

Gaming guideline G16: Preventing excluded persons entering or remaining on licensed premises

This Commissioner guideline provides information to help hotel and club licensees and their staff adopt reasonable steps to prevent excluded persons from entering or remaining on licensed premises or in a gaming machine area.

It also provides guidance about the attitude the Commissioner is likely to adopt on whether a licensee and their staff have taken reasonable steps to prevent known excluded persons from entering or remaining on licensed premises or in a gaming machine area. This will assist licensees to meet their obligations under the *Gaming Machine Act 1991 (Qld)* (Gaming Machine Act).

Managing exclusion programs and excluded persons

Importance of properly managed exclusion programs

A person may be excluded by a licensee upon their request (self-exclusion order) or a licensee may issue an exclusion direction when they believe, on reasonable grounds, the person is experiencing, problem gambling.

Excluding a person from licensed premises, or gaming machine areas within the premises, is a harm reduction measure designed to help people manage their gambling, particularly those who have a gambling problem.

Self-exclusion is a commitment by a patron to restrict their access to gaming machines and potentially other gambling products. A person may choose to exclude themselves from one or multiple venues. In doing so, the patron takes responsibility to adhere to the terms of the exclusion order, acknowledging they will be breaking the law if they do not. Under section 261I of the Gaming Machine Act, the licensee and their employees must then take reasonable steps to prevent a known excluded person accessing areas from which they are excluded and remaining in those areas if they gain access.

It is important to understand that it can be very difficult for people with a gambling problem or addiction to control their urge to gamble, even when they recognise the negative consequences of their gambling. Gambling harm prevention can be achieved through exclusion programs that assist in reducing a person's access to gambling products and, consequently, reduce or prevent gambling-related harms¹. However, the underlying urge to gamble means there is still a high risk of excluded persons seeking to gamble at premises from which they are excluded (research suggests up to 50% breach exclusion orders)². Accordingly, there needs to be an acknowledgement that due to the nature of addiction, an excluded person may not be able to control their behaviour and there is a need to have measures in place to prevent excluded persons from entering or remaining on the premises or parts of premises from which they are excluded.

¹ Livingstone, Charles & Rintoul, Angela & Francis, Louise. (2014). What is the evidence for harm minimisation measures in gambling venues? Evidence Base Journal ANZSOG. 2014. 10.21307/eb-2014-002.

² Hilbrecht, M. (Ed.). (2021). Prevention and Education Evidence Review: Gambling-Related Harm. Report prepared in support of the National Strategy to Reduce Gambling Harms in Great Britain. Greo: Guelph, Canada. 10.33684/2021.006

Gambling-related harm affects society on multiple levels including individuals, businesses and the broader community. People with significant gambling problems are often experiencing other personal issues such as mental health, mental illness and substance use disorders.

As well as their legal responsibilities, gaming machine licensees have a social responsibility to create and maintain a safe gambling environment to minimise the impact on individuals and society.

Organisational leadership and culture

Licensees, their boards/committees and senior management should demonstrate strong leadership, promoting a culture of gambling harm prevention throughout the organisation. Through words and actions, there should be a strong demonstration to staff that profit is not prioritised above the welfare of patrons who may have a gambling problem and the broader community, such as family members who are impacted because of an individual's problem gambling. Gambling harm prevention strategies must be central to a licensee's operations.

As part of their governance responsibilities, individual licensees or the boards/committees of corporate licensees should be monitoring the performance of proactive gambling harm minimisation measures, just as they monitor other aspects of the businesses' performance. Sufficient resources must be allocated to enable the success of gambling harm minimisation strategies, including training in how to recognise and respond to the signs of problem gambling and for customer liaison officers how to engage with customers to provide advice and assist them with exclusion.

The licensee's board/committee and executive management should keep abreast of opportunities for enhancing the venue's harm minimisation programs through adopting new, improved technology.

Potential penalties

As well as the business reputation damage and risk of civil claim that may result from improperly managed exclusion programs, failure to take reasonable steps to prevent excluded person from entering or remaining in areas from which they are excluded could result in a maximum penalty of over \$33,000 for a licensee or over \$5,000 for another person e.g. staff member.

When investigating alleged exclusion contraventions, the Office of Liquor and Gaming Regulation (OLGR) will examine potential offences relating to the person contravening the self-exclusion order or exclusion direction, and the actions taken by the licensee or their staff to prevent and manage the contravention after it has been identified.

OLGR will examine the policies and procedures adopted by licensees to prevent the excluded patron from entering or remaining on the relevant licensed premises. An assessment will be undertaken to determine whether the policies were followed, and the preventative steps taken were reasonable. By implementing and following measures consistent with this guideline, the licensee and their staff will be taking reasonable steps, thereby meeting their legislative obligations. As well as minimising potential harm to their customers, this will protect them against potential penalties.

Strategies for prevention

What are considered 'reasonable steps' will vary from venue to venue, based on factors such as:

- size and physical layout of the venue;
- number of gaming machines operated;
- level of gaming machine play;

- number of persons excluded from the venue; and
- hours of operation.

However, there are a range of control measures that every venue would be expected to adopt to assist in identifying and preventing excluded persons from entering or remaining on licensed premises or in gaming machine areas. These are referred to in this guideline as 'foundation measures'. A number of these foundation measures are also specific legislative obligations.

Other measures which provide additional control may be adopted by venues that have the resources and or an elevated risk of gambling harm. These measures are referred to in this guideline as 'additional measures'.

The measures implemented by the licensee need not be limited to those listed as foundation or additional measures. Licensees are encouraged to adopt measures that are appropriate for their environment, including the use of technological solutions which will continue to advance both in effectiveness and affordability.

Foundation measures

Registers

1. Where a licensee has any excluded persons for their venue, a [register of excluded persons \(Form 3G\)](#) must be kept. This is a legislative requirement under section 261J of the Gaming Machine Act. The register is to include information regarding each exclusion, including the gambling help service provider the person was referred to.
2. Licensees should maintain photos of excluded persons in a conspicuous place (but not accessible to the public) to enable staff to familiarise themselves with excluded patrons' appearances. If an exclusion does not include a photo, the licensee should either try to obtain one from the person or ask to take their own photo of the person for self-exclusions. Licensees have the power under section 261(2) of the Gaming Machine Act to require a recent photo to be provided with the notice.

Procedures and training

3. Licensees should have documented processes in place for managers, staff involved in gaming duties, and any other relevant staff, to know which persons are excluded and from what areas of the premises they are excluded. Procedures should include:
 - appropriate timeframe for periodic review of exclusions list
 - process to alert staff more frequently to high risk excluded patrons (e.g. those who have contravened their exclusion)
 - process to alert staff to new exclusions.
4. Licensees should equip relevant staff with skills to intervene and support an excluded person in the event they identify or are notified of an excluded person in an area from which they are excluded.
5. Licensees should have processes in place for the timely, orderly, and sensitive removal of excluded persons where they are identified contravening their exclusion order/direction. As part of these processes, it is important that licensees have mechanisms in place to assist excluded persons to engage with Gambling Help services, including providing them with the relevant contact details and offering to assist them to contact the services. It is important to understand that being detected breaching an exclusion order can be very embarrassing or upsetting for the person. Making the effort to build positive relationships with staff members from your local Gambling Help service will make it easier to link in with these services and

provide your patrons and community with high-quality support should these situations arise. Processes must also ensure that the licensee's obligation to report the exclusion contravention to OLGR is met (section 261K of the Gaming Machine Act and section 16A of the Gaming Machine Regulation 2002.)

6. Signage highlighting the consequences of contravening an exclusion order or direction should be conspicuously located within the licensed premises, including at or near the entrance of gaming machine areas, to help excluded persons refrain from entering areas from which they are excluded.

Challenges relating to an overabundance of signage and associated loss of benefits are acknowledged. Signage, including its location and style should be appropriate for the venue's circumstances and may involve use of electronic screens with rotating digital displays.

Governance

7. Licensees should document the measures they put in place to prevent excluded persons from entering or remaining in an area from which they are excluded. Relevant staff should be trained and given regular refresher training and periodic reminders of their responsibilities. There should be sufficient management oversight for the licensee to be satisfied the measures are being followed.
8. Licensees should periodically review their documented procedures relating to the measures in place for preventing excluded persons from entering or remaining in areas from which they are excluded. This should include identifying and implementing any improvements arising from instances of excluded persons being found to have contravened their exclusion order/direction.

IT systems

9. Club licensees using member and visitor registration systems should use these systems to assist in identifying excluded persons. If a person is excluded from the entire club, and not just the gaming machine area, the excluded person's membership should be cancelled or suspended during the exclusion period. Where the system has the capability, a flag or notification should be included against the excluded person that can be seen by staff. This can include staff who are greeting members and visitors at the entrance of the venue, performing gaming duties or at the point of sale.
10. Where in use, licensees should ensure card-based gaming accounts and player loyalty accounts are disabled (partially or fully) or cancelled upon an exclusion taking effect. It is important that these are not able to be reactivated or a new account opened during the exclusion period. A licensee should have processes in place for periodically checking that no persons in the exclusion register have been able to reactivate their account or open a new account. Whether an account is fully or partially disabled will depend upon the extent of the exclusion. A licensee may choose to leave non-gaming related features enabled where a patron is only excluded from gaming areas.

Advertising and promotional activity

11. Licensees must not distribute promotional or advertising material to excluded persons. Excluded persons must be removed from venue mailing lists including physical mail, email and SMS communications (section 261L of the Gaming Machine Act). They are to also be removed from social media pages wherever possible. Where a person is only excluded from gaming areas, the licensee should request from the patron if they wish to continue to receive non-gaming related messaging. However, if this cannot be strictly controlled to ensure gaming messaging is not provided, the person must be removed from lists altogether.

Ongoing monitoring

12. Staff should conduct regular [monitoring of closed circuit television \(CCTV\)](#) (where applicable) and sweeps of the gaming machine areas. As well as assisting to identify excluded persons, this is a practice that should be done to monitor player activity for any signs of problem gambling or money laundering.
13. Staff should check for excluded persons when transactions occur – for example, when jackpot payments and manual payments are being made to patrons. Note that in line with the [Rules Ancillary to Gaming](#) a gaming employee must refuse to pay a cancelled credit or jackpot if they believe on reasonable grounds the person is excluded. A [Form 30 - Payout refusal report](#) must be completed and provided to OLGR as soon as practicable. As is discussed in foundation measure 5 above, it is important that when identified an excluded person is escorted from the venue in an orderly and sensitive manner and assistance offered for them to engage with gambling help services.

Additional measures

1. Licensees should lead regular staff discussions to demonstrate their ongoing commitment to supporting excluded persons. During the meeting, exclusion registers and photos can be reviewed, and staff can be reminded who is currently excluded and when exclusion orders are due to expire.
2. Licensees should have a system in place for managing and investigating any complaints regarding patron exclusions, e.g. where an excluded person, or family member of the excluded person, claims that exclusion contraventions are occurring without detection. The findings of these investigations should be used to inform improvements to venue practices and procedures, where applicable.

Incorporating technology

3. Consideration should be given to installing facial recognition technology. While not a replacement for other measures, facial recognition technology can support licensed venues in identifying excluded patrons. This technology continues to improve in effectiveness and affordability. In consultation with the venue, suppliers of technology can recommend how many cameras should be installed and the best locations for these.
4. Software systems i.e. membership cards, point of sale, payment systems etc. should be integrated where possible to aid the identification of excluded patrons.

Privacy

While regular reviews of exclusion material are strongly encouraged to assist venue staff in identifying excluded persons, privacy must be maintained.

Information about excluded persons may only be used by staff members to identify and prevent excluded persons from entering or remaining in areas from which they are excluded.