



**SUBJECT:** Responsible Gaming Department Policy and Procedure  
**POLICY TITLE:** Third Party Exclusion  
**APPROVED BY:** Luke Overman                      **REVIEWED:** January 2021  
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### **Policy**

The principal aim of the Third Party Exclusion (**TPE**) program is to offer concerned parties (or **Applicant**) (such as a family member, friend or other person) the opportunity to initiate an exclusion process to protect and safeguard an individual (or **Customer**) whose gambling at Crown Melbourne (**Crown**) may be causing harm to themselves or significant others. Through the process, Crown demonstrates a support to concerned third parties who are adversely affected by someone's gambling behaviour.

The TPE provides a process where a concerned family member, friend or other person, can apply to have Crown consider excluding a Customer involuntarily as a direct consequence of their gambling behaviour. This is a policy that is being developed as a part of Crown's commitment to minimising harm to their customers and those significant to them, whilst respecting and treating with dignity all parties concerned.

Crown takes steps to ensure all reasonable care is taken to minimise harm to relevant individuals, as well as protecting the Customer from a process that may cause embarrassment or be inappropriately motivated.

### **Purpose:**

The purpose of this document is to explain key processes of the TPE. This document contains:

1. Scope
2. Responsibilities
3. Procedure
4. Decision Making Processes
5. Promotion of TPE
6. Revocation of TPE
7. Breaches
8. Appeal

## 9. Appendices:

- i. Letter/s to the Applicant
- ii. Third Party Application for Customer Exclusion Form (including a copy of a Statutory Declaration and Authorised Witnesses)
- iii. Third Party Exclusion Committee (**TPEC**) Members
- iv. Relevant Documentation Provided by the Applicant
  - i. Subjective
  - ii. Objective
- v. Withdrawal of Licence (**WOL**) Information

To assist Crown in identifying the presence of adverse gambling behaviours, the Applicant will be required to provide relevant information in support of their Application (Appendix iv). Additionally, Crown will access the Customer's recorded history to use in its assessment. This will enable Crown to take the most reasonable steps necessary to either exclude the Customer, or to make any other appropriate decision.

TPEs may not be appropriate for every circumstance and individual. The assessment needs to be applied on a case by case basis. Crown's responsible gaming programs and services, including the Responsible Gaming Psychologists (**RGPs**), as well as government funded support services and programs will be offered to the Applicant and the customer.

### 1. Scope

TPE enquiries and/or applications will be administered by the Responsible Gaming Department facilitated at the Responsible Gaming Centre (**RGC**). Applications are to be addressed by the Department in a timely, consistent and professional manner and may be made via a telephone call or email, as well as face to face.

This policy applies to all members of the Responsible Gaming Department. The procedure provides general guidelines to be applied when a TPE enquiry or application is received.

### 2. Responsibilities

Responsible Gaming General Manager (**RGGM**) has responsibility for:

- Ensuring that all procedures related to the Responsible Gaming Department are complied with;
- Ensuring that all Responsible Gaming Advisors are trained in the process and that uniformity is achieved;
- Raising awareness of the TPE Program amongst Crown staff; and
- Obtaining relevant information, as far as practicable, regarding the Customer's personal and gambling behaviour, through feedback provided by the business and/or Customer observations.

Responsible Gaming Advisor (**RGA**) has responsibility for:

- Raising awareness of the TPE program amongst Crown staff;

- Responding to enquiries related to the TPE, providing Applicants with relevant information regarding the TPE process and external support services available to them; and
- Providing the Applicant with a discreet environment where they can feel comfortable discussing their circumstances.

Responsible Gaming Office Coordinator (RGOC) has responsibility for:

- Providing the TPE Application paperwork to an Applicant when requested;
- Ensuring any communication via letter is within the Applicant's chosen communication method; and
- Compiling all of the information contained in the Application and any other relevant information to be considered by the TPEC.

The TPEC has responsibility for:

- Convening in a timely manner, that is, as soon as practicable following the compilation of all the relevant supporting information and completed TPE Application Form; and
- Considering the Application and relevant information in line with Part 4 of this document, 'Information to be Assessed'.

Responsibility of the Applicant:

- As the TPE process has the potential to create a negative impact on the Customer, the Applicant is required to demonstrate and substantiate their concerns clearly to Crown. The option of a Withdrawal of Licence (**WOL**) - Welfare may be considered a more suitable alternative (see Appendix v).

Process for the Applicant:

- Participate in a detailed discussion with a member of the Responsible Gaming (**RG**) team (either in person, or by telephone);
- Complete the TPE Application and return it to the RGC, either in person, via email or mail;
- Provide supporting evidence/documentation;
- Attend meetings (in person or over the phone) with the RGGM if required;
- Decide if they want to contact external support services such as Gambler's Help, medical practitioners, psychologist or counsellors as appropriate;
- Determine if they need to seek independent legal advice before proceeding with the TPE;
- Determine whether to talk to the Customer about the process and their decision; and
- Determine whether they need to make contact with other relevant parties (for example the Victoria Police if they suspect that they are the victim of a crime or treating physicians or counsellors).

### **3. Procedure**

1. When receiving a TPE enquiry, the RGA explains the process involved to the Applicant. The Applicant can be directed to the information on Crown's website, available brochures, and/or send a letter or email outlining the details of the process together with an Application Form. The Applicant may also obtain a hard copy from the RGC.
2. Should the Applicant express the intention to submit a TPE Application, the RGA may invite the Applicant to contact the RGC to further discuss their concerns and assist them with any queries they may have regarding the completion of the Application.
3. To progress the TPE, the Applicant is required to submit a completed Application Form with supporting documentation, including provision of acceptable identification of the Applicant.

4. When an Application Form is received, the RGGM is to ensure that all relevant paperwork, including the signature of the Applicant and the Statutory Declaration, has been received and completed in full.
5. The RGGM will obtain relevant information regarding the Customer's personal and gambling behaviour, through feedback provided by the business and/or Customer observations.
6. If the material forms a substantive case, the Customer is contacted and given a chance to respond. Their response is part of the material that is considered by the TPEC.
7. Should the Applicant decline to submit an Application Form, the RGA will offer the Applicant the opportunity to contact the RGC to further discuss their reservations and assist them with any queries they may have regarding the Customer.
8. The RGGM will prepare and submit all documentation including the Application Form and attendant documents, gambling history, observations etc. to the TPEC.
9. If consent is given by the Applicant, the RGGM will contact the Customer and request attendance at the RGC for a meeting to discuss the concerns raised. In the case that a Customer is unwilling to attend the meeting, an Exclusion Order under section 72 (1) of *Casino Control Act 1991 (Vic) (the Act)* may be issued until such time as the Customer meets with the RGGM and alleviates all concerns
10. The TPEC will consider all information and determine the following:
  - a. If the recommendation is to exclude the Customer, please refer to point 11 below;  
or
  - b. If the recommendation is that there is insufficient information to make a determination, the RGGM will undertake further inquiries; or
  - c. If the recommendation is to decline the Application, all RGC programs and services, including counselling with a RGP and referral to Gambler's Help and other government funded help services, will be offered to the Applicant and Customer.
11. Where the TPEC determines a TPE is to be issued, the RGGM will take the necessary steps to issue the TPE. The Customer will be contacted and furnished with the Exclusion Order under section 72 (1) of the Act, including information regarding their right to appeal and the revocation process.
12. The RGGM will take the necessary steps to update the relevant Crown systems, including the Responsible Gambling Register and the Facial Recognition database, and notify all relevant departments of the Exclusion Order.
13. The RGGM will notify the Applicant that the process has been completed. Outcomes may not be discussed due to restrictions in the Act, as well as Privacy Principles.

#### **4. Decision Making Processes**

##### Third Party Exclusion Committee (TPEC)

Members of the TPEC will be comprised of representatives from each of the Legal, Regulatory & Compliance and Responsible Gaming Departments (Appendix iii).

This will ensure that the TPEC is able to meet in a responsive and timely manner.

Frequency of meetings will be on an as needs basis to ensure all Applications are handled expediently.

Information to be assessed:

Sources of Information include (where available):

- TPE Application information;
- Crown database of Customer's gambling history;
- Where possible to ascertain – ability for the Customer to afford the level of gambling, family responsibilities;
- The Responsible Gambling Register;
- Objective and subjective information/documentation (Appendix iv);
- Clinical considerations such as decision making ability, general welfare issues for Customer /Applicant, co-morbid conditions, any counselling history;
- Assess motivation of TPE Applicant;
- Risk and seriousness of harms to Customer and Applicant;
- Response of Customer to proposed exclusion; and
- RGA input.

The TPEC will consider all relevant material to determine whether the making of the TPE is appropriate in all the circumstances.

Whilst some cases may be of similar nature, the TPEC will be conducting an individualised process that requires unique factors to be considered in each case. However, all cases will be assessed against evidence that the gambling behaviour is causing significant harm to the Customer or those close to them. This will ensure consistency in assessments of harm occurring at a level where the risk or existing level of harm warrants the issuing of a TPE.

The problem gambling behaviour must directly cause or be related to the harm that is being alleged by the Applicant. However, if there is reasonable apprehension that moderate to significant harm will occur or has occurred to the Customer or Applicant as a result of their gambling, then a TPE will be issued.

Harms are multifaceted; they include but are not limited to the effect on finances, relationships, health (physical, psychological, emotional), family, businesses, work, study and social.

## **5. Promotion of TPE**

A wide ranging education campaign will be utilised to raise awareness of the TPE program amongst Crown staff. This will include information provided to Crown staff via Employee Induction, the employee Intranet, staff musters and briefings.

Customers and external provider communication includes but is not limited to:

- Third Party Exclusion Brochure
  - The Third Party Exclusion brochure will be made available throughout the casino gaming floor and at the RGC.

- The Responsible Gaming department conducts regular audits as the availability of responsible gaming related brochures.
- Crown Website
  - Extensive Responsible Gaming information is prominently available on Crown's website
  - The TPE Brochure and Application Form will be made available, along with a 'flowchart' depicting key points in the process
- Notification and supply of brochures to Gambler's Help
  - Crown will engage with the Victorian Responsible Gambling Foundation to ensure TPE brochures can be made available to Gambler's Help offices.
  - Crown will also offer Gambler's Help staff the opportunity to participate in information sessions – at Gambler's Help offices or at Crown as part of general meetings or specifically for the TPE process information.

## **6. Revocation of TPE**

What is the process of revoking the TPE?

The process for the revocation for a TPE will follow the same procedure as a Self Exclusion Revocation.

## **7. Breaches**

Persons who are subject to a TPE will be treated in the same manner as a person who is self excluded. This means that any detected entry onto the casino gaming floor will be considered a breach of an Exclusion Order, and the consequences will include:

- Any application for revocation of the Exclusion Order will require a further 12 month breach free period;
- Forfeiture of Winnings; and
- An offence against the Act, which may result in an Infringement Notice or Fine (as determined by the VCGLR).

## **8. Appeal**

Should a TPE be issued, the Customer will be advised of their right of appeal to The Victorian Commission for Gambling and Liquor Regulation.