

SELF- AND 3RD PARTY EXCLUSION FROM GAMBLING VENUES

POLICY

The Alliance supports public policy and regulatory regimes that prevent and minimise gambling harm. We believe that this is best achieved through a public health approach which places responsibility for harm caused by dangerous products onto the manufacturers and distributors of the products.

For this reason we prioritize policies and actively campaign for change that prevents harm being inflicted in the first place. We do, however, recognize the importance of programs to assist those who have been harmed to be safer and to recover.

We insist on making venues accountable and responsible for the role they play in causing gambling harm.

Our positions and policies are developed in consultation with lived experience advocates on the principle that those closest to the harm are those closest to the solutions.

SELF- AND 3RD PARTY EXCLUSION POSITION STATEMENT:

- The Alliance for Gambling Reform does not actively campaign for exclusion schemes. Our support for changes or improvements to existing schemes will be evaluated on a case by case basis.
- The Alliance acknowledges self-exclusion from gambling venues is a useful therapeutic mechanism to assist in reducing or preventing harm from gambling for many individuals. It is not a treatment, but entering into a self-exclusion deed does indicate a person has recognized that their gambling is, or could be, creating problems and has chosen to act. Breaching a self-exclusion deed is not failure - it is a common step on the pathway to recovery.
- The Alliance, except in very particular circumstances, does not support 3rd party exclusion programs, because of their limitations and risks of incurring additional harm.

Family-initiated 3rd party exclusion presents specific privacy and relationship risks. It places the responsibility for action on individuals who are already experiencing harm, rather than putting the responsibility for action onto venues, which in every case have more information about gambling behaviours. The design of such programs often effectively prevents families taking action, while allowing policy makers to claim apparent reforms. Imposing an exclusion on a person who has not yet acknowledged that they have a problem is likely to exacerbate family tensions, to the point of risking violence.

- Venue-led exclusion should form part of a stronger responsible conduct/service of gambling regime. Ideally, any exclusion would be combined with other actions, including access to counselling, although the Alliance appreciates that some people manage their gambling without professional assistance.

In particular, venues should have mandatory intervention requirements, and gambling-related loyalty schemes should be banned.

- Self-exclusion programs have been used by venues to defend their social licence by appearing to offer harm minimisation actions, but in reality, when the program design does not include obligatory enforcement, they continue to place all the responsibility on individuals. When venues are part of multi-venue exclusion programs (for instance, NSW), it allows them to claim that they are exceeding their legal obligations when applying for additional machines, further adding to community harm.
- From a public health perspective, there are other actions which would, in our opinion, reduce or prevent harm more broadly. Self- or 3rd party exclusion programs should only exist within a framework which obliges gambling venue operators to take more responsibility and more action.

MINIMUM ACCEPTABLE DESIGN FEATURES

In the event that a jurisdiction introduces legislation or amendments to legislation or regulations, or if an allied organisation calls for stronger exclusion schemes, the following design features are the minimum settings the Alliance considers acceptable.

Reports for regulators should not repeat the claim that self-exclusion programs are failures due to high levels of breaches. There should be recognition that people may need several attempts at becoming safe from gambling harm, and that breaching a self-exclusion agreement is common. Breaches should be taken as flags for proactive intervention, rather than grounds for punishment for the individual.

VENUES:

- There should be an obligation on all venues to enforce any exclusion agreement, with financial penalties for venues for failing to enforce agreements or deeds.
- There should be no limit on the number of venues from which a person can self-exclude.
- It should be as easy as possible to self-exclude, including acting autonomously through an on-line system.
- All venues should be obliged to link an ID check with self-exclusion databases, rather than rely on manual processes.
- Venues and third-party agencies should not be able to monetize the linking of IDs and self-exclusion, or any other data in relation to self, third-party or venue-led exclusion schemes
- Venue management should be legally responsible for ensuring that their systems, staff training, staff support and staffing levels are sufficient to enforce exclusion agreements.

- Venues should employ at least one staff member on every shift where gambling facilities are open, who has undertaken either advanced RCG/RSG or gambling counselling training, and who is employed on higher duties pay/ higher pay as the staff member responsible for engaging with people who have self-excluded
- Advanced staff training and support should also form part of mandatory intervention programs
- Gambling-related loyalty schemes which are designed to incentivize additional gambling are clearly inconsistent with exclusion programs, and should be banned

3RD-PARTY EXCLUSION:

No 3rd party scheme should involve people divulging confidential information to a venue or club or pub association. All such applications should be handled by an independent adjudicator (see SA system)

We identify the following risks, harms or concerns in any 3rd party program:

- It continues to place responsibility on individuals, often those already experiencing harm, rather than the venue which hosts the harm
- Relatively low number of families know that a family member has a problem, so any such program affects a tiny proportion of those experiencing harm
- Families are made to feel guilty for not triggering a 3rd party exclusion, especially as they are likely to find that their relative has a problem well after serious harm has occurred
- Families face significant difficulties in documenting harm in order to trigger a 3rd party exclusion, to the point where proof may be impossible
- Because confidentiality may be impossible, or the likely informants can easily be identified, family members may face family or intimate partner violence if their role in an exclusion becomes known.
- People may be subject to vexatious or malicious exclusion orders.

VENUE LED EXCLUSION

Just as venues exclude people for alcohol and behaviour issues, a venue adopting a proactive Responsible Conduct/Service of Gambling approach might choose to exclude a patron exhibiting signs of difficulty managing their gambling. In that case, the following basic principles should be applied:

- Before exclusion, the venue should offer the patron access to counselling and participation in active monitoring if the patron agrees (current situation in Qld).
- Any venue-led exclusion should be reviewable, and be time limited, but not so short a time that the excluded person is likely to continue their behaviour patterns.

CONSULTATION:

The Alliance has developed this position paper based on consultation with lived experience advocates and academic research.

Some family members have told us that a 3rd party exclusion scheme would have saved lives. Others have told us that it would have made little difference in their situation. Some people have told us that the

whole idea that the responsibility for another person's actions should fall on them, rather than on venues, is abhorrent. We have had discussions around feelings of guilt and resentment felt by family members.

We also acknowledge the testimony of those who have gambled; that self-exclusion was effective for some of them, and formed an important part of their recovery. For some, multiple breaches have occurred, and we heard their frustrations at how the failure of venues to play their part, by not enforcing the deeds, has made recovery more difficult. Others have self-excluded and never breached.

RESEARCH:

There is insufficient evidence to indicate the ways in which self-exclusion can help reduce harm, but the evidence that does exist supports the use of the tool. Because of the lack of data, it is not clear if self-exclusion is most effective for those at low-risk of developing problems, although for those experiencing significant harm, it appears that there are improvements to quality of life and ability to manage gambling.

The existing research indicates that breaches of self-exclusion are common. This is not an indication that self-exclusion has failed, because the outcome is not only to stop attending one or more particular venues, it is also that the person has taken the steps to take some action to moderate behaviour. Research does indicate that even when self-exclusion is breached at a venue, or by gambling elsewhere, PGSI scores reduce and more positive feelings are reported.

There is almost no evidence for, and little research on, the efficacy of 3rd party exclusions, including venue-led exclusions, for therapeutic purposes.

More research is needed.

REFERENCES

Blaszczynski, A., Ladouceur, R., Nower, L. 2007 "Self-exclusion: A Proposed Gateway to Treatment Model", *International Gambling Studies*, Vol. 7, No. 1, 59–71, April 2007

Hing N, Russell A, Tolchard B, Nuske E. (2015) Are there distinctive outcomes from self-exclusion? An exploratory study comparing gamblers who have self-excluded, received counselling, or both. *International Journal of Mental Health and Addiction* 13(4): 481-496.

Kotter, R., Kräplin, A., Pittig, A. *et al.* 2019 A Systematic Review of Land-Based Self-Exclusion Programs: Demographics, Gambling Behavior, Gambling Problems, Mental Symptoms, and Mental Health. *J Gambl Stud* 35, 367–394 (2019). <https://doi.org/10.1007/s10899-018-9777-8>

Lawn, S., Oster, C., Riley, B., Baigent, M. & Smith, D. 2019 *Responsible Gambling and Gambling Harm Minimisation Research Gap Analysis Rapid Review of Literature Final Report*, Commissioned for the NSW Office of Responsible Gambling, Flinders University Flinders Human Behaviour & Health Research Centre

Neal, P., Delfabbro, P., & O'Neil, M. (2005). *Problem gambling and harm: Towards a national definition*. Commissioned for the Ministerial Council on Gambling. Prepared by the SA Centre for Economic Studies with the Department of Psychology, University of Adelaide. November 2005.

New South Wales Parliament Legislative Council Select Committee on Gambling 2014 *The impact of Gambling /* Select Committee on Gambling. Chair: Revd the Hon. Fred Nile MLC.

Rintoul, A., Deblaquiere, J. & Thomas, A. (2017) Responsible gambling codes of conduct: lack of harm minimisation intervention in the context of venue self-regulation, *Addiction Research & Theory*, 25:6, 451-461, DOI: 10.1080/16066359.2017.1314465

Schottler Consulting (2017) *The harm minimisation impact of third party exclusion schemes and possible future directions for NSW*. https://www.responsiblegambling.nsw.gov.au/_data/assets/pdf_file/0004/138163/Harm-minimisation-impact-of-third-party-exclusions-and-possible-future-directions-for-NSW_Final-Report.pdf