

REGULATION OF LICENSED PROVIDERS UNDER THE GAMING CONTROL ACT 1993

PROVISION	REGISTERED PLAYER EXCLUSIONS
SECTION OF THE ACT	76ZNA to 76ZNG

EXPLANATION

Subdivision 2 of Division 7 of the *Gaming Control Act 1993* allows for a registered player (account holder) to be able to exclude themselves from wagering with a licensed provider. A person who has a close personal interest in the welfare of another person who engages in wagering with a licensed provider, may also apply to the Tasmanian Gaming Commission to exclude that other person from engaging in that wagering. There is also a provision for an exclusion to be revoked by the person who applied for the exclusion or the affected person.

ACT REQUIREMENTS

When a licensed provider receives a written notice advising the exclusion of a person, within three days it must comply with the following:

- remove the name of the person from the register of players kept under section 76ZU;
- ensure that the licensed provider's staff who deal with customers are aware of the notice;
- provide advice of the exclusion to the Commission; and
- ensure no new bets are able to be placed by the excluded person.

After the determination of any outstanding wagers of the excluded person, the licensed provider must:

- close the excluded person's wagering account; and
- forward the proceeds of the account to the excluded person.

Non compliance with these requirements provides for a penalty fine of up to \$12 000.

When a licensed provider receives a written notice advising the revocation of the exclusion for a person, as soon as practicable it must comply with the following:

- restore the name of the person to the register of players kept under section 76ZU;
- ensure that the licensed provider's staff who deal with customers are aware of the notice;

- provide advice of the revocation to the Commission; and
- reactivate the player's account.

A licensed provider must keep an up-to-date register of excluded persons and ensure that the Commission is able to inspect the register electronically at any time. Non-compliance with this requirement also provides for a penalty fine of up to \$12 000.

A licensed provider must not accept a wager from an excluded person or solicit, by direct advertising or other direct means, excluded persons to engage in wagering. Non-compliance with this requirement provides for a penalty fine of up to \$12 000 for a first offence and \$60 000 for a subsequent offence.

Please note that an updated fact sheet concerning registered player exclusions will be provided following amendments to the Gaming Control Act due in November 2009.

The amendments provide for the account of a registered player (an internet or telephone account customer of a Tasmanian Gaming Licence holder) to be immediately frozen on receipt of a self or third party exclusion.

While it is important that an excluded person's account be frozen to prevent further wagering, there are instances where it is not appropriate to immediately remit funds to the excluded person. For example, where there are outstanding wagers to be determined, or where there are legal constraints such as a fraud investigation or where the identity of the player has not met the Commonwealth anti-money laundering and counter terrorism requirements.

The amendments provide for the Commission to give instructions to the licensed provider once the account is frozen, and this would include enabling the licensed provider to continue to freeze funds in certain circumstances.

TIMEFRAMES

This provision commences immediately a Tasmanian Gaming Licence is issued.

SUGGESTED PROCESS

An area of the business will need to be responsible for dealing with registered player exclusions. Some form of flag will need to be added to an excluded person's account so as any employee is aware that the person is excluded and that they cannot use their account for wagering.

A process will need to be developed to advise the Commission of any new exclusions or revocations. This should be done electronically.

A system will be required to highlight an excluded person's account, once any outstanding wagers have been finalised, so as the balance of the credit funds can be forwarded to the excluded person and the account deactivated.

An electronic list of all registered player exclusions is required to be maintained by the licensed provider. This list must be available to be viewed at all times by officers of the Commission.

No direct marketing or advertising material is to be forwarded to a person who has a registered player exclusion.

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