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Responsible Conduct of Gambling

Student manual



**Trade &
Investment**

Office of Liquor, Gaming & Racing

Responsible conduct of gambling course

The course has been designed to satisfy the requirements of clause 59 of the *Gaming Machines Regulation 2010*.

The legislation requires all secretaries of registered clubs with gaming machines, all hoteliers with gaming machines, and employees of registered clubs and hotels whose duties include gaming machine activities to have completed a *Responsible conduct of gambling course* (RCG) approved by the Director General, Department of Trade, Investment, Regional Infrastructure and Services.

The Independent Liquor and Gaming Authority must refuse any application to keep gaming machines from a registered club or hotel, unless it is satisfied that the secretary or the hotelier has completed the approved RCG course.

A registered club or hotelier must not employ a person whose duties involve the conduct of gaming machines, unless that person has completed the approved RCG course. In addition, club directors who undertake gaming machine related duties at their club should also undertake this course.

Delivery of this course is subject to a number of conditions imposed on the training provider to ensure training is delivered properly and that minimum learning outcomes for students are achieved. For instance:

- the course must be delivered over a minimum of six hours
- an assessment of the competency of the students must be undertaken, and
- the student-trainer ratio must not exceed 30:1.

RCG Competency Card

Following changes introduced on 22 August 2011, graduates of approved Responsible Conduct of Gambling (RCG) courses in NSW must obtain a photo competency card from a participating Australia Post outlet to work in roles that require this qualification.

Paper certificates are no longer issued in NSW, except as an interim certificate issued by an approved training provider. Upon successful completion of this RCG course graduates will be issued with an interim certificate allowing them to immediately work in roles that require this competency. Interim certificate holders then have 90 days in which to attend a participating Australia Post outlet to apply for their card and have it processed.

Current paper certificate holders are required to undertake updated RCG training with an approved provider to obtain a photo competency card as part of a staged transition over the next five years:

Paper certificates issued between	Expiry date
Prior to 1 January 2001	30 June 2012
1 January 2001 to 31 December 2006	30 June 2013
1 January 2007 to 31 December 2008	30 June 2014
1 January 2009 to 31 December 2009	30 June 2015
1 January 2010 to 21 August 2011	30 June 2016

These changes were made to improve the capacity for venue operators and regulators to verify RCG trained staff and reduce the risk of fraud. The system improves the administration and record-keeping arrangements for training providers through an online environment linked to a central licensing database.

This work is based on a project undertaken by the Institute of Family Practice, UnitingCare. Financial assistance for this project was provided by the NSW Government from the Responsible Gambling Fund.

<i>Introduction</i>	4
Course structure	4
Gambling in NSW	4
<i>Module 1 Government, gambling and legislation</i>	7
Harm minimisation (reduction)	8
Gambling legislation in NSW	9
Government inquiries into gambling	10
Role of NSW gaming industry regulators	12
Legislative provisions	14
Penalties under the legislation	16
<i>Module 2 Statutory signage requirements</i>	19
Statutory signage requirements	20
Gambling signage types and placement	20
Venue - self audit checklists	24
Advertising of gaming machines	25
Prohibition on displaying gambling-related signs	26
Location of gaming machines in venues	26
Hotel gaming rooms	26
<i>Module 3 Gambling inducements, player prizes, reward schemes, cash and cheque dispensing</i>	28
Gambling inducements	29
Promotional prizes and player reward schemes	29
Cheques and cash dispensing facilities	31
Prohibition on extension of credit for gambling	31
Guidelines for payment of winnings	34
Location of cash dispensing facilities away from gaming machines	35
<i>Module 4 Minors</i>	37

Minors _____	38
Evidence of age _____	39
Minors and responsibilities of staff _____	39
<i>Module 5 Responsible and problem gambling</i> _____	<i>42</i>
Responsible gambling _____	43
Benefits of RCG to business _____	43
Venue staff - Why they are at greater risk _____	43
What is problem gambling? _____	44
Signs of problem gambling for patrons _____	45
Indicators of problem gambling _____	46
The impact of problem gambling _____	48
Social and financial costs of problem gambling _____	49
Impacts on groups such as women and people from a non-English speaking background	50
Alcohol and gambling _____	51
<i>Module 6 Responding to potential problem gamblers</i> _____	<i>53</i>
Responding to potential problem gamblers _____	54
Communication skills _____	56
Understand the context (scenario) _____	58
<i>Module 7 Self exclusion and counselling</i> _____	<i>60</i>
Self exclusion schemes _____	61
Liability with respect to self exclusion schemes _____	61
Request for self exclusion _____	62
Third party requests for the exclusion _____	63
Problem gambling counselling services _____	64
Gambling incident logs. _____	65
<i>Further reading and quick references</i> _____	<i>66</i>

Introduction

Course structure

The Responsible Conduct of Gambling (RCG) course has two sections, each with a number of modules. These modules explain the different harm minimisation requirements of the legislation.

Participants successfully completing this course will be awarded a Statement of Attainment for the nationally recognised Unit of Competency *SITHGAM201 Provide responsible gambling services*. This certification is the mandatory requirement for all persons whose duties are concerned in the conduct of approved gaming machines.

By the end of this course students should be able to:

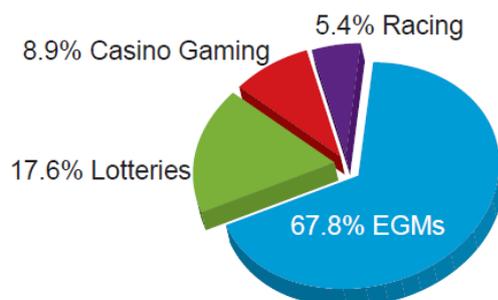
- Describe the context of gambling in New South Wales.
- Describe the legislative framework for the responsible conduct of gambling.
- Explain the indicators and impact of problem gambling.
- Implement responsible gambling strategies.
- List the benefits of implementing responsible conduct of gambling practices.

Gambling in NSW

Gambling is an enjoyable pastime for many people with over 70% of adults admitting that they gamble at least once a year. There are many different forms of gambling, with lotteries having the largest participation and approved gaming machines producing the largest turnover. In NSW legal forms of gambling are:

1. Wagering on racing and sport events, including:
 - TAB activities
 - Calcuttas and sweepstakes.
2. Gaming, including:
 - approved gaming machines (electronic gaming machines - EGMs)
 - linked progressive jackpot systems
 - Keno and lottery games
 - table games
 - miscellaneous games of chance
 - bingo
 - lucky envelopes
 - multi-terminal gaming machines (MTGMs).

Tax revenue share for different forms of gambling in NSW



Productivity Commission Report 2010

Australians gambled \$19 billion in the 2008-09 financial year, with the majority of this being on approved gaming machines. The gambling industry provides a range of benefits to the community including employing tens of thousands of people Australia wide and generating several billion dollars in taxes from venues. In NSW registered clubs can receive a tax rebate by using up to 1.5% of their gaming revenue to fund community and sporting organisations.

There are **94,132** approved gaming machines authorised to be operated in NSW hotels and registered clubs at 1 June 2012 (*excluding The Star Casino*).

While gambling provides a benefit to the community and is simply a recreational pursuit for some, for others it gives rise to problems. These people:

- spend increasing amounts of time and money on gambling
- may lie about their gambling
- find it difficult to control the impulse to gamble, and
- engage in socially destructive behaviour to continue to gamble, including relationship breakdown, loss of assets and crime.

Unlike alcohol-related problems, without appropriate training gambling problems can be more difficult to detect. Staff working in gaming areas of hotels and registered clubs play a primary role in observing, monitoring and communicating with patrons and management.

Therefore, due to community groups and the public's concerns about the negative impacts of gambling, the government introduced and continues to enact and amend harm minimisation legislation. The objects of harm minimisation aim to reduce the harm associated with the abuse and misuse of gambling activities and to foster the implementation of responsible gambling policies and procedures.

This legislation is about ensuring responsible gambling practices by gambling providers and manufacturers, and providing assistance to venue patrons experiencing problems with their gambling. The course you are undertaking today is the first step that some people will take to ensure the harm minimisation and legal requirements are met by gaming venues.

Due to the nature of legislation there is always a compliance aspect to it. This means that there will be consequences for if venues if they do not meet the requirements of the legislation. This may include fines, criminal convictions and the revocation of the authority to operate gaming machines at the premises. Venue staff therefore have a dual role: to be able to assist their patrons and to help ensure that their venue is meeting all of the legislative requirements.

Gaming staff know their venue, the popular machines, regular patrons and their usual behaviour. The effective monitoring of the gaming machine area, patrons and their behaviour can provide helpful information for the minimisation of harm associated with gambling activities.

Keno and Gaming Machines in NSW (as at 1 June 2012)	Hotels	Registered clubs	Total
Venues authorised to operate gaming machines	1,610	1,210	2,820
Authorised gaming machines	23,384	70,748	94,132
Venues authorised to operate Keno	759	996	1,755

SECTION 1

The first section of the Responsible Conduct of Gambling Course has four modules:

Module 1: Government, gambling and legislation

Module 2: Statutory signage requirements

Module 3: Gambling inducements, player prizes, reward schemes and cash and cheque dispensing

Module 4: Minors

These modules will give the participants the context in which gambling in NSW is conducted. They also provide an overview of the venue based permanent harm minimisation strategies outlined in the legislation and how this is translated into the day to day operations of a venue.

While making sure that a venue complies with legislation is the responsibility of all staff, management, board of directors and licensee/owners, it is the floor staff who are in the best position to check these legislated harm minimisation aspects of the venue. This is especially true for signage and minors.

Module 1

Government, gambling and legislation

Assessment criteria

Students should be able to identify:

- The reasons for implementing responsible conduct of gambling practices.
- Requirements and penalties under the NSW legislation.
- Harm minimisation in the context of the *Gaming Machines Act 2001*.
- The role of regulatory agencies in the gaming industry.

Harm minimisation (reduction)

Problem Gambling and Harm: Towards a National Definition is a report released in 2005 by Gambling Research Australia. The report reviewed research to establish definitions for gambling related harm. The definition that came from the report is:

“Harm reduction¹ aims to decrease the adverse health, social, and economic consequences of [gambling] without requiring abstinence (but without ruling out abstinence in the longer term, if this is the client’s choice). Harm reduction is pragmatic and humanistic, focussed on harms and on priority issues.”

Source; *Problem Gambling and Harm: Towards a National Definition*, Gambling Research Australia November 2005.

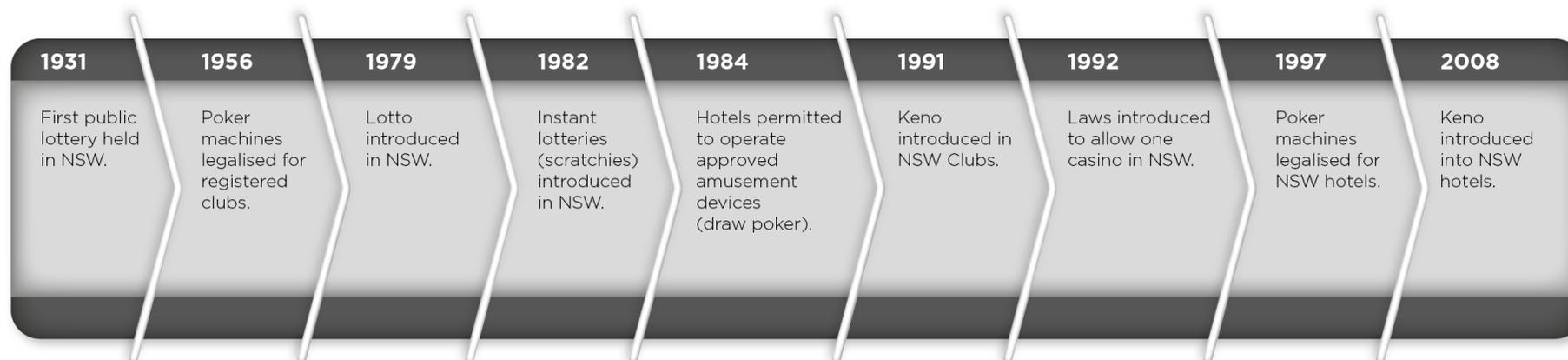
By the act of defining gambling harm, which all stakeholders acknowledge exist, a natural consequence is that responsibility for producing that harm has to be assigned to one or more stakeholders. Therefore, if there is a problem, someone is responsible for it and also responsible for minimising the harm. In respect to gambling harm minimisation, this issue is one that is still being discussed and debated by all stakeholders. In understanding the responsibility a balanced perspective could be that all stakeholders take responsibility. This includes the producers of the product, the venues that allow their patrons to use the product, the public who choose to use the product, and the government for allowing the product to be legally available in the state or country. The government has enacted legislation to make sure that all stakeholders take appropriate measures to assist in protecting the general public.

The objects of the *Gaming Machines Act 2001*:

- (1)(a) to minimise harm associated with the misuse and abuse of gambling activities
- (b) to foster responsible conduct in relation to gambling
- (c) to facilitate the balanced development, in the public interest, of the gaming industry
- (d) to ensure the integrity of the gaming industry
- (e) to provide for an on-going reduction in the number of gaming machines in the State by means of the tradeable poker machine entitlement scheme.
- (2) The Authority, the Minister, the Director-General, the Commissioner of Police and all other persons having functions under this Act are required to have due regard to the need for gambling harm minimisation and the fostering of responsible conduct in relation to gambling when exercising functions under this Act.
- (3) In particular, due regard is to be had for the need for gambling harm minimisation when considering the purposes of this Act and what is or is not in the public interest.

¹ Literature uses the terms “harm minimisation” and “harm reduction” interchangeably.

Gambling legislation in NSW



The gaming machine industry has been regulated since 1956 when poker machines were legalised for NSW registered clubs.

In 1984 hotels were permitted to operate approved amusement devices (card machines). Changes to the law in 1997 allowed hotels to also operate approved gaming machines the following year.

In 1992 the NSW Government introduced legislation to allow the operation of one casino in the state. One of the major provisions was the establishment of a responsible gambling fund which is funded by a levy placed on the Casino. The fund is used for research and treatment of problem gambling in NSW.

Gambling (i.e. gaming, machine gaming and wagering) is now available from over 5,000 outlets (clubs, hotels, casino, TAB outlets and NSW Lotteries agencies). Many other minor gaming activities take place, from raffles through to fundraising bingo in church halls. The first public lottery in NSW was held in 1931.

Government inquiries into gambling



Both state and federal governments hold inquiries and conduct research to gauge the negative impact of gambling and allow the different stakeholders to have input into what they believe to be in the best interest of the general public, problem gamblers and their spouses and for the gambling sector. The primary reports are outlined below.

In December 1999, the Productivity Commission's final report into *Australia's Gambling Industries* was released. This was a significant report as it was the first national profile of the impacts (both positive and negative) of gambling in Australia.

The report was undertaken during a period of significant growth in the gambling sector and was a benchmark report for industry, government, community organisations and general public to discuss the issues related to gambling harm and strategies for the minimisation of them. Some of the key findings of the report were:

- Australian's gamble about \$11 billion annually.
- 40% of Australians gamble regularly.
- The gambling industry represents 1.5% of GDP
- The principal rationales for regulating industries are to promote consumer protection, minimise the potential for criminal and

unethical activity, and reduce the risks and costs of problem gambling.

- Around 130,000 Australians or 1% of the adult population are estimated to have severe gambling problems and a further 160,000 adults are estimated to have moderate gambling problems.
- Problem gamblers comprise 15% of regular gamblers and account for about \$3.5 billion in expenditure annually, which is about 33% of the gambling industries market.
- The prevalence of problem gambling is related to the degree of accessibility of gambling, particularly gaming machines.
- Venue caps on gaming machines are preferable to state-wide caps in moderating the accessibility drivers of problem gambling.
- Existing arrangements are inadequate to ensure the informed consent of consumers or to lessen the risk of problem gambling.
- Deficiencies relating to the information about the risks of problem gambling, controls on advertising which can be inherently misleading, availability of ATMs and credit.

The 1999 *Australia's Gambling Industries* report is available at:
<http://www.pc.gov.au/projects/inquiry/gambling/docs/finalreport>

In 2004, on behalf of the NSW Government, the Independent Pricing and Regulatory Tribunal (IPART) finalised a review of the effectiveness of regulated gambling harm minimisation measures in the state. The report *Gambling: Promoting a Culture of Responsibility* produced more than 108 recommendations to improve the regulatory framework.

These recommendations related to improvements in machine design, better signage in venues and strengthening the self-exclusion program. The report also called for more research to be undertaken in relation to the extent of problem gambling in the community. Over 100 recommendations from this report have been implemented by the NSW Government.

In 2007, research commissioned by the NSW Government examined the prevalence of problem gambling in the community. The *Prevalence of Gambling and Problem Gambling – A Community Survey 2006* study, published by AC Nielson, was a survey with over 2,000 people taking part. The survey revealed that single men aged between 18 and 24 who have not finished high school past year 10 were over-represented among problem gamblers. It also found that 0.8% of the adult population were problem gamblers.

The study found that lottery products were the most popular form of gambling, followed by approved gaming machines and then racing products. The research is available from the OLGR website at http://www.olgr.nsw.gov.au/pdfs/rr_prevalence_gambling.pdf

Also in 2007, Gambling Research Australia published a research report *Identifying Problem Gamblers in Gambling Venues*. It found almost 60% of venue staff indicated it was moderate or easy to identify problem gamblers in the venue. Forty two per cent said they saw problem gamblers all the time and Eighty per cent said they saw them at least weekly.

Lack of training, lack of time and lack of visibility on the gaming floor were challenges to identifying problem gamblers. Most indicated that it was difficult to approach problem gamblers. The study also found that within venues the identification of problem gamblers from others who gamble was theoretically possible through observation. The report is available at www.gamblingresearch.org.au

In 2008 and 2009 gambling severity questions were included in the NSW Population Health Survey. This was to enable government to get a realistic understanding of the extent of problem gambling in NSW. The results showed that in NSW 0.4% of the population had a problem with gambling.

The results of the gambling module of the *NSW Population Health Survey* can be found at http://www.olgr.nsw.gov.au/rr_gambling_module.asp

In February 2010, the Productivity Commission completed a second inquiry into gambling in Australia titled *Gambling*. Some of the key findings of the report were:

- The rapid growth following liberalisation of gambling in the 1990s has given way to more 'mature' industry growth.
 - Total recorded expenditure (losses) in Australia reached just over \$19 billion in 2008-09, or an average of \$1500 per adult who gambled.
- The risks of problem gambling are low for people who only play lotteries and scratchies, but rise steeply with the frequency of gambling on table games, wagering and, especially, gaming machines.

- While it is not possible to be definitive about the costs and benefits of gambling, the Commission estimates that in 2008-09:
 - the benefits from tax revenue and the enjoyment of gambling for recreational gamblers ranged between \$12.1 and \$15.8 billion
 - the costs to problem gamblers ranged between \$4.7 and \$8.4 billion
 - the overall net benefits ranged between \$3.7 and \$11.1 billion.
- Over the last decade, state and territory governments have put in place an array of regulations and other measures intended to reduce harm to gamblers.
- Recreational gamblers typically play at low intensity², but if machines are played at high intensity it is easy to lose \$1500 or more in an hour.
- Online gaming by Australians appears to have grown rapidly despite the illegality of domestic supply. Gamblers seeking the benefits it offers are exposed to additional risks and harms from offshore sites that could be avoided under carefully regulated domestic provision.

The Productivity Commission's report is available at <http://www.pc.gov.au/projects/inquiry/gambling-2009/report>

Role of NSW gaming industry regulators

Historically, governments and regulators in all Australian gaming jurisdictions have implemented a high degree of control over the gaming industries in the public interest. This is not only to protect the continued flow of substantial revenues to governments but also to exclude undesirable and criminal elements and to ensure public confidence in gaming products.

In NSW the principal regulatory authorities are the Office of Liquor, Gaming & Racing; the Director General, Department of Trade, Investment, Regional Infrastructure and Services; the Independent Liquor and Gaming Authority and the NSW Police Force.

Office of Liquor, Gaming & Racing (OLGR)

The OLGR is a division of the Department of Trade & Investment, Regional Infrastructure & Services and is the principal regulatory agency for the gaming, racing, liquor and charities industries.

One of the OLGR's key functions is to initiate, develop and review gaming legislation. The OLGR also supports industry integrity through an effective integrated compliance and probity regime to ensure a responsible, responsive and accountable gambling industry.

Amongst other duties, the OLGR inspectors carry out audits and investigations of gaming machine operations of hotels, registered clubs and gaming related licence holders such as gaming technicians and licensed dealers. Inspectors also investigate complaints involving community gaming and monitor wagering and betting operations conducted on-track or through Tabcorp.

The Responsible Gambling Fund (RGF)

The RGF (formerly the Casino Community Benefit Fund) is located within the OLGR. The *Casino Control Act 1992* provides that money in the RGF is subject to a Trust Deed which

² Intensity relates to the amount of turns a player can/does have on a machine in a set period of time such as one hour.

appoints Trustees and contains provisions approved by the Minister for the expenditure of the money for purposes relating to responsible gambling.

The current Trust Deed provides for the appointment of a minimum of five Trustees who recommend to the Minister particular activities on which RGF monies should be spent. These projects and services predominantly involve the development and implementation of programs that aim to reduce and prevent the harms associated with problem gambling.

A variety of organisations are funded to:

- deliver counselling and support services that will assist people with gambling-related problems, and those close to them, to reduce the negative impact of problem gambling on their lives
- ensure a greater understanding of the nature of gambling, the potential for harm, and the availability of help and support through a range of industry and community awareness and education activities,
- undertake research to better inform the development and implementation of responsible gambling and related policy.

The Independent Liquor and Gaming Authority (the Authority)

The Authority has wide-ranging functions and responsibilities under the liquor, gaming machine, casino and club management laws.

Liquor and gaming licence applications and disciplinary matters are considered by the Authority (also known as ILGA). Anyone can make a submission to the Authority, and those submissions must be taken into account by the Authority when making a licensing decision.

The Authority is responsible for imposing penalties and suspending/cancelling licences in disciplinary matters. Reviews of disciplinary decisions made by the Authority are determined by the Administrative Decisions Tribunal.

Director General, Department of Trade & Investment, Regional Infrastructure and Services

The Director General has a number of statutory powers under the NSW liquor, club and gaming machine laws. The Director General's role in relation to the gambling industry is far reaching and includes:

- investigating all licence applicants and their associates, registered club secretaries, to establish their fitness to hold a liquor or gaming related licence
- issuing recognised competency cards to persons who have completed an approved RCG course
- granting or refusing applications for training providers to conduct RCG courses
- carrying out investigations to determine whether a ground of complaint should be made against a licensee or close associate
- making a complaint to the Authority regarding the conduct of any person holding a liquor or gaming related licence
- require periodic returns by gaming related licence holders
- issuing written directions to licensees to move or screen approved gaming machines from public view
- approving the standardised format and content any statutory form.

The Director General is also responsible for administering the responsible service of alcohol and responsible conduct of gambling training schemes, as well as determining any further training requirements for licensees.

Inspectors from the OLGR support the Director General's functions.

NSW Police Force

Police enforce the gaming and liquor laws in the state and report upon the fitness and probity of applicants to hold liquor and gaming-related licences. Police have the power to issue infringement notices, take disciplinary action against licensees, registered clubs and/or the secretary manager and staff of licensed venues.

Legislative provisions

In NSW, the *Gaming Machines Act 2001* and the *Gaming Machine Regulations 2010* are the legislative instruments that this course will focus upon. However there are many pieces of legislation that address gambling in this state. In fact the OLGR administers over 20 pieces of legislation with the large majority relating to gambling in one form or another.

The NSW gaming machine laws contain extensive harm minimisation measures to ensure the industry operates responsibly and in the public interest, and at the same time provides protection for vulnerable people in the community who are affected by problem gambling. This section examines key gambling harm minimisation requirements that the industry operates under in NSW.

Revision activity - The role of key agencies

Participants can attempt this activity individually or in small groups



Who are the key government agencies involved in gambling regulation in NSW?

What are some of the key roles of government agencies in relation to gambling in NSW?

What are the main objects of the <i>Gaming Machines Act 2001</i> in relation to harm minimisation and encouraging responsible gambling activities?

Penalties under the legislation

The legislation provides for prescribed fines or *penalty units* to be applied for non-compliance. The dollar amount for each **penalty unit is currently \$110**. While this may not sound like a lot of money, minimum penalties under the legislation start at 10 penalty units and can be as high as 100 penalty units for each offence (i.e. \$1,100 to \$11,000).

When a breach of the legislation is determined, an on the spot fine or penalty notice may be issued. The penalty notice amount is prescribed by the regulation and is generally 10% of the maximum penalty, but can be more.

For example:

Non-compliance detected

A venue inspection by an OLGR inspector determines there are no approved player information brochures (English version - Info about the odds on gaming machines) displayed.

Maximum penalty available

The maximum available penalty for this offence is 50 penalty units. The OLGR inspector can issue a penalty notice for \$550 (being 10% of the maximum penalty) to the venue. The penalty notice can either be paid, or the matter elected to be heard at court.

Court elect

If the matter proceeds to court and the court magistrate determines the offences proven, the fine imposed could be up to \$5,500 + legal costs. The court magistrate may also determine the offences proven but record no conviction, or impose no fine, or may dismiss the matter.

Prosecution or complaint action

Prosecution action can be instigated by the police or the Director General for breaches of the legislation, or complaint action could be taken on the grounds that the venue has encouraged or permitted irresponsible gambling. This complaint action may result in disciplinary action such as disqualifying the licensee or cancelling the venue's authority to keep and operate approved gaming machines.

The following case studies illustrate the type of activities that can result in prosecution or complaint action being taken against a venue.

Case Study 1 – Club provided cash advances

A registered club in northern Sydney was found to be in breach of the legislation by providing cash advances to patrons totalling \$96,850. An investigation showed that the system for advancing the money had been in place for a number of years.

The Secretary Manager gave staff permission to provide 82 cash advances, sometimes up to \$5000 a day to patrons of the venue. One patron was loaned around \$60,800 in 28 cash advances. Cash was kept in a tin a when one of the patrons wanted the money they would let the staff member know; the staff member would then give them the cash and replace it with an IOU.

In dealing with the case the court found both the offences proven against the club and the Secretary Manager. The court fined the venue \$40,000 and the Secretary Manager was disqualified for 18 months.

Case study 2 - Western Sydney club's change policy

A club in western Sydney was fined \$27,500 after complaint action was taken when the staff handbook and change policy (informing staff how to perform their duties) was found to promote gambling abuse.

The fine was handed down after a court heard that instructions in the handbook and a \$1 coin change policy were likely to encourage the misuse and abuse of gambling. The investigation found that the club's secretary had developed a customer service handbook for club staff, similar to one he had created when he was a club manager interstate. The handbook, which staff were asked to sign, instructed staff to:

- think about ways of encouraging players to spend more than they originally intended on gaming machines,
- provide \$1 coins in change rather than \$2 coins as "you cannot put \$2 coins into a gaming machine"
- always bring service to the player so that they do not have to get off their stool.

The court found that in preparing, distributing and implementing the handbook, the club had conducted itself in a manner that "was likely to encourage" the misuse and abuse of gambling.

Reporting gambling conduct in venues

Most hotels and registered clubs are diligent about complying with the responsible gambling laws. However, as an employee of a hotel or registered club, you may become aware of potentially irresponsible or illegal activities in relation to the venue's gaming machine operations.

The NSW Office of Liquor, Gaming & Racing views these matters seriously. If you come across apparent illegal or irresponsible practices in your workplace, the OLGR website has an on-line complaints form that enables these matters to be investigated. The form can be accessed at http://www.olgr.nsw.gov.au/website_complaints.asp.

You can also contact the OLGR complaints team on **(02) 9995 0837**.

While you do not need to disclose your identity, doing so assists inspectors to get as much information as possible to pursue the matter and enable you to be informed of the outcome of the investigation.

The *Gaming Machines Act 2001* also provides for the Director General and NSW Police to make a complaint to the Authority about a hotelier or registered Club. Certain actions taken or not taken by the hotel or club may constitute a ground for making a complaint. These are detailed on the following page.

Grounds for making complaint

That the licensee or a close associate of the licensee:

- has contravened a provision of this Act or the regulations, or
 - failed to comply with any requirement under this Act or the regulations that relates to the licensee, or
 - been convicted of an offence under this Act or the regulations or of an offence prescribed by the regulations for the purposes of this section,
- that the hotelier or registered club has engaged in conduct that has encouraged, or is likely to encourage, the misuse and abuse of gambling activities in the hotel or on the premises of the club concerned,
- that the hotelier or registered club has failed to comply with any of the conditions to which an authorisation under Part 5 is subject (including, in the case of a hotelier, the condition that the hotelier comply with the hotel primary purpose test as referred to in section 15 of the *Liquor Act 2007* in respect of the hotel),
- that the hotelier or registered club has failed to pay tax within the meaning of the *Gaming Machine Tax Act 2001*, or an instalment of any such tax, within the time allowed by or under that Act, or has failed to pay a penalty or interest due for late payment of any such tax or instalment,
- that the close associate is (or has become) a close associate of a hotelier while disqualified by the Authority from being a close associate,
- that the close associate is not a fit and proper person to be a close associate of a hotelier,
- that a complaint against a hotelier under this section has been made and that:
 - the close associate knew or ought reasonably to have known that the hotelier was engaging (or was likely to engage) in conduct of the kind to which the complaint relates, and
 - the close associate failed to take all reasonable steps to prevent the licensee from engaging in conduct of that kind,
- that the licensee or close associate has failed to comply with a requirement of the Director made under section 128 (section 128 outlines the requests that can be made by the Director) in relation to the investigation of the licensee or close associate.

A venue faces maximum penalties of up to \$275,000 plus legal costs where a disciplinary complaint is established. Other sanctions that can be imposed include revocation of the venue's authority to operate gaming machines either permanently or for a period of time and the same for an individual licensee.

Module 2

Statutory signage requirements

Assessment criteria

Students should be able to identify:

- Legal requirements for the display of prescribed notices and signs.
- Provision of reality check options such as the display of clocks.
- The restrictions placed on advertising and promoting gaming machines.
- Legal requirements for the location of gaming machines.
- The mandatory shut down period for gaming machines.

Statutory signage requirements

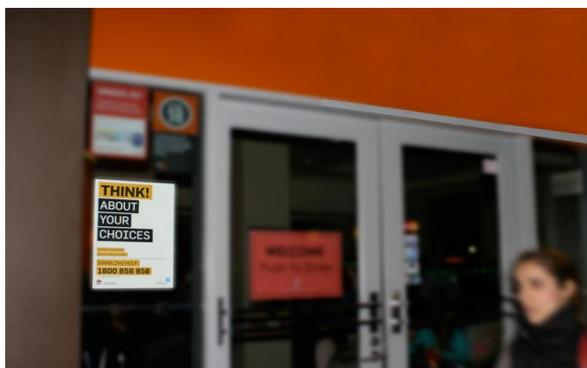
Gaming machine laws require hotels and clubs operating gaming machines to display prescribed notices and signs throughout the venue to promote gambling harm minimisation, player information, counselling services and self exclusion. By law, some of the prescribed signs and notices to be displayed within venues must be the ones produced by the OLGR. Whilst this does not prevent a venue from displaying their own style of signage, if the prescribed sign is not displayed it can result in fines of up to \$5,500 for each offence.

The regulations also allow for a venue to produce their own signage in some instances, for example on ATMs, Cash back machines, Player activity statements, websites, Keno entries and advertisement signs or notices. In these instances, the precise wording and format of the signage is prescribed in the regulations.

Gambling signage types and placement

Sign 1G – Counselling signage

Think about your choices



This sign has to be displayed in the vicinity of the main entrance of the venue.

Sign 2L - Minors signage in gaming machine areas

3G - Chances of winning prizes on gaming machines

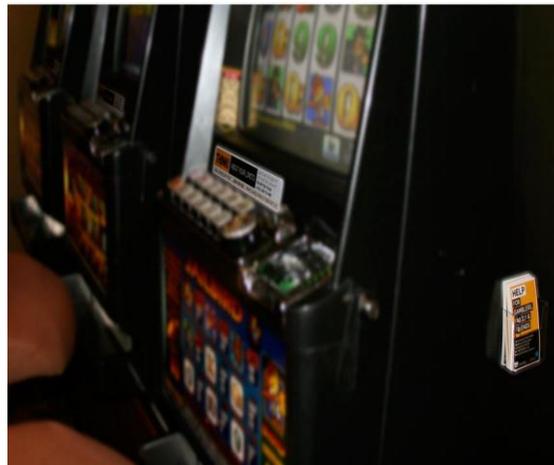


These two signs have to be displayed at each entrance into the part of the premises (area) where gaming machines are located.

Sign 2G - Gambling contact cards



Front



Gambling contact cards must be prominently displayed and secured in a clear plastic cardholder, either:

- attached to each gaming machine so they can be seen while playing the gaming machine, or
- each bank of gaming machines so that they can be seen upon approaching that bank of gaming machines.

If you can approach the bank of gaming machines from either end, then the gambling contact cards should be displayed at each end of that bank.

Sign 4G – Dangers of gambling

Notices to be displayed on gaming machines:

- Gambling warning notice **THINK! ABOUT ... (TOMORROW, YOUR CHOICES, GETTING HELP, YOUR FAMILY and YOUR LIMITS)**
- Problem gambling notice **THINK! ABOUT YOUR CHOICES. CALL GAMBLING HELP 1800 858 858 WWW.GAMBLINGHELP.NSW.GOV.AU**
- Information concerning chances of winning prizes on gaming machines



One of these must be prominently displayed on each machine so that any person can clearly see the notice while playing the gaming machine.

Problem gambling and self exclusion notice

The venue must display a notice in all areas where gaming machines are located, containing the following information:

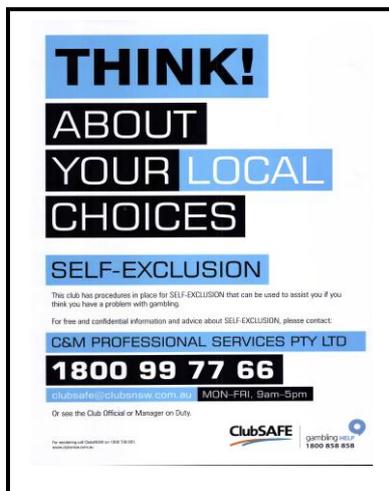
- the name and contact details of the problem gambling counselling service;
- a statement advising patrons that a self exclusion scheme is available;
- the name and contact details of the person or body who is able to assist patrons with becoming participants in a self exclusion scheme conducted in the venue. (This does not need to be the name of an actual person, the position that person holds would be sufficient, e.g. a duty manager.)

Examples include:

Registered club
peak body

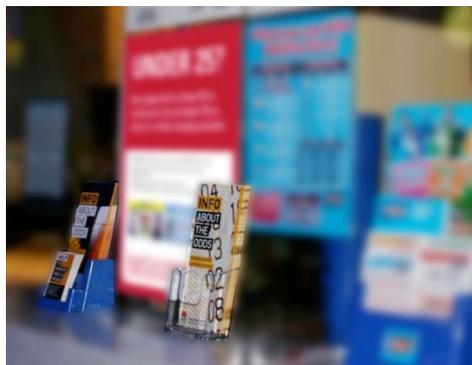
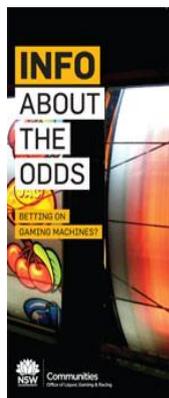
Hotel
peak body

Independent



Brochure 1E – Player Information brochures

Info about the odds on gaming machines



The approved player information brochures in English language *Info about the Odds - betting on gaming machines* must be displayed prominently in each area of the venue where gaming machines are located.

The law also requires that the approved player information brochures in community languages be made available and be provided as soon as practicable after being requested

by a patron. These brochures are available in seven community languages – Arabic, Chinese, Greek, Italian, Korean, Turkish and Vietnamese.

There are three other approved player information brochures available which are not mandatory to display:

- INFO ABOUT YOUR CHANCES – Betting on casino table games?
- THINK! ABOUT GETTING HELP – Gambling more enjoying it less
- THINK! ABOUT YOUR FAMILY – Gambling problems in your family?

Brochure 2E – Keno player information brochure

Info about the odds betting on lotto, lotteries and Keno



In hotels and clubs that operate Keno, the brochure *Info about the Odds - betting on lotto, lotteries or Keno?* must be prominently displayed at or near each Keno terminal.

Notice 1G – ATM Counselling signage

Think! About your choices - message



This message must be attached to an ATM or cash-back terminal or may consist of a permanently visible light emitting display that forms part of the ATM or cash-back terminal.

This message must also be displayed on each player activity statement, website, Keno entry and advertisement.

Notice 2G – Cash-back terminal or cash redemption terminal,

Player Activity Statement message



In addition to the counselling signage this notice must be displayed on each cash-back terminal operated by a player card

Venue - self audit checklists

The OLGR has developed *Self audit checklists* to assist hotels and registered clubs in ensuring that they have the correct signage and harm minimisation measures in place. These checklists can be a valuable tool for familiarising the staff with legislative requirements as well as ensuring your venue becomes and remains compliant with liquor and gaming laws.

The self audit checklists are available at http://www.olgr.nsw.gov.au/liquor_audit_checklist.asp



Revision activity – Mandatory signage



Participants can attempt this activity individually or in small groups

Where must sign 1G, Counselling signage ‘THINK ABOUT YOUR CHOICES!’ be displayed?

Which two signs must be displayed at each entrance to an area where gaming machines are located?

- 1.
- 2.

Whereabouts on a gaming machine must sign 4G – THINK ABOUT ... (TOMORROW, YOUR CHOICES, GETTING HELP, YOUR FAMILY AND YOUR LIMITS) be displayed?

Which sign or message must be displayed on each ATM?

What 3 things must be contained in the problem gambling and self exclusion notice?

- 1.
- 2.
- 3.

Display of clocks

While not an actual sign, responsible gambling regulations provide for the display of clocks where gaming machines are located. The displayed clocks can be digital or analogue design.



A hotelier or registered club must ensure that:

- a clock (set to, or within 10 minutes of, the correct time) is in each part of the hotel or club where gaming machines are located
- and any person playing a gaming machine must be able to readily view the time on the clock.

The intent of this harm minimisation provision is to provide a 'reality' check to patrons who are playing the approved gaming machines and may be unaware of their time spent gambling. This measure is a minimum standard and gambling providers should look at incorporating more *reality check* opportunities for players.

Advertising of gaming machines

The legislation prohibits the advertising of gaming machines externally. Maximum penalties of \$11,000 apply for unlawful gaming machine advertising and signage under the NSW gaming machine laws. The following section covers the regulatory requirements that must be met by gambling venue operators.

Gaming machine advertising definitions

- **Gaming machine advertising** means any advertising that gives publicity to, or otherwise promotes or is intended to promote, participation in gambling activities involving approved gaming machines in a hotel or registered club, but does not include any such advertising that is excluded from the operation of this section by the *Gaming Machine Regulations 2010*.
- **Publish** includes disseminate in any way, whether by oral, visual, written or other means For example, dissemination by means of cinema, video, radio, electronics, the internet or television or by means of promotional material such as club journals, brochures or flyers.

Prohibitions on gaming machine advertising

A club or hotelier, or any other person, must not publish any gaming machine advertising. This includes advertising inside a venue that can be seen or heard from outside the venue.

Regulations apply to all advertising material associated with the gambling activities of the hotel or registered club, including advertising and promotion in leaflets, point of sale display material, posters, newspapers and other printed material.

This prohibition does not apply to gaming machine promotional material provided by a club to a member on an opt-in basis. The promotional material must promote the availability of a player activity statement (described in the next module) and include a problem gambling notice. The material must not be limited to promoting the club's gaming machines.

Exemptions to the advertising prohibitions

The *Gaming Machines Regulation 2010* provides a number of exclusions from the definition of gaming machine advertising, including, but not limited to:

- Any advertising that appears in a gaming machine industry trade journal or in a publication for a trade convention involving gaming machines.
- Any advertising (including signage) that is inside a club or hotel and cannot be seen or heard from outside the venue.
- The approved name of a club (if the name was being used at 2 April 2002).
- An approved gaming machine, which in itself does not constitute advertising.

Note: A complete reference to the full range of exclusions can be found in Clause 46 of the *Gaming Machine Regulations 2010*.

Prohibition on displaying gambling-related signs

Gambling-related sign means any sign (whether consisting of words, symbols, pictures or any other thing) that:

- draws attention to, or can reasonably be taken to draw attention to the availability of gaming machines in a hotel or registered club; or
- uses a term or expression frequently associated with gambling; or
- relates to a gambling franchise or gambling business
- but does not include TAB and Keno signage.

A club or hotelier must not display any gambling-related sign externally, **including** internal signs that can be seen from outside of the venue.

Location of gaming machines in venues

Whilst gaming machines in themselves do not constitute advertising and in some circumstances can be able to be viewed from the street outside, they must not be located in a manner that is designed to attract attention to people outside or that is contrary to the public interest.

In these circumstances the Director General can issue a notice under section 44A of the *Gaming Machines Act 2001* requiring that the machines be screened or moved.

Hotel gaming rooms

If a hotel has more than 10 gaming machines, no more than 5 gaming machines can be located in the general bar area of the hotel and all other gaming machines must be located in a '**gaming room**' which conforms to strict legislative requirements. *For example:* If a hotel has 26 gaming machines, then up to 5 can be located in the general bar area. The other 21 must be located in a gaming room

Clause 8 – Gaming Machines Regulation 2010 (Hotel Gaming Rooms):

- (a) the gaming room must be located in a bar area of the hotel, and it must not be in a part of the hotel in respect of which a minors area authorisation under section 121 of the [Liquor Act 2007](#), or a minors functions authorisation under section 122 of that Act, is in force,
- (b) the gaming room must be physically separated from the general bar area by a permanent floor to ceiling wall with at least the bottom half of such wall being constructed of opaque material, and any building approval for any work that is required to be done must be obtained before the approved gaming machines may be kept in the hotel,
- (c) patrons must not be compelled to pass through the gaming room in order to enter or leave the hotel or in order to gain access to another part of the hotel,
- (d) entry to the gaming room must be provided free of charge,
- (e) any approved gaming machine in the gaming room must be situated so that it cannot be seen from any place outside the hotel that is used by the public or to which the public has access,
- (f) all approved gaming machines in the gaming room must be suitably spaced in order to facilitate access to the gaming machines,
- (g) the gaming room must at all times be supervised by the hotelier or an employee of the hotelier by way of electronic means or physical presence, or both,
- (h) the gaming room must have a doorway or space that provides reasonable access to and from the gaming room to at least one operating bar, and at least one toilet for each gender, elsewhere in the hotel without the need for a patron to go on to a public street, or to any other area not forming part of the hotel, when moving from the gaming room to that bar or toilet or from that bar or toilet to the gaming room,
- (i) if the gaming room can be accessed directly from a public street, each doorway or space in the gaming room that provides access to and from the rest of the hotel must be clearly marked as providing such access and be evident to patrons in the gaming room.

Mandatory shutting down of gaming machines

Generally speaking, gaming machines must not be operated in hotels or registered clubs for a six hour period between 4am and 10am on each day of the week.

However, upon application the Authority may approve:

- a reduced shutdown period of 3 hours on Saturdays, Sundays or public holidays
- a reduced shutdown period of 3 hours on all days – but only on hardship grounds
- a different shutdown period for 'early openers'.

Maximum penalties of \$11,000 or on the spot fines of \$1100 may apply for operating gaming machines detected operating during the shutdown period.

Module 3

Gambling inducements, player prizes, reward schemes, cash and cheque dispensing

Assessment criteria

Students should be able to identify:

- Unlawful gambling related inducements.
- The need to consider carefully promotional prizes or player reward schemes.
- The rights of patrons to set limits.
- Guidelines on the payment of prizes.

Gambling inducements

A hotelier or registered club **must not**:

- **Offer or supply any free or discounted liquor** as an inducement to play, or to play frequently, approved gaming machines in the hotel or registered club (this prohibition also applies to playing Keno and betting at TAB outlets under separate legislation).
- **Offer free credits** by means of letterbox flyers, shopper docketts or any other similar means to players, or as an inducement to become players, of gaming machines at a hotel or registered club.
- Offer or provide, as an inducement to play approved gaming machines in the hotel or club, **any prize or free give-away that is indecent or offensive**.

Guidelines for inducements

While the gambling related inducements listed above are the prescribed unlawful ones, venue operators should think carefully about other promotions to ensure that they are not likely to encourage the misuse and abuse of gambling activities in their hotel or registered club (see grounds for making complaint – page 18).

Bonus reward promotions for example that accumulate 'points' for patrons must be available for a range of goods and services at the venue, not just on gambling activities.

Promotional prizes and player reward schemes

Definitions

Under the *Gaming Machines Act 2001*, a:

- **Promotional prize** means any prize or reward (including bonus points) offered by a hotelier or registered club to the patrons of the hotel or club in connection with a player reward scheme or any other marketing or promotional activity that involves approved gaming machines.
- **Player reward scheme** means a system, used in connection with the operation of approved gaming machines in a hotel or registered club, in which the players of such gaming machines accumulate bonus or reward points from playing the gaming machines.

Promotional prizes

It is unlawful to:

- Offer or present a promotional prize in the form of cash.
- Offer or present a promotional prize that exceeds \$1000 in value.
- Permit a patron of the hotel or club to exchange a promotional prize for cash.
- Permit any bonus or reward points accumulated under a player reward scheme to be redeemed for cash.

Player reward schemes

A hotelier or registered club that conducts an electronic player reward scheme is required to:

- Advise the participants in the scheme of the availability of player activity statements.
- Provide free of charge to each participant, upon request, a monthly player activity statement.

Player activity statement

The following information is to be included:

- Total amount of turnover, total wins and net expenditure for the player.
- Total points earned and redeemed as the result of playing gaming machines.
- The total length of time during which a participant's player card was inserted in gaming machines during each 24-hour period in the month, and the total length of time during the whole month.
- A note advising that the statement only relates to the gaming machine play whilst the player's card was inserted into the machine and that it may not include information about wins on gaming machines that are part of an inter hotel or club linked system.
- The problem gambling notice
Think! About your choices
Call Gambling Help 1800 858 858

Think! About your choices
Call Gambling Help
1800 858 858
www.gamblinghelp.nsw.gov.au

Player accounts

The conducting of player accounts in a hotel or registered club, must comply with the following 'harm minimisation' requirements:

A hotelier or registered club must:

- not allow a person to open more than one player account at one time
- not extend a cash advance or any other form of credit in respect of a player account
- provide player information to the person at the time that they opened the account
- allow the person to set a weekly limit on the amount of net expenditure.

Note: The amount of money held in a player account or stored on a smartcard cannot exceed \$200 unless approved by the Authority.

Cheques and cash dispensing facilities

A hotelier or registered club operating gaming machines, must not exchange:

- a cheque payable to any person other than the hotel licensee or hotel owner or club for cash
- a cheque for more than \$400 for cash
- more than one cheque for the same person on a single day for cash
- a cheque for cash if a cheque previously tendered by the person had been dishonoured, unless the person has since paid the outstanding amount.

A hotelier or registered club must bank a cheque exchanged for cash within 2 working days after the cheque is accepted.

Under these provisions:

- **Cash** includes credits that can be used to play an approved gaming machine.
- **Cheque** has the same meaning as it has in the *Cheques Act 1986* of the Commonwealth, but does not include a traveller's cheque.
- **Hotel owner** means a person who owns (whether or not together with, or on behalf of, any other person) the business conducted under the authority of the hotelier's licence concerned.

Limiting the cashing of cheques provides a sensible approach for the venue and patrons. In some areas, especially rural NSW, the cashing of cheques has been standard practice, particularly if banking facilities are limited. On the other hand some venues have made it standard practice not to cash cheques have initiated a *no cheque cashing policy* following the introduction of the responsible gambling legislation.

Approval is required from the Authority where a venue seeks obtain a cheque cashing exemption such as to enable the venue to cash cheques of more than \$400 a day, due to the lack of banking facilities in the community.

The opportunities for exceeding pre-set limits monetary/time limits by patrons can lead to problems. By providing a facility for patrons to cash cheques at a venue, in turn provides opportunities for patrons to access money that perhaps they had not intended to spend on gambling.

Hoteliers and registered clubs should have clear articulated policies on the cashing of cheques which are promoted and understood by both staff and patrons.

Prohibition on extension of credit for gambling

Hoteliers, registered clubs and each of their staff must be aware that it is an offence to provide a cash advance to any patron at a venue where gaming machines are operated. The more serious offence is committed where credit or cash is provided to patrons for the purposes of any form of gambling at the venue. Cash may only be provided to patrons as the result of a prize won.

The legislation stipulates that ‘a responsible person for a hotel or registered club must not extend, or offer to extend, a cash advance or any other form of credit to another person for the purpose of enabling the other person to gamble at the hotel or registered club’.

A responsible person for a hotel or registered club is defined as:

- The licensee of the hotel, or secretary of the club.
- The manager of the hotel, or director of the club.
- An agent or employee of the hotel, or of the club.
- A person acting on behalf of the hotel, or of the club.

Some premises have implemented procedures in an attempt to circumvent the legislation and provide credit to patrons. For example, a patron writes a cheque made payable to the venue. The cheque is held as security for a cash advance made to the patron. Once full payment has been made, the venue returns the cheque to the patron. This is a form of credit and is an offence.

Case Study 3

Dishonoured cheques accepted by South Coast hotel

An investigation into a south coast hotel followed concerns raised by the NSW Coroner, who inquired into the suicide death of a former patron of the hotel.

The patron, a regular gambler at the hotel, was allowed to cash cheques at the hotel over six months. Many cheques were dishonoured, while others were not banked. The investigation found that:

- There were delays in banking cheques presented by the patron.
- Cheques continued to be cashed despite the licensee being aware that other cheques had not cleared.
- 133 cheques worth more than \$100,000 were cashed for the patron from a joint account he held with his wife.
- The patron used the cash to gamble on the hotel’s gaming machines.

Complaint action was taken by the then Director of Liquor and Gaming against the licensee for permitting cash advances, encouraging gambling abuse and not operating in the public interest.

The Licensing Court of NSW imposed a \$5000 penalty as a result of the proceedings.

Misrepresentation or false description of credit transactions

A responsible person for licensed premises or registered club must not describe or misrepresent any cash advance extended to another person by means of a credit facility, who intends to gamble, to be a payment for goods or services lawfully provided on the premises.

An example may be where a patron uses a credit card on the pretence of buying goods or services from the venue, but is actually provided with cash by the venue. The transaction is then falsely described by the venue as dinner or accommodation (or any other type of purchase).

This transaction is clearly described incorrectly and constitutes a cash advance which is an offence. Additionally, there is grounds for complaint; that that the hotelier or registered club has engaged in conduct that has encouraged, or is likely to encourage, the misuse and abuse of gambling activities in the hotel or on the premises of the club concerned.

Payment of prizes by cheque or electronic funds transfer

A hotelier or registered club must pay any prize money over \$2000 (won on a gaming machine):

- by means of a crossed cheque (the cheque must be made payable to the person who has won the prize), or
- if requested, by electronic funds transfer (if available in hotel or club) to an account nominated by the person.

The cheque must be clearly identified as a prize winning cheque and include the statement – *'Prize winning cheque – cashing rules apply'*.

If the person requests that the amount under \$2000 also be paid in the same manner as above, the venue must pay it as requested.

Case study 4

Hotelier disqualified for a year over illegal cash advances

The Licensing Court heard that as a result of a complaint received by the Office of Liquor, Gaming & Racing, an investigation was undertaken that revealed 3553 cash advances totalling \$469,377 had occurred over four years at a Sydney hotel.

Inspectors conducted an audit of the hotel's gaming machine operations, examining the venue's centralised credit control unit (CCU), and gaming machines. As a result of this investigation, the licensee stopped the practice of giving money to hotel patrons.

In court, the licensee admitted to the complaint taken by the Director of Liquor and Gaming. Nine affidavits were produced on behalf of the licensee from patrons that stated the licensee had lent or given them money from time to time for various purposes. Each maintained the money had not been used to play the approved gaming machines at the hotel.

The court found enough evidence to establish the complaint and imposed a \$15,000 fine and disqualified licensee from holding a licence for 12 months. He was also ordered to pay the Director's costs of \$15,000 in addition to the fine.

Cheque cashing franchises

It is an offence for a person (other than a financial institution) to cash a cheque, where the person would be expected to know that the cheque is a gaming machine prize issued by an hotelier or registered club (Keno prize payments are legislated in The *Public Lotteries Act 1996* and not subject to this clause).

A deemed offence is committed where a person exchanges a gaming machine prize cheque for cash within 500 metres of a hotel or registered club, unless the defendant can prove otherwise.

Gamblers have indicated that the reinvestment of winnings is a primary reason for gambling more than they had already intended, as well as chasing their losses by using these 'winnings'.

The implementation of policies and procedures for the payment of prize money to players demonstrates harm minimisation and duty of care principles for patrons by providing a cooling off period and reduces opportunities for reinvestment of large wins. This also has the benefit of providing better security for patrons who have had large wins, by minimising the risk of theft and or loss of the cash won.

Case Study 5

Cheque cashing business prosecuted

A problem gambler complained to the Office of Liquor, Gaming & Racing that a cheque cashing business had cashed cheques for him that had been paid out by registered clubs and hotels as a result of him winning money on gaming machines.

Over several months, the gambler spent considerable time playing gaming machines at various Sydney venues and would often leave with his winnings in the form of a cheque. He would then go to a cheque cashing outlet to cash the cheque.

The outlet was fined \$38,000 for cashing prize winning cheques to the value of \$132,000.

Guidelines for payment of winnings

Venues need to have clear guidelines for the payment of winnings and accordingly staff and patrons need to have an awareness of these guidelines. These policies and procedures should be clearly promoted and displayed within the gaming areas to eliminate any misunderstandings.

A *payout house policy* should:

- Specify that a maximum amount of \$2000 is to be paid in cash, with the remaining amount payable by 'crossed cheque', made out in the player's name, or by electronic funds transfer, within 48 hours (venues may wish to pay by cheque on the day and accordingly arrangements should be made to ensure that a signatory is available at all times of operation).
- Encourage the player to accept a cheque for the whole amount where possible.
- Specify that payment to players of large winnings should not be made in the gaming areas and preferably players should be asked to collect at the office/administration area (this again provides cooling off time, and minimises patron personal risk).
- Require payout forms or vouchers to be completed for prize payment being made by cheque or electronic funds transfer.

Publicity for prize-winners

A hotelier or a registered club (or employee) must not publish anything which identifies any person who wins a prize of more than \$1000 (from playing a gaming machine), if the player requests in writing that his or her identity not be published.

The prize winner must make this request when claiming the prize and can revoke the request (in writing) not to publish his or her identity at a later time.

Note: Publishing the identity of a prize winner (regardless of whether the publication complies with this clause) is gaming machine advertising for the purposes of section 43 of the *Gaming Machines Act 2001*, and accordingly the publication cannot be seen or heard otherwise than inside the venue concerned.

Location of cash dispensing facilities away from gaming machines

A hotelier or registered club must not allow an automatic teller machine (ATM) or EFTPOS terminal to be installed or located in a part of the premises where gaming machines are located. In addition, ATMs and EFTPOS facilities located in hotels and registered clubs must not be capable of issuing cash from a credit account.

By moving cash dispensing facilities such as ATMs and EFTPOS terminals away from gaming areas, the venue not only provides the opportunity for the player/s to gauge how long they have been playing, but also provides time for them to think and decide whether they should be withdrawing more money for gambling purposes.

Any opportunity for providing a *reality check* for gambling patrons minimises the risk of time distortion, where players have lost track of time spent on gambling activities.

Exemptions

While the Authority may grant exemptions with regard to the cashing of cheques and the location of cash dispensing facilities, there can be no exemption for the payment of prizes greater than \$2000 by cheque or electronic funds transfer.

To be able to apply for an exemption the venue must be located outside the Sydney metropolitan area (which includes the local government areas of Wollondilly, Blue Mountains, Hawkesbury, Gosford and Wyong), and outside the local government areas of Newcastle, Lake Macquarie and Wollongong.

Revision activity – Prize and Cheque restrictions



Participants can attempt this activity individually or in small groups

What is the maximum cash limit allowed to be paid as a prize won on a gaming machine?

--

What are two other allowable methods of payment for prizes won on a gaming machine?

1.

2.

Which statement must be recorded on each cheque issued as a prize won on a gaming machine?

--

Name 4 restrictions to be considered, when conducting a promotional prize that involves playing the gaming machines or is connected to a 'Player Reward System'.

1.

2.

3.

4.

What are the cheque cashing restrictions for patrons cashing cheques at a venue that operates gaming machines?

1.

2.

3.

4.

Module 4

Minors

Assessment criteria

Students should be able to identify:

- The responsibility of gaming staff in relation to minors.
- Where a minor is permitted or not permitted in hotels or registered clubs.
- How to identify if a person is under 18.

Minors

Legislation prohibits people under 18 from being involved in gambling activities including the operating of an approved gaming machine. A minor may operate a gaming machine under the supervision of a technician for the purpose only of receiving training and instruction in respect of the servicing, repair or maintenance of approved gaming machines. If a minor is caught operating an approved gaming machine unlawfully, the following penalties apply:

- Minor - maximum penalty of 10 penalty units (\$1100).
- Licensee - maximum penalty of 50 penalty units (\$5500).

Minors are allowed to enter hotels and registered clubs only in certain circumstances. Management and staff of venues need to be diligent in respect of minors and their entry into licensed premises, especially areas where gaming machines are located. Hotels and registered clubs have distinct areas within their premises, as approved by their licence or certificate of registration. These areas are:

In hotels	
• bar areas	where a minor is NOT permitted to enter, or remain at any time
• minors authorisation areas	where a minor is permitted, only in the company and immediate presence of a responsible adult
In registered clubs	
• bar or gaming machine areas	where a minor is NOT permitted to enter, or remain at any time
• non-restricted areas	where a minor is permitted, only in the company and immediate presence of a responsible adult

Hoteliers, secretary managers and registered clubs should note that they may be guilty of two separate offences if:

- a minor enters a restricted/bar or gaming machine area; and
- the minor is not removed from the restricted/bar or gaming machine area

Note: Minors are permitted to pass through a bar or gaming machine area to gain access to an area that the minor is permitted to enter. The minor must be in the company and immediate presence of a responsible adult and only in the restricted/bar or gaming machine area for as long as necessary to pass through that area.



You must display the prescribed notice (sign 2L) indicating that it is an offence for a person under 18 to enter a bar area in a hotel, or a bar or gaming machine area in a registered club. This notice must be displayed at each entry to these areas.

Responsible adult

A responsible adult, in relation to a minor, means an adult who is:

- (a) a parent, step-parent or guardian of the minor, or
- (b) the minor's spouse or de facto partner (if above 18 years of age themselves), or
- (c) for the time being standing in as the parent of the minor.

Evidence of age

You have a right and a responsibility to ask for identification if you suspect that a person is under the age of 18 years.

Prescribed acceptable forms of identification are:

- Current motor vehicle drivers or riders licence, or permit issued by the Roads and Maritime Service (RMS) - previously the Roads & Traffic Authority (RTA) - or interstate or overseas equivalent.
- NSW Photo Card issued by RMS.
- Current passport issued by the Commonwealth or corresponding authority in another country.
- Current proof of age card issued by an interstate authority.

The above forms of evidence of age must contain a photograph and date of birth. Security and venue staff should check the authenticity of the identification being offered and to examine it closely in proper light. Blacklight torches can be used to view security features that appear on authentic identification. If you suspect that the patron's card could be false, ask for secondary identification.

Another requirement is that venues must display a notice on the premises indicating that it is an offence for a person under 18 to enter a bar area in a hotel, or a bar or gaming machine area in a registered club.

A person suspected of being a minor may be asked to provide evidence of age, by an authorised person (licensee, police, inspector, manager or employee of a hotel or registered club) at any time.

Minors and responsibilities of staff

Staff should be aware that even though a person may already be in the venue and past security, this is not a guarantee that they are over 18. If you suspect the person is a minor you should ask for identification.

If you suspect that a person is a minor and upon request they are unable to provide evidence of age, you must act as if they were a minor and remove them from the licensed premises.

Any person who is reasonably suspected of being a minor must, when asked by an authorised person:

- state their full name and residential address; and
- produce documentary evidence that might reasonably be accepted as evidence of his or her age.

Refusal to comply with a request for evidence of age could render the person liable to a penalty

Checklist for evidence of age

When you accept one of the documents, referred to above, as evidence of age, it is important to satisfy yourself that it is authentic. Remember – the final decision rests with you. You should refuse admission to anyone you suspect of using false evidence of age or using someone else's identification.

- **Check the photo** - Does it match the person?
- **Check the birth date** - Confirm the person is 18 years of age or older.
- **Check for any alterations** - Have any numbers been altered – particularly the last digit of the date of birth.
- **Check the hologram** – Check other security features.

Note: It is a good idea for supervisors, security and door staff, to observe customers as they enter the venue. This allows the venue to refuse entry to minors before they gain access to the premises.

Recovery of certain money involving minors

The *Unlawful Gambling Act 1998* states:



If any money is stolen or misappropriated by a minor, and that money is subsequently spent by the minor for the purpose of gambling. The person from whom the money was stolen or misappropriated may, in any court of competent jurisdiction, recover the amount of money so spent from the person to whom it was paid.

SECTION 2

The second section of the *Responsible conduct of gambling* course has three modules that continue from the first section:

Module 5: Responsible and problem gambling

Module 6: Responding to potential problem gamblers

Module 7: Self exclusion and gambling counselling

The modules in this section concentrate particularly on problem gambling and the legislative requirements to assist those who may have developed a problem. The requirements in this section may not be the responsibility of all staff, however, all staff need to know how a patron may develop a problem with gambling and what steps are taken if a patron requests help.

Module 5
Responsible and problem gambling

Assessment criteria

Students should be able to identify:

- Indicators of problem gamblers.
- The risks for venue staff to develop a gambling problem.
- The impact of problem gambling on patrons and the wider community.

Responsible gambling

This training course and the gaming machine legislation are aimed at harm minimisation and how venues can conduct responsible gambling practices. If this is the case, then what is responsible gambling?

Responsible gambling is when a patron uses the gambling facilities in a venue and uses strategies (consciously or unconsciously) to prevent themselves from developing a problem. These are:

- Making an informed choice about using gambling products.
- Not gambling more than they can afford.
- Limit time gambling.
- Having a realistic expectation of their chances of winning and the likelihood of losing.
- Ensuring that gambling will not impact on their relationships.
- Ensuring that gambling will not impact on their work/education.

Industry overview

Hotels and clubs provide a valuable service to the community and are a place to build networks and socialise. Gaming machines may provide significant financial benefit to venue operators, government, local communities and charitable organisations. However, this form of entertainment has adversely affected a percentage of society.

Industry has both a legal and moral obligation to their patrons. By ensuring that persons working in the gaming industry are aware of the issues of irresponsible gambling and gambling abuses, the industry would be furthering the development of caring, responsible venues, which are more attractive to the community and a happier and healthier place to work.

The responsible gambling laws recognise the balance between the vast majority of those in the community who participate in gambling as an enjoyable activity, and for those to whom gambling causes significant problems.

The responsibilities of problem gambling lies with everyone taking a role, and the role that industry can take is one of being knowledgeable as to the problem gambling issue, and to support local services that are available.

When implemented properly, responsible gambling practices will enhance a gambling providers profile, image and profitability.

Benefits of RCG to business

- A better reputation for hotels and registered clubs.
- Greater customer satisfaction.
- Potential legal problems will be eliminated.
- Return on training investment because the community and staff will appreciate the effort to assist potential problem gambling.

Venue staff - Why they are at greater risk

Many venues have policies that do not allow their employees to gamble onsite at anytime. Each venue has different reasons for this. For some venues it is so that the integrity of the gambling product is kept intact (such as preventing accusations that the venue is rigging

machines so that a staff member wins a major jackpot) or to deter staff members from developing a problem of their own with gambling.

Venue staff have a greater chance of developing a problem with gambling than the general public. A 2011 research paper titled *Risky business - Gambling problems amongst gaming venue employees in Queensland, Australia* showed that the rates of problem gambling amongst venue staff in Queensland were 9.6 times higher than the Queensland general public. Another factor to consider is that most of the staff that participated in the research were not able to gamble in their own place of employment. The research explains the most likely cause is probably 'exposure theory' - people who are exposed to gambling the most are most likely to develop a problem.

Staff working in the gaming machine areas of a venue see a lot of people win and lose money over and over again. Sometimes it's the lucky punter who walks past a machine, puts in \$1 and walks away with \$1000. Other times staff see player/s put a lot of money into one machine with little wins, so during their break or end of shift they may have a flutter thinking that the machine is going to pay. This idea and many other myths are examples of not knowing how approved gaming machines work.

In order to prevent staff in gaming venues developing a gambling problem, staff should use the same strategies as patrons when it comes to their own gambling. If a staff member does develop a problem they are encouraged to use the help services like other members of the public. These services are covered by privacy and confidentiality legislation.

Having this knowledge is another step in being able to provide patron assistance and is not only a requirement of the *Gaming Machines Regulation 2010*, but also demonstrates:

- The commitment by the venue regarding responsible conduct of gambling activities.
- Risks associated with gambling activities and potential consequences.
- Increasing awareness of assistance available through counselling services.
- Availability of help should they or someone they know be affected by gambling related problems, including counselling services such as Gambling Help.

What is problem gambling?

There have been numerous attempts over many years to state precisely what problem gambling is, with the Productivity Commission report listing numerous definitions used around the world.

In 2005, Gambling Research Australia – funded by all Australian jurisdictions – published its first research report *Problem Gambling and Harm - Towards a National Definition*.

Following extensive research and consultation, the report recommended that the following be adopted as the Australian national definition of problem gambling:

“Problem gambling is characterised by difficulties in limiting money and/or time spent on gambling which leads to adverse consequences for the gambler, others and the community.”
p125

References in this definition to “difficulties in limiting money and/or time spent on gambling” implies continuum of gambling behaviours from those who have no difficulty (including non-gamblers) to those who have extreme difficulty.

The Productivity Commission's report in 2010 defined problem gambling as:

“A cluster of significant harms and behaviours that include social *and* psychiatric issues”.

Gambling problems can range from mild to severe:

- many people who gamble do so casually for pleasure without any harm
- serious social gamblers play regularly, but gambling doesn't come before family and work
- people who gamble excessively often have trouble in their work, or with family and friends. Their gambling often causes money problems
- for some people, gambling seriously harms every part of their lives

Signs of problem gambling for patrons

Problem gambling affects the gambler and their family, friends and, to a lesser extent, work colleagues and others in the community.

There is no doubt the impact on others is a genuine social cost. These costs arise as a result of loss of business productivity, family breakdowns, gamblers' antisocial and/or criminal behaviour, and destitution. The impact also takes the form of costs to welfare and community groups who use resources to support those affected by gambling.

Money arguments are frequent among problem gamblers, and many report that they are unable to look after the interests of their families sufficiently.

Calculating the financial and social costs of problem gambling is difficult. Some costs arise from treating problems directly, but many costs are indirect, such as gambling-related ailments, absenteeism at work and time spent in the courts.

Previously it was considered that, unlike intoxication, the indicators of problem gambling were not all that observable. However, recent research has shown that there are specific behavioural indicators to assist in the identification of problem gambling.

The list below is a fairly comprehensive list of behaviours that a person who is experiencing problematic gambling during their play may exhibit. If a patron exhibits two or more of these they may have a problem. If you observe a patron who is exhibiting two or more you should notify your manager or licensee.

Some states in Australia require that staff intervene if they identify a patron showing signs of problem gambling distress. There is no legal requirement in NSW, although it is possible for a venue to have this as part of their own policy and procedures. It is an employee's responsibility to know their venue's policy in respect to intervening with patron's gambling if they suspect there may be a problem. If a venue has no relevant policy, venue staff should not approach patrons they suspect may have a problem with gambling but rather inform a manager or licensee. A patron must be displaying a minimum of two to three of these indicators before the patron is considered to be having a problem with their gambling.

Indicators of problem gambling

Frequency duration and intensity
1. Gambles every day of the week
2. Gambles for three hours or more without a break of 15 minutes or longer
3. Gambles so intensely that the person barely reacts to what was going on around them
4. Plays very fast (e.g. inserts large numbers of coins into the machine very rapidly, presses the buttons very rapidly so that the spin rate is very fast)
5. Bets \$2.50 or more per spin most of the time
6. After winning on approved gaming machines, plays on quickly without even stopping to listen to the music or jingle
7. Rushes from one machine or gaming table to another
8. Gambles on 2 or more machines at once (where this is allowed by the venue)
9. Gambles continuously
10. Spends more than \$300 in one session of gambling
11. Significant changes in expenditure pattern, e.g. sudden increases in spending
Impaired control
1. Stops gambling only when the venue is closing
2. Gambles right through usual lunch break or dinner time
3. Finds it difficult to stop gambling at closing time
4. Tries obsessively to win on a particular machine
5. Starts gambling when the venue is opening
Social behaviours
1. Asked venue staff to not let other people know that they are there
2. Has friends or relatives call or arrive at the venue asking if the person is still there
3. Is rude or impolite to venue staff
4. Avoids contact, communicates very little with anyone else
5. Stays on to gamble while friends leave the venue
6. Become very angry if someone takes the person's favourite machine or spot
7. Brags about winning or makes a big show relating to how skilful they are as a gambler
8. Stands over other players while waiting for his or her favourite machine
Raising funds/ chasing behaviour
1. Gets cash out on 2 or more occasions to gamble using an ATM or EFTPOS at venues
2. Asks to change large notes at venues before gambling
3. Borrows money from other people at venues
4. Asks for a loan or credit from venues
5. Puts large win amounts back into the machine and kept playing
6. Leaves the venue to find money to continue gambling

7. Observed rummaging around in purse or wallet for additional money
8. Appears to have run out of all money in purse or wallet when they leave venue
9. Uses coin machine at least 4 times
Emotional responses
1. Seen to be shaking (while gambling)
2. Sweats a lot (while gambling)
3. Looks nervous/ edgy (e.g. leg switching, bites lip continuously)
4. Vocally displays anger (e.g. swears to themselves, grunts)
5. Kicks or violently strikes machines with fists
6. Looks very sad or depressed (after gambling)
7. Cries after losing a lot of money
8. Sits with head in hand after losing
9. Plays machine very roughly and aggressively (e.g. with fists or slaps)
10. Groans repeatedly while gambling
11. Shows significant changes in mood during sessions
Other behaviours
1. Gambles after having drunk a lot of alcohol
2. Appears to avoid cashier- appears evasive- only uses cash facilities
3. Significant decline in personal grooming and/ or appearance over several days
Irrational attributions / behaviours
1. Blames venues or machines for losing
2. Complains to staff about losing
3. Swears at machines or venue staff because they are losing
4. Compulsively rubs belly of machine or screen while playing

Source Delfabbro, P., Osborn, A., Neville, M., Skelt, L. & McMillen, J. (2010). Identifying problem gamblers in gambling venues: Final report. Gambling Research Australia

Problem gambling, is most often defined as a “behavioural disorder” involving gambling activity which causes social, relationship and financial difficulties. It can be hard to know whether or not gambling is becoming a serious problem in someone’s life. Some methods to help individuals identify the problem include the Gamblers Anonymous (GA) twenty questions a self help quiz for consumers whilst the South Oaks Gambling Screen is often used by counsellors. Both questionnaires endeavour to assess the extent of gambling activity, the affects on relationships, the nature of the activity (whether hidden or open) and the extent of borrowing and financial commitment to the activity.

The Gambling Help website has a short, eight question ‘gambling quiz’ which anyone can take in order to help determine the level at which gambling is affecting their life. The quiz can be accessed at www.gamblinghelp.nsw.gov.au/GamblingHelp/GamblingQuiz.aspx.

The impact of problem gambling

Costs:

- cost of regulation
- increased welfare demand
- family breakdown
- cost of crime, petty, organised or white collar
- shift in spending away from small business

For the individual:

- loss of self esteem
- a feeling of loss of control
- financial loss
- breakdown of personal and work relationships
- mental health issues (depression, anxiety, etc.)
- turning to crime to support gambling
- job opportunity lost because of gambling
- suicide thoughts/attempts/completion

For family and friends:

- financial loss
- helplessness
- cost of time taken to help
- personal relationship loss
- the death of a loved one

For gambling providers:

- increased running costs associated with attempted gaming machine fraud
- community stigma
- reduced staff morale

For staff of gambling venues:

- cost of time taken to help
- helplessness
- problems with their own gambling
- breakdown of personal and work relationships

Social and financial costs of problem gambling

One characteristic of many problem gamblers is the high degree of involvement in other forms of addictive behaviour such as alcohol or drug abuse. Whether or not gambling creates, or contributes to other addictive behaviours is a matter of some debate, as is the question of which addiction comes first.

Problem gamblers often lie about their gambling to their families, undermining trust.

Suicide attempts among problem gamblers occur much more frequently than among the general population.

Impact on the workplace

The financial and social impact of problem gambling is felt in the workplace, where absenteeism, theft, lower productivity and job loss can be costly to both workers and employers.

Problem gamblers are also more likely to ask for advances on their pay and to borrow money from fellow employees.

Impact on the family

For non-problem gamblers, the money spent on gambling does not affect family finances to the extent that it is money put aside for entertainment. But for problem gamblers, excessive spending on gambling has serious consequences for the family. Often it means that bills don't get paid, utilities are cut off and the grocery money dwindles.

Problem gamblers tend to devote large amounts of money and time on gambling, and these commitments have severe consequences for the well being of their family. This, together with deception about their gambling and the anxiety, mood swings and stress accompanying their gambling, not only generates relationship frictions, but health and mental distress for the partners.

The children of problem gamblers are affected in many ways and usually lack the autonomy, maturity, access to help, and the power that adults have and thereby have less control over the situations in which they find themselves. The most immediate concern for children's welfare in problem gambling households is poverty. Problem gambling eats up resources that otherwise would be spent on household members – from family entertainment, a serviceable car, a pleasant home, holidays, and even food.

In part of its findings the Productivity Commission concluded that there are conservatively around 1600 gambling-related divorces per year.

Crime

In the 1999 Productivity Commission report *Gambling* published results of a survey of patrons of problem gambling agencies suggest that 44% of clients reported an involvement in some form of gambling-related criminal activity at some stage of their gambling career. Around 16% had appeared in court on charges related to their gambling, and around 6% had received a prison sentence because of a gambling-related criminal offence.

Warfield and Associates (a forensic accountancy firm) released a study *Gambling Motivated Fraud in Australia 2008-2010* in 2011. The study found 181 criminal fraud cases on public record where gambling was a motivation for the fraud. 66% of these crimes were committed by males; with the youngest being 20 years old and the eldest being 72 years of age. In the 3 years of the study there were 12 frauds that exceeded \$1 million dollars and the ten largest

frauds contributed over \$46 million in losses (9 male and 1 female perpetrators). Employees were the most likely to commit fraud making up 66% of the criminal cases examined with an average more than \$285,000 per fraud.

Source: *Gambling Motivated Fraud in Australia 2008-2010* Brett Warfield, Partner, Warfield & Associates http://www.warfield.com.au/Warfield_Gambling_Fraud_08_10.pdf

Impacts on groups such as women and people from a non-English speaking background

Women

The study released by the Victorian Department of Human Services in 2000, *Playing for Time – Exploring the Impacts of Gambling on Women* observed that many of the women who participated in the study had not gambled before the introduction of gaming machines into Victoria or had only gambled on gaming machines during occasional visits interstate.

The study found that the incentives used by gaming machine operators to encourage consumers to play gaming machines may have a particular impact on women. These incentives are divided into two broad categories which along with the impact on women are described as follows:

“The first category consists of incentives associated with winning which may relate directly to promoting the prospect of a “win”.... The second category are messages and services that result in the creation of an environment perceived by women (at least initially) as being beneficial to them. They include the creation of a ‘women-friendly’ environment that is perceived to be attractive, safe, accessible and accepting of diversity within a familiar and predictable environment. Women have the opportunity to occupy social space over which they feel a sense of ownership, have the experience of being well treated and believe that they can play with little stake money.”

The Productivity Commission found the socio-demographic nature of problem gamblers has changed. Problem gambling used to be a male dominated phenomenon, but has been feminised with the advent of gaming machines. When Dickerson (1996) conducted a major survey in four states in 1991, he found that 14% of problem gamblers were female. Now around 40% of problem gamblers are female, and overwhelmingly, these problems are associated with gaming machines.

Cultural and Linguistically Diverse (CALD) Patrons

As part of a Research Report into the *Impact of Gaming on Specific Cultural Groups* conducted by the Victorian Casino and Gaming Authority, consultation was held with 14 ethnic communities in Victoria.

Some of the observations made as a result of the consultations are summarised below. The attitudes to gambling expressed in the consultations were varied across the cultural groups involved in the consultations.

Representatives from European cultural groups, while acknowledging the potentially negative effects of gambling upon their communities, did not see gambling as a major problem that is widespread in their communities. On the other hand, the Vietnamese, Arabic and Chinese communities expressed some concern about the impact of gambling upon their communities. All groups saw access to services and the low tendency to seek assistance as issues for people from non-English speaking backgrounds with gambling problems.

Many people from CALD community have come from environments where casinos and access to gaming machines were not a feature of their home countries. In some countries, these modes of gambling (sometimes all gambling) are not legally sanctioned.

In summary, gambling in some degree was considered to be associated with shame in some ethnic communities. Shame was claimed to be a major factor preventing individuals and the communities from accessing problem gambling support services.

The way shame was interpreted in ethnic communities differed according to cultural and religious beliefs. Within Asian communities shame was associated with losing face and respect amongst members of the community. Gamblers did not want to talk about what they had lost, only their winnings. In the Arabic and Turkish communities shame was claimed to be based on religious principles as gambling is strictly forbidden in the Islam religion.

The effects of migrating to Australia and the experience of loneliness and boredom were cited amongst the common reasons for gambling. Gambling services associated gambling with the trauma of migration and the unrealistic expectations of newly arrived migrants in making money in Australia.

In NSW there are specific gambling services that are funded for CALD patrons.

Alcohol and gambling

Gambling activities are conducted in hotels and registered clubs where alcohol is available to patrons as part of the services provided. Alcohol has long been regarded as a drug that affects a person's judgement. Therefore, it may impair a person's judgement about their gambling activities.

The consumption of alcohol together with gambling activities may lead to:

- Social gamblers wagering more than they normally would.
- Impaired judgement on when to stop or chasing their losses.
- Excessive gambling risks.
- More distortion about the time spent on gambling.
- Anti-social behaviour due to excessive loss of money.

Gambling providers need to be aware of the implications of combining alcohol and gambling. It is an offence to offer any free or discounted liquor as an inducement to play the gaming machines (clause 55 of the *Gaming Machines Regulation 2010*), so gambling providers need to assess carefully the timing or even whether they should have discounted liquor promotions in their venues.

The adoption of best practice principles can lessen gambling and liquor abuses, and improve the impact of problem gambling and alcohol related problems, not only for the venue, but also for the community.

The *Gambling Help* web site is a good source of information for people who feel they may have a gambling problem.

This web site contains general information on problem gambling, as well as access to online, face to face or phone counselling services. There is also a tool to assist people in finding the closest support service in their local area no matter where they are in NSW.

www.gamblinghelp.nsw.gov.au or phone 1800 858 858

Information on the *Gambling Help* site and other support services can be found in the *Further reading* section on page 66 of this manual.

Activity – Truths and myths about problem gambling



Participants can attempt this activity individually or in small groups.

Identify whether the following statements are truths or myths.

Problem gamblers may gamble frequently or infrequently.

Problem gambling does not affect children.

Problems caused by excessive gambling are not just financial.

You have to gamble everyday to be a problem gambler.

Problem gambling may lead to anxiety and depression.

Problem gamblers only play gaming machines.

Too much time spent gambling may impact on time spent with family, friends and others.

Bailing the problem gambler out of debt will fix all of their problems.

Problem gambling can lead to relationship breakdowns and loss of friendships.

Lies and the lack of trust is one of the main reasons why relationships breakdown because of problem gambling.

Problem gamblers never display signs or behaviours that would be obvious to venue staff that they may be a problem gambler.

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Module 6
Responding to potential problem gamblers

Assessment criteria

Students should be able to identify:

- The role of staff to provide support for problem gamblers.
- Communication techniques to help deal with distressed patrons.

Responding to potential problem gamblers

If a problem gambler approaches an employee for assistance, the employee is expected to act immediately. Action should be according to your venue's policy and procedures. This may require a staff member to refer the patron to a senior staff member better equipped to handle the situation or they may have to help the patron themselves. It is the responsibility of each staff member to know their venues policy in relation to assisting a patron who is requesting help with their gambling.

If the employee deals with the situation, it is expected that information about the range of professional services available for support; and the self-exclusion policy of the venue, be given to the patron. This should be done in a private area and in a non-judgmental manner. Remember, this is someone who is attempting to do something positive about their situation. The more support they get from venue staff in their initial attempts to gain assistance, the more likely they will be to take the next steps in helping themselves.

Working with distressed patrons

The problem gambling indicators on page 46 & 47 of this manual showed that gambling patrons may be highly distressed and they may not always directly ask for help with their gambling. The first thing a staff member needs to remember is that they are **not a trained counsellor**. The second thing to remember is that if a patron is getting too aggressive or violent then it is the job of venue security to intervene. If the patron is crying or slightly aggressive you should follow the venues policies and procedures and notify a manager or licensee to assist the patron.

Note: Not everyone who is distressed has a gambling problem.

As some venues are relatively small a staff member may be the only person on shift at the time. When dealing with an aggressive patron, regardless of the reason, staff and patron safety is always the first priority. If a staff member is inexperienced in dealing with the situation they should seek someone else who is able to assist them such as security or the police.

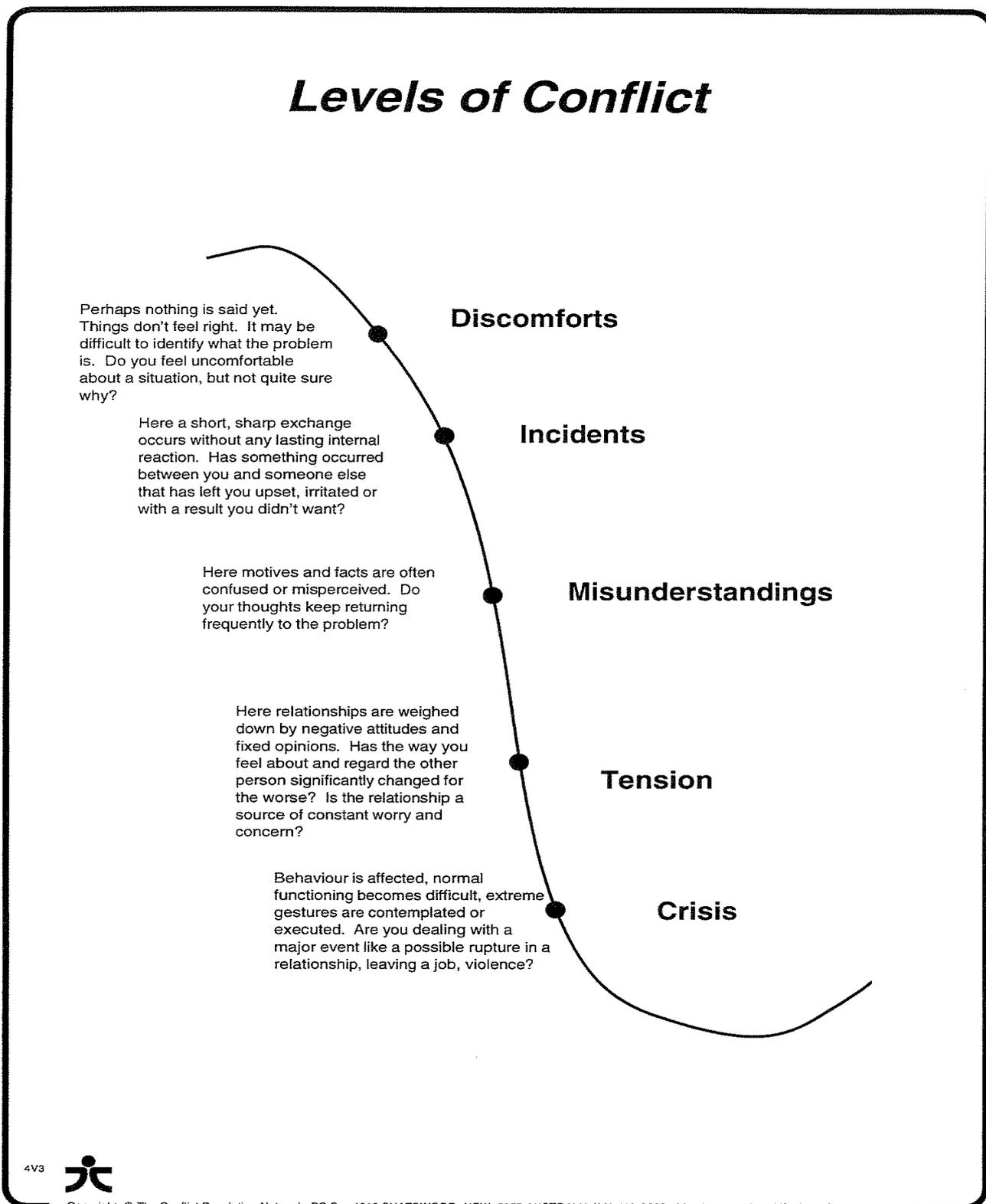
Whether the patron is aggressive or upset (crying) venue staff need to utilise good communications skills.

De-escalating the conflict

People react differently in the same situation. If you have 10 people and exposed them all to the same situation you would observe 10 different reactions. A person may freeze, another will take the initiative and lead, while another will follow whoever is leading. The point is that no two people will behave in exactly the same way.

When a patron's gambling has become problematic during they may exhibit varied and different reactions. Some people may just walk away, others may just come up and ask for help, some may start to cry, but some may become aggressive. Unfortunately, without the right skills some staff may unintentionally escalate the situation. This course neither has the scope or the time to competently train staff in conflict resolution. The intent is to raise awareness that the way that you react to a distressed patron could reduce the potential for conflict.

Below is a table showing the stages of conflict escalation:



How to recognise conflict:

- Internally through your own emotions such as discomfort, frustration, anxiety, anger, etc.
- Non-verbal cues of the patron e.g. lack of eye contact, avoidance, finger tapping, withdrawal, etc.
- Marked increases or decreases in communication/interaction.
- Behaviourally – extreme behaviours, irregular behaviours, out of character behaviours.

Once a staff member realises that they are in a conflicting situation they should obtain assistance from another more senior staff member or security as soon as possible. Staff should also be aware of their venue's policy and procedures for dealing with conflict before a situation arises (it could be a good thing to find out when starting employment at a new venue). If a venue does not have one, they could seek assistance from their industry body on suggested policy and procedures.

It may not always be possible to get assistance from a senior staff member. A staff member who has good communication skills may also be able to de-escalate the situation and even provide an opportunity for the patron to talk about the problem and seek help.

Communication skills

The hospitality sector is all about communication. The better a staff member's communication skills, the better they are able to assist patrons. This is to ensure the patron needs are met and they enjoy their time at the venue. This is especially true for patrons wanting assistance with their gambling problems because, unfortunately, not all patrons will want to or be able to just say that they have a problem. It is often left to the staff member to decipher what the patron is actually requesting to be able to help.

To be effective in helping a patron, a staff member will need to understand the following:

1. What is going on for the patron?
2. What do they want instead?
3. How might they get what they want?

Scenario:

Conflict escalation

While working in the gaming area at a venue, a staff member is approached by a patron.

Staff: "Can I help you?"

Patron: "I have gambled too much money and want some back."

Staff: "I am sorry there is nothing we can do about that."

Patron: "What do you mean? No one will know, I won't tell anyone."

Staff: "I'm sorry I can't do that, I can get you the manager."

Patron (becoming more agitated): "Will they be able to get my money back?"

Staff: "No, but they might be able to..."

Patron (cutting off the staff member): "Well what good is it going to do getting them ..."

The patron is starting to behave very loud and aggressive at which point the staff member gets security. This in turn leads to the patron escalating their aggression and security asking the patron to leave the premises.

In the scenario the staff member did not, on the surface, do anything wrong other than talking to the patron. The problem is that the staff member contributed to the escalation of the situation by only listening to the words literally, that the patron was speaking. To be able to assist a patron a staff member needs to unearth the “meaning” of what is being said. This is obtained by developing Effective Communication.

Effective communication

The most important thing to remember is communication is not just talking - over 80% of communication is non-verbal. Attending and listening are two other aspects that are critical to good communication.

Gerard Egan *The Skilled Helper* describes attending and listening as:

- “attending refers to the ways in which [staff] can be with their [patrons], both physically and psychologically.
- listening refers to the ability of [staff] to capture and understand the messages patrons communicate as they tell their stories, whether those messages are transmitted verbally or nonverbally, clearly or vaguely”³

Effective communication starts with the staff member being attentive to their patrons. This means that while it is useful for learning how to be attentive, **this is not a definitive list** of skills that will work in every situation with every person. It is a good start and they are skills that can be developed and adapted for different people and for different cultural backgrounds. The other thing to remember is that a lot of these skills you may do naturally, the point here is that by using these skills consciously they will assist staff members to be more effective in meeting the needs of patrons. That being said, let’s now examine how to be attentive to someone.

Active listening

Listening seems to be a simple thing to do, and it may be a surprise to see it in this training. How often have you found yourself being accused of not listening and knowing that you could repeat everything word for word. This is because people want others to understand the meaning behind their words not just be able to repeat it back to them. For listening to be active it involves four things:

1. Hearing and understanding the patron’s message.
2. Observing and reading the patron’s non-verbal behaviour.
3. Working out the context of the message.
4. Knowing when to challenge what the person is saying.

Hearing

This is where you pick up the verbal messages. This is listening to the story they are telling. This is a mixture of the patron’s *experiences, behaviour and affect*.

³ Egan, Gerard, **The Skilled Helper**, 6th Edition, Brooks/Cole Publishing Company, Pacific Grove California, USA, 1998, p62

- *Experiences*, a person telling you that they have just gotten a job is talking about an experience.
- *Behaviour*, friends telling how they went out to the movies, bought popcorn and coke and then went and sat in the middle seats in the theatre are talking about their behaviour.
- *Affect*, this is where a person tells you their feelings and emotions behind their experiences and their behaviours.

Non-verbal behaviour

- Patron's communicate through their non-verbal behaviour. Part of assisting your patrons is to be able to understand their non-verbal clues:
- *Bodily behaviour*, such as posture, body movements, and gestures.
- *Facial expressions*, such as smiles, frowns, raised eyebrows, and twisted lips.
- *Voice-related behaviour*, such as tone of voice, pitch, voice level, intensity, inflection, spacing of words, emphasis, pauses, silences, and fluency.
- *Observable autonomic physiological responses*, such as quickened breathing, the development of a temporary rash, blushing, paleness, and pupil dilation.
- *Physical characteristics*, such as fitness, height, weight, and complexion.
- *General appearance*, such as grooming and dress.

Source: Gerard Egan, *The Skilled Helper Sixth Edition*

Understand the context (scenario)

Communication is more than the just the verbal and non-verbal messages. An effective staff member will be able to understand the context that the patron is in. A staff member needs to be sensitive to the story the patron is relaying to understand the situation the patron is in. While it is difficult to completely understand the context of the patron's situation, it is possible to gain some insight. This requires empathic listening. To be empathic a staff member has to show a certain amount of care for their patrons and their concerns, this is being respectful. This means putting away your own concerns and priorities to be attentive to your patron. One way to find out if you have understood the context of the patron is to ask them. They will let you know.

Patron: "Why didn't someone tell me that I have been here for two hours? Now I am in the crap at home."

Staff: "Is someone expecting you?"

Patron: "Yeah my partner I should have been home an hour ago."

Staff: "Would you like to use the phone at the front desk to call home."

Patron: "Yeah, that would be great, thank you."

Challenge

In any type of communication there can sometimes be a need to challenge what the other person is saying. Challenging used at the right time and in conjunction with the other elements of communication is an effective tool to assist patrons communicate their needs. The reality is that patrons will not always walk up and say that they have a gambling problem and want help. They may talk around the subject. Let's take the conflict escalation example from above and put in the effective listening.

Staff: "Can I help you?" (Looking squarely turning to face the patron.)

Patron: "I have gambled too much money and want it back."

Staff: "I appreciate that you may have spent too much, but I don't understand the problem?" (Voice calm and reassuring.)

Patron: "I can't go home and tell my wife that I have gambled it all again."

Staff: "So this has happened before?" (Voice calm and reassuring.)

Patron: "Yes and I want my money back it is not my fault."

Staff: "I appreciate that you are very upset; I am getting a manager to help you." (Using small gestures.)

Patron: "Are they going to get my money for me."

Staff: "They are going to offer you some help and where you can go to get support. It may not be giving back the money you spent but they can help you. If you come with me we will locate them" (Friendly but firm voice.)

Patron: "Ok."

In this scenario the staff member took control of the situation, stayed calm and listened to what the patron wanted which was help. Although, the patron was not getting what they asked for, the staff member heard what the patron was saying and what they were communicating. They listened to the context of the conversation and were able to keep the patron settled. They were also able to keep the patron calm enough to be able to locate a manager.

Attending your patrons

Gerard Egan used the acronym SOLER as part of his *Skilled Helper* staged approach to counselling. It is a non-verbal listening process used in communication, and a key skill taught to counsellors as part of their training. But what is it?

SOLER - should be used as an integral part of active listening.

- S:** Sitting ***squarely*** allows the other person to see that you are giving them your attention. Turning your body away from another person while you talk to him or her can lessen your degree of contact with that person. If, for any reason, facing the person squarely is too threatening for them, then an angled position may be more helpful.
- O:** Adopt an ***open*** posture. Crossed arms and/or crossed legs can be a sign of lessened involvement with or availability to others. An open posture says you are open to the patron and what he or she has to say. It is non-defensive in nature.
- L:** It is possible to ***lean*** in towards the patron. It says, "I'm with you, I'm interested in you and what you have to say." Leaning back can suggest the opposite. Remember not to lean too far forward, or this may be seen as placing a demand on the patron. He or she may find it intimidating.
- E:** Maintain good ***eye*** contact. It's another way of saying, "I'm interested, I'm with you." Remember this is not the same as staring. You will need to look away every so often, in order not to stare, but monitor the amount you look away. It could say something about your own level of comfort/discomfort.
- R:** Be ***relaxed*** or natural. If you are fidgeting nervously it will distract the patron. Being relaxed also tells the patron that you are comfortable with using your body as a vehicle of personal contact and expression. It helps put the patron at ease.

Module 7
Self exclusion and counselling

Assessment criteria

Students should be able to identify:

- Procedures to follow when a patron requests self-exclusion.
- What to do when a family member or friend requests third party exclusion.
- Approved counselling services and referral procedures.

Self exclusion schemes

Every club and hotelier by law must conduct a self-exclusion scheme to allow patrons to exclude themselves from nominated areas of a venue or from the entire venue.

Minimum requirements for the conduct of a scheme by a hotel or registered club:

- Prevent the hotel or registered club from refusing a participant's request.
- Require the participant to give a written and signed undertaking that they will not gamble at the venue for a period specified in the undertaking (such undertaking may be in a standard form as approved by the Director General).
- Provide an opportunity to seek independent legal/professional advice at their own expense as to the meaning and effect of the undertaking before it is given.
- Provide a participant with written information outlining the name and contact details of a gambling-related counselling service.
- Require the venue to ensure that responsible persons for the hotel or club can readily identify the participant whether by means of access to a recent photograph of the participant or otherwise.
- Require the hotel or registered club:
 - to publicise the availability of the self exclusion scheme and information as to how it operates to patrons of the licensed premises.
 - to make available, on request by any patron of the hotel or club, the standard self exclusion form (if any).
- Preventing a participant from withdrawing from the scheme within 3 months after requesting participation in the scheme.

Participant means a person who has requested that he or she be prevented from entering or remaining on any area of a hotel or registered club that is nominated by the person.

Liability with respect to self exclusion schemes

It is lawful for a responsible person of a hotel or registered club, to use reasonable force in the following circumstances:

- To prevent a participant in a self exclusion scheme from entering those parts of the premises used for gambling.
- To remove such a person from those parts of the premises or cause such a person to be removed from them.

No civil or criminal liability is incurred by a responsible person of a hotel or registered club for any act done or omitted in good faith and in accordance with this section to or in respect of a participant in a self-exclusion scheme conducted at the hotel or registered club.

Note: A responsible person for hotel or registered club means the following:

- The licensee of the hotel, or secretary of the club.
- The manager of the hotel, or director of the club.
- An agent or employee of the hotel or of the club.
- Any other person involved in the conduct of gambling activities at the premises.

Request for self exclusion

An approach by a patron requesting self exclusion cannot be ignored as the venue has a legal obligation to act. Remember, this is a big step for the patron, to not only admit that there is a problem, but also to ask for information or even exclusion from the venue.

Staff must act professionally on requests for help, dealing with the patron with empathy and sensitivity. If an employee feels they are not equipped to handle the situation they should immediately involve their supervisor.

The idea of self exclusion from a venue is to make it harder for the patron to gamble and give them a start on seeking help for their problem. Problem gamblers do not necessarily realise that they have a problem during office hours, and an approach may be made to a gambling venue at any time. For these reasons it is important that self exclusion requests can be processed whenever the venue is operating, rather than relying on key personnel in charge of that area being available.

Patrons often become familiar with certain staff working at the venue, and because of their friendliness, they build up trust with those staff. Most often these staff may be the people that problem gamblers feel most comfortable in approaching for help.

They may directly ask for help, or may even hint at a problem by expressing concern over recent losses or inability to pay bills because of their gambling. When approached by a patron, staff should follow the guidelines for dealing with these requests set by the venue.

The fact that someone has been gambling for long periods, or with what appears to be large amounts of money, does not mean that they have a problem. Staff should not approach a patron because of these reasons, but should act upon a request by the patron.

If patrons are not directly asking for help, but talking about their losses, staff might consider giving them a player information brochure when providing change, or leave a brochure near them at the bar. This action may provide a lifeline for these patrons, as they may have a problem, and the information provided could be the first step to seeking help.

Policies and procedures to deal with customers wanting to enter a self-exclusion

It is important to remember that for a problem gambler to have reached the point of requesting a self exclusion, they may do so with mixed emotional feelings. Staff members need to be very sensitive when dealing with them and the procedure should be made as confidential as possible as the patron may be feeling very anxious and embarrassed.

The procedure for self exclusion should be designed so that it can be processed at any time of the day at managerial, supervisory or designated staff member level, or whoever is responsible for handling exclusions.

Documentation for self-exclusion scheme

The documentation of all communication between the patron and venue provides a record of steps taken, which will be invaluable in the event of investigation or litigation. As part of the legislation, if asked by a patron staff must be able to provide them with information on professional counselling services. If a counsellor approaches management or staff, on behalf of a patron, always note this in the incident log. It would be prudent to request the counsellor to provide written authority for future action. This information is confidential and should only be available to appropriate staff, who should be informed that this information should not be discussed with other patrons/staff.

The image shows three pages of a self-exclusion agreement form. Page 1 is titled 'GAMING SELF-EXCLUSION AGREEMENT' and contains sections for venue information, agreement terms, and a photo upload area. Page 2 is titled 'END OF SELF-EXCLUSION FORM' and contains a signature line and a 'NOTES' section. Page 3 is titled 'ATTACHMENT A' and contains a 'SENDING YOUR SELF-EXCLUSION' section with checkboxes for automatic or manual expiration.

Model self exclusion scheme deeds are available for download in a variety of languages from the OLGR website http://www.olgr.nsw.gov.au/gaming_forms.asp

Third party requests for the exclusion

Problem gambling not only affects the gambler, it also harms their families and friends in many different ways.

There may be occasions where family or friends of the problem gambler may approach staff of the venue for help, or to have the gambler excluded from the premises.

These people may be very emotional (e.g. angry, upset, distressed, or unreasonable) at this time, so it is important that they are treated sensitively. Staff have a moral obligation not to ignore this request.

Staff should make the third party aware that there are professional counselling services available, and supply them with information to contact these services, or assist them to contact these services from your venue (e.g. *Gambling Help*)

Staff should also make the third party aware of the availability of the venue's self exclusion scheme, emphasising its confidentiality.

Problem gamblers are not always in a position to help themselves; they may need help from others (family and friends) and/or professional counselling services. If they do not get this help, they are usually stopped from gambling because of illegal activities and intervention by the police.

Advise the third party that self-exclusion can only commence when the problem gambler approaches the venue and agrees, in writing, to enter voluntarily into this scheme.

Staff should make an entry for each event in an incident log. This will demonstrate that ALL reasonable steps were taken to assist the problem gambler, or the third party. This information will be important if problems arise later.

Important note: A person cannot be entered into a self exclusion agreement by a third party. Only the individual themselves can enter the agreement.

Problem gambling counselling services

Providing information about counselling services is an integral method of minimising the harm associated with gambling.

Certainly problem gamblers might not act on the information that is provided immediately, but they will be aware that help is available if they decide they want to use these services later. The availability of this information is important for family members, friends and colleagues of problem gamblers who want to encourage someone they know to get help.

The NSW Gaming Machine Regulation 2010 recognises four approved gambling counselling entities they are;

- Australian Hotels Association (AHA NSW)
- Clubs NSW
- Betsafe
- any other body that receives funding from the Responsible Gambling Fund under the [Casino Control Act 1992](#) for the specific purpose of providing gambling-related counselling or treatment services

The first three counselling services listed in the legislation exist to resource their members in meeting their harm minimisation requirements, particularly in relation to self exclusion. Betsafe is the only one out of the three to conduct ongoing gambling counselling. The other two will refer patrons to the closest gambling counselling services in their area. The Responsible Gambling Fund provides funding to services under the banner Gambling Help. All Gambling Help services provide ongoing counselling to people who have been negatively affected by gambling (their own or a loved ones) and to overcome these issues. Some Gambling Help services also provide financial counselling. All of the Gambling Help counselling services are free for patrons.

The Australian Hoteliers Association's counselling program is GameCare. This is a part of the service for all hotels that are members of the AHA NSW. The program exists to assist hotel patrons self-exclude from hotels/pubs in NSW. The patron contacts the hotline number and a self-exclusion interview is organised (either at the GameCare office or the office of a GameCare representative). The patron will also be encouraged to contact a gambling counselling service to have further gambling counselling.

GameCare can be contacted on **1300 137 404** or **(02) 9281 6922**

Clubs NSW program is ClubSAFE. This program operates to assist venues to meet their obligation in regard to self exclusion. The patron after requesting a self exclusion from the venue is given the phone number for ClubSAFE. When they ring the number they will talk to a trained counsellor. From there they will be given the details of a local gambling counselling service.

ClubSAFE can be contacted on **1800 99 77 66**

BetSafe is a program to assist its member clubs and pubs with their harm minimisation program and to help their patrons who develop gambling problems. Venues that are part of the BetSafe program can have their patron's complete self exclusion either at the venue or online. When they attend a self exclusion meeting, ring the hotline number or go online they will be offered gambling counselling from the Betsafe counsellors.

BetSafe can be contacted on **02 9874 0744** or at www.betsafe.com.au

The Responsible Gambling Fund through the NSW Government funds problem gambling services throughout NSW. The funded services may keep the name of their own organisation, but, they come under the Gambling Help banner, which includes face to face gambling, face to face financial, online and telephone counselling. They also fund a legal service to assist people where gambling has created legal issues for them. All Gambling Help services are free of charge and can help anyone affected by problem gambling (whether theirs or someone else's).

Gambling Help services can be contacted by patrons on **1800 858 858** or at www.gamblinghelp.nsw.gov.au

Gambling incident logs.

Whilst there is no legal requirement to do so, gambling providers should consider implementing incident logs as part of their gambling operations - similar to the responsible service of alcohol.

Management and staff should get into the practice of writing a brief report of any incidents that occur in the venue. Any gambling-related patron behaviour and measures taken by the venue should be logged in this central record. This log then forms a communication tool for gaming staff, especially at change of shift when the log should be checked for any incidents regarding gambling patron behaviour.

The incident log demonstrates that the venue has adopted and put into place measures to assist the patron, which could prove invaluable in the event of any problems at a later date.

Some things to consider writing in the log are:

- approaches by patrons wanting help with their gambling
- signage issues that were noted with staff, the date they saw when the sign was damaged or not in place and the steps that have been dealt with to rectify it
- breaches of self exclusions by patrons
- third party exclusion requests

What could be included in the register is the date, the type of incident, the name of the person involved (if any), what action was taken by the venue. There should be no blank lines between the incidents and the pages should be numbered sequentially to ensure that the information contained is accurate.

While having a gambling incident log is recommended, it is each venues decision on whether to keep a log or not. This decision will usually be made by the hotel licensee/owner or club manager/CEO/Board.

If the incident which occurred is the result of the venue not meeting their compliance obligations or conducting activities likely to encourage problem gambling, you can call the Office of Liquor, Gaming & Racing complaints line on 9995 0837. These calls are confidential.

Further reading and quick references

1999 Productivity Commission Report – “Australia’s Gambling Industry”

<http://www.pc.gov.au/projects/inquiry/gambling/docs/finalreport>

2004 IPART Report – “Gambling: Promoting a Culture of Responsibility”

<http://www.ipart.nsw.gov.au/files/Gambling04.pdf>

2005 Gambling Research Australia – “Problem Gambling and Harm: Towards a National Definition”

[http://www.gamblingresearch.org.au/CA256902000FE154/Lookup/GRA_Reports_Files_1/\\$file/FinalReportPrinter.pdf](http://www.gamblingresearch.org.au/CA256902000FE154/Lookup/GRA_Reports_Files_1/$file/FinalReportPrinter.pdf)

2007 Office of Liquor, Gaming & Racing – “The Prevalence of Gambling and Problem Gambling in NSW”

http://www.olgr.nsw.gov.au/pdfs/rr_prevalence_gambling.pdf

2007 Gambling Research Australia – “Identifying Problem Gamblers in Gambling” Venues

www.gamblingresearch.org.au

2009 NSW Population Health Survey Gambling

http://www.olgr.nsw.gov.au/rr_gambling_module.asp

2010 Productivity Commission – “Gambling”

<http://www.pc.gov.au/projects/inquiry/gambling-2009/report>

http://www.warfield.com.au/Warfield_Gambling_Fraud_08_10.pdf

2011 Journal of Gambling Issues – “Risky business: Gambling problems amongst gaming venue employees in Queensland, Australia”

<http://jgi.camh.net/doi/pdf/10.4309/jgi.2011.25.2>

Gerard Egan ***The Skilled Helper*** Brooks/Cole Publishing Company, An International Thomson Publishing Company, Pacific Grove, California USA

To view gambling related legislation and other resource materials visit the Office of Liquor, Gaming & Racing website www.olgr.nsw.gov.au

Quick Reference

GameCare contact **1300 137 404** or **(02) 9281 6922**

ClubSAFE contact **1800 99 77 66**

BetSafe contact **02 9874 0744** or www.betsafe.com.au

Gambling Help services contact **1800 858 858** or via the web www.gamblinghelp.nsw.gov.au

CALD communities contact **1800 856 800**

Aboriginal communities contact **1800 752 948**

Facebook <http://www.facebook.com/gamblinghangover>

Online counselling is available 24 hours a day through Gambling Help Online

<http://www.gamblinghelponline.org.au>

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