilling its obligations under the Class 1 LIA guidelines for community consultation. We understand the importance of this process in ensuring that the local community's views and concerns are heard and addressed effectively. To this end, we will initiate the required community consultation process immediately after

submitting our GMT increase application. This will include notifying relevant local authorities, health services, and community organisations. We will also place advertisements in local newspapers and display notices at the venue, inviting community members to submit their feedback within a 60-day period.

- 5.2 Our approach to this consultation is grounded in transparency and a genuine willingness to engage constructively with the community. We recognise that the impact of additional gaming machines on the community is a matter of public interest and concern. Therefore, we will diligently consider all feedback received during the consultation period. This includes addressing any issues raised by local residents, community groups, and other stakeholders.

6. CONCLUSION

- 6.1 The Club has applied to increase the GMT of the Arncliffe Scots Club Premises by a “low range” 18 GME. This document is the necessary Class 1 LIA application given the recent re-classification of the Arncliffe-Bardwell Valley SA2 from a Band 1 SA2 to a Band 2 SA2. The Club seeks approval of this Class 1 LIA application in conjunction with its approval of the associated threshold increase lodged concurrently with this LIA.
- 6.2 This LIA demonstrates as required by Section 36(3)(b) of the Gaming Machines Act, that gambling activities at Arncliffe Scots Club following the recent amalgamation will be conducted in a responsible manner. The Board of St George Leagues Club take their harm minimisation obligations seriously and is committed to going above and beyond what is legislatively required as demonstrated in this LIA including as set out in the proposed Gaming Plan of Management for Arncliffe Scots Club.
- 6.3 This LIA also demonstrates as required by Section 36(3)(c) of the Gaming Machines Act that the proposed increase in the gaming machine threshold for the relevant venue will provide a positive contribution towards the local community where the Arncliffe Scots Club venue is situated. These positive benefits are set out in sections 4.1 – 4.7 above.
- 6.4 This LIA satisfies and addresses the criteria as set out in the applicable guidelines and the Gaming Machines Act and Regulations. It is respectfully submitted that this application has met the requirement that a positive contribution to the local community be demonstrated and that on balance there are not risk factors arising from the demographic characteristics of the local community, or the intensity of play at the venue, which on balance are sufficient to justify any other action than approval of this application. Additionally, the Club is fully committed to implementation of its BetSafe Responsible Conduct of Gambling Program and the proposed Gaming Plan of Management at Arncliffe Scots Club.
- 6.5 Should ILGA be of the view that there are grounds to reject this application, then the Club would appreciate a face-to-face meeting with the ILGA Board to discuss such concerns and this application generally. Should you have any questions or queries in relation to this application please do not hesitate to contact us.

Annexure 1 – BetSafe Responsible Conduct of Gambling Program Documents

St George Leagues Club Ltd



BetSafe Policies & Procedures Manual

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St George
Leagues
Club

About This Manual

St George Leagues Club Ltd (*St George Leagues Club*) has accepted its obligations to provide gaming and wagering services in a responsible manner through the creation of a responsible gambling environment for its patrons and employees. It has done so by adopting a responsible conduct of gambling (**RCG**) program that is being promoted under the BetSafe logo. There is an increasing number of clubs participating in the BetSafe program, which represents the first comprehensive RCG program in place in the NSW club industry. Many elements of the BetSafe program have now become the industry standard for the Responsible Conduct of Gambling.

This manual is one of the central strategies in implementing and managing the RCG program. It outlines the policies that have been developed in accordance with RCG principles and community concerns about the conduct of commercial gambling. It also sets out the guidelines and procedures for the implementation of these policies and achieving the policy objectives. Finally, the manual is intended as a resource tool by providing general information about responsible gambling and a background to the formulation and rationale of the policies.

This document is a work in progress. The policies and procedures contained in it will be monitored and reviewed on an on-going basis. Part of this evaluation process will include consultation with gaming staff, who will be encouraged to provide feedback about the policies and procedures. It is anticipated that the manual will be amended from time to time because of this. All relevant staff and management should be aware of their respective legislative obligations, and the policies and procedures contained in this manual, which are specific to their role.

Whilst this manual reflects our understanding of the applicable law at the time of publication, it should not be taken as a substitute for legal advice. Always check the actual law and government policy before making changes to club procedures.

This manual is to be read in conjunction with existing gaming, wagering and other applicable laws, including:

- Anti-Discrimination Act 1977 (NSW)
- Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth)
- Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007(Cth)
- Australian Privacy Principles
- Community Gaming Act 2018 (NSW)
- Community Gaming Regulation 2020 (NSW)
- Gaming and Liquor Administration Act 2007 (NSW)
- Gaming Machine Tax Act 2001 (NSW)
- Gaming Machines Act 2001 (NSW)
- Gaming Machines Regulation 2019 (NSW)
- Gambling (Two-up) Act 1998 (NSW)
- Liquor Act 2007 (NSW)
- Liquor Regulation 2018 (NSW)
- Privacy Act 1988 (Cth)
- Public Lotteries Act 1996 (NSW)
- Public Lotteries Regulation 2016 (NSW)
- Registered Clubs Act 1976 (NSW)
- Registered Clubs Regulation 2015 (NSW)
- Totalizator Act 1997 (NSW)
- Totalizator Regulation 2012 (NSW)
- Unlawful Gambling Act 1998 (NSW)

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St George
Leagues
Club

1 Introduction

1.1 Gambling In NSW

The NSW Gambling Survey 2019 was a major survey of 10,000 adults commissioned by the NSW Responsible Gambling Fund (**RGF**).

Key findings from the NSW Gambling Survey 2019:

- Just over half (53%) of 10,000 people surveyed had gambled in the past 12 months
- Lotteries were the most common form of gambling (37%) followed by gaming machines (16%), instant scratchies (13%) and race betting (13%)
- Participation in all forms of gambling has significantly declined since 2011, with the exception of bingo (2%) and betting on non-sporting events (1%) which remained the same, and informal private betting which has increased from 3% in 2011 to 5% in 2019.
- One percent of the population are problem gamblers, a slight but not statistically significant increase from 0.8% in 2011, and 2.8% are moderate-risk gamblers (2.9% in 2011)
- Gamblers aged 18-24 were most likely to be moderate-risk and problem gamblers (14.9%) compared with 7.2% of gamblers overall
- Just under one in ten adults (8%) had gambled online in the past year with race betting being the most common form of online gambling
- People who speak languages other than English at home had lower participation across the more common forms of gambling, with an overall gambling participation rate of 36%.

1.2 State of the Gambling Industry

Australian Gambling Statistics

The Australian Gambling Statistics (35th edition) provides information up to 2017-18 and is the official collection of Australian data on legalised regulated gambling for which accurate figures are available. The Australian Gambling Statistics publication is produced by the Queensland Government Statistician's Office (**QGSO**) in cooperation with all state and territory governments.

Per Capita Gambling Expenditure

- AUSTRALIA - \$1,292.25
- NSW – \$1,593.99
- ACT – \$749.35
- NT – \$11,940.20
- QLD – \$1,064.51
- SA - \$824.61
- TAS - \$736.34

- VIC - \$1,162.73
- WA - \$657.17

Note: NT figure includes most Australian licensed bookmakers.

New South Wales statistics

Number of gaming machines (as at 30 June 2018):

- Clubs: 69,466
- Hotels: 22,652
- Casinos: 1,500
- Total: 93,618 (down from 102,958 in 2001-02)

Number of venues with gaming machines (as at 30 June 2018)

- Clubs: 1,094
- Hotels: 1,419
- Casinos: 1
- Total: 2514

NSW Gambling Expenditure

- Gaming Machines: \$6,386,773,000
- Casino: \$1,574,819,000
- Racing: \$998,580,000
- Lotto: \$454,603,000
- Sports betting: \$177,695,000
- Keno: \$156,091,000
- Lotteries: \$45,656,000
- Instant Lottery: \$39,253,000
- Pools: \$2,566,000
- Total: \$9,836,036,000

In NSW, gambling expenditure is 2.453% of household disposal income. NSW government revenue from gambling in 2017-18 was \$2.33 billion (\$377.63 per capita).

1.3 NSW Gambling Regulation

Liquor & Gaming NSW (L&GNSW) sits within the Hospitality & Racing group within the Department of Enterprise, Investment and Trade and is responsible for administering NSW liquor, gaming and racing laws,

including licensing and compliance. It has powers under the *Gaming and Liquor Administration Act 2007 (NSW)*.

Independent Liquor & Gaming Authority (ILGA) Independent Liquor & Gaming Authority is a statutory decision-maker responsible for a range of casino, liquor, registered club and gaming machine regulatory functions including determining licensing and disciplinary matters under the gaming and liquor legislation.

NSW Fair Trading is also part of the Department of Enterprise, Investment and Trade and is responsible for the regulation of trade promotion lotteries and other forms of community gaming.

1.4 Responsible Gambling Strategy

The Australian Gaming Council promotes the following policy principles based on the Reno model¹:

- Consumers should have freedom of choice regarding their gambling options;
- Consumers should have the opportunity to make informed and responsible decisions, based on their personal preferences and individual circumstances;
- Problem gambling behaviours are not uniform and strategies to reduce the incidence and mitigate the prevalence must be based on an understanding of the different “pathways” and profiles that lead to gambling problems;
- Intrusive measures, designed to control or mandate consumer behaviour are unlikely to work;
- Addressing problem gambling is a shared responsibility of individuals, industry, governments, community groups and treatment providers;
- Outcomes and progress in dealing with and overcoming problem gambling must be measured.

Action Areas

- Promotion of responsible gambling practices
- Customer care
- Staff training
- Self-exclusion
- Counselling

¹ Blaszczynski A, Ladouceur R, & Shaffer H.J. A science-based framework for responsible gambling: the Reno model, *Journal of Gambling Studies*

2 BetSafe Responsible Gambling Program

2.1 Objective

To provide a leading and effective responsible gambling program that meets and exceeds legal requirements and industry codes for the benefit of members and the community.

To promote the Club as an active member of the BetSafe program to ensure that the Club maintains a high standard of responsible gambling service delivery and patron care.

2.2 An Effective Responsible Gambling (RG) Program

Key components of an effective responsible gambling program include:

- Board and senior management provide leadership in making RG a priority
- Having effective RG policies and procedures (*BetSafe Policies & Procedures Manual, By Laws, Constitution*)
- Ensuring staff are aware of these policies and procedures (*Staff Training*)
- Retaining evidence of these policies and procedures (*Incident Reports*)
- Seeking independent advice on best course of action (*Forwarding to BetSafe for advice*)
- Considering regular summaries of incident reports (*Recommendation from BetSafe*)
- Proactively engaging with patrons (*Check ins and Welfare Checks*)
- Taking appropriate action (*Promoting and Implementing Exclusions*)
- Responsible and transparent loyalty programs and promotions (*RG officer reviews*)
- Ensuring compliance with legal requirements (*Betsafe compliance checks*)

2.3 Overview of BetSafe

The BetSafe program includes the following:

- Enhancement of public image by the distinctive BetSafe trademark
- 24 hour problem gambling and alcohol counselling service available for all patrons and their immediate families
- Employee Assistance Program offering counselling and support for staff of member clubs and their families
- Venue compliance program
- Crisis assistance to deal quickly with potential problems
- Advanced exclusion program
- Comprehensive staff training

- Armed hold-up crisis counselling
- AML/CTF program
- Legal information and analysis of changes to the law
- Detailed policies and procedures manual

SYNAVAL Evaluation

An independent evaluation of the BetSafe program was conducted by SYNAVAL, an experienced team of researchers based in Melbourne. SYNAVAL found that the BetSafe program is highly effective.

- 65% of members, 67% of self-excluded patrons and 77% of staff believe that people can gamble responsibly. The belief that people can gamble responsibly was associated with awareness of the BetSafe program.
- 81% of staff members believe that their club's commitment to responsible gambling has improved since the introduction of the BetSafe program.
- 83% of self-excluded patrons reported that BetSafe had been effective in helping them to understand the extent and seriousness of their gambling problem.
- BetSafe counselling was rated as effective by 75% of respondents, with 80% of self-excluded patrons, 79% of staff and 71% of members agreeing that BetSafe is effective in assisting people to control their gambling.
- 93% of self-excluded patrons reported a reduction in their problems with gambling – 23% reported complete abstinence after self-exclusion, 43% reported a significant reduction, and 27% reported a noticeable reduction in their problems with gambling.

A follow-up SYNAVAL Evaluation found:

- Among staff and self-excluded members, awareness of the BetSafe program has increased to 100%.
- Increased understanding of responsible gambling amongst staff (86%) and self-excluded members (100%).
- The areas of “Assisting Problem Gamblers” and “Assisting Staff to Manage” continued to be particular strengths of BetSafe.
- BetSafe continued to be rated highly by self-excluded members and staff across a range of measures of effectiveness.

Staff are more effective due to BetSafe.

BetSafe trained staff are significantly more confident in their knowledge of the following issues:

- Problem gambling and the concept of responsible conduct of gambling
- How the BetSafe program can help problem gamblers
- Information presented in the signs and information brochures
- Counselling services available
- Procedures for assisting a patron to voluntarily self-exclude from the Club.

Quality Accreditation

BetSafe is accredited at Certificate Level of the Australian Service Excellence Standards (*ASES*). ASES accreditation illustrates BetSafe's achievement in quality improvement in service outcomes, demonstrates pride in service quality to clients and staff and verifies the quality and credibility of the organisation.

2.4 Delivery of the BetSafe Program

The BetSafe program assists the Club to deliver gambling services in a lawful and responsible manner, having regard to the potential for harm and community concerns about the conduct of gambling. This is achieved through a variety of measures and strategies, including:

- Development and implementation of best-practice policies and procedures for the responsible conduct of gambling
- Provision of a free 24 hour counselling and crisis intervention service for club patrons and staff who are experiencing gambling harm or know someone who is
- Provision of an effective self-exclusion scheme
- BetSafe staff training
- Assistance with the management of gambling-related incidents
- Responsible gambling compliance audits
- Anti-money laundering and counter-terrorism financing program
- Promoting responsible gambling practices among club patrons and the community

The BetSafe program is only as good as the commitment of member clubs. It is essential that relevant staff be responsible for the following:

- Reading this Manual and notifying BetSafe of any matters that do not match the Club's practice.
- Developing and implementing procedures which are consistent with the legislation and best practice as set out in this manual.
- Ensuring that all relevant staff and management should be aware of their respective legislative obligations, and the policies and procedures contained in this manual, which are specific to their role. This may be satisfied through one or more of the following:
 - attendance of the mandatory RCG and/or RSA courses;
 - attendance of additional training provided by BetSafe;
 - signage and/or other directions displayed throughout the Club;
 - information provided in the Club's staff handbook; or
 - information provided during staff meetings.
- Contacting BetSafe to discuss any problems on 02 9874 0744.
- Ensuring that BetSafe is provided with copies of the following documents:
 - All Exclusions, both Voluntary and Involuntary
 - All relevant Incident Reports

- All requests for Third Party (Family-Initiated) Exclusion
- Reports of re-entry attempts by excluded patrons
- Any Applications to end Exclusion
- Any other gambling related issues or complaints.

2.5 Record-Keeping

Accurate record keeping is of paramount importance should any adverse legal proceedings occur, as is the maintenance of accurate statistics. It is important that BetSafe receives copies of all relevant documentation.

BetSafe maintains a centralised database of all self-exclusion information for statistical and quality assurance purposes. All personal records maintained by BetSafe are confidential.

It is also essential that an accurate and up-to-date register be kept by each club to retain these records.



3 Gambling Harm

3.1 Identified by the Productivity Commission

‘Gambling harm’ refers to problems, difficulties or other negative consequences that result from excessive gambling and affect the wellbeing of the person and/or their loved ones in many areas of their daily life.

Features of gambling harm identified by the Productivity Commission include:

- **Personal and psychological characteristics**, such as difficulties in controlling expenditure; anxiety, depression or guilt over gambling; thoughts of suicide or attempted suicide; use of gambling as an escape from boredom, stress or depression; thinking about gambling for much of the time; and giving up formerly important social or recreational activities in order to gamble.
- **Gambling behaviour**, such as chasing losses, spending more time or money on gambling than intended and making repeated but failed attempts to stop gambling.
- **Interpersonal problems** such as gambling related arguments with family members, friends and work colleagues, relationship breakdown, or lack of physical or emotional time with the family.
- **Job and study problems**, such as poor work performance, lost time at work or studying, and resignation or dismissal due to gambling.
- **Financial effects**, such as large debts, unpaid borrowings, and financial hardship for the individual or family members (either in the present, in the case of high gambling commitments out of current earnings, or in the future, in the case of assets that are liquidated to finance gambling).
- **Legal problems**, such as misappropriation of money, passing bad cheques, and criminal behaviour due to gambling. In severe cases, these may result in court cases and prison sentences.

(Australia's Gambling Industries, p. 6.4, Productivity Commission, 1999)

3.2 Gambling Harm

‘Gambling harm’ refers to problems, difficulties or other negative consequences that result from excessive gambling and affect the wellbeing of the person and people close to them.

There are many reasons why people develop problems with gambling, including:

- Mistaken beliefs about the random nature of gambling outcomes
- Desire to make easy money
- Excitement, or escaping from worries
- Trying to win back gambling losses

Gambling-related problems occur when losses cause some form of harm to the individual, family, or society in general. To cause harm, losses must exceed the individual’s personal threshold of affordability, either in respect to money or time. The types of harm include:

- **Psychological**: stress and anxiety, depression and suicidal ideation/attempts, substance abuse, and homelessness.
- **Health**: obesity, chronic illness, general poor health.

- Financial: debts, failure to meet daily living obligations, loss of assets and bankruptcy.
- Family: marital friction/conflicts, domestic arguments and violence, separation and divorce, impacts of family dysfunction and divorce on children.
- Social: interpersonal conflicts and/or loss of friends, and increased social isolation and withdrawal.
- Employment: work-related conflicts, poor concentration, absenteeism, and termination of employment.
- Educational: impaired academic performance due to stresses and distractions with gambling.
- Legal: prosecution for criminal offences related to gambling.

3.3 Prevalence of persons experiencing gambling harm

The 2019 NSW Gambling Survey found that 1% of NSW adults were problem gamblers, a slight but not statistically significant increase from the 2011 rate of 0.8%. A further 2.8% were moderate risk gamblers (down from 3.7%) and 6.6% were low risk gamblers (down from 8.4%).

Based on June 2019 NSW adult population data, the 1% rate for problem gamblers is equal to 63,163 people; and the 2.8% rate for moderate risk gamblers is equal to 176,857 people.

Other findings from the 2019 survey included:

- Problem gamblers account for 36.7% of gambling expenditure, with moderate-risk gamblers accounting for a further 14.5%;
- Younger adult gamblers (aged 18 to 24) were most likely to be moderate-risk and problem gamblers (14.9%);
- Moderate-risk and problem gambling was negatively associated with both level of education and lower personal annual income, and was higher among the unemployed (28.7%), and full-time students (15.5%);
- Electronic Gaming Machine (**EGM**) play represents the greatest risk for problems, being both far more prevalent, and having almost double the per person impact than the next harmful gambling activity (online poker games).

4 Problematic Gambling Behaviour

4.1 Definition

“Problem gambling is characterised by difficulties in limiting money and/or time spent on gambling which leads to adverse consequences for the gambler, others, or for the community.”

(Problem Gambling and Harm: Towards a National Definition, The SA Centre for Economic Studies with the Dept. of Psychology, University of Adelaide 2005, p. 3)

Since that definition was written, there has been an intentional shift away from terms such as ‘problem gambler’, ‘pathological gambler’ or ‘gambling addict’ because these terms label a person by their condition, behaviour or circumstances. The terms ‘problem gambler’ and ‘pathological gambler’ are still used as precise definitions in a psychological context.

Now ‘person-centred language’ is preferable because it puts the person first, rather than their condition, behaviour or circumstances. Expressions such as ‘a person experiencing gambling harm’ and ‘a person showing warning signs of problematic gambling behaviour’, although cumbersome, are currently promoted as more respectful of the individuals concerned.

Gambling Disorder

This is the term used in the latest edition of the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders-5th edition (2013). Criteria:

- A. Persistent and recurrent problematic gambling behaviour leading to clinically significant impairment or distress, as indicated by the individual exhibiting four (or more) of the following in a 12 month period:
 - a. Needs to gamble with increasing amounts of money in order to achieve the desired excitement.
 - b. Is restless or irritable when attempting to cut down or stop gambling.
 - c. Has made repeated unsuccessful efforts to control, cut back, or stop gambling.
 - d. Is often preoccupied with gambling (e.g., having persistent thoughts of reliving past gambling experiences, handicapping or planning the next venture, thinking of ways to get money with which to gamble).
 - e. Often gambles when feeling distressed (e.g., helpless, guilty, anxious, depressed).
 - f. After losing money gambling, often returns another day to get even (“chasing” one’s losses).
 - g. Lies to conceal the extent of involvement with gambling.
 - h. Has jeopardized or lost a significant relationship, job, or educational or career opportunity because of gambling.
 - i. Relies on others to provide money to relieve desperate financial situations caused by gambling.
- B. The gambling behaviour is not better explained by a manic episode.

4.2 Why Is a Responsible Gambling Policy Important?

The Productivity Commission found that, although most Australians gamble:

- 70% believe that gambling does more harm than good, and
- 92% did not want to see a further expansion of gaming machines.

It is this community ambivalence towards gambling that has driven governments to pursue Responsible Conduct of Gambling in order to address community concerns and protect consumers against irresponsible operators.

5 Overview of Legal Obligations

5.1 Legislation

Gaming and wagering legislation regulates the conduct of gambling operations by clubs and other gambling venues. The government has imposed a variety of statutory controls and regulations intended – amongst other things – to ensure that gambling is conducted in a way that protects the community. Gambling consumers are afforded additional protection in their dealings with service providers through common law, consumer protection legislation and, more specifically, Responsible Gambling legislation.

The following is a list of some NSW legislation that applies to gambling in clubs located in NSW:

- *Anti-Discrimination Act 1977*
- *Community Gaming Act 2018*
- *Community Gaming Regulation 2020*
- *Gaming Machines Act 2001*
- *Gaming Machines Regulation 2019*
- *Liquor Act 2007*
- *Liquor Regulation 2018*
- *Registered Clubs Act 1976*
- *Registered Clubs Regulation 2015*
- *Totalizator Act 1997*
- *Totalizator Regulation 2012*

The following is a list of some Commonwealth legislation that applies to gambling in clubs located in NSW:

- *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*
- *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007*
- *Privacy Act 1988*

5.2 Anti-Discrimination laws

Clubs are prohibited from specific forms of discrimination as set out in the following laws:

Age Discrimination Act 2004 (Cth)

Discrimination on the basis of age

Anti-Discrimination Act 1977 (NSW)

Discrimination on the basis of race, including colour, nationality, descent and ethnic, ethno-religious or national origin, sex, including pregnancy and breastfeeding, marital or domestic status, disability, homosexuality, age, transgender status, and carer responsibilities. Sexual harassment and vilification on the basis of race, homosexuality, transgender status or HIV/AIDS status are also prohibited under this Act.

Australian Human Rights Commission Act 1986 (Cth)

Discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, age, medical record, criminal record, marital or relationship status, impairment, mental, intellectual or psychiatric disability, physical disability, nationality, sexual orientation, and trade union activity.

Disability Discrimination Act 1992 (Cth)

Discrimination on the basis of physical, intellectual, psychiatric, sensory, neurological or learning disability, physical disfigurement, disorder, illness or disease that affects thought processes, perception of reality, emotions or judgement, or results in disturbed behaviour, and presence in body of organisms causing or capable of causing disease or illness (e.g., HIV virus).

Racial Discrimination Act 1975 (Cth)

Discrimination on the basis of race, colour, descent or national or ethnic origin and in some circumstances, immigrant status.

Sex Discrimination Act 1984 (Cth)

Discrimination on the basis of sex, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, sexual orientation, gender identity, and intersex status.

Some exceptions

However, it is legal for clubs to offer benefits or concessions to members on the grounds of age (e.g. seniors' discounts).

A Club can discriminate against an individual on grounds other than those listed in the legislation. In particular, a Club can lawfully discriminate against a person who may be causing harm to themselves or someone else as a result of excessive gambling.

5.3 Common Law: Contract

As well as statutes (laws made by Parliament), clubs are also regulated by the Common Law. Common Law is the law made by judges and is found in reported cases instead of statutes. The most important Common Law affecting clubs is the law of Contract.

When a patron enters a club and engages in gambling activities, the patron is entering into a series of contracts with the Club for the provision of those services. The terms of those contracts may be written, spoken, expressed or implied. Often contracts are a combination of different types of terms.

A club may seek to impose a contractual condition by displaying a written notice, or providing a brochure, making an announcement over the public address system or other means. Terms may be implied into the contract because of legislation, standard business practice or other reasons.

Club members agree to be bound by the rules of the Club and may have different rights and obligations to visitors. But visitors are also in a contractual relationship with the Club.

5.4 Common Law: Duty of Care and Negligence

Clubs owe a duty to take reasonable care for the safety and welfare of their patrons. What form this duty takes will depend on the circumstances of each situation.

Clubs owe a duty of care to gambling patrons because of the nature of gaming machines and other forms of gambling which are known to be associated with the development of gambling problems for a minority of patrons.

Where a patron is a club member, the contractual terms of membership will modify the duty of care in certain circumstances.

5.5 Australian Consumer Law

The Australian Consumer Law imposes a comprehensive set of legal obligations upon clubs in the way that they relate to consumers, including:

Avoiding Unfair Business Practices

- It is unlawful for a club or other business to make statements to patrons that would be likely to mislead or deceive a patron;
- Failing to disclose relevant information, promises, opinions and predictions can also be misleading or deceptive;
- Businesses cannot rely on disclaimers buried in small print as an excuse for misleading or deceptive conduct.

Consumer Guarantees

- A club that provides gambling services must ensure that those services are provided with due care and skill;
- A club must take all necessary care to avoid unreasonable loss or damage to patrons when providing those services.

It has been suggested in one court claim that a club behaved in a misleading way where a manager induced a patron to gamble excessively by telling the patron that a poker machine “must pay”.

5.6 Gaming Machines Act and Gaming Machines Regulation

The *Gaming Machines Act* and *Gaming Machines Regulation* incorporate much of the Government’s Responsible Gambling laws.

The *Gaming Machines Act* is intended to consolidate and increase the regulation of club and hotel gaming. However, some provisions relevant to Responsible Conduct of Gambling are contained in the *Liquor Act* and *Registered Clubs Act*.

5.7 Written directions

The *Liquor Act* and other government legislation give certain powers to the regulator to give written directions to the Club regarding some aspects of its operations including:

- Late hour entry declaration (*Liquor Act s. 87*)
- A written direction about any matter relating to the club (*Liquor Act s. 75*)
- A written direction to contribute to the costs of promoting or giving effect to a local liquor accord (*Liquor Act s. 136*)

Written directions have legal effect and some may result in criminal prosecution in the event of contravention. It is important to ensure that any misunderstandings are clarified as to the nature of the direction and what the Club is required to do to ensure compliance.

5.8 Club Gaming Code of Practice

The ClubsNSW Gaming Code of Practice prescribes mandatory standards for the responsible conduct of gambling and Anti-Money Laundering & Counter-Terrorism Financing (*AML/CTF*) for all clubs that are members of ClubsNSW. BetSafe Clubs that are also members of ClubsNSW will note that there are some differences between the Code requirements.



6 Gambling Harm Minimisation and Responsible Conduct of Gambling

6.1 Objectives of the Gaming Machines Act 2001

The objectives stated in *Gaming Machines Act s. 3(1)* are:

- (a) to minimise harm associated with the misuse and abuse of gambling activities,*
- (b) to foster responsible conduct in relation to gambling,*
- (c) to facilitate the balanced development, in the public interest, of the gaming industry,*
- (d) to ensure the integrity of the gaming industry,*
- (e) to provide for an on-going reduction in the number of gaming machines in the State by means of the tradeable poker machine entitlement scheme.*

6.2 Misuse and abuse of gambling activities prohibited

A club that has engaged in conduct that has encouraged, or is likely to encourage, the misuse and abuse of gambling activities in the Club risks prosecution under *Gaming Machines Act s. 129(3)(b)*.

6.3 Requirements for government officials

The *Gaming Machines Act* states that the ILGA, L&GNSW, the police and other persons having functions under the Act are required to have due regard to the need for gambling harm minimisation and the fostering of responsible conduct in relation to gambling.

6.4 Gaming Machine Regulation

Electronic gaming machines are very heavily regulated. Information about gaming machines is found in:

- *Gaming Machines Act*
- *Gaming Machines Regulation*
- Australian/New Zealand Gaming Machine National Standard
- NSW Appendix to the National Standard
- NSW Gaming Machine Communications Protocol
- NSW Standard for Progressive Gaming Machines and Progressive Systems

In recent years there has been a growing move towards national standardisation of gaming machine regulation and control, and this would clearly result in significant savings which could be passed onto consumers.

Maximum bet limit

The maximum bet that can be made on a stand-alone gaming machine in a NSW club or hotel is \$10 (since 1989). The maximum bet on a MTGM is \$100.

Monetary input limit

Gaming machines in NSW currently have a monetary input limit of \$7,500.

Minimum return to player

The value of the prizes won by players of a gaming machine must be not less than 85% of the total money paid by the players of the gaming machine (*Gaming Machines Regulation cl. 11(2)*).



7 Overview of Some Legal Cases Involving Gambling

7.1 Reynolds v Katoomba RSL Club (2001)

This decision of the New South Wales Court of Appeal given on 20 September 2001 is the leading authority regarding the common law duty of care.

While the case establishes that clubs owe a duty of care to their gambling patrons, that duty is severely limited. In particular the case confirms that clubs have no common law obligation to prevent or discourage patrons known to be experiencing gambling harm from continuing to gamble. The case pre-dates the responsible gambling legislation.

During 1992 and 1993 Reynolds was a member of the club and attended the club frequently to gamble on the club's poker machines. He disclosed his problematic gambling behaviour to the Secretary Manager saying:

"I have a problem. I can't control myself. Once I start I can't stop. Please don't cash my cheques or give me credit to start me off, even if I beg you."

These cheques mostly came from a milk-run business in which Reynolds was in partnership with his father and comprised cheques drawn on the partnership account or made payable to the partnership account by milk-run customers and signed over to the club by Reynolds.

His father had a number of conversations with the Secretary Manager in which he informed the Secretary Manager that his son had a major gambling problem and was attending Gamblers Anonymous. The father asked the Secretary Manager not to cash any cheques for him at the club. The Secretary Manager initially agreed, but later refused, saying *"I can't do it. There is no way I can stop him. He is over 21."* The Secretary Manager also refused to bar him from the club telling Reynolds senior *"I can't bar him because he hasn't done anything wrong."*

The Court held that despite its knowledge of Reynolds gambling problem, the club did not owe him a duty of care. The club won. Although Reynolds had been diagnosed as a pathological gambler, the court did not consider him to be 'vulnerable' in a legal sense. He could have chosen to stay away from the club and chosen not to ask the club to cash his cheques. He could have resigned his membership at any time. One judge considered the risk of loss similar to the risk of injury of a participant in sport, saying *"The only way to avoid risk of injury is not to play."*

The judges emphasised that a problem gambler has the primary responsibility for regaining their control. They recognised that financially compensating a gambler for his or her losses would be counterproductive, in that it would be a reward for irresponsible behaviour.

Although the Court held that the club had no duty of care in this case, the Court said that there may be a duty of care in an extraordinary case. For example, there may be a duty of care to an intoxicated patron known to have problematic gambling behaviour.

The court held that the only thing the club could have done was to refrain from cashing cheques for Reynolds. The club had not behaved illegally or unconscionably towards him. There was no misleading or deceptive conduct.

7.2 Dee Why RSL Club Limited (2020)

This is a decision of the ILGA into a complaint brought against the Club by the Acting Director, Liquor, Gaming and Racing NSW.

Orders made:

1) Gaming Machines Act s.129(3)(b) complaint

The Club engaged in conduct that encouraged, or was likely to encourage, the misuse and abuse of gambling activities - \$80,000 penalty

2) Registered Clubs Act s. 57F(3)(a) complaint

The Club breached *Registered Clubs Act s. 10(1)(i)*, which states that a member is not entitled to any profit, benefit or advantage that is not offered equally to every full member of the club - \$20,000 penalty

3) Additional orders

- a) The Club was ordered to pay 80% of the Department's investigation costs totalling \$99,628.05.
- b) 3 additional conditions imposed on the Club licence:
 - i) The Club shall ensure that one Responsible Conduct of Gambling (**RCG**) Marshal is on duty and monitoring each gaming machine area.
 - ii) Operate a Responsible Conduct of Gambling register with monthly reports to the Board
 - iii) Operate a third-party gaming machine exclusion scheme

Gary Van Duinen was a "Diamond" member of the Club's loyalty program and among its "top 100" gaming machine players. Club loyalty program records state that from 1 July 2016 until his suicide on 31 May 2018 he turned over \$3.4 million through the Club's gaming machines over 852 hours of play, losing a total of \$229,668.

The Club provided ad hoc "high roller" benefits to some of the "top 100" gaming machine players at the Club, including Mr Van Duinen. These included harbour cruises, race days and expensive dinners. The "high roller" benefits were not publicised.

Gary Van Duinen's wife, Mrs Sonia Van Duinen complained to the Club about the level of her husband's gambling in September 2017 and again in February 2018. After her first approach in September 2017, a gaming manager spoke to Mr Van Duinen about his circumstances in what was described as a "welfare check." A record was made of the welfare check, although it did not specifically refer to his gaming expenditure.

In February 2018, Mrs Van Duinen told a gaming manager that her husband was gambling too much and she wanted him banned. The manager did not take her concerns seriously and told her that the Club was unable to impose a third-party exclusion. The manager failed to make a record of the conversation and did not report it.

ILGA said that **the high roller events were likely to encourage the misuse and abuse of gambling activities**. This is because they targeted gaming machine players maintaining the highest levels of gaming machine turnover during a six-month period. The individuals invited were made to feel special, exclusive or privileged because of their gambling activities. The fact that the events were not widely publicised was also likely to have reinforced a sense of exclusivity. ILGA said that the high quality and value of the off-site events were likely to constitute an encouragement to misuse and abuse of gaming machines in breach of *Gaming Machines Act s. 129(3)(b)*. Because invitations to the high roller events were not available to all members, they also contravened *Registered Clubs Act s. 10(1)(i)*.

ILGA was not satisfied with Club's response to Mrs Van Duinen's complaints. The Club had detailed data available to it on the nature and extent of Mr Van Duinen's gaming machine use. That data showed the extent of his carded gaming expenditure. **The Club should have kept a written record of Mrs Van Duinen's complaints as it was important that other staff be aware of the concerns about his gambling.**

A combination of the third party complaints, loyalty program data and observations of his behaviour while in the Club should have alerted the Club to the fact that Mr Van Duinen potentially had a gambling problem.

The Club's conduct in failing to recognise that Mr Van Duinen may have had a gambling problem and failing to take appropriate action and further investigate and act, meant that the Club encouraged, or was likely to encourage, the misuse and abuse of gambling activities in breach of *Gaming Machines Act s. 129(3)(b)*.

ILGA rejected a complaint that the Club's Board of Directors, being ultimately responsible for the overall operation of the Club, failed to perform their directors' duties to a satisfactory level, and had inadequate knowledge of gambling harm minimisation principles and responsible gambling practices. Nevertheless, ILGA expressed concern about the adequacy of some board members' knowledge of the Club's harm-minimisation practices.

What does this mean for BetSafe clubs?

- The case confirms BetSafe's view that family-initiated exclusions, whilst not required, are not prevented under existing legislation.
- It is essential to have a systematic approach to documenting and following up on all gambling related incidents. All incident reports forwarded to BetSafe will be entered into BetSafe's online exclusion register and, where appropriate, BetSafe will provide advice on any necessary follow-ups.
- It confirms BetSafe's approach of dealing with each possible gambling incident on a case by case basis.
- Clubs are expected to respond to scenarios even when not expressly required by law. Failure to respond to gambling incidents may result in the Club being found to have encouraged the misuse and abuse of gambling activities.
- Conducting additional training of staff is important, in particular Supervisors and Duty Managers to ensure all gambling incidents are correctly managed and documented. The Advanced RCG Training Course covers this in detail.
- Although the decision made no specific findings against the Club's directors, it was acknowledged that the Club Board has responsibility to ensure that the Club conducts its gambling activities responsibly. Board members will benefit from the Responsible Gambling Oversight Training to understand their responsible gambling obligations.
- It is essential to be transparent and explicitly document the benefits offered under the various tiers of member loyalty programs to ensure that benefits are available to all members.
- Loyalty program benefits should not be excessive, particularly for the top tier.
- A promotion only available to a select group of members based on their gaming machine expenditure may be illegal if it is not available to all members or if it targets patrons who are at risk of gambling harm.

7.3 American Express International v Famularo (1999)

Famularo was a patron of O'Malley's Hotel which provided him with 226 cash advances totalling \$67,770 on his American Express card for gambling. These were falsely described as "accommodation". Use of charge cards such as American Express for cash advances for gambling was a breach of the merchant agreement and the hotel licence.

Famularo took civil proceedings against the hotel in the District Court. The judge found that Famularo gambled the cash advances on the hotel's TAB and poker machines. He was well known to the licensee who arranged for an EFTPOS terminal to be installed in the hotel's Las Vegas lounge to enable Famularo to

access cash. Famularo saw other patrons obtaining cash advances on their American Express cards. He asked if he could as well and the licensee said “Not a problem”.

The hotel staff knew he was a patron with problematic gambling behaviour. One staff member told him “*Simon, you are mad, absolutely mad, gambling the way you do.*” Famularo told the licensee that he had banned himself from the Casino, but got caught going back in and was taken to court.

The judge described gambling as “*a hazardous activity having the potential to cause damage or harm to the defendant.*” This should have been obvious to the hotel.

Famularo was often moderately to heavily affected by alcohol while gambling at the hotel. It should have been obvious to hotel staff that Famularo’s poor self-control over his gambling was exacerbated by alcohol while on the hotel premises and obtaining cash and using it for gambling there. At times hotel staff would give Famularo free alcoholic drinks, particularly if he had been losing heavily.

The District Court judge held that O’Malley’s Hotel’s conduct was unconscionable and ordered it to pay compensation to Famularo. This money went to American Express in payment of his Amex card debt.

7.4 Kakavas v Crown Melbourne Ltd (2013)²

Harry Kakavas was a patron of Crown Casino, Melbourne soon after its opening in 1994. He disclosed his gambling problem to Crown and self-excluded the following year. He was then charged with fraud, which resulted in a spell of 4 months in jail. After his release from jail in 1998, he applied to revoke his self-exclusion, but Crown immediately imposed a withdrawal of licence order for other reasons.

Kakavas did not return to Crown until 2005, by which time he had reinvented himself as a successful real estate agent on the Gold Coast and was worth millions of dollars. Along the way he had self-excluded from casinos in Queensland, Perth and Adelaide and had been involuntarily excluded from the casino in Sydney by the NSW Police Commissioner.

In 2004, Crown became aware that Kakavas was gambling large amounts of money at casinos in Las Vegas, and decided to ask him to return to their casino. Unfortunately they didn’t realise that his self-exclusion had been revoked back in 1998 and that he remained excluded under the withdrawal of licence. They asked him to get a psychologist’s report saying he had overcome his gambling problem, but the psychologist he saw once on the Gold Coast was not willing to say that.

Crown also overlooked the fact that changes to the law in 2002 meant that they could not legally allow Kakavas to gamble in their casino due to the Interstate Exclusion Order originating in NSW.

As soon as he returned to Crown, Kakavas negotiated a range of high roller benefits, including a \$300,000 hand limit, financial rebates, executive jet travel, accommodation, drinks, limousine service, tickets to the Australian Open etc. In addition to the negotiated benefits, Crown gave him boxes of ‘lucky money’ on occasions, in amounts between \$25,000 and \$50,000.

Crown catered for his desire for privacy by allowing him to check in at their hotel under the pseudonym ‘Harry Kay’.

During the succeeding 14 months, Kakavas gambled at Crown frequently, turning over \$1.5 billion and losing over \$20 million.

² [2013] HCA 25

The basis of his court claim was that he was a person at a 'special disadvantage' by reason of his addiction to gambling and that Crown had acted unconscientiously by deliberately enticing him to gamble at the casino.

The dealings between Kakavas and Crown convinced the Court that **Crown had not exploited Kakavas' gambling addiction**. Kakavas was confident, intelligent and an excellent business negotiator. He had wanted to return to Crown as much as Crown had wanted his business, and he had negotiated vigorously to obtain the terms and conditions that he desired. The lower court judge noted Kakavas' ability to exercise control, the many instances when he apparently conducted himself in a controlled manner while gambling, and walked away even before his funds were exhausted.

The High Court agreed that in the absence of a relevant legislative provision, there is no general duty upon a casino to protect gamblers from themselves." Mr Kakavas wasn't at a special disadvantage which made him susceptible to exploitation by Crown and he was able to make rational decisions in his own interests.



8 Responsible Gambling

Responsible Gambling (RG) means gambling in a way that is enjoyable, that only involves as much money and time as the person can afford, and that does not lead to gambling harm.

8.1 The Club's Commitment to Responsible Gambling

The Club acknowledges that, while most people participate in gambling activities in a socially enjoyable and harmless manner, gambling can cause harm for some individuals. The extent of this harm ranges from occasional overspending to the development of a pathological gambling disorder.

The Club seeks to create a responsible gambling environment and is committed to implement best practice for the benefit of patrons and employees. The Club will:

- ensure the provision and use of gambling products occur in a safe and enjoyable manner
- prioritise customer welfare and sustainable gambling activities
- adopt responsible gambling and harm minimisation measures
- promote the social and economic benefits of responsible gambling and the gaming industry

8.2 Gaming Plan of Management

The Club has outlined its key commitment to Responsible Gambling in a Gaming Plan of Management (**GPOM**). The GPOM shall be available at all Club sites where gaming machines are located. The GPOM shall be easily accessible and actively provided to staff; and available for inspection upon request by NSW Police or L&GNSW inspectors. Information about this GPOM will be provided to all staff as part of the Group's staff induction process. The Club will review its GPOM regularly.

8.3 The Club Gaming Code of Practice

The Club Gaming Code of Practice ('the Code') prescribes mandatory standards for the responsible conduct of gambling and AML/CTF for all clubs that are members of ClubsNSW.

The Club must have a Code of Practice Implementation Plan outlining the operational processes it will undertake to comply with the Code. The implementation plan should be regularly reviewed and updated.

Compliance with the Code and all recommendations and directions made by the Code Adjudication Panel and Code Administrator, is a condition of membership of ClubsNSW. An alleged breach of the Code by a club will be handled in accordance with the Code investigation and disciplinary procedure.

8.4 Gaming Code of Practice Implementation Plan

The Club is required by the Gaming Code of Practice (**the Code**) to have a Code of Practice Implementation Plan. The Club's Code of Practice Implementation Plan is attached to this Manual.

The Club will audit compliance with the Gaming Code of Practice at least once a year.

The Club will engage the services of a suitably qualified external person to audit compliance with the Gaming Code of Practice at least once every 3 years. This will include an assessment of the extent to which

the Code Implementation Plan is sufficient to ensure the requirements of the Gaming Code of Practice are met.

8.5 Responsible Gambling Policy Statement

The Club has a Responsible Gambling Policy Statement approved by the Board of Directors that contains these 4 commitments:

- the Club will ensure the provision and use of gambling products occur in a safe and enjoyable manner;
- the Club will prioritise customer welfare and sustainable gambling activities;
- the Club will adopt responsible gambling and harm minimisation measures in accordance with the Gambling Code; and
- the Club will promote the social and economic benefits of responsible gambling and the gaming industry.

8.6 Responsibilities of Club Directors and Management

Club Directors and Management are responsible for ensuring that the Club fulfils its legal obligations as a provider of Responsible Gambling. This includes:

- Ensuring the Club complies with legal and other requirements
- Provide leadership in creating a culture of proactive gambling harm minimisation
- Appointment of the Responsible Gambling Officer
- Awareness of the Club's responsible gambling practices
- Receive and consider regular responsible gambling program reports
- Undergo periodic training/briefings to assist in understanding the Club's responsible gambling obligations

Club Secretary/Managers and Directors are required to undertake the RG Board Oversight Training course to understand the Club's RG responsibilities.

Gaming Machines Act s. 201 provides that where a club contravenes a provision of that Act or the regulations, the secretary and members of the governing body of the club are, whether or not the club is convicted for the contravention, each taken to have contravened the provision if the person charged knowingly authorised or permitted the contravention.

8.7 Responsible Gambling Officer (RGO)

The Club has appointed a Responsible Gambling Officer (RGO) who is responsible for:

- Leading and supporting a culture of responsible gambling and proactive gambling harm minimisation.
- Understanding and training others in reporting gambling incidents using the Gambling Incident Register
- Reviewing the Gambling Incident Register at least weekly to:

- identify any shortcomings or opportunities for improvement in the handling of gambling-related events
- determine if feedback or additional training is required for staff involved in the handling of gambling-related events
- consider whether an involuntary exclusion is appropriate for any patron who has been involved in one or more gambling-related incidents.
- Reporting to the Board on a quarterly basis the findings of the review of the Gambling Incident Register and any associated activities.
- Reviewing and approving all gaming advertising and promotions
- Acting as the contact point for correspondence with the Code Administrator or delegates and the Code Adjudication Panel
- Overseeing compliance with the Gaming Code of Practice Implementation Plan;

Training

The Club's appointed Responsible Gambling Officer must complete approved the Responsible Gambling Officer Training within 12 months of their appointment and refresher training every 5 years thereafter.

Review of the Gambling Incident Register

The Responsible Gambling Officer must review the Gambling Incident Register at least weekly. The weekly review is conducted for the following purposes:

- identify any shortcomings or opportunities for improvement in the handling of gambling-related events;
- determine if feedback or additional training is required for staff involved in the handling of gambling-related events;
- consider whether a involuntary exclusion is appropriate for any patron who has been involved in one or more gambling incidents.

Quarterly Report to Board

The Responsible Gambling Officer must report to the Board on a quarterly basis the findings of the review of the Gambling Incident Register and any associated activities. The report must not identify the individual patrons involved in any incident.

Review of gaming advertising and promotions

The Responsible Gambling Officer must review and approve all gaming advertising and promotions to ensure compliance with legal and Code requirements.

8.8 Misuse or abuse of gambling activities

L&GNSW and police are empowered to make a complaint to the ILGA under *Gaming Machines Act s. 129(3)(b)*, where it is alleged that the Club has engaged in conduct that has encouraged, or is likely to encourage, the misuse and abuse of gambling activities in the Club.

If a complaint is proven, the ILGA has a wide range of powers (see *Gaming Machines Act s. 130*) to impose penalties, including fines or loss of the right to have gaming machines in the Club. These penalties can be imposed on a Director, Manager, Secretary, or other executive position as well as the Club itself.

9 Unattended Children

9.1 The Welfare of Children Is Paramount

The practice of a few patrons leaving children unattended in the Club, motor vehicles or elsewhere in order to gamble in the Club poses a serious threat to the children's welfare. Such behaviour by patrons is unacceptable and cannot be tolerated.

When on duty, security staff should conduct regular patrols (at least every two hours) of the Club and the car park to ensure that children have not been left unattended. All staff must also be vigilant in this regard.

9.2 Unattended Children Found In the Club

Any child found unattended in the Club is to be immediately taken to the office area or other safe place and the Duty Manager notified.

The child's parent or guardian is to be located and informed by the Duty Manager that the incident is a breach of the law and in the case of a member, may be cited for misconduct or, in the case of a non-member, ban them from the Club. The patron will then be required to leave the Club immediately.

An incident report is to be completed. The Club will then determine the appropriate action to be taken (i.e. a warning, citation for improper conduct, etc.) and advise the patron in writing, enclosing a BetSafe brochure. BetSafe should be contacted to assist in the drafting of this correspondence.

The Club must initiate an involuntary exclusion if the parent or guardian left a child unattended while playing gaming machines.

9.3 Children Found Unattended In Motor Vehicles

Leaving children unattended in a motor vehicle is a serious crime where the child is likely to become ill or emotionally distressed.

A person who leaves a child unattended in these circumstances risks a fine of up to 200 penalty units (currently \$22,000) *Children and Young Persons (Care and Protection) Act 1998 (NSW) s. 231*

When an **infant or very young child** is found unattended in a motor vehicle in the Club car park or vicinity, the following procedure is recommended:

- The police are to be contacted immediately to deal with the matter – note: while their authority to break into the vehicle should be obtained during this telephone conversation, there will be circumstances where immediate release of the child will be necessary;
- A staff member is to remain with the child;
- The parent or guardian is to be located;
- The patron who left the child in the car is to be advised that he/she will be banned from the Club;
- Correspondence confirming disciplinary action is to be forwarded to the patron within 48 hours, together with a BetSafe brochure – BetSafe should be contacted to assist with the drafting of this correspondence;

- An incident report is to be completed by the Duty Manager before completion of the shift and a copy forwarded to BetSafe .

When an **older child** is found unattended in a motor vehicle in the Club car park, the staff member should use his or her discretion. In some cases it may be appropriate to ask the child to get out of the car and come to the office or Reception while the parents are paged in the Club. If older children refuse to get out of the car they should not be forced to do so.

9.4 Unattended Children Who Contact the Club

When a child under 15 years old contacts the Club trying to locate a parent enquiry should be made as to whether the child is being looked after by a responsible person who is at least 15 years old.

If it appears that the child has been left unattended at home or elsewhere:

- A note should be made of the child's name, age, address and telephone number and the parent's name.
- The police are to be informed or the Child Protection Helpline (13 2111) notified;
- The parent or guardian is to be located;
- The patron who left the child unattended is to be notified that the Club will take disciplinary action;
- Correspondence confirming disciplinary action is to be forwarded to the patron within 48 hours, together with a BetSafe brochure – BetSafe should be contacted to assist with the drafting of this correspondence;

An incident report is to be completed by the Duty Manager and a copy sent to BetSafe.

9.5 Signage for Car Park and Other Relevant Areas

BetSafe has produced a distinctive A3 sign entitled "Unattended Children". It is strongly recommended that the Club display a number of these signs, both inside the premises and in the car park.

The display of these signs sends a clear message to all patrons and provides evidence of the Club's commitment to maintaining the highest level of responsible conduct of gambling.

10 Minors

10.1 Objective

To ensure that minors do not enter restricted areas and that illegal underage gambling does not occur in the Club

10.2 Minors Prohibited from Being Sold or Supplied Alcohol

In NSW, as in the rest of Australia, minors are prohibited from being sold or supplied liquor (*Liquor Act s. 117*) on licensed premises.

Government approval is required for a minor employed by the club to sell supply or serve liquor on the club premises (*Liquor Act ss. 119 & 120*).

10.3 Minors Functions

The Club must hold a minors function authorisation in order to hold minors functions. Essential requirements for a minors function include (*Liquor Act ss. 122-124*):

- Giving local police 7 days written notice before each minors function
- Complying with all directions given by police or L&GNSW
- Ensuring liquor is not sold, supplied, disposed of or consumed in the area in which the function is held
- Ensuring that minors do not enter or remain in bar areas or restricted areas of the club, including areas where gaming machines or tobacco machines are located
- Stay with a responsible adult in the authorised area

10.4 Minors Prohibited from Gambling

In NSW, as in the rest of Australia, minors are prohibited from engaging in nearly all forms of commercial gaming or wagering activities. This reflects community standards and expectations with respect to the conduct of commercial gambling activities. *Gaming Machines Act s. 50* provides that a person under the age of 18 years “must not operate an approved gaming machine in a hotel or on the premises of a registered club” (*maximum penalty 20 penalty units*).

Gaming machine technician staff under the age of 18 years are permitted to operate gaming machines for training purposes under supervision.

Buying Keno games on behalf of minor

Public Lotteries Act s. 44 prohibits club staff from selling Keno games to minors. (*maximum penalty 50 penalty units*).

Public Lotteries Act s. 45(1) prohibits a person from buying Keno games on behalf of a minor. However, *Public Lotteries Act s. 45(3)* permits Keno games to be bought on behalf of a minor by a parent or guardian, or a person with the express authority of the minor’s parent or guardian.

10.5 Community Gaming and promotions

Community games are low-risk and are played for charitable, social, not-for-profit or trade promotion. These are regulated by NSW Fair Trading and the Community Gaming laws.

Minors may be allowed to participate in certain activities such as card jackpot games, club bingo, gratuitous lotteries, no-draw lotteries, raffles, tipping competitions and trade promotion lotteries. There are restrictions on minor's participation in these forms of gambling, such as a prohibition on providing minors with alcohol as a prize.

Where minors are permitted to participate, the Club should impose "house rules" which may cover the age of minors, the level of participation permitted and the types of prizes that will be available to them.

It is important that the Club take active steps to ensure that it is behaving responsibly. Such gambling activities should always be incidental to other forms of club entertainment and leisure activities. Advertising material must not depict children participating in the gaming activity.

10.6 Restrictions on Presence of Minors in the Club

The *Registered Clubs Act* and *Gaming Machines Act* restrict the presence of minors in registered club premises.

Gaming machine areas

Gaming Machines Act s. 52(1) provides that minors are prohibited from entering or being in a gaming machine area. The Club and its' secretary may be guilty of an offence if a minor is in a gaming machine area of the Club and is not immediately removed.

Minors are permitted to pass through gaming machines areas in order to conveniently gain access to another area of the Club that the minor may lawfully enter, and must be in the company and immediate presence of a responsible adult (*Gaming Machines Act s. 52(4)(b)*).

Bar Areas notice

Liquor Regulation cl. 33 requires the following notice to be displayed in each bar area of the Club "in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the premises in which the notice is displayed would reasonably be expected to be alerted to its contents". BetSafe recommends that this notice be displayed at all gaming area entrances.



TAB areas

There are no specific statutory restrictions imposed on the presence of minors in the TAB or sports betting areas of registered clubs. However, minors are effectively excluded from these areas because these facilities are often located in bar areas from which minors are prohibited from entering under *Liquor Act s. 123(1)(a)*.

It is the policy of the Club that, if TAB facilities are not located in restricted areas, minors are not permitted in these areas other than for the purpose of gaining access to another area of the Club (where applicable) and only in the company of an adult.

Totalizator Act s. 84(1) states:

A person who, while under the age of 18 years, makes a bet on a totalizator is guilty of an offence.

Totalizator Act s. 83(1) states:

A person who, on behalf of a person under the age of 18 years, makes a bet on a totalizator is guilty of an offence.

Junior members

Junior members are permitted in all areas of the Club other than bar and gaming machine areas.

Application may be made to the ILGA under *Registered Clubs Act s. 22A* for approval to allow junior members access to bar or gaming machine areas of the Club for sporting activities or a prize-giving ceremony associated with sporting activities, where it is impractical for the Club to designate an area of the premises as a non-restricted area under *Registered Clubs Act s. 22*.

Responsible adult

A responsible adult must be 18 years or older and belong to one or more of the following categories:

- Parent, step-parent or guardian of the minor;
- The minor's spouse or any person who, although not legally married to the minor, ordinarily lives with the minor as the minor's spouse on a permanent and domestic basis;
- A person who is, for the time being, standing in as the parent of the minor, such as an uncle or aunt looking after children, or a school teacher on a school excursion.

A casual boyfriend, girlfriend, older brother or sister babysitting for the night is not considered a responsible adult.

10.7 Checks on Proof of Age

Staff need to be particularly vigilant in policing the presence of minors in the Club to ensure that underage gambling does not occur. In addition to the proof of age checks which are required to be made by door staff, all gaming staff are required to request a person that they suspect is under the age of 18 years to produce identification (**ID**).³

Evidence of age

Photocopied Documents

The following documents are acceptable ID and evidence that the person is over the age of 18 years:

³ Under *Gaming Machines Act s.53(1)* a person who is reasonably suspected of being under the age of 18 years and would be committing an offence must state his or her full name and residential address, and produce evidence of his or her age when requested by a staff member (or at a police station within a reasonable time).

- A current driver or rider licence or permit issued by NSW Roads and Maritime (or by the corresponding public authority of the Commonwealth, of some other State or Territory or of some other country);
- A current “Photo Card” or “proof of age” card issued by NSW Roads and Maritime (or by the corresponding public authority of the Commonwealth, of some other State or Territory);
- Australian issued digital driver licences
- A current passport issued by the Commonwealth or some other country;

ID is not acceptable as evidence if they do not bear a ***photograph of the person*** and the person’s ***date of birth***. If acceptable ID is not produced, the person is to be treated as a minor and must leave the restricted area immediately.

If a photocopied document is produced, it must be certified by a qualified person (generally a Justice of the Peace). Copies are certified by using the wording “CERTIFIED TRUE COPY” and the qualified person must sign, date and print their name and profession or qualification on the copy.

When checking evidence of age, staff should:

- Ask for the ID to be removed from a wallet window and handed to the staff member;
- Carefully examine the ID in good light;
- Feel around the photo, birth date and edges. Wrinkles, bumps or air bubbles could mean the ID has been tampered with;
- Compare the photo with the patron presenting the ID;
- Calculate the age from date of birth to ensure patron is over 18 years;
- Ensure that the ID includes a hologram or other security feature.
- New South Wales driver licences and photo cards have colour printed right to the edge of the card.

Checklist of Evidence of Age

- ☐ **Check the photo**
Does it match the person?
- ☐ **Check the birth date**
Does it confirm the person is 18 years of age or older? Check for any alterations, for example, have any numbers been altered - particularly the year of birth?
- ☐ **Check the lamination**
For passports and some interstate driver licences.
- ☐ **Check the hologram**
Is it firmly fixed?
- ☐ **If you suspect false evidence of age**
Refuse admission and report to police.

Can ID be confiscated?

Staff are not legally permitted to confiscate **photo cards, driver licences or passports**. All they can do is make a note of the name and licence or passport number, and notify the police.

10.8 Dealing with Minors

When a minor is found in a restricted area of the Club

If a young person is unable to provide evidence of proof of age, the young person must be treated as a minor and be removed from the restricted area immediately. The Duty Manager must also be advised and will be responsible for handling the matter.

If a minor has come to the Club with a parent or other adult, that person is to be located and advised of the situation. The incident may warrant the adult person being asked to leave the Club with the minor, depending on the circumstances, which will vary in terms of the age of the minor, the time of day and the location in which they are found.

If there are repeated occurrences of minors being left unattended, the adult patron may be cited for improper conduct, i.e. conduct which is prejudicial to the interests of the Club (refer to Section 'Unattended Children').

Where a minor is found at the Club at any time during the evening, and appears to have come to the Club unaccompanied by an adult, the Duty Manager is to contact the minor's parent or guardian to arrange for the minor's safe collection from the Club.

Under *Gaming Machines Act s. 53(1)*, the Club is entitled to request the minor's name and residential address. If the minor refuses to provide these details, or a parent or guardian cannot be contacted, the Duty Manager is to contact the police to handle the matter. While this may appear a severe response, the Club has a responsibility for the safety of the minor and cannot simply eject them from the Club.

It is important that the Duty Manager completes an Incident Report.

When a minor provides falsified proof of age documents

The police should be notified in the event that a falsified proof of age card, licence or Commonwealth passport is presented.

Where possible, a document that appears to be false should be retained and the young person who presents the document should be asked to remain until the police come. If the young person refuses to wait, he or she should not be detained, but permitted to leave. Particulars of the young person's address and telephone number should be retained.

10.9 Childcare and play areas

Where practical, gaming machines will not be visible from children's play areas or childcare centres.

11 Financial Transactions

11.1 Objective

To control financial transactions in order to minimise unintended spending on gambling

While most people will commence gambling with a pre-determined amount to spend, and broadly adhere to that, a few will have difficulty managing their expenditure. The Clubs financial transactions policy assists patrons to responsibly manage their personal gambling expenditure.

11.2 Credit and Cash Advances Prohibition

Liquor Act s. 108 states:

A responsible person for licensed premises must not extend, or offer to extend, a cash advance or any other form of credit to another person for the purpose of enabling the other person to gamble on the licensed premises. (Penalty - 100 penalty units)

A “responsible person” in a club refers to:

- (a) the licensee,
- (b) the manager of the premises,
- (c) an employee or agent of the licensee or manager,
- (d) a person acting or purporting to act on behalf of the licensee or manager.

Credit betting prohibitions are also contained in the *Public Lotteries Act* (Club Keno) and the *Totalizator Act* (TAB).

The prohibition does not prevent clubs from allowing credit arrangements for the genuine provision of liquor, meals or other non-gambling services.

Misdescription of credit transactions

Liquor Act s. 109 states:

A responsible person for licensed premises must not, in any credit transaction, describe or represent any cash advance extended to another person who the responsible person knows, or could reasonably be expected to know, intends to use the cash advance to gamble on the licensed premises to be a payment for goods or services lawfully provided on the licensed premises or elsewhere. (Penalty - 100 penalty units)

Famularo was a patron of O'Malley's Hotel. The hotel provided Famularo with cash advances for gambling on his American Express charge card by falsely describing the cash advances as “accommodation” charges.

11.3 Lending Money to Patrons

Staff Prohibited from Lending Money to Patrons

Individual staff members are prohibited from lending or providing any of their own money to club patrons for any reason whatsoever. Lending money to patrons contravenes *Liquor Act s. 109*.

If a staff member is approached by a patron for a loan, the staff member is to advise the patron of the Club's policy that staff members are prohibited from doing so (refer to Section 'Dealing with Problem Gamblers' for situations where a patron repeatedly requests credit or loans).

If a patron asks to borrow money to get a taxi home, the Duty Manager is to be advised. A Cabcharge voucher could be provided rather than cash, or the taxi driver paid directly by staff.

Patrons prohibited from borrowing money from other patrons

The club does not permit patrons to solicit money from other patrons while on club premises. Patrons are not to seek to borrow money from other persons in the club. Patrons are prohibited from lending or offering to lend money to other patrons.

Where staff become aware that patrons are seeking to borrow money from other persons in the club, the patrons should be interviewed about the reasons they are seeking a loan and an incident report should be filed.

Consideration should be given to whether attempts to borrow or lend money may constitute evidence of problematic gambling behaviour or suspicious activity for the purposes of the AML/CTF procedures.

11.4 Cheque Cashing

Cheque cashing is a service provided by some clubs that can be convenient for patrons.

However, a cheque cashing facility can create the potential for excessive gambling simply because it is a means of accessing cash which may not otherwise be spent.

Appropriate and sensible limits therefore need to be placed on cheque cashing facilities in order to minimise the potential for 'overspending' through obtaining cash by this means.

Mandatory requirements

The requirements for the cashing of cheques under *Gaming Machines Regulation cl. 25* are:

- Only cheques **payable to the Club** may be cashed;
- **Maximum \$400** value of cheque;
- A maximum of **one** cheque per patron **per** calendar **day** may be cashed;
- No cheque cashing if a previous cheque was not met on presentation (*and was not subsequently paid*);
- Club must bank cheques within 2 working days;
- Limit does not apply to genuine payments for goods and services, e.g. food, drinks, accommodation, shows;
- ILGA can exempt a club from some of these requirements (e.g. for small country towns).

Note, the above requirements do not relate to traveller's cheques.

BetSafe recommends

- that cheques only be cashed for persons who have been club members for at least 3 months;
- a cheque is not to be cashed if the individual appears to be intoxicated or under the influence of drugs;
- staff are prohibited from assisting a member to complete a cheque (subject to certain exceptions – refer to Section 'Customer Service and Consumer Protection');
- cheques cannot be redeemed (bought back) or amended once cashed. This is to prevent any scope for problem gamblers to rely on using cheques for a source of funds when they have no money, in the hope that they will have a win and be able to buy the cheque back.

Procedure for Cashing Cheques

The following procedure is recommended when cashing cheques:

- Check whether the member has an existing cheque cashing facility;
- Check the cheque cashing register to ensure that the member has not already cashed a cheque on the same calendar day;
- If applicable, request photo identification, such as a driver licence;
- Do not accept a post-dated cheque.

Review the member's cheque to ensure that the amount written in words is identical to the dollar amount, the signature is that of the member, the cheque is payable to the Club and that the date is correct.

12 Payment of Winnings

12.1 Objective

To ensure prize winners have the opportunity to “cool-off” and to provide for the personal security of gambling patrons by paying large winnings by cheque or electronic funds transfer.

Re-investment of winnings by gambling patrons constitutes a significant proportion of total losses. Discouraging the re-investment of large winnings is a harm minimisation measure aimed at limiting losses. The best way to achieve this is by imposing a maximum cash limit, with the remaining amount paid by crossed cheque or electronic funds transfer.

A cash prize limit minimises the potential for winnings to be gambled away by providing for a cooling-off period. It also reduces the security risk posed to the individual by carrying large amounts of cash.

A person who receives a prize-winning cheque must cash it at a financial institution.

12.2 Prize Payments

Gaming Machines Act s. 75A(1) provides that a club must pay a gaming machine prize to the prize winner.

Gaming Machines Regulation cl. 11 requires all gaming machine prize schedules to have an approval.

Gaming Machines Regulation cl. 12(e) requires for handwritten payouts that “the name and signature of the person to whom the award or payment was made” is documented on a written record (i.e. the payout voucher). As such, the name which is contained on the payout voucher should be the prize winner.

Gaming Machines Regulation cl. 26(1) requires that any amount exceeding \$5,000 for a gaming machine payout be paid “by means of a crossed cheque payable to the person” (or by EFT, see below). The cheque cannot be made payable to a third party.

12.3 Gaming Machine Prize Records

The law requires the Club to keep written records of all gaming machine prizes awarded or paid and the payment of each short pay (other than money released directly by the gaming machine or prizes awarded or paid by way of redemption of a gaming ticket machine).

The particulars which must be recorded under *Gaming Machines Regulation cl. 12* are:

- the **date** of the award or payment,
- the **serial number** of the gaming machine,
- the **prize-winning combination** or the **number of credits** accumulated that are to be redeemed,
- the **amount of the prize**, the value of the credits or the amount of the short-pay,
- the **name and signature** of the prize winner,
- the **name and signature** of an employee or person authorised by the club certifying that the employee or person has sighted the number of credits and that the record made is correct in all details

12.4 \$5,000 Cash Prize Limit

Gaming Machines Regulation cl. 26 states that the Club:

must pay so much of the total prize money payable to a person as exceeds \$5,000 by means of a crossed cheque payable to the person

Payment may be made by electronic funds transfer, where available and requested by the person.

“Total prize money” means the total amount of money payable to a person as a result of the person winning money on an approved gaming machine, or accumulating credits on an approved gaming machine, or both, on a single occasion.

In calculating the total prize money, the amount that the person paid to play the machine is not to be deducted. This means that a person who puts \$300 into the machine and wins \$4,900 on their first play, cannot immediately cash out with \$5,200. Instead, they can only obtain \$5,000 cash and the balance of \$200 must be paid by cheque.

For example, if a player wins a single prize of \$10,000 on the machines, the Club is required to pay at least \$5,000 by crossed cheque payable to the player. The player can choose whether they want \$5,000 by cheque, \$10,000 by cheque, or something in between.

If Angelica wins a single \$6,000 prize in the morning, she can take up to \$5,000 in cash and the rest must be paid by cheque or EFT. If she later wins a \$7,000 prize, she can take another \$5,000 in cash and the rest must be paid by cheque or EFT.

If Angelica presents the docketts for both prizes at the same time, she can take up to \$10,000 in cash, as the \$5,000 limit applies to each individual prize win docket. However the combined excess of \$3,000 must be paid by cheque or EFT.

Note that the player can nominate to receive a lesser amount than \$5,000 in cash and a cheque for the rest.

Payment of prizes

- A maximum amount of \$5,000 can be paid in cash for each individual prize win voucher/ticket, with the remaining amount payable by crossed cheque made payable to the prize winner or EFT.
- Payment by electronic funds transfer must be into the prize winner’s account (*Gaming Machines Act s. 75A(1)*). The Club should obtain written confirmation from the prize winner that the account number provided is the correct number of their account (and not someone else’s account).
- Payment of a prize is required within 48 hours of the prize being claimed (except where the prize is a jackpot prize, in which case the prize must be paid in accordance with the links licence).
- In the event that a prize is not paid immediately, the prize winner must be given a written acknowledgment of their entitlement to the prize.

Keno

A \$5,000 cash limit applies to each individual Keno prize. *Public Lotteries Regulation cl. 15(1)* requires any amount exceeding \$5,000 to be paid by crossed cheque (or EFT if available).

Public Lotteries Regulation cl. 8(a) states that the maximum Keno prize that can be paid directly by the Club is \$9,999.

TAB

A legislated cash limit does not apply to TAB prizes. However, the Club should set its own cash limit on TAB wins.

Patrons carrying large amounts of winnings should be asked if they wish to be accompanied to their vehicles by a staff member or assisted with making other appropriate arrangements to ensure their safety on leaving the Club.

12.5 Only Financial Institutions May Cash Prize Winning Cheques

It is an offence for a person (other than a financial institution) to accept the transfer of a prize winning cheque.

Gaming Machines Regulation cl. 27 requires prize winning cheques to state “Prize winning cheque - cashing rules apply”.

A financial institution is defined in *Gaming Machines Act s. 4* as a bank, building society or credit union. Payday lenders and other moneylenders must not cash these cheques.

In the event that the Club is contacted by a business other than a financial institution enquiring whether a particular prize cheque is valid, then the Club should decline to provide any information confirming the validity of the cheque.

Further, a person who accepts the transfer of a prize winning cheque in, or within 500 metres of, a hotel or registered club is taken to know that the cheque is a prize winning cheque unless the contrary is proven.

Staff must be instructed to report any instances of persons attempting to purchase prize winning cheques from patrons. They may be involved in money laundering activities.

12.6 Self Excluded Patrons Who Win Prizes

Refer to Section ‘Forfeiture of prizes won by excluded patrons in breach’.

12.7 Publicity for Prize-Winners

The National Privacy Principles established under the *Privacy Act 1988 (Cth)* (refer to Section ‘Confidentiality and Privacy’) now requires clubs to have a privacy policy. The Club’s privacy policy should cover this issue of publicity for prize winners.

The Club may include a provision in the terms and conditions of promotions permitting it to publish the name and other details of prize winning patrons unless a request for anonymity is received from the prize winner.

Gaming Machine prize winners

Gaming Machines Regulation cl. 50 provides that a club must comply with a written request from a patron who wins a prize of \$1,000 or more from playing a gaming machine that his or her identity not be published.

However, the Club should also accept an oral request for anonymity, especially if the patron is of a non-English speaking background or might have limited literacy.

Keno prize winners

Public Lotteries Regulation cl. 7 provides that a Keno player may request anonymity by having the request for anonymity recorded by Keno in accordance with its rules or by indicating to a club employee when claiming a prize that the person does not want his or her identity published.

When a request to remain anonymous has been received, the Club may still publish information relating to the type or value of the prize and the venue or geographic location where it was won. The important thing is that nothing is published which could possibly identify the patron.

A request to remain anonymous may be revoked by the patron at any time and must be in writing.

Written requests to remain anonymous or written notices to revoke the request should be retained in a secure location as evidence of consent.

12.8 Gaming Machine Tickets

The requirements are set out in *Gaming Machines Regulation cls. 100-110*.

A “***gaming machine ticket***” is a ticket that is issued from an approved gaming machine (or subsidiary ticket issuing machine) that shows the value of the credits accumulated and not otherwise redeemed in the course of play.

A gaming machine ticket must provide the following (*Gaming Machines Regulation cls. 104*):

- The value, in dollars and cents, of the accumulated credits;
- The unique identification number of the gaming machine ticket;
- The name of the Club issuing the ticket; and
- The following caption:
 - Field 1 - "Help is close at hand"
 - Field 2 - "Call GambleAware 1800 858 858"
 - Field 3 - "gambleaware.nsw.gov.au"

Records of gaming machine tickets

The approved gaming machine (or subsidiary equipment) must keep a record of (*Gaming Machines Regulation cl. 104*):

- The machines Gaming Machine Identification number;
- The unique identification number of the gaming machine ticket;
- The value, in dollars and cents, of the accumulated credits represented by the gaming machine ticket; and
- The date and time of issue of the gaming machine ticket.

Redemption of gaming machine tickets

A gaming machine ticket may be redeemed by payment of cash, or cheque, or a combination. The Club must designate a place where gaming machine tickets may be redeemed. The Club may refuse to redeem a gaming machine ticket if the Club is not satisfied that the person claiming in respect of the ticket is entitled to the

ticket, or the person does not provide the required information, documentary proof of identity and signature (*Gaming Machines Regulation cl. 107*).

Gaming Machines Regulation cl. 106 requires the Club's secretary and all staff members who hold a recognised competency card with a current RCG endorsement is authorised to redeem a gaming machine ticket issued on the club premises. The Club is required to ensure at all times during which the club is trading, there is at least one person available in the club who is authorised to redeem gaming machine tickets.

For each ticket redeemed, the following information must be recorded when the ticket is redeemed two or more days after issue; or for the value of \$5,000 or more (*Gaming Machines Regulation cl. 107*):

- Name, address and signature of the person claiming in respect of the ticket;
- Details of proof of identity, e.g. "NSW DL 1234YZ";
- Time and date of redemption;
- Name and signature of the staff member who redeems the ticket;

Records

The Club must retain all redeemed gaming machine tickets for at least 3 years and make them available on request to a L&GNSW inspector.

A club must keep a separate monthly record of:

- all gaming machine tickets redeemed on the day on which they were issued or on the next day; and
- all gaming machine tickets redeemed after that time; and
- all unclaimed gaming tickets.

12.9 Unclaimed moneys

Gaming Machines Regulation cl. 114(1) states that "an unclaimed gaming machine ticket expires 12 months after the date on which it was issued and cannot be redeemed after it expires".

Gaming Machines Regulation cl. 114(2) requires the Club to "for the period of at least 1 month immediately before the date on which an unclaimed gaming machine ticket is due to expire, post in a conspicuous place in the hotel or on the premises of the Club a notice, in a form approved by the Authority, indicating that the unclaimed gaming machine ticket is due to expire on the date specified in the notice". The approved form for this notice is located at **Appendix D**.

BetSafe recommends that the Club make monthly postings of the notice containing information for unclaimed gaming machine tickets that are 10 to 11 months old and display them for a period of at least 2 months. For example, by posting details relating to the unclaimed tickets from January and February 2020 on 1 January 2021, this will ensure that the details relating to unclaimed tickets which were issued on 1 February 2020 are displayed for a period of 1 month. This notice should be displayed in a prominent location at the Club such as the main noticeboard or the main cashier.

Gaming Machines Regulation cl. 114(3) states "if an unclaimed gaming machine ticket is not redeemed before it expires, the hotelier or registered club must, within 3 months of the expiration of the ticket, pay to the Secretary of the Department of Customer Service the amount that the hotelier or club would have paid had the ticket been redeemed". Any amount paid to the Secretary of the Department of Customer Service under for this purpose is paid into the Community Development Fund.

Gaming Machines Regulation cl. 100 states “if an unclaimed gaming machine ticket is not redeemed before it expires, the hotelier or registered club must, within 3 months of the expiration of the ticket, pay to the Office of Responsible Gambling (**ORG**) the amount that the club would have paid had the ticket been redeemed into the Community Development Fund.



St George
Leagues
Club

13 ATMs and EFTPOS

13.1 Objective

To encourage patrons to be responsible in their use of cash dispensing facilities.

ATM and EFTPOS facilities located in clubs provide convenience and safety for patrons who wish to access cash from their savings. To reduce the likelihood of patrons withdrawing excessive cash impulsively for gambling, these facilities must display warning signs and must not be located in gaming areas.

13.2 Locate Cash Dispensing Facilities Away From Gaming and Wagering Areas

Gaming Machines Regulation cl. 28 states that the Club:

must not permit a facility for the withdrawal or transfer of money from a bank or authorised deposit-taking institution (such as an ATM or EFTPOS terminal) to be located in a part of the hotel or the club premises in which approved gaming machines are located. (Maximum penalty: 50 penalty units).

The benefits of placing restrictions on credit and cheque cashing facilities are likely to be negated to some extent if cash dispensing facilities are located in gaming and wagering areas of the Club. The impulsive nature of gambling behaviour is such that there is the potential for an individual – not necessarily a patron with problematic gambling behaviour - to access large amounts of cash for gambling in a short space of time.

Cash dispensing facilities located away from gaming and wagering areas force patrons to interrupt play if they want to obtain further cash. The break in play allows them a period of time in which to ponder the implications of increasing their expenditure (i.e. a ‘cooling-off’ period, during which time patrons may review their decision to continue gambling and possibly decide that they have spent enough).

There must be an obvious distinction between the gaming machine area and the part of the Club where the ATM or EFTPOS is located. The use of gaming area entrance signage (refer to Section ‘Mandatory signs and brochures’) will make the entrance to the gaming area more obvious.

Where practicable, ATMs must be screened so as not to be visible whilst seated at a gaming machine.

13.3 No Credit from Cash Dispensing Facilities

Gaming Machines Act 2001 s. 47C states that club must not permit an ATM or EFTPOS terminal cash dispensing facility to be used or to be installed or located in any part of the hotel or club premises if the facility is capable of providing cash from a credit card account. (Maximum penalty--100 penalty units.)

14 Provision of Information about Responsible Gambling and Counselling Services

14.1 Objective

To ensure:

- that patrons are well informed about the potential risks associated with gambling;
- that patrons are aware of the availability of counselling services;
- that the Club complies with the legislative requirements in relation to provision of information.

It is now accepted that a minority of the adult population have difficulty in controlling their gambling. It is essential that those at risk of gambling harm be effectively warned of the dangers so that they take steps to control their gambling or seek assistance at an early stage.

The provision of information about the availability of counselling services is also important. While patrons experiencing problematic gambling behaviour may not act on the information immediately, they are at least aware of the existence of such help.

Such information can be important for family members and friends of a patron experiencing problematic gambling behaviour who may wish to encourage the patron to seek help, or obtain assistance.

The provision of these materials also reduces the Club's potential liability to any patron who fails to heed the warnings or take advantage of available counselling.

14.2 Mandatory Signs and Brochures

The display of signs and brochures is more than simply a legal requirement. It is an effective means of communicating essential information to patrons. It is therefore important that signs and brochures be displayed in a prominent and effective manner. The following signs, notices and brochures are mandatory:

Player information brochures in community languages need not be held by the Club but must be supplied as soon as practicable after being requested to do so.

Main Entrance

License Details

Liquor Act s. 95 and Liquor Regulation cl. 49 requires a notice containing the following information to be displayed at the front of the Club.

- Licence Name
- Type of Licence
- Name of the current approved licensee

The correct name of the club should be displayed on the main entrance notice and on all official Club documents such as the Club licence. If the name of the Club has been altered, for example due to a merger, then it is necessary to obtain written approval from L&GNSW (*Liquor Act s. 95(2)*)

Entrances/Guest Registers

Signing in Minors notice

Registered Clubs Regulation cl. 25 requires the following notice to be displayed in the vicinity of each guest register:



Temporary Membership & Guest information

Registered Clubs Act s. 30(2A) requires the following to be displayed at each entrance to the Club:

- Temporary Membership Zone Map, illustrating the 5km radius;
- Temporary Membership Rules;
- Copy of *Registered Clubs Act s. 30(10)* – Members of other clubs; and
- Definition of ‘Guest’ from *Registered Clubs Act s. 4*

Automatic Teller Machines & Cash-Back Terminals

ATM & CRT notice

Gaming Machines Regulation cl. 24 requires the following notice on, or in the immediate vicinity of, each ATM and CRT and be positioned so as to enable a person to clearly see the notice while using the ATM or CRT:



All Entrances to Every Gaming Area

Chance of Winning notice

Gaming Machines Regulation cl. 18 requires the following notice to be displayed at each entrance to every gaming area:



Info about the Odds (Gaming Machines) brochure

Gaming Machines Regulation cl. 20 requires the following brochure to be displayed and available at each entrance to every gaming area:



Gaming Machines Regulation cl. 21 requires the above brochure be made available to patrons in any language approved by ILGA, as soon as practicable after being requested to do so.

Within Every Gaming Area

Bar & Gaming Machine Areas notice

Gaming Machines Regulation cl. 48 requires the following notice to be prominently displayed inside each gaming area:



What's Gambling Really Costing You notice

The following notice must be prominently displayed inside each gaming area:



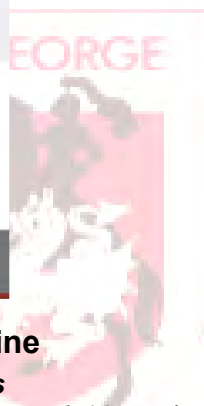
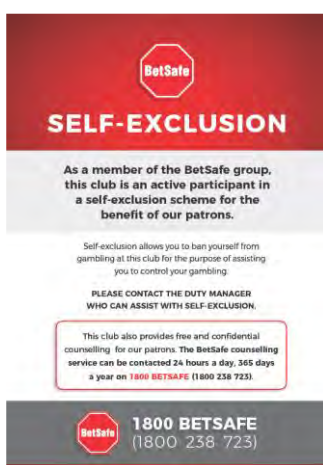
Help is Close at Hand notice

The following notice must be prominently displayed inside each gaming area:



Gaming Area Counselling/Self-Exclusion sign

Gaming Machines Regulation cl. 44(4) requires the following notice to be prominently displayed inside each gaming area:



St George
Leagues
Club

Every Gaming Machine

Gaming Machine Notices

Gaming Machines Regulation cl. 22 requires one of the following stickers to be displayed on each gaming machine so as to enable a person to clearly see the notice while playing the gaming machine:



Gaming Machine Banks

Gambling Contact Cards

Gaming Machines Regulation cl. 46 requires a clear card holder containing the following cards to be attached to each bank of gaming machines and visible when playing a machine that is part of a bank of machines or when approaching each the bank of machines:



Keno Area

Help is Close at Hand notice

Public Lotteries Regulation cl. 13 requires the following notice to be visible from each point-of-sale:



Info about the Odds (Keno) Brochure

Public Lotteries Regulation cl. 10 requires the following brochure to be displayed and available at each point-of-sale:



Public Lotteries Regulation cl. 11 requires the above brochure be made available to patrons in Arabic, Chinese, Korean, Turkish and Vietnamese languages as soon as practicable after being requested to do so.

Keno Entry Forms and Tickets

Public Lotteries Regulation cl. 12(1) requires every entry form and ticket to contain the following caption:

Help is close at hand
GambleAware
gambleaware.nsw.gov.au
1800 858 858

TAB Area

Help is Close at Hand notice

Totalizator Regulation cl. 10 requires the following notice to be visible from each point-of-sale:



Help is Close at Hand brochure

Totalizator Regulation cl. 7 requires one of the following brochures to be displayed and available at each point-of-sale:



Totalizator Regulation cl. 8 requires the above brochure be made available to patrons in Arabic, Chinese, Korean, Turkish and Vietnamese languages as soon as practicable after being requested to do so.

TAB Entry Forms and Tickets

Totalizator Regulation cl. 9(1) requires every entry form and ticket to contain the following caption:

Help is close at hand
GambleAware
gambleaware.nsw.gov.au
1800 858 858

14.3 Additional Player Information

The Code requires the Club to make specified responsible gambling information available to patrons either in print or digitally. This can be in the form of a printed brochure or via a link on the Club website to an information page.

14.4 Checking Machines, Signs, Notices and Brochures

The Club risks prosecution where signs, notices or brochures are missing, even if removed by patrons.

The Club will inspect every gaming machine on a daily basis to ensure there are not any faulty gaming machines in operation. Where a machine is found to be faulty, *Gaming Machines Regulation cl. 10* requires that the Club:

- (a) must switch off the gaming machine as soon as practicable, and*
- (b) must cause a notice to be attached to the gaming machine indicating that it is faulty, and*
- (c) must not permit a member of the public to play or attempt to play a game by means of the gaming machine until the fault has been rectified.*

Maximum penalty--50 penalty units

14.5 BetSafe Signage Compliance Audits

BetSafe conducts quarterly compliance audits at each Club venue to ensure required responsible gambling signage and other information is displayed. BetSafe provides a comprehensive report to the Club after each visit to enable the Club to address any legislative and best practice requirements.

14.6 BetSafe Signs, Cards and Brochures

In addition to the mandatory signs and brochures referred to above, BetSafe produces a range of signs, cards and brochures.

BetSafe signs advising of the availability of counselling services for gambling related problems may be strategically placed in the Club, including gaming and wagering areas and toilets.

These signs, which have been developed by BetSafe, should be rotated over time in order to maximise their effectiveness and avoid 'sign fatigue'.

BetSafe business-size cards may also be placed in strategic locations such as toilet cubicles, public telephones and the sign-in area.

The **BetSafe RCG brochures** contain information about the potential hazards associated with gambling, how to gamble responsibly and lists the names of organisations that provide counselling and assistance. They are also to be made available in gaming and wagering areas, and other areas. These brochures should also be changed from time to time.

How to Stop Gambling, by BetSafe founder Paul Symond, (Bantam Books 2003), is an excellent resource for gaming management, problem gamblers and those who wish to understand problem gambling. *How to Stop Gambling* lists the signs that may be observed by a family member of a gambler, and explains how a problem gambler thinks. Advice is given to family members as to steps they can take to respond to a problem gambler in the family. The book covers:

- The Tell-tale signs
- Help for the Gambler's Partner
- The Link Between Gambling and Sex
- The Gambling Mentality in Business
- Women and Gambling – A Growing Trend
- Internet Gambling – Be Careful, It Could be a Trap!
- How to Help Your Partner Stop Gambling
- What Treatment Options Are Available
- Frequently Asked Questions
- Where to Get Help

14.7 BetSafe Materials

BetSafe has a range of materials, including brochures, cards and signs, to be displayed throughout the club. To place an order, contact the BetSafe office.

15 Patron Support

15.1 Objective

To ensure that staff are trained and equipped to provide assistance to patrons experiencing gambling harm.

Gaming staff are familiar with regular patrons and their gambling habits, and there are many instances when staff suspect that a patron has a gambling problem. However, without training and materials, staff cannot be expected to provide assistance to patrons.

Common indicators such as how much money someone is spending or the frequency and the amount of time spent playing gaming machines or betting will not always provide a correct assessment.

Patrons often directly approach staff seeking assistance or guidance when they have a gambling problem. They may also indirectly ask staff for assistance by expressing concern about their gambling habits.

15.2 Gambling Behaviour Checklist

The ORG has developed the *Signs of risky and problem gambling behaviour Know the signs and how to act* factsheet (located at **Appendix E**). This factsheet can be used to assist staff in determining whether a patron may be at risk of suffering gambling harm and whether any further action is required.

- **General signs** of risky and problem gambling behaviour should raise some concern that the patron might possibly be experiencing gambling harm.
- **Probable signs** of risky and problem gambling behaviour should raise more concern, because they suggest that the patron is more likely to be experiencing gambling harm.
- **Strong signs** of risky and problem gambling behaviour should raise even more concern, because they suggest that the patron is very likely to be experiencing gambling harm.

Staff should notify the Duty Manager when they observe a patron displaying multiple general and probable signs of risky and problem gambling behaviour or any strong sign of risky and problem gambling behaviour.

15.3 Strong Signs of Risky and Problem Gambling Behaviour

Strong indicators of problem gambling are:

- gambles from opening to closing
- seeking credit for gambling
- seeking to borrow money for gambling
- seeking assistance or advice about controlling the person's gambling
- admitting to borrowing or stealing money to gamble
- enquiring about self-exclusion
- showing a significant decline in personal grooming and/or appearance over several days
- showing obvious or repeated signs of distress (crying, holding head in hands, shaking)

- has an angry outburst towards staff, customers or machine (shouting/swearing, kicking/hitting machine)
- friends or family raise concerns about the person's gambling
- leaving a child unattended while playing gaming machines
- tells staff that gambling is causing them problems
- conceals their presence at the venue (doesn't answer mobile phone, asks staff not to let others know they are there)

While these behaviours are commonly associated with problem gambling, some may also result from non-gambling causes. For example, a patron may ask about self-exclusion for a family member.

15.4 Where a Patron Indirectly Refers To the Existence of a Problem

Comments made by patrons who indirectly refer to the existence of a problem should be referred to the Duty Manager, such as:

"There is something wrong with that machine. I have been playing it all day without any success."

"Could you lend me some money until midnight when my pay goes into my account?"

"Can you reserve that machine for me until tomorrow? I know it is going to pay soon and I can't let anyone else win it."

Example

A patron tells a staff member that they have spent too much money today, but continues to play the gaming machines. Should the patron be made to stop playing, or be asked to leave the Club?

If this is the first time this patron has made this type of claim we would recommend that:

1. A Duty Manager has a conversation with the patron to discuss the patron's comment and ascertain whether the patron is in financial difficulty or has other issues.
2. An incident report should be completed and forwarded to BetSafe for advice.
3. Any subsequent incidents with this patron should be recorded, and may result in further action.

15.5 Where a Patron Seeks Exclusion from the Club

Refer to Section 'Exclusion'.

15.6 How the Duty Manager should respond to a request for assistance

When a Duty Manager (or other designated staff member) responds to a request for assistance, it must be done sensitively and discreetly. The Duty Manager is not expected to be a counsellor, but is a responsible representative of the Club who wants to know about the patron's concerns.

A patron who has disclosed information about a gambling problem may be feeling desperate and distressed. The Duty Manager should listen carefully to the patron's concerns.

It is important that any conversation is conducted out of the hearing of other patrons and that there are no interruptions.

The Duty Manager needs to ascertain the reason why the patron requested assistance and ask the patron about their personal and financial circumstances as far as is tactful. Simply asking how the patron is and getting a brief “I’m fine” response is usually not sufficient.

It can be helpful to ask about the employment, home life, financial position and health of the patron. The Duty Manager should show a genuine concern for the individual. It is important not to be judgmental about someone who is gambling more than they can afford. Instead, the Duty Manager should emphasise that the Club wants to support the individual and that can assist through self-exclusion and referral to counselling.

If a patron is angry or distressed, encourage her/him to contact BetSafe immediately, even if it requires arranging for the patron to make the call from the Club.

15.7 Recording a Request for Assistance

Disclosure of the existence of a gambling problem by a patron to a staff member effectively constitutes disclosure to the Club. Once the Club becomes aware that a patron has a gambling problem, it has certain obligations with respect to that patron. Therefore, staff must record any disclosure of a gambling problem so that the disclosure can be documented and the Club can take appropriate action.

In order to ensure that this happens, an Incident Report is to be completed by the staff member or Duty Manager as soon as practicable after the conversation. The Duty Manager is responsible for ensuring that this comes to the attention of the Gaming Manager who may then contact BetSafe for advice.

The information in the Incident Report is an important record of the patron’s request for assistance and may be relied upon by the Club and BetSafe in deciding how to respond to the patron’s request for assistance. It is therefore important that the form be completed carefully and stored securely. Put in as much detail as possible. If not sure, put it in.

15.8 Send Incident Report to BetSafe

Send a copy of the incident report to BetSafe who will advise on further steps to be taken. The range of responses will commence at “no further action required” up to “urgent action is required”.

In many cases it is necessary to make further enquiries and possibly to monitor the patron. The fact that a person has gambled more than they intended on an isolated occasion may simply mean that the Club needs to continue to have conversations with the patron.

15.9 Advice from BetSafe

BetSafe will give independent consideration to the incident report and may request further information. In many cases there is not sufficient information gained in the first conversation with a patron and it is helpful for the Club can to continue to have conversations with the patron until the Club has some degree of confidence of the person does not have a problem, alternatively that the Club is seeking to engage with the patron to assist them with their particular needs.

16 Gambling Patron Conversations

16.1 Objective

To proactively engage with gaming patrons and ensure that assistance is available

Structured conversations with patrons who frequently visit the Club provides an opportunity for the Club to check on the welfare of patrons and offer assistance at an early stage before gambling problems develop.

In the Dee Why RSL case, ILGA held that the Club's conduct in failing to properly investigate and document a third party complaint and failing to take appropriate action was conduct that encouraged, or was likely to encourage, the misuse and abuse of gambling activities in breach of *Gaming Machines Act s. 129(3)(b)*.

16.2 Types of conversations

There are three important types of conversations that relate to problematic gambling behaviour:

Check-in - this can occur when staff have observed multiple general or probable signs of risky and problem gambling behaviour

Welfare check - this must occur when:

- staff observe a patron displaying strong indicators of problem gambling;
- a family member raises concerns about a patron's gambling;
- a patron reaches any voluntary pre-commitment limit set; or
- staff observe a Player gambling for three (3) or more hours continuously.

Gambling assistance - this should be provided when a patron has indicated they need assistance or are suffering harm as a result of gambling.

16.3 Check-In

A check-in is generally triggered when multiple general or probable signs of risky and problem gambling behaviour are observed. Check-ins usually commence as a general conversation regarding customer service.

Benefits of check-ins include:

- Duty Managers and regular patrons get to know each other better
- Patrons feel more confident in approaching Duty Managers in the future
- It is easier for Duty Managers to conduct future welfare checks once they have had some conversations with the patron
- Patrons may open up and tell the Duty Manager a bit about themselves which will assist in the identification of possible problematic gambling behaviour

Example of a check-in opening

“Good afternoon sir, my name is Diana and I am the Duty Manager today. I just wanted to introduce myself and see how your day is going and ask if I can be of any assistance.”

Patrons respond to check-in openings in many ways. Some patrons welcome the opportunity to have a chat, while other patrons prefer to be left alone. It is important to be sensitive to the wishes of patrons so that check-ins are seen as a positive interaction and not an unwelcome intrusion.

There is no requirement for check-ins to be long or short. Be sensitive to the mood of the patron so that the conversation length can be flexible.

Content of check-ins

Most check-ins will not identify the presence of gambling harm. By keeping to safe topics there is no need to conduct the conversation away from other patrons.

In a small number of check-in conversations, the patron will provide information that indicates they have issues that may relate to gambling harm. If that occurs, the check-in may develop into a welfare check or a gambling assistance conversation.

Recording and reviewing check-ins

Check-ins should be recorded as part of a Duty Manager shift report. Records of check-ins provide evidence of the Club’s proactive response to responsible conduct of gambling. The information is then available for review by the Club if there are future incidents involving the patron. The record should contain:

- the reasons why the check-in took place
- the patron’s response - whether positive or negative
- any information provided by the patron that may relate to possible gambling harm

Sometimes the patron will provide useful information that may be relevant to the Club’s Anti-Money Laundering and Counter-Terrorism Financing program responsibilities. Refer to the Club’s AML/CTF procedures for more information.

The gaming manager or another senior staff member should periodically review shift reports to ensure that check-ins are being recorded and that the information is sufficiently detailed.

16.4 Welfare Checks

Welfare checks are generally triggered by strong signs of risky and problem gambling behaviour. They may also be a follow-up to a general conversation.

Preparing for a welfare check

Before conducting a welfare check, review information about the patron such as:

- records of check-ins
- incident reports
- information on the Club membership database
- loyalty program data

Consider what needs to be covered in the welfare check. For example, the patron may have said something in a check-in conversation that is cause for concern and needs to be explored during the welfare check.

Conduct of the welfare check

Try to conduct the welfare check away from other patrons. The individual may be reluctant to discuss personal information if other people are listening.

The tone of the conversation should express the Club's concern about the patron's specific behaviour which may indicate gambling harm. Specific questions about the person's welfare, employment, financial situation and gambling should be asked.

In the event that the patron reports any level of distress or hardship, the welfare check should progress into a gambling assistance conversation.

Recording the welfare check

An incident report should be completed for every welfare check. The trigger for the conversation should be recorded. Note what specific assistance was offered. Include all comments made by the patron about their welfare, employment, financial situation and gambling.

16.5 Gambling Assistance Conversations

Gambling assistance conversations occur when there is strong evidence or statements that indicate the patron is experiencing significant gambling harm.

Preparing for a gambling assistance conversation

If there is time, review information about the patron such as:

- records of previous check-in conversations and welfare checks
- incident reports
- information on the Club membership database
- loyalty program data

However, gambling assistance conversations frequently occur immediately a patron discloses serious gambling harm and there is no time to prepare. Don't delay initiating a gambling assistance conversation as the opportunity may be lost.

Conduct of the gambling assistance conversation

The tone of the conversation should convey the message that the patron is not in trouble; rather that the Club is concerned about the patron and needs to show a proper duty of care.

The following should be discussed and strongly recommended:

- self-exclusion
- counselling through BetSafe

If the patron does not wish to self-exclude:

- ask the patron to take a break from gambling for a period of not less than 24 hours
- ensure responsible gambling strategies are discussed
- advise the patron that you will follow up with them when they are next in the Club
- refer to the Exclusion section of this Manual.

Recording the gambling assistance conversation

An incident report should be completed for each gambling assistance conversation. The trigger for the conversation should be recorded. Note what specific assistance was offered. Include all comments made by the patron about their welfare, employment, financial situation and gambling.

16.6 Advice from BetSafe

It is recommended that all incident reports involving gambling assistance conversations be forwarded to BetSafe for advice where the patron did not wish to self-exclude. BetSafe can also advise appropriate action following any check-in or welfare check.



17 Third Party Complaints

17.1 Objective

To deal appropriately with third party complaints relating to the gambling of a patron, including requests to have the patron excluded from the Club

There will be occasions when a family member or friend of a patron – i.e. a third party - contacts the Club to complain or ask that the patron be banned in order to prevent her/him from gambling. These third parties will often be distressed and angry, and must not be ignored. They need to be dealt with sensitively and appropriately.

A third party complaint puts the Club on notice about the possible existence of gambling harm.

It is prudent for the Club to investigate complaints and take appropriate action that may include banning the individual who is the subject of the complaint.

In the Dee Why RSL case, ILGA was critical of the Club's conduct in failing to properly investigate and document a third party complaint and said that failing to take appropriate action was conduct that encouraged, or was likely to encourage, the misuse and abuse of gambling activities in breach of *Gaming Machines Act s.129(3)(b)*.

17.2 What To Do When A Family member Contacts the Club

Asking whether the patron is in the Club

Some people do not want to be contacted when they are at the Club for a variety of reasons. When a third party contacts the Club to ask whether a patron is present in the Club, the Club should not breach privacy and tell the third party whether or not the patron is present in the Club.

Asking the Club to ban a family member because of problem gambling

The Club will accept family-initiated complaints about problem gambling as the consequences for the individual and family members of problem gambling can be extremely serious. However, the Club should not release personal information regarding the person who is subject of the family-initiated complaint as far as is practical.

When a family member (or friend) contacts the Club to complain or ask that a patron be banned because of problem gambling, the Club can refer the matter to BetSafe for investigation and advice. Every family-initiated complaint is different and each one will be assessed by the Club and BetSafe.

What will happen when a family-initiated complaint is investigated?

- The identity of the complainant will be checked and verified.
- The relationship between the family member (or friend) and the patron will be considered.
- The number of family members supporting the request for exclusion will be a relevant factor.
- Claims of gambling harm will be investigated. This may involve interviewing Club staff and checking Club records.
- The degree of gambling harm will be assessed as well as the potential for further harm.

- The potential impact of gambling harm on the patron, family members and others will be considered.
- Evidence of harm will be gathered and the complainant and supporting family may be asked to provide statutory declarations.
- The complainant/s will be asked whether they are willing to be identified as the complainant.

BetSafe recommendation

BetSafe will then make a recommendation to the Club as to further action. Such recommendation could include one or more of the following:

- No further action;
- A meeting with the third party;
- A meeting with the patron to discuss the Third Party Complaint;
- Suspension of the patron's membership (if a member) or exclusion from the Club (if a guest) on the basis that the Club would be exposing itself to the risk of legal action should it continue to allow the patron access to the Club;
- Further investigation.

Meeting with the patron

If the Club decides to consider a possible family-initiated exclusion then the patron will be contacted and asked to attend a meeting. This will give the patron the opportunity to hear the allegations that have been made by the family member and respond. The result will usually be one of the following:

- No further action
- Ongoing monitoring of the patron
- Patron agrees to self-exclusion
- Patron declines self-exclusion but Club decides to suspend or terminate membership

When would it be appropriate for the Club to take no further action?

In many cases, it is not appropriate for the Club to take further action following investigation of the third party complaint. Every situation is unique because everyone has different circumstances. In some cases family members are not willing to be identified as the complainant, and there is a lack of independent evidence of gambling harm. In other cases, the expected degree of gambling harm appears to be insufficient to justify the serious step of involuntary exclusion. In a few cases there is a direct conflict of evidence between the third party and the patron and there is a lack of independent evidence such as financial records.

For example, family members may be concerned that a relative's gambling will diminish their potential inheritance or result in a lower quality of life.

However, the starting point is that a person is free to spend their money as they wish, and relatives may need to accept a person's normal choices or try to reason with a person rather than seeking to control that person through involuntary exclusion.

When would BetSafe recommend involuntary exclusion?

In situations where serious gambling harm is occurring or is likely to occur then the best outcome is for the individual to agree to self-exclusion and to seek help from a gambling counsellor. In the event that the individual refuses to take action then involuntary exclusion may assist to prevent further harm occurring.

Examples where BetSafe would usually recommend involuntary exclusion include where the patron is at risk of self-harm, where financial harm is impacting family members or other dependents, or when financial harm is seriously impacting the individual concerned.

Implementation

When the patron is a member of the Club, and the Club decides to implement third-party exclusion, this needs to be processed as a disciplinary matter under the relevant section of the Club Constitution. The individual who is the subject of the exclusion should have the right to make submissions to the Board of Directors or disciplinary committee as to why they should not be excluded from the Club and the relevant Club procedure must be followed.

17.3 ClubsNSW Code Family-Initiated Exclusion

The Code provides an alternative family-initiated exclusion process. This is a more complicated process than the BetSafe procedure. The Code states:

A Club must allow a Family Member of a person to make an application to the Club's gambling counselling service provider (e.g. ClubSAFE or Bet Safe) to have that Player excluded from the gaming machine areas at multiple Club venues. ClubsNSW may prepare a relevant procedure from time to time.

The application must:

- a) *provide the full name, address, date of birth and contact details of the Player to whom the application relates;*
- b) *provide evidence that the family is being harmed by the Player's gambling;*
- c) *provide evidence that the Player has refused to undertake a self-exclusion;*
- d) *be endorsed by a qualified gambling counsellor as being necessary to protect the family from experiencing serious gambling-related harm; and*
- e) *seek an exclusion period of at least 12 months.*

The gambling counsellor will attempt to contact the Player to whom the application relates and provide them with an opportunity to provide a response to the application.

A Club must respect the privacy of the Family Member making an exclusion application and must not disclose their identity to the Player to whom the application relates, without the Family Member's consent.

A Player to whom a Family-Initiated Exclusion applies may appeal the decision to the Code Adjudication Panel at any time during the exclusion period (see section 54 – Revocation Process).

A Club must provide information about the Family-Initiated Exclusion Process to a Family Member that raises concerns about a Player's gambling.

All communications are to be fully documented

17.4 Family-Initiated Complaint Flowchart

Family member approaches staff member with complaint



Staff member takes family member to a Duty Manager or Supervisor



Family member taken discreetly to office or other private area



Interview family member

- Check identity of family member
- Obtain contact details to enable follow up
- Obtain details of the patron who is the subject of the complaint
- What relationship is the family member to the patron?
- Record full details of the complaint
- Will family member agree to club identifying them to the patron?
- Complete Investigation of **Incident Report Form** with as much detail as possible



Email all documents to BetSafe



BetSafe will then recommend further action

17.5 What To Do When a Minor Contacts the Club

When a teenager contacts the Club looking for a parent, the procedure to be followed will generally be that set out in Section 'Third Party Complaints'.

When a younger child contacts the Club, follow the procedure in Section 'Unattended children who contact the Club'.

If the minor is distressed, either because of concern about the parent's gambling behaviour or some other matter, staff must intervene immediately and may contact BetSafe for assistance.

17.6 Referral to BetSafe

Third parties may suffer considerable distress when they consider the gambling harm being suffered or caused by someone close to them. It can often assist them to discuss their concerns with a professional gambling counsellor, and they can learn to help the person.

The following third parties of BetSafe club patrons can be referred to BetSafe for free counselling and advice:

- Spouses and partners
- Parents
- Children
- Siblings

Simply provide any third party who seeks information with a BetSafe brochure or wallet card containing the 24 hour counselling telephone number 1800 BETSAFE (1800 238 723) and they will be able to speak to one of our professional counsellors about the issues that concern them.

Case Study

Reception receives a telephone call from a woman asking that her husband be banned from the Club as he is losing money in the poker machines. She is angry and distressed.

The woman is told that the Club has a procedure to deal with such requests and she agrees to leave her name and number so that the Club can follow up her concerns. Reception then advises the Duty Manager who arranges for the woman to come to the Club to attend an interview. At the interview the woman confirms her identity and her request that her husband be banned.

Gaming staff confirm that the husband is a regular and spends extended periods of time playing the poker machines. The Duty Manager completes an Incident Report Form and forwards it to BetSafe.

BetSafe in turn contact the woman and discuss the issue with her at length, obtaining detailed information about her husband's gambling behavior and the family circumstances.

The woman states that there is no problem with her husband learning that she has sought to have him banned. However, she has no evidence that her husband's gambling is causing financial problems for the family.

BetSafe recommends that the Club contact the husband and ask him to attend a meeting to discuss her request.

Outcome 1

The husband attends the meeting and agrees that he gambles too much but has no intention of self-excluding. *On the basis of this statement the Club is advised to exclude the member.*

Outcome 2

The husband attends the meeting and denies that he has a problem with gambling or financial difficulties. He says that his marital problems have nothing to do with his gambling. *The Club is advised that they cannot take any further action, as he has not admitted at any stage that he is causing harm to his family or himself.*



18 Gambling Exclusion

This section is to be read in conjunction with Sections 'Patron Support' and 'Third Party Complaints'.

18.1 Objectives

To effectively respond to patrons who show strong signs of risky and problem gambling behaviour by providing a comprehensive exclusion program.

In many cases, gamblers will only engage in gambling at a *specific venue*. Further, in the case of gaming machines, it is also not uncommon for a regular gambler to have a preferred machine. Because of this, providing for the exclusion of patrons suffering serious gambling harm is a necessary strategy in any RG program.

Gaming Machines Act s. 49(3) requires the Club to:

- (a) ensure that patrons of the hotel or club have access to a self-exclusion scheme, and*
- (b) publicise the availability of self-exclusion schemes and information about how they operate to the patrons of the hotel or club.*

Most exclusions will be arranged at the request of a patron. However, there will be some instances when the Club will be required to initiate an involuntary exclusion in order to protect the interests of the patron and those of the Club.

18.2 Self-Exclusion Scheme Prescribed Minimum Requirements

The minimum requirements in *Gaming Machines Regulation cl. 45* are that the scheme makes provision:

- the Club must not refuse a request by a participant to self-exclude;
- the participant must give a written and signed undertaking that the participant will not gamble in the hotel or on the club premises for a period specified in the undertaking;
- the participant must be given an opportunity to seek independent legal or other professional advice at the participant's own expense as to the meaning and effect of the undertaking before it is given;
- the participant must be provided by the hotelier or club, or an employee of the hotelier or club, with written information outlining the name and contact details of an approved problem gambling counselling service;
- the Club must ensure that responsible persons can readily identify the participant, whether by means of access to a recent photograph of the participant or otherwise; and
- the participant must be prevented from withdrawing from the scheme within 6 months after requesting participation in the scheme.

18.3 BetSafe Self-Exclusion

From the inception of the BetSafe Program, BetSafe clubs have utilised a set of comprehensive self-exclusion procedures that exceed the minimum requirements specified in legislation.

In particular, BetSafe self-exclusion offers the following additional benefits:

- Self-exclusion is strongly recommended from the entire venue;
- Applicants who wish to re-enter the Club following the period of self-exclusion must undergo a rigorous assessment process (refer to Section 'Ending the Period of Exclusion');

Requests for exclusion by a patron can simply be an impulsive response to a single big gambling loss. More often however, such requests will be a sign of recognition by the patron that they are experiencing serious gambling harm.

Self-exclusion is the obvious starting point for patrons who want to get their gambling under control. Self-exclusion is regarded as an invaluable therapeutic tool by counsellors.

Individuals seeking to self-exclude will generally be in a highly distressed state and any request needs to be handled sensitively and immediately in order to ensure that the individual does not have an opportunity to reconsider.

18.4 Self-Exclusion Forms and Procedure

If the patron wants to exclude from the Club only, they must complete the BetSafe Self-Exclusion Agreement form (**Appendix A**). If the patron wishes to self-exclude from other clubs as well, they must complete the Schedule in addition to the BetSafe Self-Exclusion Agreement form.

These forms can be used for both members and non-members.

Procedure

In the case of a member, applying for self-exclusion will usually include resignation of membership.

A standard letter is then given to the patron. This can be done in person at the time of exclusion. If it is not given at the time of exclusion the letter can be sent by registered post later. The letter confirms the exclusion. *(Note: a request to not post letters to home must be noted on the file and complied with.)*

The excluded individual's photograph will be placed in the Exclusion Register that will be located at reception and other appropriate locations.

An Incident Report must be completed, which details the circumstances of the request for exclusion. A full account of the conversation with the patron must be included, particularly the details of the self-disclosure (e.g. *"At 10 am I was approached by Joe Citizen who asked me whether he could be excluded from the Club in order to prevent him from coming here to play the machines..."*, etc.).

The Incident Report should be completed at the time of the incident, or at least on the same day. It should be signed by a staff member, Supervisor or Duty Manager having actual knowledge of what occurred.

18.5 Notifying BetSafe of the Exclusion

The patron should be informed that the Club intends to send a copy of the report to BetSafe, and that BetSafe will maintain the individual's privacy.

If the patron asks the Club not to notify BetSafe of the exclusion

The patron has the right to ask the Club not to provide a copy of the form or other information to BetSafe (refer to Section 'Staff dealings with patrons'). If the patron asks the Club not to provide information to BetSafe, then:

- The Club cannot assist the patron with a multiple exclusion;
- The Club must abide by the patron's request and not notify BetSafe of the exclusion;
- The exclusion will not be listed on selfexclusions.com, and will need to be processed and checked manually by the Club.

Re-entry assessment process

The BetSafe Self-Exclusion Agreement provides that:

I understand that I will not be eligible to be admitted to the nominated area in club for a minimum period of 6 (six) months commencing today. I agree to the Club retaining the right to refuse any admission and/or membership application (where applicable) until the Club is satisfied that I have sought appropriate counselling or assistance for my gambling problem.

This ensures that patrons who self-exclude are aware that they will not automatically be permitted to return to the Club at the end of the fixed term of exclusion, but will need to provide evidence that they have made efforts to address their problematic gambling behaviour.

18.6 selfexclusions.com.au

The selfexclusions.com.au website database works efficiently and effectively because it has been designed to be user friendly. It is simple to navigate and operate.

The website is an extremely useful tool in the management of self-exclusions and for reference purposes. It contains complete records of all voluntary, involuntary and multiple exclusions from each participating venue. It is also a database for ALL incidents, including Third Party Complaints, breaches of exclusion, unattended children and readmission interviews, plus other gambling-related incidents.

Each person who has access to the site is issued with a unique login code and password. For privacy purposes each person is only able to access their own venue's database. Only those staff members nominated by senior management will be issued with login access.

One of the numerous advantages of a web-based database is the ability to access the data at any time from any internet capable computer. This could prove invaluable when data must be accessed by a staff member who, for example, is at home on a weekend.

The website negates the need to produce large volumes of paperwork, which can be easily misplaced, or accessed by unauthorised people. In addition to this, the database only needs to be updated once for each new incident, instead of having to manually update each Exclusion Register.

18.7 Full Exclusion or Partial Exclusion?

BetSafe has always been opposed to partial self-exclusions for two reasons: firstly, once a self-excluded patron enters a club, it is very difficult to identify the person and enforce the self-exclusion; and secondly, the prospect of the person overcoming their problematic gambling behaviour is undermined, due to exposure to the gambling environment.

However, as the legislation provides that patrons can nominate to self-exclude from any part of a club, L&GNSW have stated that clubs must accept a request for a partial exclusion if the patron insists on only excluding from certain areas of the Club.

The Club's procedure for processing a request for partial exclusion is that the Duty Manager will advise the patron of their obligations and explain the disadvantages of partial self-exclusion to them. If the patron still

insists on a partial self-exclusion, the Duty Manager can amend the Self-Exclusion Agreement to ensure that the requirements are being followed.

Special occasion permits

It is possible for the Club to permit an excluded individual to enter the Club for a specific purpose, such as to attend a significant social event. However, such permission needs to be given to the excluded person in writing by the Club and be strictly monitored.

18.8 Independent Legal or Other Professional Advice

The Self-Exclusion Agreement provides that a participant must be given an opportunity to seek independent legal or other professional advice at his or her own expense as to the meaning and effect of the Self-Exclusion Agreement. However, delay may result in the patron failing to exclude, returning to the Club and engaging in further harmful gambling activity.

This means that if an individual wishes to take an unsigned deed away to see a lawyer or other advisor, he/she must be permitted to do so.

Independent advice would almost certainly affirm the individual's decision to sign the Self-Exclusion Agreement.

It is recommended that a patron wishing to self-exclude be encouraged to immediately sign the Self-Exclusion Agreement, to avoid cooling-off and losing the benefits of the self-exclusion. If a legal or other professional expert contacts the Club on behalf of a self-excluded patron, the Club may wish to seek advice from BetSafe.

18.9 Self-Exclusion from Multiple Clubs

Many gamblers visit more than one club. In addition to this, there are times when an individual who has self-excluded from one club commences gambling at a different club, particularly in the same region. This is not helpful to either the individual or the Club.

The Self-Exclusion Agreement form and Schedule provides for an individual who self-excludes from one club to also self-exclude from other clubs. By signing these forms the individual waives the requirement that the Club keep the information confidential so far as other clubs are concerned. The form authorises the Club to notify those clubs that are specifically nominated by the individual and is a request for those clubs to add the individual's details to their Exclusion Register.

If the Club does decide to add the individual to its Exclusion Register then the Club should notify the individual of the fact that the request has been received and accepted and that the individual is now also excluded from the Club.

What about other clubs, hotels and the casino?

In assisting a patron to complete the multiple exclusion documentation, the patron should be advised:

- That a few non-BetSafe venues may not accept the multiple club exclusion procedure and will require the patron to attend their premises in person;
- That they must contact The Star Casino on 02 9777 9000 to arrange self-exclusion from the casino.

18.10 BetSafe online self-exclusion

BetSafe provides an online self-exclusion application process which is particularly suitable for individuals who are unwilling to attend the Club or a counsellor to complete their self-exclusion application.

These individuals can be referred to the BetSafe online self-exclusion webpage which provides clear instructions of the steps to be followed in order to apply for self-exclusion remotely. An online form can be completed on the website: www.betsafe.com.au/self_exclusion

18.11 Multi-Venue Self-Exclusion (MVSE) requests

Any requests received from the Multi-Venue Self-Exclusion (**MVSE**) scheme operated by ClubsNSW should be forwarded to BetSafe. BetSafe will then load these exclusions on the BetSafe secure database selfexclusions.com.au where they can be accessed by the Club staff.

18.12 Legal Protection for Clubs That Conduct Self-Exclusion Schemes

Gaming Machines Act s. 49(5) states:

No civil or criminal liability is incurred by a responsible person for a hotel or registered club (or by the registered club itself):

(a) for any act done or omitted to be done in good faith, and in accordance with this section and the regulations, to or in respect of a participant, or

(b) if a participant enters or remains in the nominated area of the hotel or the premises of the club.

This means that the Club and staff will not be prosecuted and will not be liable to pay compensation to a self-excluded patron where the Club has a working self-exclusion scheme and a self-excluded patron manages to evade detection and re-enters the Club and gambles.

Even if the Club or a staff member makes a mistake, such as accidentally failing to display the photo of the patron in the Exclusions Register, the Club and staff are protected.

18.13 Removal of Patrons Who Breach Self-Exclusion Schemes

Where a patron is detected in the Club in breach of a Self-Exclusion Agreement then the following steps should be taken:

1. Identity check to ensure there is no mistake about patron (e.g. not a twin);
2. Confirm that the patron's exclusion is still in force;
3. Ask the patron why he/she is on the premises and point out that there is Self-Exclusion Agreement in force;
4. Ask the patron to leave;
5. Report the breach and consider further action;
6. Forward a report to BetSafe.

If the excluded patron refuses to leave when asked then it may be necessary to phone the police and ask them to attend and remove the patron.

Although *Gaming Machines Act s. 49(4)* states that it is legal to remove the person “using no more force than is reasonable in the circumstances”, this should only be invoked as a last resort and must be supervised and recorded by the Duty Manager. If more than reasonable force is used in removing a patron, the Club and staff involved risk criminal prosecution.

Where a staff member is unsure as to how to proceed with a self-exclusion, they should contact BetSafe for assistance

18.14 Delayed Payment of Prizes Won By Excluded Patrons in Breach

There is a need to deter self-excluded patrons from re-entering the Club. Whilst most self-excluded patrons comply with their Self-Exclusion Agreement, a few have difficulty controlling their urge to return to the Club. As a result, these persons may have to be detected and directed to leave on many occasions. The Club risks being sued by such self-excluded patrons unless it can establish that it took reasonable steps to keep them out.

There is no criminal sanction for breaching a Self-Exclusion Agreement, although the Club has the right to use “reasonable force” if necessary. Despite its best efforts, the Club cannot be expected to identify self-excluded patrons in all circumstances as the patron might have changed his/her appearance, or simply not be recognised.

Unless the Club is diligent in policing the self-exclusion program, it risks complaints from self-excluded patrons that it knowingly or recklessly let them re-enter in breach of the Self-Exclusion Agreement.

When a self-excluded patron is detected after winning a prize

The *Gaming Machines Regulation cl. 11* requires payment of prizes within 48 hours of winning, so the Club cannot refuse to pay the prize, and can only delay payment of the prize within the 48 hour period. This inconvenience is usually sufficient to discourage the self-excluded person from attempting to return to the club again while they remain excluded.

The Club should complete a detailed incident report and forward it to BetSafe for advice.

18.15 Self-Exclusion Flowchart

Patron approaches staff member seeking exclusion



Staff member takes patron to a Duty Manager or Supervisor



Patron taken discreetly to office or other private area



Complete **BetSafe Self-Exclusion Agreement**

- Read through form with patron;
- Advise patron of their right to seek independent legal advice before signing;
- Witness patron's signature;
- Take the patron's photograph;
- Obtain membership card, (if relevant);
- Provide patron with a BetSafe brochure and inform patron BetSafe will be sent details of self-exclusion;
- Encourage patron to contact BetSafe on 1800 BETSAFE (1800 238 723);
- Provide patron with the **BetSafe Self-Exclusion Agreement** (original retained by club, copy given to patron)
- **BetSafe Self-Exclusion Letter to Patron** given to patron the spot or posted home;



Complete Incident Report detailing as much detail as possible (who was approached, what was said, what action was taken)



Add to **Exclusion Register**, include photograph (a digital camera is recommended)



Update club records – refer **BetSafe Self-Exclusion Checklist** refer to Section 'BetSafe Forms'



Email or fax all documents to BetSafe

Where patron changes his/her mind about excluding –
refer to Section 'Involuntary Exclusion'

Case Study

Maria approached a gaming staff member one evening and told her that she had gambled all her money and that she felt she should be banned from the Club. The staff member explained that the Club had a self-exclusion scheme in place.

Maria was taken to an office where the Duty Manager attended her. He gave Maria a Self-Exclusion Agreement form, and went through it with her. After reading the form, Maria signed it.

Her photograph was then taken and she was asked for her membership card. Maria told the Duty Manager that she had already destroyed it.

The Duty Manager gave her a BetSafe RCG brochure and informed her that BetSafe would be provided with details of the self-exclusion and suggested that she contact BetSafe directly for counselling. He also told her that the Club would write to her confirming the exclusion.

Maria indicated that her husband did not know about her gambling problem and she did not intend to tell him at this stage. The Duty Manager noted this on Maria's Application, and that she would collect the letter in person from the front desk.

The Duty Manager prepared a report, including details of Maria's disclosure of her gambling problem. This was filed together with the other documentation. Maria's membership records were amended, the Exclusion Register completed and photo attached. A memo was distributed to relevant staff advising them of Maria's exclusion. All documents were forwarded to BetSafe and Maria's name was removed from all marketing and promotional mailing lists.

Although Maria did not return to the Club to collect the letter confirming the self-exclusion, the self-exclusion remained in force and the letter was filed securely after a few weeks. The Club did not write to her at home.

18.16 Involuntary Exclusion

There are situations where the Club should initiate exclusion of a patron who chooses not to self-exclude. The Dee Why RSL decision makes it clear that clubs have a responsibility for the welfare of patrons when there is actual knowledge that a patron is experiencing gambling harm.

The relevant law is *Gaming Machines Act s. 129(3)(b)* which provides that a complaint may be made to the ILGA that the Club "has engaged in conduct that has encouraged, or is likely to encourage, the misuse and abuse of gambling activities" in the Club.

Where a patron discloses that they are experiencing gambling harm but declines to self-exclude, and is likely to continue to suffer harm, a club that did nothing may be disregarding its legal and social responsibility. The most effective response is to unilaterally exclude the patron from the Club premises.

This can be done by management or the Board of Directors pursuant to the relevant Rule of the Club's Constitution, on the basis that the patron's conduct is "prejudicial to the Club".

Why does BetSafe do involuntary and family-initiated exclusions when some other clubs and hotels do not?

The minimum legal requirements are set out in *Gaming Machines Regulation cl. 45*. They do not deal with the issue of involuntary or third party exclusions, but merely require the Club to exclude a person on request.

Other club and hotel self-exclusion schemes simply stick with the minimum requirements, whereas BetSafe seeks to be proactive and provide the best responsible gambling program. Note that The Star Casino also does involuntary and third party exclusions.

Deciding whether or not to exclude

In deciding whether to initiate an involuntary exclusion, the Club needs to balance the rights of the individual with:

- The obligation of the Club to be a responsible provider of gambling services;
- The Club's responsibility to its membership to minimise the potential for exposure to legal action; and
- The welfare of the individual and the individual's family.

In some cases, the best solution will be to exclude the individual. In other situations it will be preferable to let the individual continue to gamble at the Club.

Note

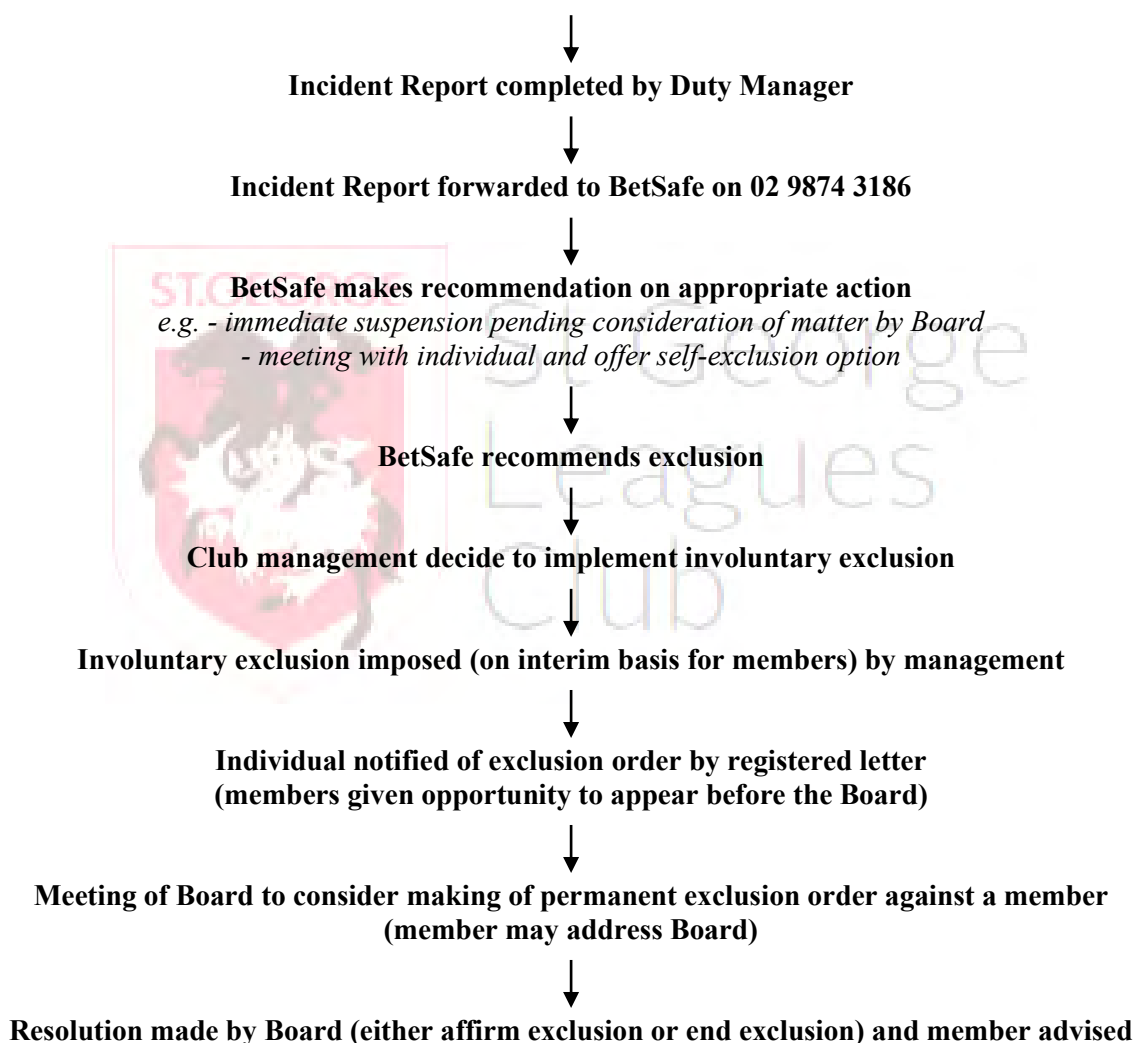
- A decision to initiate an involuntary exclusion should be made on the recommendation of BetSafe and where there is clear evidence that a patron is experiencing gambling harm. This is to ensure that the Club has a sound basis for taking such action.
- A temporary ban may be imposed on the spot and a permanent decision made following consultation.
- Where the Club does initiate exclusion, it should personalise the process as much as is possible in order that the patron does not feel punished for experiencing gambling harm.
- Patrons who have been excluded from the Club have the right to appeal against their exclusion, and the Club may decide to reverse their exclusion based on the evidence submitted.

While an attempt has been made in the following page to set out the procedures to be followed for initiating involuntary exclusion in the form of a flow chart, it is a guide only. Because of the range of possible circumstances that may lead to such action, it is impossible to prescribe the steps that must be taken. A degree of judgment will need to be exercised at times by staff and management, in addition to obtaining advice and guidance from BetSafe.

18.17 Involuntary Exclusion Flowchart

Circumstances alerting club to existence of serious gambling harm

- *Staff observe indicators of serious gambling harm*
- *Individual requests self-exclusion and changes mind*
- *Individual expresses intention to suicide or self-harm due to gambling*
- *Family member asks that the individual be banned due to problem gambling*
- *Other incident alerts Club*



Note: the principles of natural justice require that a member have the opportunity to make submissions to the Board about the proposed exclusion order

Case Study

Frank approaches a staff member at 2 am in the morning and tells her that he has “lost everything” through the pokies and is going to commit suicide. The staff member tells the Duty Manager. The Duty Manager immediately telephones a BetSafe counsellor who in turn speaks to Frank. BetSafe learns from Frank that he is experiencing serious gambling harm and is about to lose his house and his business.

It is suggested to Frank that he seek counselling and self-excludes from the Club. Frank agrees to attend a meeting the next day with the Club and a BetSafe counsellor.

Frank does not turn up and when contacted advises that he does not wish to do anything about his gambling.

The Club is advised to initiate exclusion of Frank, having regard to both the interests of Frank and those of the Club.

The Board subsequently determines that Frank’s membership is to be cancelled. They have power to do this under the Constitution on the grounds that Frank’s conduct is “prejudicial to the interests of the Club”.

18.18 Enforcing Exclusions

The Club’s responsibilities do not stop at making exclusions. It has an ongoing responsibility to take reasonable steps to ensure that the excluded individual does not enter or remain in the Club. The Club may be in breach of its duty of care if it knew or should have known that an excluded person was on the premises, yet took no action to remove that person.

The Club’s duty of care does not end on the making of an exclusion order.

Relevant staff such as security, door staff and gaming staff should be required to check the Exclusion Register regularly.

- *It is essential that all communications relating to the exclusion be noted and copies sent to BetSafe.*
- *An excluded individual’s file should contain a complete record of events, including any breaches of the exclusion.*

18.19 Ending the Period of Exclusion

The minimum exclusion period is **6 months**. Where there has been a breach of a Self-Exclusion Agreement, the Club is advised against allowing the patron to return until at least 6 months from the date of the most recent breach.

The Club has instituted a formal procedure to screen applicants who apply for re-admission because some individuals may not have overcome their problematic gambling behaviour within the exclusion period. Whilst it is conceded that no screening procedure is infallible, the screening process is designed to provide additional protection for the individual and the Club.

Some individuals assume that they can automatically re-enter the Club following expiry of the minimum exclusion period. It is necessary to politely but firmly explain to them that they cannot re-enter the Club until the Club has decided to end the exclusion period.

An individual may apply to end the period of self-exclusion at any time following the minimum exclusion period.

18.20 When an Individual Asks To Re-Enter the Club

When an individual approaches the Club and asks about ending the self-exclusion period, they should be advised to contact BetSafe on 1800 BETSAFE (1800 238 723).

Steps taken by BetSafe

When contacted by the individual, BetSafe will provide an explanation of the procedure and arrange for a Letter of support template and Application to end exclusion to be sent to the individual. BetSafe will also organise for a readmission interview with a counsellor.

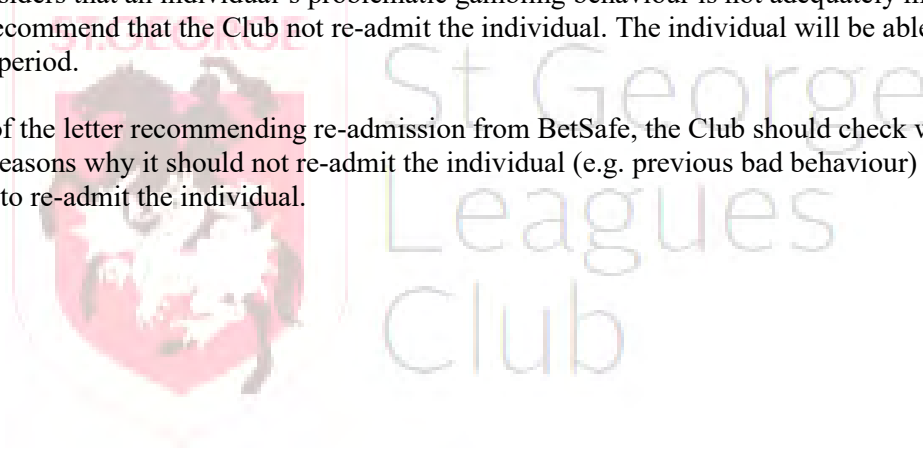
The Letter of support is required to be filled out by a person who knows the individual well, such as a family member, counsellor, doctor or spouse. This provides confirmation of BetSafe's assessment.

BetSafe will take other steps to check the application, which may involve contacting the referee who has been asked to provide the Letter of support. This is to ensure that the referee is a genuine and responsible support person who can vouch for the individual.

The Club should not permit the individual to re-enter until it has received a letter recommending re-admission from BetSafe together with the Application to end exclusion and Letter of support.

If BetSafe considers that an individual's problematic gambling behaviour is not adequately managed, BetSafe will recommend that the Club not re-admit the individual. The individual will be able to apply again after a further period.

Upon receipt of the letter recommending re-admission from BetSafe, the Club should check whether there are any other reasons why it should not re-admit the individual (e.g. previous bad behaviour) and if there are none, proceed to re-admit the individual.



19 Gambling Counselling and Treatment

19.1 Objective

To better understand and work with gambling counselling and treatment services to assist patrons experiencing gambling harm.

Clubs are better able to assist patrons by understanding how gambling counselling works, and be able to effectively refer patrons experiencing gambling harm to approved services. Counselling services are an important component of any responsible gambling policy framework.

19.2 Approved Gambling Counselling Services

Gaming Machines Act s. 46(1) requires the Club to “enter into arrangements for problem gambling counselling services to be made available to the patrons”. The approved providers under *Gaming Machines Regulation cl. 44(1)* are:

- BetSafe
- Clubs NSW
- Australian Hotels Association (NSW)
- Any other body that receives funding from the Responsible Gambling Fund (RGF) under the *Casino Control Act 1992 (NSW)* for the specific purpose of providing gambling-related counselling or treatment services.

All BetSafe clubs are therefore compliant with this requirement. However, some clubs may wish to enter into arrangements with additional approved problem gambling counselling services as there is no maximum limit on the number of counselling services with which a club can have an arrangement. For example, a club may also wish to enter into an arrangement with a RGF funded provider that specialises in providing problem gambling counselling to a certain language group.

Information about counselling services for patrons

Information about the Club’s problem gambling counselling service must be made available at all times.

19.3 Mandatory Counselling Service Signage

Gaming Machines Regulation cl. 44(5) requires the Club to display a notice in every gaming area with the following information:

- The name and contact details of the problem gambling counselling service;
- A statement advising patrons that a self-exclusion scheme is available in the Club for the benefit of patrons who wish to be prevented from entering or remaining in any nominated area of the hotel or club for the purposes of assisting patrons to control their gambling;
- The name and contact details of a person or body who is able to assist patrons with becoming participants in a self-exclusion scheme conducted in the club.

19.4 How Gambling Counselling Works

Gambling counsellors use a combination of counselling techniques and practical assistance to help persons experiencing gambling harm overcome their problematic gambling behaviour. Because the nature of the behaviour varies from individual to individual, so it is necessary to modify treatment to suit a person's needs.

Many persons experiencing gambling harm benefit from self-exclusion, but this is only part of the picture. Unless the persons experiencing gambling harm can deal with underlying issues such as depression or boredom, the harmful behaviour may simply be transferred from gambling to something else.

Gambling counsellors often need to help persons experiencing gambling harm overcome their misconceptions about the way in which gaming machines function.

Gambling counselling may involve counselling partners or family members together with the person experiencing gambling harm if they are seen as part of the problem or solution.

Some counsellors consider that controlled gambling can provide a solution whereby the person learns to set and keep to a fixed and affordable gambling budget.

19.5 BetSafe Counselling

BetSafe provides a free 24-hour counselling service for patrons of BetSafe clubs who are experiencing gambling related harm. The advantages of BetSafe counselling are:

- Skilled and experienced gambling counselling
- Specialist in BetSafe exclusions
- Expert knowledge of BetSafe venues and procedures
- 24-hour, 7 day availability
- Provision of telephone and face-to-face counselling
- Remote counselling provided by Zoom, Skype and FaceTime
- Counselling available in various locations in NSW and the ACT
- No waitlists
- No limits on the number of counselling sessions
- Continuity of counsellor contact
- Personal and friendly

19.6 GambleAware Telephone Crisis Counselling and Referral

GambleAware (1800 858 858) is a national 24-hour telephone crisis counselling and referral service, funded in NSW by the Responsible Gambling Fund, and promoted by the mandatory signs, stickers, cards and brochures at all gaming venues. Calls to GambleAware are free from public phones and private landlines. Call fees are incurred when GambleAware is called from a mobile phone.

GambleAware provides an immediate response to persons experiencing gambling harm at times of crisis and referral to face-to-face problem gambling counselling services.

19.7 Other Gambling Counselling and Treatment Services

GambleAware funds face-to-face problem gambling counselling services throughout NSW. A current list of GambleAware problem gambling counselling services is available at www.gambleaware.nsw.gov.au

Psychologists and counsellors in private practice may also provide gambling counselling, but these services are not free.

Some counselling services, particularly free ones, only see clients in business hours or have lengthy waiting lists, so it can be helpful to give people a choice.

Some counselling services are available for *Culturally and Linguistically Diverse (CALD)* persons experiencing gambling harm. Other services may provide specialist services for gambling financial or legal issues, or residential treatment programs.

Doctors are also available to assist persons experiencing gambling harm with related medical issues such as alcoholism, depression, anxiety and eating disorders.

Some *Financial counsellors* have expertise in assisting persons experiencing gambling harm with debt issues. Information about gambling financial counsellors is available from GambleAware and on the BetSafe website.

Club and Service Provider Forums

The Code states that a representative of a large club (>\$5m annual gaming machine profit) must attend all locally held club and counselling service provider forums organised by ClubsNSW or the NSW Office of Responsible Gambling. A representative of a small club (<\$5m annual gaming machine profit) only need to attend 1 forum a year.

Outreach Programs

The Code states that the Club, where practical, should allow government-funded GambleAware counsellors and support service providers to conduct outreach activities within the Club.

19.8 Help for family members of persons experiencing gambling harm

Sometimes spouses, partners or family members of persons experiencing gambling harm will contact staff to ask about services available for them. Their relationship with a persons experiencing gambling harm may be suffering or they may be encountering financial or health problems.

National Debt Helpline (1800 808 488) is a free advice and referral line for people who have financial problems and can refer family members to local free face-to-face financial counsellors. It does not provide specific advice about gambling-related issues.

If a family member makes a specific complaint about a patron or seeks to have that patron excluded, refer to Section 'Third Party Complaints'.

19.9 Gamblers Anonymous and Gam-Anon

Gamblers Anonymous (*GA*) (02 9564 1574) is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others recover from a gambling problem. It is based on the 12-step program established by Alcoholics Anonymous and advocates complete abstinence from gambling, one day at a time.

GA meetings are open to anyone who believes they are experiencing gambling harm. Some GA meetings run at the same time as Gam-Anon, which is a sister organization running meetings for family and friends of persons experiencing gambling harm.



St George
Leagues
Club

20 Gambling Advertising and Promotions

20.1 Objective

To provide information about gambling activities in a socially responsible and lawful manner, having regard to prevailing community concerns and sensitivities.

Community concerns about the extent and nature of gambling advertising and promotion resulted in the government imposing severe restrictions on gambling advertising at the beginning of 2002.

20.2 Ban on External Gambling-Related Signs

Gaming Machines Act s. 44(1) bans external gambling related signs.

(a) anywhere outside or in the vicinity of the hotel or the premises of the club, or

(b) anywhere inside the hotel or the premises of the club so that it can be seen from outside the hotel or the premises of the club.

“Gambling-related sign” means any sign (whether consisting of words, symbols, pictures or any other thing) that:

(a) that draws attention to, or can reasonably be taken to draw attention to, the availability of approved gaming machines in a hotel or on the premises of a registered club, or

(b) that uses a term or expression frequently associated with gambling, or

(c) that relates to a gambling franchise or gambling business

Liquor Act s. 4 defines a “club premises” as “means the premises to which a club licence relates” and also states that “premises” may include “a building or structure, land or a place (whether built on or not), or a vehicle, vessel or aircraft”.

Exceptions:

- The name of the Club (as approved by the ILGA).
- Gaming machines and their artwork etc. (*Gaming Machines Regulation cl. 41(9)*).
- Internal gambling related signs that cannot be seen from outside.
- TAB signs and
- Keno signs.

L&GNSW Signage Compliance Campaign

In May 2023, Liquor & Gaming NSW announced a compliance campaign focusing on external gaming signage for hotels and clubs, stating:

The definition of a gambling-related sign in the Act is broad and captures a wide variety of signage. Of note, signage does not need to explicitly refer to gaming machines, and any sign (regardless of the words or imagery) designed to draw attention to gaming machines is captured.

L&GNSW will commence enforcing the broad definition contained in section 44(1) of the Act, which is clear in its application to any signage that draws attention to gaming machines or advertises a gaming franchise or business at a hotel or club. This includes:

- a) signage that uses oblique wording (such as 'VIP lounge' or 'Prosperity lounge' signage) to advertise the presence of gaming machines.*
- b) electronic gambling-related signage, even if the gambling-related signage is only one component (for example, scrolling or changing signage that displays both non-gambling and gambling-related signage).*
- c) signage or external physical installations that use gambling-related imagery, such as coins, dragons or terracotta warriors, even if that imagery is not a facsimile of imagery that is owned or designed by a gambling franchise or gambling business.*
- d) signage that relates to a gambling franchise or gambling business."*

From 1 September 2023, venues must have removed, altered or concealed any signage that would contravene section 44 of the Act, or be able to demonstrate that they have taken reasonable steps to have such signage removed and that this is in progress. From 1 December 2023, L&GNSW will take a zero-tolerance approach to non-compliant signage.

In particular, L&GNSW will be checking clubs for internal gaming machine link signage which is clearly visible from outside of the club premises.

20.3 Ban on External Gaming Machine Advertising

Gaming Machines Act s. 43 bans the publication of any gaming machine advertising.

- A club or hotelier must not enter into any contract or arrangement for the publication of gambling related advertising.
- A club or hotelier must not publish, or cause to be published, any gambling-related advertising.

However, there are some exceptions.

Definition of Gaming Machine Advertising

"Gaming machine advertising" means any form of advertising that gives publicity to, or otherwise promotes or is intended to promote:

*(a) the playing of approved gaming machines in a hotel or on the premises of a registered club,
or*

(b) the supply, sale or manufacture of an approved gaming machine

but does not include any such advertising that is excluded from the operation of this section by the regulations.

"Publish" includes disseminate in any way, whether by oral, visual, written or other means (for example dissemination by means of cinema, video, radio, electronics, the Internet or television or by means of promotional material such as club journals, brochures or flyers).

20.4 Exceptions to the Gaming Machine Advertising Ban

The following advertising is not subject to the advertising ban:

- Advertising sent to members who have specifically nominated to receive gaming machines advertising (refer to Section ‘Opt-in gaming machine advertising’).
- Any gaming machine advertising that appears or is stated inside a club or hotel and cannot be seen or heard from outside the venue.
- Any gaming machine advertising that appears in a gaming machine industry trade journal, or in a publication for a trade convention involving the gaming machines.
- Advertisements for other forms of gambling, including TAB, Keno, raffles, competitions.
- Signs and posters which cannot be seen from outside the Club.
- Announcements which cannot be heard from outside the Club.
- Reference to a club’s gaming lounge by a name that does not suggest the availability of gaming machines, such as “TAB Room”, or “Sports Bar”.
- Information about gaming machine revenue in club accounts.
- Gaming machine advertising that appears as an accidental or incidental accompaniment to publishing of other matter and for which the person publishing the other matter does not receive any direct or indirect benefit (whether financial or not) for publishing the gaming machine advertising (in addition to any direct or indirect benefit that the person received for publishing the other matter) (*Gaming Machines Regulation cl. 41(1)(f)*).

Advice from L&GNSW

The exemption for an advertisement that is incidental to the publication (or broadcast) of another matter is only valid when no benefit has been received for broadcasting the gaming machine advertisement, regardless of whether a benefit was received for broadcasting the other matter.

Current uncertainty

It remains unclear to what extent gaming machine advertising is now permitted as “incidental”. In particular it is unclear whether reference to gaming machines may accompany information provided to members and guests about the Club’s self-exclusion program, BetSafe counselling, player loyalty program, new member information etc.

A club incorporated a questionnaire in its Application for Membership form, which was widely distributed outside the Club premises. A number of “tick-a-box” options were listed under the question “What of the Following Activities do you Most Enjoy?” The options included “Gaming Machines” and “Gaming Promotions.” L&GNSW took the view that this did not constitute gaming machine advertising and was therefore lawful.

20.5 Opt-In Gaming Machine Advertising

Consent to receiving gaming machine promotional material

Members can give their consent to receiving gaming machine advertising at the time of joining the Club, at each membership renewal, or at any other time.

The Club must ensure that the member is opting-in, by taking an active step such as ticking a box on their membership form (as opposed to ticking a box to opt-out). We recommend including a tick box on membership application forms with a caption along the lines of:

Tick this box if you wish to receive correspondence relating to gaming machine promotions at the Club (you are able to opt-out at any time).

The Club can also have a separate form which allows members to opt-in during their membership period.

Requirements for gaming machine promotional material

When gaming machine promotional material is sent to members who have chosen to “opt-in”, the following must also be included:

- A statement informing patrons that player activity statements are available on request;
- The following caption:

Help is close at hand
GambleAware
gambleaware.nsw.gov.au
1800 858 858

- A statement informing patrons that they may withdraw their consent to receiving any further promotional material at any time;
- Information or advertising apart from gaming machine advertising (e.g. information about entertainment, dining, sporting activities at the Club or administrative matters, e.g. club elections).

Note that gaming machine advertising cannot be sent to temporary members, visitors or junior members.

Methods of sending gaming machine promotional material

Promotional material can be sent by post or by email to the address nominated by the member.

Validity of consent

The consent of members to receive gaming machine promotional material only lasts until their next membership renewal. If a member who has previously consented to receiving gaming machine promotional material does not consent again at the time of their membership renewal, then the Club must immediately stop sending them gaming machine promotional material.

Withdrawal of consent

The Club should make available a form that can be signed by any member who wants to withdraw their consent to receiving gaming machine promotional material. This should be referred to in the gaming machine promotional material (e.g. include a statement informing patrons that they may withdraw their consent at any time to receiving any further promotional material by contacting the Members Services desk at the Club).

If the Club receives a letter or email request from a member who wishes to withdraw their consent, then that letter or email request should be actioned, even if it is not accompanied by the specific form.

Records to be kept

Clubs should keep original membership application forms and renewal forms where members have consented to receiving gaming machine promotional material, as well as other forms for the period that their

consent remains valid. The Club should also keep a list of members who have consented to receiving gaming machine promotional material.

20.6 TAB Advertising

Refer to the TAB for specific detail on requirements and resources.

All TAB print advertising must contain the following caption:

Help is close at hand
GambleAware
gambleaware.nsw.gov.au
1800 858 858

Totalizator Act s. 80 prohibits advertising that:

- (a) encourages a breach of the law, or*
- (b) depicts children gambling, or*
- (c) is false, misleading or deceptive, or*
- (d) suggests that winning will be a definite outcome of participating in gambling activities, or*
- (e) suggests that participation in gambling activities is likely to improve a person's financial prospects, or*
- (f) promotes the consumption of alcohol while engaging in gambling activities, or*
- (g) is not published in accordance with decency, dignity and good taste and, if the totalizator advertising takes the form of a television advertisement, in accordance with the Commercial Television Industry Code of Practice as in force at the time the totalizator advertising is published, or*
- (h) include any inducement to participate, or to participate frequently, in any gambling activity (including an inducement to open a betting account).*

Electronic Benefits Transfer (EBT) terminals

The Club must have procedures and controls in place to prevent minors betting. If the club has Electronic Benefits Transfer (**EBT**) terminals, the TAB Minors notice must be prominently displayed on or close to the EBT and the TAB rules also placed close to it.

EBTs should be monitored at all times, either by electronic means or staff.

The Club prohibits any inducement being given to a minor to gamble for a fee or reward.

20.7 Keno Advertising

Refer to Keno for specific detail on requirements and resources.

Keno explanatory material

Any written material which explains how to play Keno must contain:

- An explanation of the chances of winning a major prize

- The following caption:

Help is close at hand
GambleAware
gambleaware.nsw.gov.au
1800 858 858

Keno advertisements

All Keno advertisements (including on websites) must contain the following caption:

Help is close at hand
GambleAware
gambleaware.nsw.gov.au
1800 858 858

Keno advertising must:

- Not encourage a breach of the law
- Not depict children
- Not suggest that winning will be a definite outcome of playing Keno
- Not suggest that playing Keno will definitely improve a person's financial prospects
- Be conducted with decency, dignity and good taste and in accordance with the Commercial Television Industry Code of Practice.
- State that the information is for members and guests.

21 Player Reward Schemes

21.1 Objective

To ensure player reward schemes are legally compliant

Player reward schemes provide additional interest and return to regular patrons. Club loyalty programs usually allow members to earn points from gaming machine expenditure as well as other Club expenditure, so must comply with the requirements for player reward schemes.

21.2 Player Reward Schemes

A player reward scheme enables a participant to earn points that can then be redeemed in the form of goods or services.

Participation in a player reward scheme is voluntary and patrons should be notified that they have the choice of whether or not to participate (*Gaming Machine Regulation cl. 93*).

Restrictions apply to the prizes that may be offered under a player reward scheme (*Gaming Machines Act s. 45(2)*):

- No cash promotional prizes at all
- Promotional prizes must not exceed \$1,000 in value
- Promotional prizes must not be exchangeable or redeemable for cash
- Promotional prizes must not be indecent or offensive

“Promotional prize” means any prize or reward (including bonus points) offered by a hotelier or club to the patrons of the hotel or club in connection with a player reward scheme or any other marketing or promotional activity that involves approved gaming machines.

Gaming Machines Regulation cl. 143 requires the Club to keep detailed records of prizes won for 3 years.

21.3 Information about Player Activity Statements

Where a club conducts a player reward scheme, it must:

- Inform players of the availability of player activity statements; and
- Provide statements to those players who request them.

A notice that player activity statements are available on request must be given to each player at the time of joining the player reward scheme, and in all promotional material relating to the player reward scheme.

21.4 Content of Player Activity Statements

The following information must be included in a participant's player activity statement:

- a) the total amount of turnover by the participant during the monthly period covered by the statement,
- b) the total wins recorded during the monthly period,
- c) the net expenditure (i.e. turnover less wins) during the monthly period,

- d) the total points earned and redeemed during the monthly period as the result of playing gaming machines under the scheme,
- e) the total length of time over each 24-hour period during the monthly period when the participant's player card was inserted in gaming machines under the scheme (the "daily record"),
- f) the total length of time that the participant's player card was inserted in gaming machines under the scheme during the monthly period.

The daily record is required to be included in the player activity statement only in respect of those days that the participant's player card was used. A player activity statement is to also include a note stating that the information detailed in the statement (*Gaming Machines Regulation cl. 42*):

- a) only relates to the occasions on which the participant used his or her player card under the player reward scheme to play a gaming machine, and
- b) does not necessarily relate to all of the participant's gaming machine activity during the monthly period, and
- c) may not include information about wins from playing gaming machines that are part of a linked gaming system within the meaning of Part 10 of the Act.

21.5 Cost

Player activity statements must be provided free of charge.

21.6 Recording Keeping

The Club must keep a record or copy of each player activity statement.

21.7 Privacy

The Club must not disclose any information contained in a player activity statement to any person other than the player or a person who is lawfully entitled to have access to the information (refer to Section 'Confidentiality and Privacy')

22 Player Cards and Accounts

22.1 Objective

To offer patrons the benefits of player accounts and comply with legal requirements.

Advances in technology offer potential benefits for both clubs and patrons. In particular, patrons can be responsible in their gaming behaviour by have a record of their gambling expenditure.

22.2 Card-Based Gaming

There is increasing interest in the use of card based gaming as a way of facilitating pre-commitment strategies by gamblers. For example, Prof. Mark Dickerson said that “the features of continuous forms of gambling that cause impaired control may be removed without destroying the pleasurable aspects.”⁴

A stored value card provides “cashless gaming”. It requires the user to deposit money into a personal account at the venue which they can then spend on gaming machines or other purchases at the venue. The venue benefits from this “cashless gaming” by reducing the amount of cash handled by the Club. Likewise, the patron has less need to bring large amounts of cash to the venue.

22.3 Opening Player Accounts

Gaming Machines Regulation cls. 92-94 & 99 set out a number of mandatory requirements for opening player accounts:

- Minors are not permitted to open a player account;
- Documentary proof of identity (driver licence, current passport or proof-of-age card) must be provided and particulars recorded;
- Only one player card may be issued to a patron;
- At the time a person is given a player card, the person must be given the following caption, and the following caption must also appear on the card:

Help is close at hand
GambleAware
gambleaware.nsw.gov.au
1800 858 858

- The person must be advised in writing that a weekly account limit may be set and altered (*Gaming Machines Regulation cl. 99(2) & (6)*);
- Participation in a player reward scheme must be optional only for holders of player cards;
- No cash advances or credit is permitted;

⁴ Dickerson, M. Submission to IPART 2003

- All applications for player account forms and account cards and receipts must bear the words *“The security of money in player accounts is the responsibility of both the registered club and the account holder. The government and its agencies take no responsibility for any losses that might occur from the account.”*

An account holder is solely responsible for ensuring that the account holder's personal identification number ("PIN") is kept confidential and that no other person has access to the account holder's player card. The account holder is liable for any losses that might arise from, or in connection with, the account holder's failure to comply with such responsibilities.

- An ‘Info About The Odds (Gaming Machines)’ brochure (refer to Section ‘Mandatory signs and brochures’) must be provided at the time the account is opened;
- Information to the effect that player activity statements are available on request must be given to each person at the time the person is issued with a player card;
- All money held in a player account must be kept separate from any other funds or accounts held or maintained by the Club and not be used by the Club for any other purpose;
- *Gaming Machines Regulation cl. 95* states that the maximum amount that can be held in a player account or stored on a Smartcard is \$5,000.

22.4 Transaction Records

Gaming Machines Act s.45B(2) states that any information relating to a player card must not be disclosed except--

- a) with the consent of the person to whom the information relates, or
- b) for the purposes of law enforcement, or
- c) to any person (including an inspector) who is lawfully entitled to have access to the information.

(Maximum penalty--100 penalty units)

Gaming Machines Regulation cl. 96 requires a transaction record to be provided every time money is paid into or withdrawn from the player account containing the following information:

- The type of transaction completed;
- The amount of money involved;
- The time and date of the transaction;
- The current balance in the player account.

22.5 Player Activity Statements for Player Accounts

Note: requirements for player activity statements relating to player reward schemes are set out in Section ‘Content of Player Activity Statements’.

Gaming Machines Regulation cl. 97(2) provides that the Club must provide monthly player activity statements to patrons upon request.

The minimum requirements are:

- A list of each transaction involving the depositing of money into the player account at the cashier;

- A list of each transaction involving the paying of credits into the player account as a result of playing electronic payment gaming machines;
- A list of each transaction involving the withdrawal of money from the player account at the cashier;
- The total amount of turnover by the player during the month;
- The total wins for the month;
- Net expenditure (i.e. turnover less wins) for the month;
- Date and times when gaming machines were played during the month;
- Total length of time over each 24-hour period during the month when the person's player card was inserted in electronic payment gaming machines in the Club;
- Total time the person's player card was inserted in electronic payment gaming machines in the Club during the month;
- A note stating that the information detailed in the statement only relates to the occasions on which the player used his or her player account to play a gaming machine and does not necessarily relate to all of the player's gaming machine activity during the period, and may not include information about wins from playing gaming machines that are part of a linked gaming system.

Information to the effect that player activity statements are available on request must be given to each person at the time the person is issued with a player card, and be included in all promotional material displayed at the Club in relation to electronic payment gaming machines.

A player activity statement only needs to be provided on request if the player account has actually been used during the period.

A player activity statement must be provided as soon as reasonably practicable after a request is made.

22.6 Weekly Account Limits

Gaming Machines Regulation cl. 99 provides for a participant in the player account scheme to set a limit on the amount of net expenditure (i.e. turnover less wins) per week from the account. The application for a weekly limit is to be made and confirmed in writing.

The weekly account limit can be varied by written notice given by the participant to the Club. Reductions in the weekly limit must be implemented within 24 hours. Increases in the weekly limited must not be implemented for at least 48 hours.

23 Trade Promotions

23.1 Objective

To provide trade promotions for the benefit of members and ensure compliance with the law.

A trade promotion gaming activity is a free-entry lottery conducted to promote goods or services supplied by a business.

A trade promotion must genuinely promote goods or services apart from offering participation in the trade promotion gaming activity. Club trade promotions create interest and excitement for members and reward loyalty. It is important that the regulatory requirements be complied with and that trade promotions are conducted responsibly and fairly.

23.2 Essentials

A trade promotion gaming activity is a permitted if the following requirements are complied with (*Community Gaming Regulation cl. 14*):

- a) no entry or other fee is charged to participate in the trade promotion
- b) the written consent has been obtained to the conduct of the gaming activity from a person who is authorised by the business benefiting from the gaming activity to provide that consent,
- c) if the total value of all the prizes exceeds \$10,000, the person conducting the activity holds an authority to do so that is in force and the activity is conducted in accordance with the authority.

The prize draw of any trade promotion that requires an authority must be carried out in the presence and under the supervision of a person who is independent of the Club unless the Club has an exemption from Fair Trading NSW (*Community Gaming Regulation cl. 47*).

23.3 Authority to run a trade promotion

Only if the total value of all the prizes exceeds \$10,000, then a trade promotion requires an authority. The Club must provide a copy of the trade promotion rules to NSW Fair Trading at least 10 working days before the trade promotion commences. An online application form can be found on the NSW Fair Trading website (*Community Gaming Regulation cls. 14(c) & 20*)

The Club ensure that all advertising material associated with a trade promotion that requires an authority clearly displays the authority number (*Community Gaming Regulation cl. 27*).

Service NSW maintains a public online register containing information about authorities.

www.onegov.nsw.gov.au/PublicRegister/#/publicregister/search/Lotteries.

23.4 Rules of the trade promotion

The Club must take all reasonable steps to ensure that the rules of the gaming activity are displayed in a prominent position in the Club or on the Club website and made available on request (*Community Gaming Regulation cl. 26*).

The rules of the trade promotion must (*Community Gaming Regulation cl. 25*):

- be clearly expressed and kept up to date
- state the date when entries are closed

- state whether or not multiple entries are permitted
- set out the prizes to be awarded and the value of each prize
- set out any costs of, or associated with, claiming a prize
- state whether or not a participant may win more than 1 prize and any limits on the number of prizes a participant may win
- state any age limit for participants
- state whether or not bonus prizes may be awarded
- set out the manner in which any disputes are to be resolved
- identify the person conducting the trade promotion and any benefiting organisation
- prohibit everyone involved in conducting the trade promotion, including any person who determines who is to win a prize in the gaming activity and anyone involved in the management of the Club from participating in the trade promotion
- set out the manner of determining, notifying and announcing the prize winners and the dates and times at which these will take place
- state the period for claiming a prize
- state the circumstances in which a redetermination of prize winners may occur, and
- if applicable, require that, if there is no prize winner or the prize winner cannot be found, that information must be published.

23.5 Prizes

There is no maximum prize limit for trade promotions.

The following prizes are prohibited (*Community Gaming Regulation cls. 39 & 41*):

- firearms and weapons
- tobacco, smoking or vaping product
- cosmetic surgery
- more than 20 litres of liquor with an alcohol content not exceeding 20% by volume or more than 5 litres of liquor with an alcohol content exceeding 20% by volume.

The rules of every trade promotion should outline how an unclaimed prize will be dealt with:

- If a prize isn't claimed within a set period of time it can be forfeited and another draw can take place to determine a new winner. Otherwise, the prize must be preserved until it is awarded to the winner.
- Every reasonable effort must be taken to contact the prize winner. If contact can't be made, the operator must retain the prize for the time period stated in the rules.
- If no time is specified for an activity where an authority is required, the prize must be kept for at least 3 months after the draw. After this, steps may be taken to redetermine a winner.

- Perishable prizes, such as a meat tray, can be disposed of or sold for a reasonable price. The money (after sale or disposal costs) must be held in trust for the winner.

23.6 Record-Keeping Requirements

The *Community Gaming Regulation cl. 30* specifically exempts a trade promotion where a permit is not required (i.e. prize pool under \$10K) from the requirement to keep records. However, BetSafe recommends that records be kept for all trade promotions.

The *Corporations Act 2001 s. 286* requires the Club to keep certain financial records for 7 years. Those financial records would relate to the purchase of prizes that were awarded under the trade promotion lottery and other financial aspects of the TPL. The records may be necessary for audit requirements and tax purposes etc. It would not be necessary to keep records of all the entries.



24 Promotion of Responsible Gambling

24.1 Objective

To take active steps to promote responsible gambling to members and the local community.

BetSafe clubs are encouraged to take active steps to promote responsible gambling in their venue and the local community. This is an opportunity to be innovative and try new methods of promoting responsible gambling.

24.2 Examples of BetSafe RCG Promotions

BetSafe members have conducted many innovative RCG promotions including the following:

- Programming gaming machine scroll through displays to include a responsible gaming message
- Publishing a message from the Chairperson or CEO in the Club magazine explaining the Club's commitment to the BetSafe program.
- Printing drink coasters that include the BetSafe counselling telephone number
- Running BetSafe schools program in local secondary schools.
- Responsible gambling training for sporting groups



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25 Promotions and Inducements

25.1 Objective

To ensure compliance with the legislative ban on gambling inducements and that the provision of complimentary items does not cause problem gambling.

Promotions, activities, discounts and giveaways must not encourage or promote the misuse or abuse of gambling facilities at the Club.

25.2 Free or Discounted Liquor

There is a clear link between the consumption of alcohol and the impairment of an individual's judgment in relation to their gambling expenditure. The potential for excessive gambling to occur arises when the consumption of alcohol is combined with gambling.

Alcoholic drinks must not be provided free or at an excessive discount in connection with any form of gambling activity. Bar prices should be the same for gamblers and non-gamblers. Liquor should not be offered as a gambling prize, except where the liquor is an incidental accompaniment to another prize, such as a dinner at the Club restaurant.

It is acceptable for the Club to provide free liquor for limited genuine purposes. However, provision of these free items should have clearly defined criteria which are unrelated to gambling (e.g. any member who comes to the Club on their birthday is given one free glass of champagne, whether or not that member gambles).

Gaming Machines

Gaming Machines Regulation cl. 47(a) states that the Club must not “offer or supply any free or discounted liquor as an inducement to play, or to play frequently, approved gaming machines in the hotel or on the premises of the Club”.

Keno and TAB

The Club must not offer or supply any free or discounted liquor as an inducement to participate, or to participate frequently, in Keno or TAB betting (*Public Lotteries Regulation cl. 16(1)* and *Totalizator Act s. 80B*).

25.3 Free Credit Promotions

Gaming Machines Regulation cl. 47(b) states that the Club must not offer free credits to players, or as an inducement to persons to become players, of gaming machines on the Club premises”.

The free credit prohibition does not extend to bonus points or credits won by existing gaming machine players. Such bonus points or credits are not truly “free credits” as they are in fact winnings earned by the player's investment of their own funds.

The Club must not provide free or subsidised vouchers for poker machine credits as part of a purchased “package” of membership, food or accommodation.

25.4 Benefits must be offered equally to all members

The Club needs to ensure that the provision of these items does not contravene *Registered Clubs Act s. 10(1)(i)* which prohibits a club offering a benefit or advantage to one member which is not offered equally to every full member of the Club.

25.5 High roller rewards

In the Dee Why RSL case, ILGA held that the Club's high roller rewards fell into a "different category" than a typical member loyalty program because:

- eligibility depends solely on a member's gaming machine turnover and not other forms of spending at the Club
- the criteria for eligibility were neither fixed nor publicised in advance
- the rewards are not publicised to members generally
- rewards were based on the level of gaming turnover without regard to whether the gambling behaviour leading to that turnover was healthy or problematic, and was likely to legitimise and sanction the behaviour and potentially undermine a member's ability to perceive the existence of a problem
- the rewards are "qualitatively different" to the "standard" rewards obtained through the member loyalty program.

ILGA concluded that high roller rewards were not offered equally to all members in contravention of *Registered Clubs Act s. 10(1)(i)*. It was also conduct that encouraged, or is likely to encourage, the misuse and abuse of gambling activities on the Club premises in contravention of *Gaming Machines Act s. 129*.

25.6 Case studies

Instructions to staff

In 2003 Moorebank Sports Club issued a customer service handbook in which it instructed employees not to issue \$2 coins to patrons because "you cannot fit a \$2 coin into a gaming machine". The document also said staff should not to feel guilty about the policy.

The Club was prosecuted by L&GNSW after the then Gaming Minister Grant McBride described the practice as "outrageous". He also said he hoped there were no other incidences of clubs instructing staff to encourage club members to play the pokies.

Free alcohol and disguised EFTPOS transactions

In 2018, the ILGA fined the Illawarra Steelers Club \$100,000 for breaching provisions of the *Liquor Act* and *Gaming Machines Regulation* by offering free alcohol and disguising EFTPOS transactions as purchases in order to supply cash for poker machines.

26 Gaming Machine Requirements

Successful compliance requires a careful consideration of all the many legal requirements relating to gaming machines. This manual sets out many, but not all of those requirements. Certain key requirements not stated elsewhere in this manual are listed in this section.

26.1 Gaming Machine Location

Jackpot prize monitors for linked gaming systems must be located in a bar area or gaming area (*Gaming Machines Regulation cl.49*).

Gaming machines visible from outside the Club

Gaming machines must be located in the gaming areas in accordance with the relevant approvals. Although the Club is not legally required to prevent gaming machines from being visible from outside Club premises, it is highly desirable that any visibility be no more than minor or incidental.

In the event that L&GNSW considers that any gaming machine is located in a manner that is designed to attract the attention of members of the public who are outside the hotel or club premises, and is contrary to the public interest, then they may require the Club to move or screen the gaming machine (*Gaming Machines Act s. 44A*).

However, the ORG take the view that gaming machines “*must be located in an area where they are not visible to anyone outside the venue.*”⁵

The Club Licence self-audit checklist (CL1002) states on p.10: “*s.44AGMA Does the club secretary ensure that all gaming machines located in the club do not attract the attention of anyone outside the club?*”

26.2 Gaming Machine Reporting

Gaming machines are subject to a number of reporting requirements including (*Gaming Machines Regulation cls. 15*):

- a monthly gaming machine cash flow analysis report
- a monthly cancelled credit comparison report for each gaming machine
- for ticket printers, a monthly report comparing the money out meter reading or the cancelled credit meter reading to the value of redeemed and unclaimed tickets issued from each gaming machine

26.3 Refills and Clearances

Gaming machines must be cleared or refilled by at least two authorised persons. We recommend that all staff conducting clearances be recorded on a list of authorised persons.

⁵ Office of Responsible Gambling, *Responsible Conduct of Gambling Standard Course* 2022 participant workbook p.40

A written record must be kept of each gaming machine clearance containing the date, serial number, amount, and signatures of two persons clearing the machine. A written court of each gaming machine refill (if applicable) must contain the date, serial number, amount, signatures of two persons clearing the machines, and the amount refilled. If the refill was due to a short pay the name and signature of the player must be included (*Gaming Machine Regulation cl. 20*).

26.4 Technician Records

The Club is required to keep a record of all work carried out by a licensed technician on gaming machines including the installation, servicing and repair of certain parts of the machine or where the electronic meters have been reset.

The record must contain the date, technician's name and license number, the gaming machine name and serial number and a written description of the work carried out (*Gaming Machines Act s. 76B & Gaming Machines Regulation cl. 16*).

The records must be kept for work carried out by external contractors as well as the club's internal technicians.

It is recommended that the Club have its own Gaming Machine Technician Workbook including the mandatory information, which all technicians are required to complete after work is carried out.

26.5 Progressive Gaming Systems

The Club is required to have approval to operate a progressive gaming machine or progressive system (*Gaming Machines Regulation cls. 80 & 82*). Those gaming machines attached to the progressive system must be clearly identified. The house numbers on the gaming machine cabinets must match those electronically recorded in the progressive system controller. The jackpot prize monitor must be located in the gaming room or bar area (*Gaming Machines Regulation cl. 79*).

All unclaimed jackpot prizes older than 12 months must be paid to L&GNSW within three months of that 12 month period lapsing (*Gaming Machines Regulation cl. 84*).

Every month a written record in the approved form must be made of:

- the serial numbers and gaming machine identification numbers of the approved gaming machines comprising the authorised progressive system,
- the date of the reading,
- the turnover meter reading,
- the amount shown on the progressive meters.

The club must carry out a monthly progressive jackpot reconciliation in respect of any authorised progressive system operated on the club premises. The progressive jackpot reconciliation must be in or to the effect of a form approved by the Authority and must be retained by the registered club for not less than 3 years after the reconciliation is carried out (see *Gaming Machines Regulation cl. 88* for the requirements in detail).

Certain gaming machine and progressive information must be provided to the Club's Board each month (*Gaming Machines Regulation cl. 15*).

26.6 Gaming machines playing conditions

The Club has set a number of internal rules and conditions in order to effectively manage the playing of gaming machines and minimise patron inconvenience. Breach of gaming machine playing conditions may provide the basis for disciplinary proceedings against members for misconduct.

Gaming staff should be familiar with the Club's playing conditions and an up-to-date version should be prominently displayed in all gaming machine areas.



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27 Poker & Two-up

Clubs that host poker tournaments mostly provide these through external providers. Although there are few complaints regarding poker tournaments, it is recommended that a written contract be signed with the provider clarifying that the provider is responsible for ensuring legal compliance.

Poker players will expect the Club to exercise some degree of supervision of poker tournaments held on Club premises and it is essential that these be conducted lawfully.

27.1 Poker is a game of skill

In NSW, poker tournaments have minimal regulation because they are considered “games of skill”, not “games of chance”. Poker tournaments are exempted from the definition of “unlawful game” under *Unlawful Gambling Act s. 5*, because players are not allowed to place bets on individual games.

27.2 Entry fees & prizes

Poker tournament operators are permitted to charge an entry fee to the tournament and to offer prizes to the tournament winners.

The entry fee/tournament prize arrangement contrasts with casino style table games, where players can bet against the house or against each other on the outcome of the games. The process of betting on individual games reduces the skill element and increases the luck element, and is conducive to the development of problem gambling.

Prizes must not be paid to players until the tournament ends or the player leaves the tournament (i.e. is knocked out).

Poker tournaments are usually run “at cost” rather than as a profit-making venture. Tournaments create interest and excitement and draw people into the venue. They have some similarity to door prize promotions. Therefore, they are considered to be “low risk” as far as the development of problem gambling is concerned. By contrast, electronic gaming machines are considered “high risk” for the development of problem gambling.

Permitted

- Participants pay an entry fee or registration fee
- Poker chips that have no monetary value to indicate points
- Prizes awarded (cash or other prizes) at the conclusion of the tournament.

Not permitted

- Individuals place bets on the outcome
- Poker chips that have a monetary value.

27.3 Poker and problematic gambling behaviour

The supervised environment of Club poker tournaments provides a high degree of controls for the protection of the poker player. Games move at a steady pace and there is no opportunity to make side bets. The risk of

gambling harm is greater when the tournament is over and players leave to play poker in private games or on the internet.

Because there is a risk of poker tournament participants experiencing gambling harm, the Club's existing responsible gambling program extends to poker in the following ways:

- Informing the poker tournament provider that the Club can assist any poker player who participates in poker tournaments at the Club who may experience gambling harm,
- Providing information to poker players about the club's responsible gambling program and the availability of gambling counselling,
- Making poker players aware that they can apply to join the club's self-exclusion program.

Information about the club's responsible gambling program, counselling and self-exclusion should be promoted and available to poker players. This can be done by having signage in areas where poker tournaments are conducted and also a supply of BetSafe brochures.

27.4 Two-Up

Two-up is permitted on Anzac Day after 12 pm, as well as Victory in the Pacific Day (August 15) and Remembrance Day (November 11).

The *Gambling (Two-up) Act* provides that the conduct of games of two-up on Anzac Day are permitted in alternative forms:

On any premises (including club premises) if:

- No payment or other benefit is given or sought for the right to enter the premises for the purpose of playing two-up; and
- No payment or other benefit is given or sought for the right to participate in the game (other than bets actually made); and
- No commission on, or percentage of, or fee for, bets or winnings is given or sought by any person, whether or not a participant in the game.

OR

On registered club premises if:

- The conduct of the game is authorised by the Club;
- All payments or other benefits involved are authorised by the Club to be entirely disposed of for the benefit of a charity or for a charitable purpose and are not to form part of the funds of the Club; and
- Any other requirements prescribed by the regulations.

Minors are not allowed to play two-up in any circumstances.

Note that Two-up is also permitted in Broken Hill throughout the year.

28 Gaming Area Signage and Atmosphere

28.1 A Safe and Pleasant Recreational Environment

Gaming room design should create a safe and pleasant experience and lighting should be sufficient to read signs.

The restrictions on advertising and promotions mean that the successful gaming venues will be those that offer a better recreational experience for their patrons. Innovation, service, security, comfort, cleanliness and value for money are increasingly important factors.

Responsible conduct of gambling should be considered a relevant factor in designing or improving club gaming areas.

28.2 Gaming Room Design

Gaming rooms should be designed to maximize the recreational opportunities and not to encourage the development of problematic gambling behaviour.

Sufficient space should be available to enable couples or groups of friends to play gaming machines together and for gaming staff and other patrons to pass easily between machines.

Where possible all gaming machines should be located where staff can easily check on the well-being of patrons.

Detailed provisions relating to hotel gaming rooms only are set out in *Gaming Machines Regulation cl. 8*. These should be considered when designing a club gaming area. For example, while there is no strict prohibition on club gaming machines being visible from the street, there are a number of good reasons to prevent passers-by looking directly into a club gaming area.

28.3 Lighting

The type of lighting used can greatly enhance the atmosphere of a gaming room and many venues go to great lengths to develop innovative and attractive lighting displays. Gaming machine video screens are brighter in rooms with lower lighting levels. The screens can be difficult to see in high lighting levels or direct sunlight.

There have been suggestions that low lighting levels contribute to the development of problematic gambling behaviour. However, there is no evidence of this. Indeed, venues that have high lighting levels do not appear to experience a reduction in gambling harm by comparison with those with low lighting levels.

28.4 Compulsory Shutdown of Gaming Machines

The standard compulsory shutdown period is between 4 am and 10 am. Clubs and hotels can then apply to the ILGA to have the general 6 hour shutdown period reduced to 3 hours from 6 am to 9 am on a Saturday, Sunday or public holiday (*Gaming Machines Act ss. 39 & 40*).

The ILGA cannot approve an application for the 3-hour shutdown period on weekends and public holidays unless satisfied that the local consent authority has agreed to the Club or hotel operating gaming machines between 4 am and 6 am, and between 9 am and 10 am, on those days.

A club or hotel can apply to the Board for an “early opener” shutdown period under *Gaming Machines Act s. 41* if the applicant can prove that the venue:

- Was open for business before 10 am on a regular basis prior to 1 January 1997 on at least one day of the week;
- Was closed for business between midnight and 10 am on a regular basis prior to 1 January 1997 for a minimum of 3 hours on at least one day of the week;
- Has continued to open and close on that same basis ever since; and
- Has the approval of the local consent authority to trade the hours requested.

The ILGA can only approve an “early opener” different shutdown period if the period requested is consistent with the opening and closing times of the venue prior to 1 January 1997.



St George
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Club

29 Liquor and Responsible Service of Alcohol

29.1 Objective

To ensure the Club complies with liquor laws and promote the Responsible Service of Alcohol.

The Liquor laws impose a number of obligations on the Club. Hospitality industry staff are the frontline in ensuring that the Club provides liquor in a legal and socially responsible manner. It is important that staff receive ongoing training and support in this important area of their work.

This manual does not include a complete list of the legal requirements imposed upon the club by the liquor laws. It highlights a number of significant liquor laws that are relevant to the Club's gaming and general operations.

29.2 Liquor Laws and Licence conditions

The *Liquor Act* and *Liquor Regulation* provide the starting point. A club licence is held by the Club, referred to in the *Liquor Act* as a 'corporate licensee'.

The ILGA can place conditions on the Club's liquor licence in relation to management, trading hours, closure orders and more. In particular, refer to *Liquor Act ss. 11, 52, 53 & 54*. The licence sets out when and how liquor may be sold and supplied (*Liquor Act ss. 9, 12 & 18*).

A copy of the license, licence-related authorisations and conditions must be available at all times to staff members and security as well as for immediate inspection by police or a Liquor & Gaming NSW inspector (*Liquor Act s. 107* and *Liquor Regulation cl. 36*). This can be achieved by having these documents in a Compliance folder kept at reception.

Alcohol is only allowed to be sold in those areas approved in the Club's licence (*Liquor Act s. 8*).

There are a number of criminal penalty provisions that apply to the liquor laws. In some cases the individual staff member is liable to be prosecuted. Club management and the Club itself may also be prosecuted for certain failures to comply with the liquor laws.

29.3 Intoxication

The Club must have procedures and controls in place to:

- prevent intoxication, indecent, violent or quarrelsome conduct
- detect intoxicated patrons before they enter the club
- prevent liquor being sold or supplied to an intoxicated person

If an intoxicated person is found in the club, the onus is on the club to prove that all relevant steps were taken to remove the person (*Liquor Act s. 73*)

What is intoxication?

A person is defined as 'intoxicated' if:

- a. The person's speech, balance, co-ordination or behaviour is noticeably affected, or
- b. It is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

Clubs and their staff must ensure that patrons do not become intoxicated. Intoxicated persons must be removed from the premises immediately or refused entry onto the premises.

The Club must take reasonable steps to prevent intoxication on the premises. Persons who are visibly intoxicated should not be permitted to enter the Club.

The Club is deemed to have permitted intoxication unless it can prove:

- They asked the intoxicated person to leave the premises
- They refused to serve the intoxicated person any more alcohol
- They contacted the police if the intoxicated person refused to leave

How to prevent intoxication

- Bar staff can prevent intoxication by:
- Talking to patrons
- Getting to know their drinking habits and intentions
- Alerting other staff to irresponsible drinking behaviours
- Slow service down for the patron
- Wait for the patron to re-order, don't automatically top up drinks

Venues can prevent intoxication by:

- Having free water available
- Promoting low-strength or mid-strength alcoholic drinks, non-alcoholic drinks and food
- Providing free snack food
- Not conducting activities or promotions that will result in patrons engaging in irresponsible, rapid or excessive consumption of alcohol

Is the person intoxicated?

The law requires bar staff to form a reasonable belief about whether or not a person is intoxicated as a result of alcohol consumption. If bar staff believe a person to be intoxicated, they should not get into an argument with the person or their friends about it. It doesn't matter if the bar staff are wrong, as long as their belief is genuine and reasonable.

Some medical conditions, disabilities or the use of drugs can cause similar behaviour to intoxication. Bar staff should try to ascertain if the behaviour is caused by alcohol or if there is some other reason before taking action.

What to do if a patron is intoxicated?

The law requires the Club to refuse service to a person who is intoxicated and ask that person to leave the premises. When refusing service to a person:

- Introduce yourself to the person and tell them your name and role, and ask their name.
- Approach the person in a friendly and respectful manner. Patronising or authoritarian attitudes can often cause anger and make the person aggressive. Aggression is a common response to a person's dignity and self-respect. Try not to speak to the person in front of others.

- When talking to the person use their name; use slow distinct speech; use short, simple sentences; avoid emotion and involved discussions; use appropriate eye contact (limited for cultural reasons); and adjust speaking pace to match the patron's.
- Give a clear, concrete statement that by law they cannot be served another drink.
- Notify the Supervisor or Duty Manager. Also tell other bar staff that you have refused service to the person. If a shift change is near, notify the new staff.
- Give a clear instruction that the person must leave the premises. If necessary, guide them to the exit, ensuring they have all their personal possessions with them.
- If considered necessary, management may consider imposing a short term ban.

29.4 Minors

The Club must have procedures and controls to restrict the entry of persons under the age of 18 years entering without a responsible adult. Procedures and controls are also required to prevent minors from entering bar areas or restricted areas or being supplied liquor.

The Club must have procedures and controls to ensure that persons under the age of 18 years stay with a responsible adult in non-restricted areas.

No service or supply to minors

Minors are not to be sold or served alcoholic beverages or to consumer alcoholic beverages. Patrons over the age of 18 must not provide alcoholic beverages or supply them to minors. A patron who allows a minor to consume alcohol in the club commits an offence. A person must not obtain alcohol on licensed premises for the purpose of supplying it to a minor off the premises.

Exceptions to bar area rule

Minors must not enter or remain in the bar or restricted areas of the Club. There are some exceptions:

- *Liquor Act s. 123(3)(a)* allows minors to **pass through a bar area** while in the company of a responsible adult in order to access another area of the Club that they can lawfully enter (e.g. go through bar area to get to dining room).
- *Liquor Act s. 123(4)* allows minors to be in the bar area as a **guest at a wedding reception** in certain circumstances
- *Liquor Act s. 123(2)(a)* allows **apprentices and technicians** to enter or remain in a bar area for work purposes in certain circumstances (e.g. apprentice plumber doing plumbing work).
- *Liquor Act s. 123(3)(b)* allows minors to enter or remain in a bar area if **performing in a show** or other live entertainment performance held in the bar area (in the company of a responsible adult).
- If a **junior members or club functions authorisation** is in force at the time

Permission may be required from the ILGA (application forms can be downloaded from the L&GNSW website) for:

- Club functions authorisation – to allow minors and non-members to attend prescribed types of functions at the Club;
- Junior members authorisation – to allow junior members to attend sporting-related activities and presentations in a part of a small club where it is not physically possible to separate that area from the bar and poker machine areas;

- Non-restricted area authorisation – to allow minors to enter a part or parts of the Club.

A ‘responsible adult’ is:

- A parent, step-parent or guardian;
- The minor’s spouse or de facto partner; or
- An adult who for the time being is standing in as the parent of the minor.

Staff under the age of 18 years

Written approval from the ILGA must be obtained if a staff member is under the age of 18 years and is going to sell, supply or serve liquor at the Club. The ILGA authority must be available to be shown to an L&GNSW inspector.

See the Chapter on Minors for more information about minors, including Proof of Age requirements.

29.5 Signage

Minors not to be Served Liquor notice

Liquor Regulation cl. 31 requires the following notice to be displayed “in such a manner and in such a position that a person standing at the bar or counter would reasonably be expected to be alerted to its contents”.



Bar Areas notice

Liquor Regulation cl. 33 requires the following notice to be displayed in each bar area of the Club “in such a manner and in such a place that it would be reasonable to expect that a person entering the part of the premises in which the notice is displayed would reasonably be expected to be alerted to its contents”. BetSafe recommends that this notice be displayed at all gaming area entrances.



Breath Analysis Instrument notice

Liquor Regulation cl. 35 requires a notice with the following wording to be displayed “on or in close proximity to any breath analysis instrument” and “positioned that its contents can be easily read by a person using the instrument”.



Minors Area Authorisation notice

The following notice is not required to be displayed in Clubs, however BetSafe recommends that it be displayed in bar areas at the Club where minors are permitted (e.g. restaurant and function areas).



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29.6 Liquor Advertising and Promotions

All licensees and staff have obligations under the Liquor Act 2007 (the Act) to maintain responsible attitudes and practices towards promoting and selling alcohol. Liquor advertising and promotions must be conducted in accordance with the Responsible Service of Alcohol (**RSA**) requirements (*Liquor Act s. 99 and Liquor Regulation cl. 50*). Procedures and controls must be in place to prevent intoxication or binge drinking during the liquor promotion. Liquor promotions or advertisements that involve discounting must include the responsible consumption of alcohol message.

Liquor products declared undesirable by the Minister must be banned from sale. The Club must comply with any written notice L&GNSW about the restriction or prohibition of the sale and supply of any undesirable liquor product (*Liquor Act ss. 100-102A*).

Factors to reduce risk with running liquor promotions include:

- Time of Day – Promotions run before 10pm typically pose less risk than during the later trading period, as patrons are less likely to have consumed as much and more likely to have eaten.
- Duration – Short promotions may encourage patrons to consume alcohol rapidly (e.g. discounted drinks for the first 10 minutes of each hour). Happy hours should not exceed 2 hours.

- Frequency – Running multiple promotions during a single trading period can increase the likelihood of patrons drinking excessively, especially if patrons have been at a particular venue for a long time, and can take advantage of multiple promotions.
- Drink limits – A drink limit on the number of drinks a person can purchase during a promotion, for example, maximum two drinks per person.
- Liquor strength – Drinks containing high alcohol content can lead to patrons to become intoxicated quickly.
- Drink stockpiling – Where bar staff see a patron attempting to do so, they should cease any further service.

Free drinking water

Free drinking water must be available at all times to patrons (*Liquor Regulation cl. 51*). Water must be available at or near where alcohol is served or by waiter service if alcohol is provided that way. Free drinking water (and other non-alcoholic drinks) should be actively promoted to patrons to assist in preventing intoxication.

29.7 Alcohol Management Operations Register

L&GNSW recommend that all venues that serve liquor have an Alcohol Management Operations Register (*AMOR*). The register should be updated quarterly to reflect the current status of the liquor licence and changes to the venue's operation. A copy of the register can be downloaded from the L&GNSW website.

29.8 Incident Register

As the Club trades past midnight, it is required to have an incident Register (*Liquor Act s. 56* and *Liquor Regulation cl. 27*). The Incident Register must be available for immediate inspection by police or a Liquor & Gaming NSW inspector and accessible to all staff. The register must include records of all incidents of violence and anti-social behaviour and be maintained for at least three years from the date of each incident.

29.9 Liquor Self-Exclusion

The *Liquor Act s. 76* requires registered clubs to provide a self-exclusion scheme for patrons with drinking problems. Liquor self-exclusions should be processed in a similar way to gambling self-exclusions. Staff training should be provided to ensure that staff can properly inform patrons of how to access the self-exclusion scheme. BetSafe recommends that staff be trained to refer patrons requesting liquor self-exclusion to the Duty Manager.

Procedure

All staff involved with the service of liquor must be able to inform patrons of the details of the scheme. The Duty Manager should be called to speak to anyone who expresses a wish to self-exclude for a liquor problem.

The Self Exclusion from Licensed Premises Agreement form (located at **Appendix B**) is to be used for liquor self-exclusions. The Duty Manager reads through the form with the patron and answers any questions the patron has. The patron and Duty Manager complete and sign the form. A photo must be provided by the patron or taken by the Club.

In the case of a member, applying for self-exclusion will usually include resignation of membership. However, resignation from the Club is not mandatory.

A standard letter is then given to the patron. This can be done in person at the time of exclusion. If it is not given at the time of exclusion the letter can be sent by registered post later. The letter confirms the exclusion. *(Note: a request to not post letters to home must be noted on the file and complied with.)*

Patrons who self-exclude for drinking problems should be referred to BetSafe for alcohol addiction counselling. Copies of the BetSafe alcohol counselling brochure can be given to the patron at the time of self-exclusion.

The excluded individual's photograph will be placed in the Exclusion Register that will be located at reception and other appropriate locations.

An Incident Report must be completed, which details the circumstances of the request for exclusion. A full account of the conversation with the patron must be included, particularly the details of the disclosure (e.g. *"At 10 am I was approached by Joe Citizen who asked me whether he could be excluded from the Club because he has a drinking problem..."*, etc.).

The Incident Report should be completed at the time of the incident, or at least on the same day. It should be signed by a staff member, Supervisor or Duty Manager having actual knowledge of what occurred.

Where patron wants to self-exclude for both a drinking problem and gambling harm

Where patrons seek self-exclusion for a drinking problem and gambling harm, then the patron should complete and sign both the Self Exclusion from Licensed Premises Agreement form and the BetSafe Self-Exclusion Agreement.

Promotion of liquor self-exclusion scheme

The Club should ensure that patrons know of the availability of the liquor self-exclusion scheme. It is recommended that the Club display notices about the liquor self-exclusion scheme in some or all bar areas.

The following signs are available from BetSafe for display throughout the Club:



29.10 Liquor Non-Voluntary Exclusion

Liquor Act s. 77 clarifies the Club's powers to involuntarily exclude certain patrons. It provides that the Club "may refuse to admit to, or may turn out of, licensed premises" any person:

- a) who is at the time intoxicated, violent, quarrelsome or disorderly, or
 - b) whose presence on the licensed premises renders the licensee liable to a penalty under this Act,
- or

- c) who smokes, within the meaning of the Smoke-free Environment Act 2000 , while on any part of the licensed premises that is a smoke-free area within the meaning of that Act, or
- d) who uses, or has in his or her possession, while on the premises any substance that the authorised person suspects of being a prohibited plant or a prohibited drug, or
- e) whom the authorised person, under the conditions of the licence or according to a term of a liquor accord, is authorised or required to refuse access to the licensed premises.

In the event that a person fails to leave when asked, the person can be fined up to \$5500.

A person who has been refused admission to, or told to leave a club must leave the vicinity of the Club. If the person does not leave they are liable to a fine of up to \$5,500.

Leaving the vicinity of the Club

The person also commits an offence if they were refused admission or told to leave due to being intoxicated, violent, quarrelsome or disorderly and remain within 50 metres of the boundary of the Club premises without reasonable excuse. The person also commits an offence if they leave the vicinity of the Club premises, but return within 6 hours without reasonable excuse.

A reasonable excuse for remaining in the vicinity of the Club is:

- The person fears for their safety
- The person needs to obtain transport
- The person resides in the vicinity of the Club

The minimum period of exclusion under *Liquor Act s. 77* is 24 hours. However the Club can extend that period of time if it wishes.

Banning orders

A person who has been repeatedly intoxicated, violent, quarrelsome or disorderly on or in the immediate vicinity of licensed premises can be banned for up to 6 months by the ILGA on application by the police, L&GNSW or licensee who is a member of a local liquor accord. Note that clubs have the right to ban members and others from entering their premises where there has been misconduct.

The form **Banning Order Application by Licensee** can be downloaded from the L&GNSW website.

29.11 Ending Exclusion

Liquor self-exclusion will come to an end only after the expiry of any fixed period nominated on the Self-Exclusion from Licensed Premises form AND the provision of a Self-Exclusion from Licensed Premises Notice of Termination Agreement form (located at **Appendix C**). The termination of the liquor self-exclusion will not be valid until both the patron and the Club sign and date the form. The Club keeps the original completed form, and provides a photocopy to the patron.

29.12 RSA Training and Competency Card

The Secretary, venue manager and all staff who serve alcohol, as well as security officers and everyone involved in liquor promotions, must have completed an approved responsible service of alcohol (RSA) course and hold a current recognised RSA certification (*Liquor Regulation cls. 39D, 40, 41 & 42*). The Club must sight the physical or digital RSA competency card or interim certificate for each staff member and contractor and keep a copy or record of each RSA certification in a register on the premises.

Government and Licensing inspectors may ask staff able to produce their current physical or digital RSA competency card or interim certificate and to explain the details of the Club's voluntary liquor self-exclusion scheme as well as its problem gambling self-exclusion scheme.

29.13 BetSafe Alcohol Counselling

BetSafe provides a free counselling service for patrons or staff who have problems with controlling their consumption of alcohol. Brochures are available to give to patrons, or refer them to the BetSafe 24 hour counselling hotline.



30 Deterring Crime

30.1 Objective

To ensure that the club remains free of criminal activity

Liquor Act s. 74 requires the club to prevent certain criminal activities taking place on club premises. If criminal activity is detected on club premises consideration should be given to whether that activity also constitutes a suspicious matter that must be reported under the AML/CTF requirements.

30.2 Legal requirements

The Club must not permit its premises to be used for the sale of any goods suspected of being stolen, or any substance suspected of being a prohibited plant or a prohibited drug.

Patrons suspected of using or being in possession of a prohibited plant or a prohibited drug should be required to leave immediately.

Staff suspecting criminal activity may be occurring on club premises should report it to the Duty Manager, who will decide what response is appropriate.

Patrons who intentionally damage club property or the property of other persons may be cited for misconduct and reported to the police. This also applies to threats or actual physical violence.

In some situations it will be appropriate to report the evidence of criminal activity to the police. In particular the Club may have a legal obligation to report serious criminal activity to law enforcement agencies. Where criminal activity is reported to the police, it is desirable to have a detailed incident report and appropriate video footage of the suspicious activity.

31 Staff Issues

31.1 Objective

To minimise the identified risk to employees as a result of working within a gambling environment and ensure that all employees are aware of their obligations under the Club's responsible service of gambling program.

The *Work Health and Safety Act 2011 (NSW)* and *Work Health and Safety Regulation 2017 (NSW)* impose an obligation on the Club to ensure the health, safety and welfare at work of all its employees. These include:

- To provide or maintain a working environment for employees that is safe and without risks to health, and adequate as regards facilities for their welfare at work;
- To provide such information, instruction, training and supervision as may be necessary to ensure the health and safety at work of the employees.

Gaming industry staff are more susceptible to developing gambling-related problems. This is reflected in the higher incidence of problematic gambling behaviour amongst this group.

The Club has adopted the following measures in order to minimise this identified risk to its employees and in accordance with its occupational health and safety obligations.

31.2 Staff Risk of Gambling Harm

Research from Southern Cross University has shown that Queensland gaming venue staff are much more likely to gamble and develop gambling harm than the general population⁶. They spent ten times more than the average Queensland adult on keno, over five times more on TAB betting, over three times more on lottery-type games, double the average on gaming machines, and about 1.7 times more on casino table games.

The level of problem gambling among gaming venue staff was found to be about 6 times greater than the general population. Nearly three-quarters of the problem gamblers reported increasing their gambling since working in a gaming venue.

The factors that mainly encourage staff gambling are shift work, workplace stressors, frequent exposure to gambling marketing and promotions, frequent exposure to gambling, close interaction with gamblers and fellow employees, while venue managers and their policies and practices can either encourage or discourage staff gambling.

The Independent Pricing and Regulatory Tribunal (IPART) recommended a staff gambling ban in its 1998 report, when it stated:

⁶ Hing N. & Breen H, *A Quantitative Analysis of Workplace Influences on Responsible Gambling and Problem Gambling amongst Employees of Queensland Gaming Venues*, Centre for Gambling Education and Research 2006

“Several submissions to IPART recount how employees of gaming venues have developed gambling problems. Other submissions cited concerns regarding employees who had fraudulently abused their position to gamble using venue funds. IPART shares these concerns and agrees that the risks of collusion and susceptibility to problem gambling by employees necessitates that employees are banned from gaming on their employers’ premises.

IPART acknowledges that in small rural towns with few gaming venues, banning employee gaming may be less fair due to the absence of alternate gaming venues.”

However, patrons with problematic gambling behaviour are highly secretive and a club staff member with a gambling problem may take steps to hide the extent of his or her problem. Club management are sometimes surprised or shocked to discover that a good employee is experiencing gambling harm.

At a time when clubs are facing potential claims from other sources such as exposure to workplace smoke, and assaults by patrons, the potential exists for WHS claims to be made for unrestricted access to gaming.

A further problem is the perception in the minds of patrons who see staff supervising gaming at one time and playing gaming machines at another time. In particular, the win of a prize by a staff member on a gaming machine may arouse suspicions in the minds of other patrons.

Club policy

Staff are not permitted to play poker machines on the premises under any circumstances.

Staff are not permitted to use member wagering facilities (including KENO) on a day that they are rostered to work. This includes before, during or after a shift or while on a designated break.

Staff who are members of the Club are not allowed to participate in promotions or receive benefits pertaining to their membership while employees.

31.3 Employee Assistance Program

The Club provides a free gambling and alcohol counselling service that can be accessed by employees 24 hours a day. While the service is confidential, staff are encouraged to notify the Human Resources Manager so that the Club may provide appropriate support. Any such information is treated in the strictest of confidence and will not be used in any manner prejudicial to a staff member’s employment.

A BetSafe information sheet for employees has been produced which outlines the assistance that is available to staff members.

The service may also be used by staff to discuss any concerns they might have about patrons whom they believe to have a serious gambling problem.

31.4 Lending Money to Co-Workers

While the Club is unable to prevent the lending of money to co-workers, staff members should be discouraged from lending to other staff. Repeated requests to borrow money suggest the existence of a problem. Staff who choose to lend to others should exercise caution, as the money may not be repaid.

The worst thing that someone can do for a staff member experiencing problematic gambling behaviour is to give or lend him or her money.

Note there are a number of reasons why a staff member may ask to borrow money other than the existence of gambling harm.

31.5 Compliance with RCG Policies and Procedures

Staff co-operation and compliance with the RCG policies and procedures contained in this manual is essential for the success of the BetSafe program. Accordingly, the observance of the policies and procedures is a condition of employment of all club employees. Non-compliance may result in staff members being disciplined and possible termination of employment.

31.6 Staff Feedback Policy

Staff members are encouraged to provide feedback about the RCG policies and procedures, and any ideas they may have for improving them.



32 Staff Training

32.1 Objective

To introduce all club staff to the general issues surrounding gambling harm and the concept of the responsible service of gambling and provide advanced training for all relevant staff about the contents of this manual

32.2 Mandatory Responsible Conduct of Gambling Training

Gaming Machines Regulation cl. 57 requires all club secretary/managers and staff associated with gambling activities to complete an approved RCG training course. This course covers the laws regulating responsible conduct of gambling and some related issues.

- All Club Secretary/Managers and gaming staff are required to complete a government approved RCG course **prior to commencement** of gaming area work.
- It is recommended that a certificate of satisfactory completion of the course be checked by the HR Manager at the time of employment and a photocopy placed on the staff member's personnel file.

31.3 BetSafe Training for Club Staff

BetSafe training is available to provide club staff with an insight into gambling harm. It is recommended that all club staff undertake a BetSafe awareness training session on a biannual basis. BetSafe will provide this training.

It may also have relevance to the personal circumstances of some staff members, such as those who have a gambling problem or a potential problem, or know a family member or friend who has experienced gambling harm. The training has proved to be a useful source of information for staff members in relation to identifying problematic gambling behaviour, as well as seeking counselling and treatment.

The success of the Club's RG program will largely depend on the extent of the commitment and knowledge of staff in implementing it. Staff training is therefore essential in order to foster a better understanding of the program.

32.3 Responsible Gambling Staff Induction Training

The general gambling awareness training covers the following issues:

- Gambling harm and the concept of the responsible service of gambling
- An overview of the Club's BetSafe responsible service of gambling program
- Indicators of problematic gambling behaviour
- Harm minimisation measures
- The availability of counselling and treatment
- How to assist patrons who seek assistance for a gambling-related harm.

32.4 Advanced RCG Training for Duty Managers

This course was developed by the Office of Responsible Gambling and delivered by BetSafe is designed to give duty managers the knowledge, confidence and practical skills required to effectively interact with patrons, particularly in high-intensity situations, and the leadership skills required to competently guide and support other staff in creating a safe gambling environment.

32.5 Responsible Gambling Officer Training

This BetSafe course explains the role of the Responsible Gambling Officer in leading and supporting a culture of responsible gambling and proactive harm minimisation strategies. It covers the Gaming Code of Practice as well as reporting and remediation requirements.

32.6 Responsible Gambling Oversight Training

This BetSafe course introduces Directors and the CEO to the Club's RG program and focuses on their responsibilities and role in providing effective oversight.

32.7 BetSafe Training Courses

The following is the current list of BetSafe Training Courses:

Training courses

- Responsible Gambling Staff Induction Training
- Advanced RCG Training for Duty Managers
- Responsible Gambling Officer Training
- Responsible Gambling Oversight Training
- AML/CTF Oversight Training
- AML/CTF Staff Awareness Training
- AML/CTF Compliance Officer Training
- Armed Robbery Response Course
- Accidental Counsellor Course
- COVID-19 Awareness Course
- Liquor Essentials Course
- Privacy Essentials Course
- Advanced Duty Manager Course
- Other specialised training courses

33 Patrons with Special Needs

33.1 Objective

To ensure that gaming and wagering services are provided with reasonable adjustment to the needs of special groups, including women, people of a Culturally and Linguistically Diverse (CALD) background, the elderly and people with a disability.

There are a number of laws applicable to patrons with special needs such as the *Anti-Discrimination Act, Disability Discrimination Act 1992 (Cth)* and standards. Generally it is illegal to discriminate against patrons on the basis of gender, race, age, sexuality or disability. However, the law does not prohibit the taking of positive steps to assist patrons with special needs.

In general, it is best to wait until a patron identifies their special need and then respond to their request for assistance, or ask them how staff can best assist them. Often it may be necessary to make reasonable adjustments to assist them. Whilst this may require a variation from standard BetSafe procedures, it should never be an excuse to contravene legal requirements.

33.2 Women

Rapid social change in recent years has led to women participating in a wide range of recreational activities previously dominated by males. Clubs are perceived by women as providing a pleasant, safe environment where they can get away from pressures of work and home.

Gaming machines are particularly popular with women. The machines are easy to use and provide “social space over which women feel a sense of ownership, have the experience of being well treated and believe they can play with little stake money” (*Playing for Time-Exploring the Impacts of Gambling on Women Victorian Dept. of Human Services*).

In 1991, about 14% of patrons experiencing gambling harm were female. That figure is now over 40%.

There may be instances where a female patron has gambling issues and would prefer to talk to a female staff member, or have a female staff member present when going through the self-exclusion procedure. This may particularly be the case where the patron is upset and feeling vulnerable.

Staff should be sensitive to this possibility and ask the female patron whether she would rather speak to a female staff member or have a female present during the self-exclusion interview.

33.3 Culturally and Linguistically Diverse Patrons

Staff should be aware that some patrons have little or no ability to speak, read or write in English. This may not be immediately apparent, but should always be suspected where there is a disregard of normal club rules or procedures.

For example, a CALD parent may bring a minor into a prohibited area because the only signs were in English. In such a case it may be necessary to take some time to explain the rules or procedures in simple English, or even find an interpreter.

The Translating and Interpreting Service (*TIS*) can be contacted on 13 1450.

The specialist Multicultural Problem Gambling Service can be contacted from Sydney on 02 9840 3330 and from other areas of New South Wales on 1800 856 800.

A number of gambling counselling services employee counsellors who speak other languages. Details of availability can be provided by BetSafe.

The Club should keep a register of staff who speak other languages. These staff may be called upon to assist patrons who speak the same language.

Note that gambling harm is considered shameful in some CALD communities, so some patron may prefer not to discuss their problem with a person from their community for fear that others in their community who know them will find out.

A number of government and BetSafe signs and brochures are available in other languages. The Club may also produce information in other languages to assist CALD patrons.

33.4 Elderly Patrons

In order to provide a safe and pleasant gaming environment for all patrons, the Club must take particular attention to the needs of elderly patrons, who may constitute a significant part of the membership.

Whilst many elderly folk do not need or seek special attention, others do require extra assistance or consideration. While the needs of the elderly vary widely, the following general issues should be considered:

- Access to and from gaming areas.
- Lighting of gaming areas should be adequate.
- Assistance in financial transactions.
- Safety concerns.
- Responding to sudden medical needs.

Many elderly patrons may suffer from common disabilities such as hearing or visual impairment, or mobility restrictions.

Staff should also be aware of the possibility of financial abuse of older patrons by relatives or others who befriend them. Instances of suspected elder abuse should be reported and the advice of BetSafe sort as to possible avenues of available assistance.

33.5 People with a Disability

Providing access for People with a Disability (**PWD**) is a requirement of the *Disability Discrimination Act 1992 (Cth)*, and standards made under that Act. Where access is not provided, there is a risk of a complaint to the Anti-Discrimination Board, or Human Rights and Equal Opportunity Commission.

Patrons with **visual impairment** may need assistance in reading small print documents, such as the Deed of Self-Exclusion. A staff member can read the document to the person, slowly and clearly, and make a note on the Deed that it has been read through fully before signing.

A photocopier with an enlargement function can be used to make documents larger and easier to read.

The **National Relay Service** is available to assist Deaf people who have access to a TTY. For information, call 13 3677 or 1800 555 660.

Hearing impaired patrons may have difficulty in hearing a staff member in a noisy gaming room situation. Offer to take the hearing impaired patron to a quieter place, such as an office, where there is adequate

lighting on the face of the staff member. Speak slowly and clearly to the hearing impaired patron. Do not shout.

Patrons with an **Intellectual Disability** or an **Acquired Brain Injury** may have difficulty in managing their money. Staff should be particularly alert to their needs and information provided by their family members and carers. Requests to have such patrons excluded should be dealt with in accordance with Section 'Third Party Complaints'.

Patrons who use **wheelchairs** or **walking frames** have difficulties with steps and tight spaces. It is desirable to consult an access consultant before carrying out renovations.



34 Customer Service and Consumer Protection

34.1 Objective

To ensure that:

- Gaming and wagering services are delivered in accordance with consumer protection legislation and with sensitivity to community expectations
- All complaints made by club patrons relating to the provision of gaming and wagering services are resolved promptly and effectively, and in accordance with the Club's obligations under consumer protection legislation

34.2 Consumer Complaints

Gambling patrons are afforded protection by a range of consumer protection laws, in addition to those provided by the specific regulation of gaming and wagering activities. It is not only sound business practice to resolve disputes in-house, but also necessary in order to maintain the confidence of club patrons in the integrity of the Club's gaming and wagering activities. Accordingly, it is essential that the Club responds to all gaming and wagering related complaints made by patrons, and has procedures in place to resolve such complaints and disputes.

Having an effective complaints handling process helps an organization:

- Identify and address any systemic or ongoing compliance problems;
- Increase consumer confidence in the organisation's procedures;
- Build the good reputation of the organisation; and
- Address complaints quickly and effectively.

34.3 Handling Complaints

The Club has a formal complaints process including complaints about gambling issues.

Staff members

Where a complaint involves the actions of a staff member, a report should be completed by the patron and initially investigated by the staff member's supervisor.

TAB

Complaints relating to the TAB are to be dealt with in accordance with the procedures set out in the **TAB Operating Manual**.

Keno

Any complaints relating to Keno are to be dealt with in accordance with procedures developed by Club Keno (including the "Unclaimed Prize Claim Form").

Privacy issues

Complaints relating to privacy issues must be taken very seriously. The Club has a privacy policy and has appointed a senior staff member as its privacy officer, who is responsible for dealing with privacy complaints (refer to Section 'Privacy').

Responsible Gambling complaints

All others are to be dealt with as follows:

- Attempt to resolve the dispute on the spot in a friendly and professional manner, and with a minimum distraction to other patrons. Do not argue with the patron. If the patron does not accept your explanation, refer to the Supervisor.
- If the Supervisor is unable to resolve the complaint, the patron is to be provided with the Incident Report.
- The completed form is to be returned to the Duty Manager (although the patron can take the form away to complete and return to a staff member at a later date).
- The Duty Manager is to assess the complaint and make recommendations about the resolution of the complaint, which may include that the matter be referred to another section of the Club for assessment (e.g. marketing division).
- The matter is then to be referred to the Gaming Manager, who is to attempt resolution of the complaint, and advise the complainant of the outcome in writing. Alternatively, the Gaming Manager may decide that the complaint warrants the attention of the CEO.
- The complaint should be resolved within 14 days of the date of receipt of the form, and the complainant advised of the outcome in writing.
- The patron is provided with information about their ability to lodge a complaint with L&GNSW and (where appropriate) information about gambling counselling and support services available through BetSafe.
- All complaint details (i.e. form, any correspondence, etc.) must be kept in a dedicated file.

Remember: BetSafe can be contacted for advice about the handling of complaints including recommendations as to the resolution of a complaint, suggested strategies and the drafting of letters

34.4 Noise Complaints

The Club should make all reasonable efforts to ensure that club activities and patrons do not disturb or cause offence to neighbours. In the event that the club receives a complaint then prompt action should be taken to make contact with the complainant to discuss their concerns. Sometimes a meeting with local residents will be appropriate.

If the club's licence has noise and disturbance conditions imposed, these must be complied with (*Liquor Act ss. 11 & 79*).

34.5 Staff Dealings with Patrons

It is necessary that all transactions relating to the provision of gaming and wagering services be conducted at arms-length. It is unacceptable to have a staff member of the Club intervening in any way, or to be perceived to be intervening, in the decision making of a patron in relation to gambling or the conduct of a financial transaction.

There are a number of reasons for this. Firstly, it provides protection for patrons, thereby maintaining consumer confidence in the conduct of gambling activities undertaken by the Club. Secondly, it minimises exposure of the Club to any liability. It is also consistent with community expectations in relation to the conduct of commercial gambling activities.

Accordingly, gaming staff are **prohibited** from assisting with the following types of transactions, subject to the exceptions outlined:

- Providing access to telephone facilities for the conduct of phone banking where such access is not available to patrons generally;
- Assisting a patron to make a withdrawal from an ATM or EFTPOS machine, or to complete a cheque; or
- Playing a gaming machine on behalf of a patron (e.g. agreeing to choose black or red when a patron is doubling up).

Exceptions

- Patrons who are unable to use a cash dispensing unit or ATM due to either sight impairment, a physical disability or a general inability to operate the facility due to their age or other legitimate reason may be provided with assistance by non-gaming staff only. When providing such assistance, staff are prohibited from entering a patron's PIN number or handling the patron's cash. Two staff members must be present when such assistance is provided
- Patrons who are unable to complete a cheque due to either sight impairment or other physical disability may be provided with assistance by non-gaming staff only. Two staff members must be present when the cheque is cashed
- Staff may provide assistance where the patron is
 - sight impaired; or
 - unable to complete a betting ticket due to a physical disability

Lending money to patrons

Staff are prohibited from lending money to patrons. This may be a contravention of *Liquor Act s. 108* which prohibits the giving of cash advances or credit to patrons to enable them to gamble.

Case Studies

John

John wins 50 credits on a \$1 gaming machine and decides to try his luck at doubling up. He asks a staff member who is walking past to choose black or red for him. The staff member says that she'll choose red but then pushes black. The credits are lost. John accuses the staff member of losing his \$50. He complains to the Duty Manager and demands that the Club pay him \$50.

- Should the staff member have played the gaming machine?
- Is the Club liable to reimburse John?

Harry

Harry has poor eyesight and asks a staff member to complete a betting ticket for him, \$100 to win. He later puts his ticket through and is told that he hasn't won anything. Harry tells the staff member that he must have as the horse he backed – number 5 in race 6 at Flemington, which was paying 50-1 – had won. He is told that his ticket indicates that he backed number 4. Harry demands to be paid out. He is told that it was his responsibility to check that the betting ticket was correctly filled out. He responds that he is not capable of doing this as he has poor eyesight, and the staff member who filled it out should have checked it with him. The Club offers to return his stake.

- Should the staff member have assisted Harry fill out the ticket?
- Is the Club liable to pay Harry?

35 Privacy

35.1 Objective

To ensure that patron personal information disclosed by patrons and recorded by the Club is handled in accordance with the Club's privacy policy.

35.2 Confidentiality of Dealings with Club Patrons

Under the BetSafe program, club patrons, third parties and staff will be disclosing personal and sensitive information to the Club.

Protecting the confidentiality of this information is essential to ensure that an individual's right to privacy is respected and that the integrity of the BetSafe program is preserved. Individuals need to be confident that any information which is disclosed in the course of seeking assistance is not disclosed to any other person other than is necessary for the purpose of providing assistance or administering the Club's responsible conduct of gambling policy.

Examples of prohibited disclosures:

- Disclosing the identity of any patron involved in an incident which has required the intervention of BetSafe, police or other party to another person such as a club patron or friend without consent;
- Disclosing the identity of a patron who has disclosed to a staff member that they have a gambling problem, enquired about self-exclusion or who has been excluded from the Club to a club patron or friend without consent;
- Disclosing any communications by a family member who has contacted the Club in relation to the gambling activities of a patron to the patron without the consent of the family member.

Examples of permitted disclosures:

- Reporting any of the above information to, or discussing a gambling-related incident with a Supervisor or Duty Manager;
- Reporting the presence of an excluded individual on club premises to the relevant staff member(s);
- Reporting suspected criminal activity to the police.

35.3 Handling of Patron's Personal Information

Patron personal information

Under the BetSafe program, member clubs disclose patron personal information to BetSafe.

Patron personal information includes patron name, address, gambling history and information provided to the Club such as statements indicating that the patron has a gambling problem.

Protecting the confidentiality of this information is essential to ensure that a patron's right to privacy is respected and that the integrity of the BetSafe program is preserved. Any patron personal information which

is provided to BetSafe must not be disclosed to any other person other than is necessary for the purpose of providing assistance or administering the BetSafe responsible service of gambling program.

Scanning identity information

The Office of the Australian Information Commissioner (**OAIC**) permits clubs to scan patron's driver licence information so long as an alternative is offered to those patrons who don't wish to have their license scanned. Typically that alternative will be for the patron to manually sign-in at the reception desk and present a driver licence for inspection by a staff member.

Likewise, clubs should not install biometric data gathering systems (e.g. fingerprints, facial scans) without offering an alternative for patrons who do not wish to have their biometric data recorded.

If you are scanning licences or biometric data, you must ensure that patrons can easily get access to your club's privacy policy.

Transfer of information between clubs

The *Privacy Act 1988 (Cth)* prevails when there is a conflict with general duty of care.

Example

A patron discloses a gambling problem to staff at club 1 who notifies BetSafe. On advice from BetSafe club 1 excludes the patron. BetSafe then becomes aware that the patron is attending club 2, but has not said or done anything to make club 2 aware that she has a gambling problem.

A duty of care approach would be to use the information provided by club 1 to advise club 2 to exclude the patron.

Due to the Privacy Act 1988 (Cth), this cannot be done. BetSafe cannot provide club 2 with information provided by club 1, and so cannot advise it to exclude the patron.

Exceptions:

- *If the patron consents to the use of her information, e.g. completing a multiple exclusion;*
- *If BetSafe believes that there is a serious risk of a suicide attempt;*
- *If there is a serious risk to others, e.g. violence towards patrons or staff, or serious incident involving unattended children at club 1;*

Case Study

Ms A complained that the club where she was a member had given her address to her ex-partner without her consent. The ex-partner told a manager at the club that they were friends of hers. The manager gave the ex-partner Ms A's address and the ex-partner then made threatening calls to Ms A who had to move from the suburb to get away from him. The club agreed that the manager should not have provided the information to the ex-partner and agreed to compensate Ms A for the cost of relocating and time off work. (A v Licensed Club [2007] PrivCmrA 1)

35.4 Club's Privacy Policy

The Club must have a written Privacy Policy. This will include the following information:

- What information the club collects about patrons
- How patrons can access the information the club collects about them
- Why the club collects the information

- Who has access to patron information outside the club
- A contact person in the club, usually collect the Privacy Officer, to whom patrons can direct queries and complaints about privacy concerns
- Information about how patron information is stored and how long it is kept for.

35.5 Transfers of Personal Information between the Club and BetSafe

BetSafe has undertaken to the Club to apply the same standard of protection of personal information as required by the *Privacy Act 1988 (Cth)* and Australian Privacy Principles.

By promoting the BetSafe program, the Club is alerting patrons to the fact that the Club may be seeking the advice of BetSafe in relation to gambling related matters that involve them.



36 Club Premises

36.1 Objective

To ensure that BetSafe club premises comply with the law and best practice to maintain the integrity of the BetSafe program.

36.2 Appointment of Managers at each venue

A Club that has more than 2 sets of premises in the metropolitan area must have a Manager approved by the government at each location where the Club Secretary is not in attendance (*Liquor Act s. 66(2)*).

That does not apply to a registered club that has no more than 2 sets of premises and the premises concerned, are, in the case where the main premises of the club are situated in a metropolitan area, within 10 kilometres of the other premises of the club or are, in the case where the main premises of the club are not situated in a metropolitan area, within 50 kilometres of the other premises of the club, or the premises are staffed by less than 5 full-time employees. (*Liquor Act s. 66(3)*).

36.3 Letting or sub-letting

The Club must not lease or sublease the right to sell liquor at the Club, or any part of the Club where liquor is sold for consumption on the premises or any part of the gaming area. The approval of Liquor & Gaming is required for the leasing of any other part of the club premises (*Liquor Act s. 92(1)(d)*).

Case Study - Tingha Palace

Parramatta Leagues Club was investigated by ILGA who were concerned whether a restaurant called the "Tingha Palace" had been leased to a third party without approval. ILGA held that the contractual arrangements in respect of the Tingha Palace and the Legends Lounge involved the Club granting a licence to third party catering businesses to operate on the Club premises. As the contract involved a licence, not a lease, the Club had not contravened the law.

36.4 Security Cameras

Where security cameras are in use, a notice must be displayed at each entrance alerting patrons and staff to this fact. Security camera monitoring and recordings should be referred to in the Club's privacy policy.

The *Workplace Video Surveillance Act 1998 (NSW)* should also be consulted for requirements relevant to employees.

37 Compliance

37.1 Objective

To ensure that BetSafe clubs comply with the law and best practice to maintain the integrity of the BetSafe program.

The Club shall review its operations regularly to ensure that the Club's practices are consistent with the policies and procedures contained in this manual.

37.2 Documentation

An incident involving a BetSafe club highlighted the need for BetSafe clubs to maintain accurate and comprehensive documentation. Following a patron complaint, the Club was required to provide to government inspectors the following records:

- Responsible gambling policy and procedures
- Evidence that all relevant staff had current Responsible Conduct of Gambling certification
- Responsible gaming brochures and other materials provided by the Club
- Copy of the written agreement between the Club and BetSafe
- Player reward scheme records
- Records of gaming machine promotions
- Gaming area Incident Reports
- Correspondence with patrons or third parties regarding responsible gaming issues
- Staff rosters

This highlights the importance of accurate record-keeping. Further club records should be reviewed periodically to check for indications that a particular patron may have a serious gambling problem. If such a patron is identified as possibly having a serious gambling problem, then the advice of BetSafe should be sought as to whether an involuntary exclusion is warranted.

37.3 Inconsistencies between Club and BetSafe Practices

Where inconsistencies between the Club's practices and the Club's BetSafe manual are identified, the Club is requested to discuss these with BetSafe and make such changes to its operations or the manual as are necessary to restore consistency.

Note, legislation and government policy will change over time, so it is important that the Club comply with changes in law and policy.

37.4 BetSafe Audit Program

A staff member from BetSafe visits the Club on a regular basis to audit the Club's practices in part or full to ensure compliance with legislative requirements and the policies and procedures outlined in this manual.

37.5 Self-Audits

The Club is encouraged to regularly conduct self-audits. L&GNSW has produced an official enforcement checklist. This can be downloaded from the L&GNSW website at www.liquorandgaming.nsw.gov.au.

37.6 Compliance Monitoring

Compliance with statutory and voluntary RCG best practice requires constant vigilance on the part of management and staff. Daily checks of machine stickers, signage and brochures are necessary. Regular checks of other requirements are also necessary.



38 Further Information

BetSafe

PO Box 1031 Eastwood NSW 2122
(02) 9874-0744 Or 1800 BETSAFE (1800 238 723)
www.betsafe.com.au

Liquor & Gaming NSW

Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
GPO Box 7060 | Sydney NSW 2001
1300 024 720
contact.us@liquorandgaming.nsw.gov.au
www.liquorandgaming.nsw.gov.au

Independent Liquor and Gaming Authority

www.liquorandgaming.nsw.gov.au/independent-liquor-and-gaming-authority

NSW Fair Trading

www.fairtrading.nsw.gov.au

Office of the Australian Information Commissioner (OAIC)

1300 363 992
www.oaic.gov.au

Legislation

www.austlii.org.au



St George
Leagues
Club

Appendix A Gambling Self-Exclusion Pack





GAMBLING SELF-EXCLUSION CHECKLIST

This document should be placed at the front of the patron's file.

PATRON'S NAME: _____

.....

The following items are to be completed by the manager processing the exclusion

- ☐ Self-Exclusion Agreement completed (including signature of patron and witness)
- ☐ Schedule completed (only required if patron wishes to exclude from multiple clubs)
- ☐ Photograph taken of patron
- ☐ Photocopy taken of identification (e.g. Driver Licence, Passport, NSW Photo Card)
- ☐ Photocopy of Self-Exclusion Agreement provided to patron
- ☐ Membership card returned (if patron is a member and has not requested a partial exclusion)
- ☐ BetSafe RSG brochure and/or BetSafe business card provided to patron
- ☐ Ending Your Exclusion factsheet provided to patron

Patron free to go at this point

- ☐ BetSafe Incident Report or Risk Manager Report completed
- ☐ Documentation and photo emailed to enquiries@betsafe.com.au

Details of staff member completing this section:

Name: _____ Position: _____

.....

The following items are to be completed by the gaming department or administration staff

- ☐ Patron's details added to club's internal exclusion register/s
- ☐ Membership notified of exclusion (for removal from membership and marketing databases)
- ☐ Internal memo distributed to relevant staff advising of exclusion
- ☐ Documentation filed

Details of staff member completing this section:

Name: _____ Position: _____



GAMBLING SELF-EXCLUSION AGREEMENT

This form is to be completed for both single venue and multiple venue self-exclusions

Full Name: _____ Other Name/Alias: _____

Date of Birth: ____ / ____ / ____ ID Type/Number: _____

Residential Address: _____

Phone (home / work / mob): _____ Email: _____

Membership No: _____ Preferred contact method: mail / phone / email / none

Nominated area: ☐ Entire Premises ☐ All Gaming Areas (includes gaming machines, TAB and KENO)

I ask that **St George Leagues Club** ("the Club") prevent me from entering and remaining in the above nominated area in order to prevent me from gambling. I understand that where I have not selected a nominated area above I will be excluded from the entire premises of the Club.

I understand that where the Club has amalgamated with other clubs or is part of a group of clubs, I will be excluded from the nominated area in all clubs in the group.

I undertake that I will not enter the nominated area in the Club or gamble in the Club while I remain excluded.

I agree to return any membership card to the Club (where applicable).

I understand that I may be removed from the Club if I am found in the nominated area of the Club.

I understand that where I have nominated to be excluded from the gaming machine areas, if I am found to have breached the conditions of this Agreement, I may be excluded from entering the Club's entire premises.

I acknowledge that the Club will not be obliged to pay to me any prize that I may win while gambling at the Club in breach of this agreement.

I understand that I will not be eligible to be admitted to the nominated area in the Club for a minimum period of six (6) months commencing today. I agree to the Club retaining the right to refuse any admission and/or membership application (where applicable) until the Club is satisfied that I have sought appropriate counselling or assistance for my gambling problem.

I understand that, while the Club will take all reasonable steps necessary to enforce my exclusion, the Club accepts no liability for losses I may suffer by reason of any failure to enforce this agreement.

I consent to photographs being taken of me and being used for the purpose of enforcing my exclusion from the Club. I agree to provide any further evidence of my identity as may be reasonably requested by the Club.

I understand that the Club will maintain the confidentiality of this agreement other than any disclosure that is necessary for its enforcement, including on a web-based database. I authorise the Club to give or receive any information relating to this agreement or my gambling to BetSafe.

I am aware that BetSafe provides a free and confidential counselling service which can be contacted 24 hours a day on 1800 BETSAFE (1800 238 723).

I acknowledge that I have been given an opportunity to seek independent legal or other professional advice at my own expense as to the meaning and effect of this agreement before signing.

I make this application of my own free will.

Signed: _____ Date: ____ / ____ / ____

Witnessed: _____ Date: ____ / ____ / ____



GAMBLING SELF-EXCLUSION SCHEDULE – MULTIPLE VENUES

Please tick any additional venues from which you would like to be excluded:

(only venues which are ticked will be notified of your request)

- | | |
|---|--|
| <input type="checkbox"/> Beverley Park Golf Club | <input type="checkbox"/> Hurstville Ritz Hotel, Hurstville |
| <input type="checkbox"/> Kogarah Clubhouse | <input type="checkbox"/> Grand Hotel, Rockdale |
| <input type="checkbox"/> Royal Hotel, Carlton | <input type="checkbox"/> Golden Tiger Bar, Hurstville |
| <input type="checkbox"/> Bank Tavern, Kogarah | <input type="checkbox"/> Forest Inn Hotel, Bexley |
| <input type="checkbox"/> Intersection Tavern, Ramsgate | <input type="checkbox"/> Georges River 16Ft Sailing Club |
| <input type="checkbox"/> Kogarah Inn Hotel, Kogarah | <input type="checkbox"/> Bexley RSL Club |
| <input type="checkbox"/> Allawah Hotel, Allawah | <input type="checkbox"/> Brighton Le Sands RSL Club |
| <input type="checkbox"/> Ramsgate RSL Memorial Club | <input type="checkbox"/> Novotel Brighton Beach, Brighton-Le-Sands |
| <input type="checkbox"/> Moorefield Bowling Club | <input type="checkbox"/> St George Motor Boat Club |
| <input type="checkbox"/> Kogarah Tavern, Kogarah | <input type="checkbox"/> St George Sailing Club |
| <input type="checkbox"/> Rockdale Tennis Club | <input type="checkbox"/> Banksia Hotel, Banksia |
| <input type="checkbox"/> South Hurstville RSL Club | <input type="checkbox"/> Bexley Golf Club |
| <input type="checkbox"/> Kings Head Hotel, Hurstville South | <input type="checkbox"/> Rocksia Hotel, Arncliffe |
| <input type="checkbox"/> Meridian Hotel, Hurstville | <input type="checkbox"/> Penshurst Hotel, Penshurst |
| <input type="checkbox"/> Hotel Rockdale, Rockdale | <input type="checkbox"/> Penshurst RSL Club |
| <input type="checkbox"/> Hurstville RSL Club | <input type="checkbox"/> Bardwell Valley Golf Club |
| <input type="checkbox"/> Rockdale Businessmens Club | <input type="checkbox"/> Bexley North Hotel, Bexley North |
| <input type="checkbox"/> Club Central Hurstville | <input type="checkbox"/> Kingsgrove RSL Club |

Please enter the individual names of any additional venues from which you would like to be excluded:

(blanket requests such as "All BetSafe Clubs" or "All Clubs in NSW" will not be processed)

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

I agree that all terms of the above Self-Exclusion Agreement shall apply between myself and every one of the above venues listed in this Schedule ("additional venues") as if those were the original party defined as "the Club".

I understand that the additional venues may not be under any obligation to accept my request for self-exclusion. Whilst the Club and BetSafe may take reasonable steps to notify me if any of the additional venues are not willing to accept my request for exclusion, I understand that I may not be notified in this event.

I understand that I can contact any of the additional venues directly to request self-exclusion if they do not accept this request for self-exclusion.

Signed: _____ Date: ____ / ____ / ____

Witnessed: _____ Date: ____ / ____ / ____



Ending Your Exclusion

As a member of the BetSafe program, the Club is serious about helping patrons who are affected by problem gambling.

This means that we want to be satisfied that you have taken steps to get your gambling under control before we let you return to gambling at the club.

To end your exclusion you need to:

1. Contact BetSafe on 1800 BETSAFE (1800 238 723).
2. Complete and return the readmission documents.
3. Attend an interview with a BetSafe counsellor.

The Documents

The Statutory Declaration is an important legal document that reflects the seriousness of the readmission process. If you wish to proceed with readmission you will need to read and understand the document. You will need a Justice of the Peace to witness your signature as well.

The Letter of Support is to be signed by a counsellor, doctor, family member or friend who knows you well and will support your application for readmission. A person who knows you well is likely to be realistic about whether you are ready to return to the club environment. Sometimes the BetSafe counsellor will phone the person who signs the Letter of Support for confirmation or clarification.

The Interview

BetSafe has professional problem gambling counsellors who will discuss with you the progress you have made in overcoming your gambling problem and make an assessment as to whether or not you are ready to return to the club. If you come back to the club too soon your gambling problem may come back, so sometimes it is better to wait.

When you have provided the documents and attended the interview, BetSafe will provide a recommendation to the club regarding your application. The club will decide whether or not to readmit you after it receives the BetSafe recommendation. If you are not ready to return to the club, you should contact BetSafe for advice on further steps you should take to overcome your gambling problem.

Contacting BetSafe

If you have read this and feel that you are ready to return to the club, then ring BetSafe now and they will guide you through the process.

BetSafe can be contacted on **1800 BETSAFE (1800 238 723)**.

There is no charge involved for BetSafe counselling or the readmission application.



BETSAFE INCIDENT REPORT FORM

Club: St George Leagues Club

Date of incident: ____ / ____ / ____

Time of incident: _____

Details of person about whom the report relates to:

Patron Name: _____ Membership # (if applicable): _____

Details of staff member approached:

Staff Name: _____ Position: _____

Outline full details of approach:

Outline assistance provided:

Details of staff member completing report:

Name: _____ Position: _____

Emailed to enquiries@betsafe.com.au on ____ / ____ / ____

Appendix B Liquor Self-Exclusion Pack



LIQUOR SELF-EXCLUSION FORMS

The enclosed forms are only to be used for persons
with a drinking problem.



LIQUOR SELF-EXCLUSION CHECKLIST

This document should be placed at the front of the patron's file.

PATRON'S NAME: _____

.....

The following items are to be completed by the manager processing the exclusion

- ☐ Self-Exclusion from Licensed Premises Agreement completed (including signature of patron and witness)
- ☐ Photograph taken of patron
- ☐ Photocopy taken of identification (e.g. Driver Licence, Passport, NSW Photo Card)
- ☐ Photocopy of Self-Exclusion Deed provided to patron
- ☐ Membership card returned (if patron is a member)
- ☐ BetSafe RSA brochure and/or BetSafe business card provided to patron

Patron free to go at this point

- ☐ BetSafe Incident Report or Risk Manager Report completed
- ☐ Documentation and photo emailed to enquiries@betsafe.com.au

Details of staff member completing this section:

Name: _____ Position: _____

.....

The following items are to be completed by administration staff

- ☐ Patron's details added to club's internal exclusion register/s
- ☐ Membership notified of exclusion (for removal from membership and marketing databases)
- ☐ Internal memo distributed to relevant staff advising of exclusion
- ☐ Documentation filed

Details of staff member completing this section:

Name: _____ Position: _____

SELF-EXCLUSION FROM LICENSED PREMISES AGREEMENT

Under section 76 of the *Liquor Act 2007*

NOTE: The person requesting that they be excluded from licensed premises is referred to as the “participant” in this agreement.

Title:

Gender:

First name:

Middle name:

Family name:

Date of birth:

Are you known by another name? yes / no

If yes, please state name here:

.....

Address:

.....

State:..... Post Code:.....

If you have a phone or an email address you can provide these details below. This information is optional.

Phone (home):

Phone (daytime):.....

Phone (mobile):.....

Email:

**Please attach
photo of
participant here**

Photo Guidelines

1. Photo must be no more than 6 months old.
2. Photo should be at least 45mm high and 35mm wide.
3. Photo should show the head and top of shoulders close up.
4. Photo should show the participant looking directly at the camera.
5. Photo should show both edges of the face clearly.
6. No hair should be covering the eyes.
7. No head coverings should be worn except for religious purposes.
8. If glasses are worn they should not restrict a clear view of the eyes.

You may wish to provide details of another person who can be contacted regarding this agreement. This may be a support person, or someone who can be contacted if you do not have access to a phone or email. This is optional.

Title:

Phone: (home).....

First name(s):

Phone: (daytime):

Family name(s):

Phone (mobile):

Address:

Email:

State:..... Post code:.....

The participant wishes to exclude themselves from the following licensed premises for a period of:

Please tick : 6 months ☒

12 months ☐

2 years ☐

Other period:

Premises name:

Address:

.....

.....

Terms of Agreement

1. The participant will not attempt to enter the licensed premises detailed above for the period of time stated in the agreement.
2. The participant consents to the personal information they have provided, including a photo, being stored for the purpose of assisting identification by the licensed premises detailed above.
3. The participant acknowledges that under this agreement, it is lawful for a responsible person* for the licensed premises to prevent them from entering the licensed premises detailed above.
4. The participant acknowledges that under this agreement, it is lawful for a responsible person* for the licensed premises to remove, or cause them to be removed, from the licensed premises detailed above.
5. The participant understands that this self-exclusion agreement can only be terminated by advising the licensee in writing (a form is available from the NSW Office of Liquor, Gaming and Racing).

**Responsible person* means the licensee, the manager of the premises, an employee or agent of the licensee or manager or a person acting on behalf of the licensee or manager (including staff and security officers).

I have read, understand, and agree to comply with
participant print name

all the terms of this agreement

Participant to sign: Date:.....

I have read, understand, and agree to comply with
licensee print name

all the terms of this agreement

Licensee to sign: Date:.....

This self exclusion agreement is not valid unless the self-exclusion participant and the licensee have signed and dated this agreement.

This original signed agreement, with a photo attached, should be kept by the licensee. A copy of this signed agreement must be provided to the self-exclusion participant.

IMPORTANT INFORMATION FOR THE PARTICIPANT AND LICENSEE

The Liquor Act requires that each of the parties to a self-exclusion agreement must comply with the terms of the agreement. Disciplinary action can be taken against a liquor licensee who does not comply with the terms of a self-exclusion agreement. However, the participant should be aware that while the licensee should use all reasonable means to enforce this self-exclusion agreement, the onus is on the participant to comply with the terms they have agreed to.



BETSAFE INCIDENT REPORT FORM

Club: St George Leagues Club

Date of incident: ____ / ____ / ____

Time of incident: _____

Details of person about whom the report relates to:

Patron Name: _____ Membership # (if applicable): _____

Details of staff member approached:

Staff Name: _____ Position: _____

Outline full details of approach:

Outline assistance provided:

Details of staff member completing report:

Name: _____ Position: _____

Emailed to enquiries@betsafe.com.au on ____ / ____ / ____

Appendix C Self-Exclusion from Licensed Premises Notice of Termination of Agreement (Liquor)



St George
Leagues
Club

SELF-EXCLUSION FROM LICENSED PREMISES NOTICE OF TERMINATION OF AGREEMENT

Under section 76 of the *Liquor Act 2007*

Title:

Please note: The following information is optional

Gender:

Phone (home):

First name:

Phone (daytime):

Middle name:

Phone (mobile):

Family name:

Email:

Date of birth:

Address:

.....

State: Post Code:

Termination of Agreement

Self-exclusion participant to complete

To the Licensee

Please take note that I wish to terminate the self-exclusion agreement I currently have in place in relation to premises name

I understand that the self-exclusion from licensed premises agreement will cease to be valid from the date the licensee signs this notice, and the terms agreed to will no longer be enforced.

Self-exclusion participant to sign:

Date:

Licensee to complete

I acknowledge that I have received this request for licensee print name

termination of the self-exclusion agreement detailed above and I agree to terminate the agreement effective immediately.

Licensee to sign:

Date:

The termination of the self exclusion agreement will not be valid until the self-exclusion participant and the licensee have signed and dated this termination of agreement notice. The licensee must sign this notice upon receipt from the participant.

This original signed notice should be retained by the licensee.

A copy of this signed notice must be provided to the self-exclusion participant.

Appendix D Unclaimed Gaming Machine Tickets

Gaming machine tickets must be claimed within 12 months of issue. Expired tickets cannot be redeemed and will be paid in the Community Development Fund administered by Communities NSW.

[illegible]

Appendix E Signs of risky and problem gambling behaviour Know the signs and how to act



St George
Leagues
Club

Signs of risky and problem gambling behaviour: Know the signs and how to act

General Signs		What to do
Length of play <ul style="list-style-type: none"> Starts gambling when the venue is opening or only stops when venue is closing Gambles most days 	Money <ul style="list-style-type: none"> Asks to change large notes before gambling Rummages around in wallet for additional money Uses coin machine at least four times Has run out of all money when he/she leaves venue 	<p>Seen by themselves, these signs may be an early warning sign.</p> <p>Someone displaying several of these signs could be experiencing problems with gambling.</p> <ul style="list-style-type: none"> Monitor the person's behaviour If you have an incident register, record what you have seen If you observe a patron who is exhibiting two or more signs you should notify your manager or licensee
Behaviour during play <ul style="list-style-type: none"> Gambles on two or more machines at once Rushes from one machine to another Significant increase in spending pattern Complains to staff about losing, or blames venue or machines for losing Rituals or superstitious behaviours (rubbing or talking to machine) 	Social behaviours <ul style="list-style-type: none"> Stays on to gamble even after friends leave venue 	
Probable Signs		What to do
Length of play <ul style="list-style-type: none"> Gambles right through normal meal times Finds it difficult to stop gambling at closing time 	Money <ul style="list-style-type: none"> Gets cash out on two or more occasions through ATM or EFTPOS Avoids cashier and only uses cash facilities Puts large wins back into the machine Leaves venue to find money to continue gambling EFTPOS repeatedly declined 	<p>Someone displaying any of these signs is much more likely to be experiencing problems with gambling.</p> <ul style="list-style-type: none"> Monitor the person's behaviour If you have an incident register, record what you have seen If a patron displays two or more of these signs, consider whether an immediate response is required according to your venue's procedures
Behaviour during play <ul style="list-style-type: none"> Often gambles for long periods (three or more hours) without a proper break Plays very fast Gambles intensely without reacting to what's going on around him/her Sweats a lot while gambling 	Social behaviours <ul style="list-style-type: none"> Avoids contact or conversation with others Becomes angry or stands over others if someone takes their favourite machine/spot 	
Strong Signs		What to do
Length of play <ul style="list-style-type: none"> Gambles from opening to closing 	Money <ul style="list-style-type: none"> Tries to borrow money from customers or staff 	<p>It is highly probable that someone displaying any of these signs is experiencing problems with gambling.</p> <ul style="list-style-type: none"> Monitor the person's behaviour If you have an incident register record what you have seen Consider whether an immediate response is required according to your venue's procedures
Behaviour during play <ul style="list-style-type: none"> Shows obvious signs of distress (crying, holding head in hands, shaking) Has an angry outburst towards staff, customers or machine (shouting/swearing, kicking/hitting machine) 	Social behaviours <ul style="list-style-type: none"> Leaves children unattended Tells staff that gambling is causing them problems Significant decline in personal grooming and/or appearance over several days Friends or family raise concerns Conceals their presence at the venue (doesn't answer mobile phone, asks staff not to let others know they are there) 	



How to conduct a welfare check



Welfare checks occur when further context is required about a patron's gambling. They assist the club in determining whether the patron is suffering harm as a result of their gambling, or whether concerns may be due to other factors.

How is a welfare check different from a check-in?

A check-in is generally a brief conversation which is customer service driven. Generally, unless the patron says anything of concern, they are general conversations in which gambling isn't even discussed.

A welfare check may occur when a patron mentions something of concern during a check-in, approaches you directly with concerns, or as a follow up from a previous conversation.

The tone of a welfare check is that you are concerned about their comments or behaviour and that you are wanting to know how you can be of assistance. It is important to create a balance between obtaining necessary information and not being seen to be critical or judgemental during these conversations.

Starting the conversation

In order to obtain further context you will generally need to advise the patron of the purpose for the welfare check. For example, "I have been told by a staff member that you mentioned that you lost \$5,000 tonight. I would just like to have a chat with you to better understand your situation".

It is best to conduct welfare checks away from other patrons. It is okay to have a welfare check when a patron is at a gaming machine; however, if there are other patrons nearby, it may be best to suggest that you go somewhere more private.

Asking open ended questions to obtain more context

Open ended questions give the other person an opportunity to say more about themselves or about the topic. They are different from closed questions, which lead to a short answer.

Open ended questions are best asked in response to information provided to you by the other person. They assist in showing that you care (rather than being judgemental). You could respond in the following ways:

- You mentioned you haven't been well lately, what do you mean by that?
- You mentioned you aren't working at the moment, how is that affecting things for you?
- You mentioned that you recently separated from your wife, where are you staying at the moment?
- You mentioned that you lost \$5,000 last night, what sort of impact is that going to have on you?

What information is relevant during a welfare check?

Any information that provides (positive or negative) context about the patron's gambling is useful. For example, if they are stressed, do they gamble to relieve stress or is their gambling causing the stress?

Do not accept general assurances that everything is fine. Even if that is true, it is still important to get more context to better understand the patron's situation and satisfy yourself that they are actually okay.

Useful information and context

- Why do they gamble?
- What is their financial situation and how is gambling affecting their finances?
- Are they currently working and what do they do for work?
- What is their living situation?
- How is gambling impacting on their life?

Documenting the conversation

It is not only important to have the conversation but to also document the key elements of the conversation and (positive and negative) context relating to their gambling. Ensure any important quotes are contained in your report, as well as any information or assistance which was offered by you.



SELF-EXCLUSION

**As a member of the BetSafe group,
this club is an active participant in
a self-exclusion scheme for the
benefit of our patrons.**

Self-exclusion allows you to ban yourself from
gambling at this club for the purpose of assisting
you to control your gambling.

**PLEASE CONTACT THE DUTY MANAGER
WHO CAN ASSIST WITH SELF-EXCLUSION.**

This club also provides free and confidential
counselling for our patrons. **The BetSafe counselling
service can be contacted 24 hours a day, 365 days
a year on 1800 BETSAFE (1800 238 723).**



1800 BETSAFE
(1800 238 723)

Annexure 2 – Gaming Plan of Management

Gaming Plan of Management

Arncliffe Scots Club LIQC300225135

Version	Date	Approver
V1.1	15 December 2023	Craig Epton

1. Introduction

St. George Leagues Club Ltd (the “Club”) is the holder of Club Liquor Licence No. LIQC300225135.

The Club operates Arncliffe Scots Club, under the above club licence, which is located at 29 Burrows Street, Arncliffe, NSW 2205.

This Gaming Plan of Management is with respect to the Arncliffe Scots Club only and a copy will be kept at reception.

2. Club Commitment

The Club as part of its product offering at Arncliffe Scots Club offers gaming machine services.

The Club is committed to always working towards continual achievement of compliance with the terms of this Gaming Plan of Management.

In addition to this the Club at Arncliffe Scots Club goes “above and beyond” its legislative requirements as set out in this Gaming Plan of Management.

3. Legislative Requirements

The Club’s licence to operate gaming machines is provided within an overall legislative framework.

The applicable legislative framework is primarily the *Gaming Machines Act* 2001 (NSW) and the associated *Gaming Machine Regulation* 2019 (NSW).

This legislative framework includes numerous measures which work towards ensuring the responsible conduct of gaming in NSW.

Such legislative and regulatory measures include those in the table below. Each item has its own legislative consequence for non-compliance.

A non-compliance with the noted legislative or regulatory requirements is to be dealt in the usual manner and will not be a breach of a licence condition.

To the extent a legislative measure set out below relates to Club operations the Club’s existing compliance program will work towards compliance.

No.	Legislation or Regulation Reference	Responsible Conduct of Gaming Measure
1	Gaming Machines Act 2001 – Section 10	Overall State Cap on Gaming Machine Entitlements
2	Gaming Machines Act 2001 – Section 11	Limit on number of gaming machines in hotels

No.	Legislation or Regulation Reference	Responsible Conduct of Gaming Measure
3	Gaming Machines Act 2001 – Section 14	Restrictions on number of gaming machine entitlements and permits held
4	Gaming Machines Act 2001 – Section 20(3)	Gaming Machine Entitlement Forfeiture on Transfer
5	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 1.	Gaming machine threshold scheme
6	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 2.	Mandatory Shutdown of gaming machines
7	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 3 Section 43.	Prohibition on publishing gaming machine advertising
8	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 3 Section 44.	Prohibition on displaying gambling-related signs
9	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 3 Section 45.	Regulation of promotional prizes and player reward schemes
10	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 3 Section 45A.	Disclosure of information in player activity statements
11	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 3 Section 45B.	Disclosure of information in relation to players
12	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 3 Section 46.	Provision of problem gambling counselling services
13	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 3 Section 47.	Responsible conduct in relation to gaming machines
14	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 3 Section 47A.	Prohibition on accepting transfer of prize winning cheques
15	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 3 Section 47B.	Requirements relating to prize winning cheques

No.	Legislation or Regulation Reference	Responsible Conduct of Gaming Measure
16	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 3 Section 47C.	Prohibition on certain cash dispensing facilities
17	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 3 Section 48.	Industry codes of practice
18	Gaming Machines Act 2001 – Section Part 4 Gambling Harm Minimisation Measures Division 3 Section 49.	Self-exclusion of patrons from hotels and clubs
19	Gaming Machine Regulation 2019 – Part 2 (excl 17 funds transfer transparency requirement to be added)	Regulation and Management of Gaming Machines – General Provisions
20	Gaming Machine Regulation 2019 – Part 3 Responsible gambling practices and other harm minimisation measures. Division 3.	Gaming Machine Threshold Scheme
21	Gaming Machine Regulation 2019 – Part 3 Responsible gambling practices and other harm minimisation measures. Division 4 Reg 41	Gaming machine advertising and signs—exclusions
22	Gaming Machine Regulation 2019 – Part 3 Responsible gambling practices and other harm minimisation measures. Division 4 Reg 42	Provision of player activity statements under player reward schemes
23	Gaming Machine Regulation 2019 – Part 3 Responsible gambling practices and other harm minimisation measures. Division 4 Reg 43	Requirement to keep record or copy of player activity statement
24	Gaming Machine Regulation 2019 – Part 3 Responsible gambling practices and other harm minimisation measures. Division 4 Reg 44	Provision of problem gambling counselling services
25	Gaming Machine Regulation 2019 – Part 3 Responsible gambling practices and other harm minimisation measures. Division 4 Reg 45	Self-exclusion schemes
26	Gaming Machine Regulation 2019 – Part 3 Responsible gambling practices and other harm minimisation measures. Division 4 Reg 46	Provision of gambling contact cards

No.	Legislation or Regulation Reference	Responsible Conduct of Gaming Measure
27	Gaming Machine Regulation 2019 – Part 3 Responsible gambling practices and other harm minimisation measures. Division 4 Reg 47	Offering of inducements to gamble
28	Gaming Machine Regulation 2019 – Part 3 Responsible gambling practices and other harm minimisation measures. Division 4 Reg 48	Notices relating to gaming machine areas in clubs
29	Gaming Machine Regulation 2019 – Part 3 Responsible gambling practices and other harm minimisation measures. Division 4 Reg 50	Publicity for prize winners
30	Gaming Machine Regulation 2019 – Part 6 Player Cards and accounts	Player Cards and Accounts

4. Venue Gambling Signage and Information

Checks are undertaken by BetSafe at least every 6 months to ensure all gambling compliance signage is up to date and maintained.

All advertising and promotions relating to gaming which is undertaken by the Club comply with the Liquor & Gaming NSW guidelines.

Patrons may access their player activity statements by requesting the same from Club reception or Club staff.

5. Responsible Gambling Officer

(a) The Club shall ensure that one Responsible Gambling Officer (Gambling Contact Officer), being a dedicated staff member who holds a current RCG certificate, is on duty and monitoring the gaming machines of the venue whenever gaming machines are operating.

(b) The Responsible Gambling Officer (Gambling Contact Officer)'s primary duties are to:

- a. maintain the gambling incident register;
- b. make reasonable efforts to identify gaming machine players who display or engage in problematic gambling behaviour;
- c. if any gaming machine player displays or engages in multiple problematic gambling behaviour as outlined in the Authority's Guideline, during a single trading day, then the Officer must (at least once during that trading day):
 - i. request that the player take a break from gaming machine play until the close of trade on that day or night (noting that a player who complies with a request to take a break may remain on the premises and consume other goods and services);

- ii. provide information about the self-exclusion scheme offered at the premises (being the scheme available pursuant to s. 49 of the Gaming Machines Act 2001) and ask whether the player wishes to participate in that scheme;
- iii. provide information about and access to problem gambling counselling.

(c) This condition is not breached by:

- a. a Responsible Gambling Officer (Gambling Contact Officer) undertaking minor additional gaming duties, so long as such duties do not detract from the Officer's primary duties; or
- b. the temporary absence of the Officer from the gaming machine areas, where such absence occurs in the ordinary course of their primary duties (for example, to engage with a gaming machine player in a private space) or is by way of a routine break from work (such as a meal break or a bathroom break).

(d) At all times, the Duty Manager or other senior manager responsible for gaming machine operations will assist the Responsible Gambling Officer (Gambling Contact Officer) in carrying out the duties described in this condition.

6. Gaming Incident Register

(a) Club will keep and maintain a gambling incident register. The gambling incident register will record:

- a. any incident in which a patron of the venue displays or engages in problematic gambling behaviour of the kind specified in the "Signs of risky and problem gambling behaviour: Know the signs and how to act" factsheet published on the L&GNSW website as amended from time to time.
- b. the time, location and machine number(s) and brief description (or identity, if known) of any gaming machine player identified displaying or engaging in that behaviour.
- c. any proposed or implemented self or third-party exclusions of gaming machine players (specifying the player's name (where provided or known), membership number (if applicable) and duration of any exclusion) and the patron's response to the same; and
- d. Any breach or attempted breach of a self or third-party exclusion observed by the Club.

(b) The gambling incident register must also record details of the action taken in response to the incidents, applications and other matters recorded in the register.

- (c) Club will review the gambling incident register at least monthly and must consider whether an exclusion order is appropriate for any person who has been asked to self-exclude but has declined to do so.
- (d) The information recorded in a gambling incident register information will be retained by the Club for at least 3 years from when the record was made.
- (e) Club at the request of a police officer or L&GNSW inspector, will make the gambling incident register available for inspection.

7. Player Assistance

The Club will initiate a self-exclusion upon request by a patron at any time when the Club is open.

A Club patron can self-exclude by speaking to any staff member who will direct them to the senior manager on duty.

As required by law, the Club displays problem gambling brochures and these are made available to self-excluding patrons.

The Club utilises BetSafe Multi-Venue Self-Exclusion system and uses this to offer multi-venue exclusion to self-excluding patrons.

8. Minors

As required by law anyone under 18 may only enter the Club premises when accompanied by an adult or guardian.

As required by law minors are not permitted to play gaming machines and signs stating this are displayed at all gaming room entrances.

All Club employees work together to ask for proof of age if they are uncertain that a patron is at least 18.

Any person who is under the age of 18 and who is in the gaming room will be asked to immediately leave the gaming room.

9. Cash, Cheques and Prizes

If a patron claims a prize of more than \$5,000, the amount that exceeds \$5,000, or the entire amount if requested by the patron, will be paid by the Club in one of two ways:

- (a) crossed cheque made payable to the prize winner; or
- (b) electronic funds transfer (EFT) to a nominated account - if those means are available.

Any prize-winning cheque will be clearly marked with the words: Prize-winning cheque – cashing rules apply.

If the prize is being paid through electronic transfer, the patron account must be with a financial institution, such as a bank.

10. Responsible Conduct of Gaming Training

All staff required by legislation, undertake Responsible Conduct of Gaming training.

Responsible Gambling Officers will undergo additional BetSafe Responsible Gambling Officer Training.

The Club keeps records to ensure that the relevant staff are up to date with such training requirements.

11. Venue Layout

The Club attaches current plans of the premises showing the gaming machine areas and the overall premises as Appendix 1 ("Premises Plan"). The Premises Plan indicates the location of the:

- gaming room(s)
- current layout of gaming machines
- cash dispensing facilities (being ATM(s) and CRT(s))

This Gaming Management Plan, for the avoidance of doubt, does not need to be updated if there is a change to:

- (i) the gaming machine layout(s) within the gaming machine area or CRT(s) location (subject to any applicable legislative requirements); or
- (ii) a change to the location of the ATM(s) outside of the gaming machine areas within the approved non-restricted area of the Club (subject to any applicable legislative requirements).

12. Going Above and Beyond

The Club has determined to work towards going above and beyond the current legislative requirements set out above.

Going above and beyond in this way demonstrates the Club's commitment to the responsible conduct of gaming.

The Club will work towards achieving the following measures at Arncliffe Scots Club.

PART A:

Going Above and Beyond			
No.	Obligations & Goals		Club
1.	Start with a Plan.	Develop a Gaming Plan of Management that identifies your responsible conduct of gambling (RCG) obligations and goals and what you are doing to meet them. (Foundational)	This Gaming Plan of Management has been adopted by the Club. This represents the Club's commitment to the responsible conduct of gaming at Arncliffe Scots Club.
2.	Provide staff with additional training and resources	Regular in house training and refreshers on your policies and procedures (Foundational)	The Club has induction training for new staff along with a staff handbook. The Club has quarterly staff meetings where staff are provided with refresher training on policies and procedures.
		Training or resources on the signs of risky and problematic gambling behaviour (Intermediate)	The Club makes available resources for staff on the signs of risky and problematic gambling behaviour on the Club's online HR software program for staff.
3.	Support staff to identify and assist patrons who need help	Have a strong presence of supervisors in gaming rooms. (Foundational)	The Club will maintain a supervisor presence when gaming is operation.
		Provide feedback on the action taken by managers when an issue is reported. (Intermediate)	The Club will each monthly review the Gaming Incident Register and provide feedback to staff who have recorded issues.
4.	Create a strong culture of gambling harm minimisation.	Make it clear to staff that patron welfare is of the utmost importance (Foundational)	The Club in staff training will make it clear to staff that patron welfare is of the utmost importance – this will be included in the staff handbook
		Maintain a Gambling Incident Register to record RCG related incidents and the actions taken to address them. (Intermediate)	See Section 6 of this Gaming Plan of Management setting out how the Club will maintain the gambling incident register.

Going Above and Beyond			
No.	Obligations & Goals		Club
		Recognise staff who demonstrate a commitment to harm minimisation. (Advanced)	Club will recognise staff who demonstrate a commitment to harm minimisation.
		Appoint a dedicated staff (e.g., a responsible gambling manager or gambling contact officer) to provide specialist support to staff and patrons (Advanced)	See Section 5 of this Gaming Plan of Management.
5.	Make sure self-exclusion is understood, available and enforced.	Initiate self-exclusion when requested, regardless of the day or time (Foundational)	The Club will initiate self-exclusion when requested regardless of the day or time (subject to Club opening hours).
		Have strong systems for staff to familiarise themselves with photos of people who have self excluded. (Foundational)	The Club has a tablet which scrolls through photos of self-excluded patrons for staff to view in the dispense bar, this is in addition to the folder of self excluded patron details and photos.
		Proactively talk to patrons about self-exclusion during welfare checks (Intermediate)	During welfare checks when appropriate the Club staff mention that the Club offer a self-exclusion program.
		Consider technology solutions to prevent breaches, such as facial recognition technology through your CCTV or through your sign-in systems. (Advanced)	Club sign in systems will detect self-excluded patrons when they swipe to enter.
6.	Promote responsible gambling	Include responsible gambling messages on your website, and in newsletters and loyalty program marketing (Foundational)	The Club includes all statutory required responsible gambling messaging on its website, newsletters and loyalty program marketing.

Going Above and Beyond			
No.	Obligations & Goals		Club
7.	Enable and respond to customer complaints	Provide information on how to make a complaint about RCG (Foundational)	
		Have a robust customer complaint policy in place with specific arrangements for RCG-related complaints (Intermediate)	The Club has a customer complaints policy that incorporates complaints related to the responsible conduct of gambling.

In summary, the Club with respect to the “Going above and beyond – Responsible conduct of gambling for venues” guidelines has adopted”:

- 8 Foundational Strategies to reduce gambling harm
- 5 Intermediate Strategies to reduce gambling harm; and
- 3 Advanced Strategies to reduce gambling harm.

PART B: The Club additionally will adopt the following further harm minimisation measures:

Advanced RCG	<ul style="list-style-type: none"> • ensuring a dedicated gaming staff member, with an Advanced Certificate of Gaming accreditation, is on duty at all times during gaming machine operating hours (including after midnight). This is effective as a harm minimisation measure as a properly trained person will feel more comfortable approaching gaming patrons and enquiring about their wellbeing. • distributing leaflets and flyers that are designed to inform patrons of the dangers of problem gambling and of the availability of counselling and the self-exclusion scheme. These will be language appropriate and provide a way for people to exercise self-responsibility in a non-confronting way.
BetSafe Program	<ul style="list-style-type: none"> • assists gamblers to stop, control or minimise their gambling and provide a suite of tools and assistance to family members who may be concerned about another person's gambling.
Community Support	<ul style="list-style-type: none"> • donations to a number of local sporting clubs include Soccer, Netball, Rugby League and Baseball.

	<ul style="list-style-type: none"> • provision of Club premises for social and hobby clubs. • Club provides an education program for vulnerable groups about the potential harms from gambling • Club is a supporter of Gamble Aware week
Player support	<ul style="list-style-type: none"> • provide pre-commitment player cards where requested by patrons • proposal to maintain a Gambling Incident Register to record any incident where a patron of the Club displays behaviour or engages in problematic gambling behaviour as observed by our dedicated Responsible Gambling Officer
Cashless Gaming Trial	<ul style="list-style-type: none"> • The Club has proposed that the Arncliffe Scots Club take part in the cashless gaming trial. Cashless Gaming can advance harm minimisation measures at the Club.
Gaming Plan of Management	<ul style="list-style-type: none"> • The adoption of a Gaming Plan of Management which goes above and beyond the Club's legislative obligations, demonstrating a positive contribution to the local community in relation harm minimisation and operation of ALL gaming machines at Arncliffe Scots Club.

13. Updating this Plan

The Club will review this plan at least annually and update it accordingly should the need arise.

Any amendments to this Gaming Plan of Management need to be approved by the Independent Liquor & Gaming Authority ("ILGA").

Any updated plan will be provided to both the local Liquor Licensing Police and Liquor & Gaming New South Wales for their records.

14. Liquor Licensing Police Details:

The local liquor licensing police contact details are as set out below:

Local Licensing Police:
Sergeant Dan Moylan
Address: 38 Ormonde Parade, Hurstville NSW
Phone: 0448 091 931
Email: moyl1dan@police.nsw.gov.au

Appendix 1 – Premises Plan



Annexure 3 – Letter from St George Masonic Club



St George Masonic Club Ltd

ABN 30 000 680 651

Ms Caroline Lamb
Chairperson
Independent Liquor & gaming Authority

email: Offiec@ilga.nsw.gov.au

20th December 2023

Ms Caroline Lamb,

St George Maso's has been a community stalwart for over 50 years supporting the local community in many ways and giving them a family friendly and safe place away from home. We are currently in a high level of financial stress trading week to week due a combination of the current economic environment, outstanding loans incurred by previous management for renovations which ran over budget, upcoming CDSE gaming tax approx. \$100K due the end of December 2023 and hangover from Covid where the demographics from the area have still not fully recovered, we are slowly seeing an upswing of visitations over the past couple of months leading into Christmas and want this to continue into the new year and beyond.

To help us recover from this immediate financial distress and continue to be a sustainable business and community support, we are in the process of selling our excess GME's that are not active on our gaming floor to generate the essential cashflow necessary to keep our doors open and continue providing community support like we have for over 50 years.

St George Maso's provides community support through Club grants in conjunction with Georges River Council to support groups and local charities in our LGA, these funds are vital for these organisations to continue providing support to people in need in our community. We also support local sports groups such as Rangers Soccer Club, St George Basketball, Oatley Rugby Union – Juniors and seniors, Penshurst Physical Culture – monies donated from St George Maso's support children by way of scholarship who otherwise could not afford to participate in the sport they love, these are just a few of our sporting community partners.

We also support our local schools by supplying a venue free of charge for their graduations and school formals, local probus groups for meetings and lunches, as well as our sub clubs including Golf, Bowls, Fishing etc.

If St George Maso's is forced to close its doors due to the financial assistance from the sale of excess GME's not being approved very soon, this will affect all the community by

taking away their family friendly safe place where they meet for a meal, beverage, a raffle or just a chat with long time mates. The support to the local charities and organisation who count on us, the local juniors playing sport who will not only lose their grant but their place they have their presentations and after game gatherings. The employment of our 35 plus St George Maso's team will also cease, not to mention the added financial stress that would be incurred by the other licenced clubs in the LGA to pick up the very large gap Maso's would leave if they were to close its doors for good.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'WN', with a stylized flourish at the end.

Wayne Nolland
Chief Executive Officer