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26 September 2019

Mr Rowan Harris  
Principal Major Licence Officer  
Victorian Commission for Gambling and Liquor Regulation  
Level 3, 12 Shelley Street  
RICHMOND VIC 3121

**By Email**

Dear Mr Harris

**Sixth Casino Review – Further Enquiries Regarding Recommendations 10 and 11**

Thank you for your email correspondence of 16 September 2019, requesting further information regarding Crown Melbourne Limited's (**Crown's**) submissions for Recommendations 10 and 11. We have responded to each of your enquiries in turn, set out below.

**Recommendation 10**

1. *The VCGLR requests a copy of the independent expert advice or report provided to Crown (reference: bullet point three, second paragraph, page 2).*

As noted in recent discussions and the series of tripartite meetings (**Tripartite Meetings**) between Crown, the Victorian Commission for Gambling and Liquor Regulation (**VCGLR**) and the Victorian Responsible Gambling Foundation (**VRGF**); Crown commissioned the expert's report under Legal Professional Privilege. We are currently taking advice as to the appropriateness of releasing the Report.

2. *The VCGLR requests a copy of a Time Out Program three month or six month agreement application form.*

Crown attaches copies of the documentation requested.

With regard to questions 3-8 following, which relate to Crown's Time Out Program, Crown notes that each of these matters were discussed (some at length) in the Tripartite Meeting series with both the VRGF and the VCGLR. Additionally, Crown has responded to queries and provided documents to the VCGLR relating to the Time Out Program on numerous occasions since 2016. Notwithstanding, please see our responses as follows:



3. *What features of a Time Out agreement are common to a self-exclusion order pursuant to s.72(2A) of the Casino Control Act 1991 (the CCA)?*

The features that are common to a Time Out Agreement and a Self Exclusion Order issued by Crown are:

- The voluntary nature of the initiation of the ban;
  - Completion of documentation (although more rudimentary for the Time Out Program);
  - A photo of the patron is taken for Crown's records and Facial Recognition system;
  - The prohibition on the person entering or remaining in the casino (both will cause the person to be removed from the casino);
  - Crown's offer of referrals and support; and
  - The release and indemnity.
4. *How does Crown administer Time Out Program agreements in comparison to self-exclusions pursuant to section 72(2A) of the CCA?*

Crown offers the Time Out Program only when a person has requested to self exclude and subsequently declined this option (after being informed of the process and requirements of the Self Exclusion Program). Additionally, the administration processes noted at point 3. above and as contained in the policy and procedure documents previously provided to the VCGLR, apply.

5. *What is Crown's case for not formalising Time Out agreements (ie. treating them as a private agreement between Crown and the person, instead of including them under a regulatory scheme pursuant to s.72(2A)?*

As discussed during the Tripartite Meetings, the more formal and legal nature of the Self Exclusion Program was rejected by some customers. Further, some customers were not comfortable with entering into a program that had government oversight. There has also been opposition expressed to entering a program where there are penalty provisions for a breach.

The Time Out Program was trialed and implemented to ensure that where customers were experiencing difficulty with their gambling behaviours, they could take some action rather than none at all if they were adverse to elements of the Self Exclusion process. As noted by the Responsible Gaming Psychologist during the Tripartite Meetings, for some customers, the Time Out Program could be their first step on the way to applying for a Self Exclusion Order.

6. *Does Crown believe there could be extra regulatory burden if Time Out agreements were formalised (ie. included as part of the statutory scheme pursuant to s.72(2A) of the CCA)? If so, please provide details.*

The formality and legal obligations placed on the customer should the Time Out Program be commuted to one with the same legislative requirements as a Self Exclusion Program, would be detrimental to harm minimisation goals as this may have the consequence of turning persons away from participation in responsible gaming programs. Additionally, if the regulatory mechanics were added to the Time Out Program, it would in effect become the same process as for the Self Exclusion Program. There would be little utility in having both programs and the elements customers seek in the Time Out program would cease.



7. *Does Crown actively promote Time Out Agreements?*

As discussed, Crown does not promote the Time Out Program as it is only offered if a person declines participation in the Self Exclusion Program.

8. *What governs Crown's self-exclusion program/process? What dictates why it appears to be formal and structured? ICS/SOPs?*

The Self Exclusion Program is governed by the *Casino Control Act* (for example, ss 72 – 78B) and is detailed down to such matters as who has the Commission's authority to witness an application for Self Exclusion. To ensure compliance with the legislative requirements, Crown has also developed Policies and Procedures that govern its Self Exclusion Program.

**Recommendation 11**

With regard to points 1-3 following, Crown has no record that the changes now requested were raised during the Tripartite Meeting series, or noted in the VCGLR and VRGF's feedback on the settled documents, prior to submission. Notwithstanding, please see our responses as follows:

1. *Please confirm that the Third Party Exclusion (TPE) brochure and application form is available on Crown's website to enable prospective applicants to access the TPE application process without physically attending the casino. (ie. making clear to the TPE applicant that required contact does not require visiting the casino).*

Crown confirms that the Third Party Exclusion Program brochure and application form is available on Crown's website and makes clear that the process can be accessed without the need to come on-site:

<https://www.crownmelbourne.com.au/casino/responsible-gaming/responsible-gaming-centre/third-party-exclusion>

Crown also confirms that Third Party Exclusion brochures are available throughout the casino.

2. *TPE application form. It would appear there is no provision on the TPE form for the third party to nominate how they wish to be contacted (i.e. email, hard mail or other). Please address.*

Crown will make the requested change.

3. *The two Crown notification letters (receipt of application, notification of completion of process) are designed to be sent by post. If the applicant wishes to be notified by email (or alternative address) for safety reasons, there is no method to advise Crown of this. Please address.*

Crown will make the requested change.



We hope the information provided assists and please do not hesitate to contact me if you have any queries.

Yours sincerely,

