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28 June 2019

Ms Catherine Myers
Chief Executive Officer
Victorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street
RICHMOND VIC 3121

cc: Rowan Harris

By Email

Dear Ms Myers

Sixth Review of the Casino Operator and Licence (Sixth Review) - Recommendation 10

I refer to Recommendation 10 of the Sixth Review and our response dated 2 July 2018. Recommendation 10 provides:

The VCGLR recommends that, by 1 July 2019, Crown Melbourne undertake a comprehensive review of its policy for the making and revocation of voluntary exclusion orders under section 72(2A) of the Casino Control Act. The comprehensive review should be undertaken in conjunction with the VCGLR, VRGF and other relevant external stakeholders. The review should be undertaken with a view to implementing policies that facilitate:

- *Crown Melbourne issuing short term exclusion orders for 3, 6, 12 or 24 months under section 72 of the Casino Control Act, considering the specific circumstances of the person and their preferred time period for exclusion, and conditional on the person undertaking to comply with the order and with other matters (such as obtaining treatment), and*
- *Crown Melbourne reviewing voluntary exclusion orders which are more than 10 years old to consider whether the continued operation of these orders serves a useful purpose, with a view to retaining only those orders that are beneficial to the persons who are subject to them, and can be adequately enforced. The VCGLR further recommends that the review of such orders occurs in an orderly manner between 1 July 2019 and 30 June.*

In addressing Recommendation 10, Crown Melbourne Limited (**Crown**) has now:

- conducted an internal, detailed review into literature and practice in relation to its self-exclusion and revocation practices;
- participated in six tripartite meetings involving both the Victorian Commission for Gambling and Liquor Regulation (**VCGLR**) and the Victorian Responsible Gambling Foundation (**VRGF**); and
- sought independent expert advice.

As a result of the above actions, which included the conclusion that there is currently no conclusive evidence that supported any specific model in terms of optimum banning length/s and re-entry processes, Crown's high level position is as follows:

- Crown will make certain adjustments to its current framework of self-exclusion and time out arrangements, to reflect the findings from our review, comments from the VCGLR and VRGF and advices from an independent expert. These adjustments are detailed below. We also note as discussed at the tripartite meetings, that there is no evidence in research that suggested that the concept of a combination of self-exclusion and time out arrangements was unsound;
- The revocation process framework will be adjusted to provide added support to customers who return to gaming, including undertaking additional monitoring to further assist customers; and
- Self-excluded customers who have been excluded for ten years or more will remain on Crown's database.

Crown acknowledges and appreciates the input of the VCGLR and the VRGF during this process.

Please find following a more detailed explanation of Crown's position on the recommendation.

Short Term Self-Exclusion Orders

The comprehensive review process undertaken by Crown identified that there is no industry or research consensus on optimal self-exclusion order length, and self-exclusion order lengths put in place in other jurisdictions and venues. In this respect, independent expert advice received, provides that '*... ban lengths have been established predominantly on the basis of opinion in the absence of any comparative long-term empirical evaluation of the minimal duration required.*'

The table below sets out the results of the review of literature that Crown has carried out regarding the different self-exclusion ban lengths across international jurisdictions:

Length of ban	Jurisdictions	Reference
An absolute minimum of 1 month	International	Global Gambling Guidance Group, 2018
3 months - 5 years	Canada-Quebec casinos	Verlik, 2008
6 months, 1-5 years, or lifetime bans	Australia	Gainsbury, 2014

Length of ban	Jurisdictions	Reference
6 months, 1 , 2 and 3 years	British Columbia Lottery Corporation	Centre for The Advancement of Best Practice, 2016
6 months, 1 year, 5 years, indefinite	South Africa	RGC, 2016
6 months and five years	UK	RGC, 2016
3, 6 and 9 months, 1 and 2 years	Auckland – SkyCity	SkyCity, 2017. SkyCity Auckland Host Responsibility Program (Policies and Procedures manual)
2 years, Life ban	Kansas USA	RGC, 2016
1 year, 5 years, or life-time	New Jersey, USA	RGC, 2016
5 years, indefinite	FEO (Singapore)	
5 years, 10 years to life-time	Mississippi, USA	RGC, 2016
Indefinite	Missouri, Illinois, Louisiana (USA), Nova Scotia Provincial Lotteries and Casino Corporation, and Crown Australia	RGC, 2016

Taking into account the recommendation, relevant information from Crown's review and independent expert advices, Crown has determined to adjust its position so that there will no longer be an 'indefinite' self-exclusion.

As an alternative, customers will be able to elect a period to self-exclude (with the minimum period being twelve months). To return to gaming, self-excluded customers will still be required to undertake Crown's revocation process. This minimum period of self-exclusion is supported by independent expert advices, which provide that *'...evidence derived from self-reports and retrospective interviews of gamblers and self-excluded individuals, respectively, suggest that a twelve month ban is a reasonable balance between allowing sufficient time for change to occur and minimising barriers to entry ... Crown's position that a twelve-month minimum ban length should be the standard duration for self-exclusion is reasonable and supported until such time that evidence accrues to suggest otherwise.'*

In respect of the concept of other short term exclusions, as you are aware, Crown has for a period of time offered a three month Time Out Program as an option for shorter term breaks from gaming. This option is put to the customer where they have indicated that a shorter time period is preferred for their circumstances, and/or where the formalities associated with a self-exclusion order (for example, legal documentation, fines and prosecutions) are a deterrent to taking any type of break.

Crown is of the view that the Time Out Program has been and will continue to be a positive option for customers experiencing problems with their gambling behaviours, particularly in circumstances where customers are reluctant to self-exclude at all, or for an extended period. Further, the Time Out Program is seen as a positive option for customers in taking an incremental step toward addressing any problem gaming behaviours and towards self-exclusion if appropriate.

Crown also notes that with the relatively recent introduction of Facial Recognition Technology (which the Commission has now had the benefit of seeing in practice), the instances of detection initially increased, however in the fullness of time we would expect the number to stabilise or decrease as the risk of detection becomes more widely known and customers cease trying to re-enter the Casino. This strengthening of the gaming floor perimeter detection is of paramount importance in acting as a deterrent for self-excluded and Time Out customers from breaching. Further, with easier detection of breaching or attempted breaching, Crown has the opportunity to assist persons in keeping with their commitments to not enter the Casino. Easier detection also provides greater opportunity, where possible, for responsible gaming staff to interact with those individuals to offer them information and referral.

Therefore Crown, as described above, supports in principle the recommendation regarding the concept of other shorter term banning options. In this respect, Crown's independent expert advice provides that in addition to the twelve month exclusion option, *'...the patrons should be offered shorter time periods if they indicate reluctance to take up the option of the twelve-month length ... From a responsible gambling perspective, the over-riding principle is that it is preferable to have someone agree to temporarily suspending play as opposed to declining entry into a program due to its length and consequently leading the patron to persist in problem gambling behaviours.'*

To facilitate Crown's position and to enhance its self-exclusion, Time Out and revocation framework, Crown will be amending its existing relevant policies and practices to accommodate the following:

Self Exclusion Periods

- Customers will now be able to choose to enter a self-exclusion agreement with a finite term subject to a minimum term of 12 months. Independent advice received by Crown confirmed that 12 months is a *'...reasonable balance between allowing sufficient time for change to occur and minimizing barriers to entry.'* Following the expiry of the 12 month period, customers will be able to apply to have the exclusion revoked and follow Crown's revocation process.
- In this respect, customers will, for example, also be offered an option to select a longer term self-exclusion period, for example a two or three year period, which will preclude a customer from applying to have their self-exclusion revoked during that time.
- Crown's Time Out Program will be revised to offer customers shorter term periods to ban themselves via agreement, being for 3 or 6 month terms, with an option to only renew the period one time, after which self-exclusion will be the option available to the customer. It should be noted however that each request to extend a Time Out Program will be dealt with on a case by case basis in order for the Responsible Gaming team to assess each applicant to determine whether an extension is appropriate in the circumstances. Time Out Programs will only be offered to customers who are reluctant to enter into a 12 month self-exclusion agreement. As a deterrent for customers to breach their Time Out commitment, customers will be advised that any breach may result in an exclusion order being made.

- Crown's revised Time Out Program will be implemented on a trial basis for 12 months and evaluated thereafter.
- Customers will be informed at the time of self-excluding or entering into a Time Out Program Agreement that Crown has facial recognition technology and that there is a strong probability that if they try and re-enter the Casino, they will be detected.

Revocation

- Customers will now be able to choose to enter into a longer term self-exclusion agreement with automatic expiry (for example, after seven years) to remove the need for the revocation process to be undertaken. It will also be made clear to those customers who elect an automatic expiry after seven years that their carded play will be monitored and assessed on an ad hoc basis where appropriate. Independent expert advices support this position in that *'... it is reasonable to offer, at the time of taking out a seven year ban or longer, that they be offered a choice of indicating in writing an extension or have the ban 'expire'. For those electing to take the latter course of action, they should be informed that their behaviour may be monitored by RGLO members, particularly if they are loyalty card holders. Periods of under seven years ... should follow the same revocation procedure as for the twelve-month period.'*
- The existing revocation requirements, which include a customer obtaining support from a medical professional or counsellor for twelve month (or longer) self-exclusion orders, or an interview with a Responsible Gaming Advisor for Time Out Programs, will continue to be required. However, the following adjustments will be made:
 - As part of the revocation process, patrons will be required to agree to a Responsible Gaming Advisor observing, interviewing and/or tracking loyalty card play at ad hoc post revocation visits, for at least a further twelve months; and
 - Persons who are permitted to return from either a self-exclusion, or a Time Out Program, will be randomly selected and periodically monitored, as far as any observable signs and data can allow. This will be communicated to the customer to assist them with maintaining control of their gambling behaviours.

Crown will now undertake the relevant steps, such as updating the applicable responsible gaming policies, brochures and related collateral and training of relevant staff, in order for the adjusted processes to commence in practise.

It is important to note that Crown's policies and programs with respect to self-exclusion are based on current literature and will continue to be revised. As there is no ideal benchmark in place, Crown will use the opportunity it has to continue to evaluate the effectiveness of its Self-Exclusion Program, Time Out Program and revocation processes, seeking independent expert advices as and when required.

10 Year Self Exclusion Orders

As part of the above mentioned detailed review of Crown's self-exclusion and revocation processes, Crown has also considered, and sought independent expert advice, regarding the VCGLR's recommendation to review self-exclusion orders which are greater than ten years old with a view to either retaining or ending these orders, depending on the individual circumstances of the customer.

The independent expert advice obtained concluded that after a ten year period of exclusion, the following scenarios are likely to apply:

- the customer has resolved their gambling problem;
- the customer has continued to gamble elsewhere; or
- the customer is continuing to experience the desire to return to the Casino, but the exclusion order in place is assisting them in not returning.

Changes to older self-exclusion orders would require contact or notification being made to the customer. The independent expert advice concluded that contacting these customers in each of the above circumstances:

- is not commensurate with responsible gambling practices;
- may increase the customer's 'propensity to resume gambling at Crown'; and
- despite the potential for photographs to become obsolete, the benefits of contacting customers in these circumstances do not outweigh the risks.

Crown agrees with the independent expert's conclusion. Accordingly, based on the above advice, Crown is of the respectful opinion that self-exclusions that are older than ten years should continue to remain in place. Should the Commission have a firm position otherwise, please so advise. Please note that where customers in this category come to our attention, they will be engaged with and managed accordingly. Please also note that as described above, moving forward this issue will be less relevant as customers will now be able to choose to enter into a long term self-exclusion agreement with automatic expiry (for example, after seven years).

Conclusion

Crown is of the firm belief that the adjustments to be made to its responsible gaming framework resulting from the review carried out and independent expert advice will see an enhancement of its practices, which will be evaluated over time with other necessary adjustments being made as evidence becomes available supporting any appropriate change.

Please do not hesitate to contact me or Joshua Preston if you have any queries.

Yours sincerely



Barry Felstead
Chief Executive Officer – Australian Resorts