

THIRD PARTY EXCLUSION – TERRESTRIAL GAMBLING – INFORMATION SHEET

THIRD PARTY EXCLUSION FOR TERRESTRIAL GAMBLING EXPLAINED

What is a “third party” exclusion?

A person with a close personal interest in the welfare of another individual (such as a spouse, child, or other immediate family member) may apply to the Tasmanian Liquor and Gaming Commission for an order prohibiting that other person from participating in gaming or wagering at venues across the state.

The request to the Commission should include evidence and examples of the social, psychological, emotional and physical effects of the gambling behaviour on the person sought to be excluded, their immediate and wider personal contacts, as well as the impact on their family.

Process

The process of arranging a third party exclusion follows four steps:

1. Interview with nominated officer of the Commission.
2. Counselling offered by Senior Counsellor from Gamblers Help (if possible) for the applicant and/or third party.
3. Application and report to the Commission.
4. Determination of the application.

Any potential applicants need to seek advice from a senior member of the Liquor and Gaming Branch who will:

- Explain the effect and potential consequences of a third party exclusion, and other options including self-exclusion.
- Prepare a report to the Tasmanian Liquor and Gaming Commission on behalf of the applicant, along with the assistance of a counsellor if the applicant is receiving counselling. The person concerned will also be invited to make a submission to the Commission.

On receipt of the application the Commission will provide both the applicant and the person concerned with a written notice. It will consider the report and may invite representation from one or more parties. The subject of the third party exclusion application will have 28 days to provide any information they wish to be considered when determining the application.

The Commission will need to be satisfied that the exclusion is in the best interest of the affected person and in the public interest. If the application is approved, the Commission will issue a third party exclusion order which will prohibit the subject of the order from engaging in gaming or wagering in one or more of the following:

- a particular venue;
- participation in gaming offered at the venue including entering a restricted gaming area; and
- any other matter the Commission considers appropriate.

If the excluded person breaches the order the operator can remove the excluded person from a venue or gaming area (using no more force than is reasonably necessary).

A venue operator will, upon receipt of a third party exclusion, advise all its employees of the details of the excluded person.

Third party exclusions will remain in place for a maximum period of three years or until the order is revoked. Applications to revoke a third party exclusion can be made to the Tasmanian Liquor and Gaming Commission by the affected person or by the person who applied for the exclusion. The Commission will provide the respondent with a notice outlining the reasons for the revocation and inviting the respondent to make a submission. The Commission will consider the submissions of both the applicant and respondent. The exclusion will be revoked if the Commission finds it is in the best interests of the excluded person and the community to do so. A copy of the revocation notice will then be provided to both parties.

Legal implications of third party exclusions

Third party exclusions are made under section 112C of the **Gaming Control Act 1993**. Breaches of exclusion orders of this section may incur penalties under section 112J of the Act, of up to 20 penalty units.

REFERRALS FOR CLIENTS

For free and confidential assistance for exclusions, counselling and support, contact:

Gamblers Help Tasmania

(24 hours) Freecall 1800 858 858

Gamblers Help for Problem Gambling

Anglicare Tasmania Inc (freecall) 1800 243 232

Relationships Australia (freecall) 1800 364 277

LIQUOR AND GAMING CONTACT DETAILS

Salamanca Building Parliament Square
4 Salamanca Place HOBART TAS 7000
Telephone: (03) 6166 4040 Facsimile: (03) 6173 0218

Level 3 Henty House 1 Civic Square LAUNCESTON TAS 7250
Telephone: (03) 6777 2777 Facsimile: (03) 6173 0218

GPO Box 1374 HOBART TAS 7001 Australia
Email: gaming@treasury.tas.gov.au Web: www.gaming.tas.gov.au

Gaming Control Act 1993 Section 112C
**APPLICATION FOR EXCLUSION ORDER
(THIRD PARTY EXCLUSION)**



DETAILS OF APPLICANT

Surname: Given names: Date of birth:

Address: Gender M/F:

Relationship/personal interest in person nominated to be excluded:

**DETAILS OF PERSON NOMINATED FOR EXCLUSION (AFFECTED PERSON)
(Please Print)**

Surname: Given names: Date of birth:

Address: Gender M/F:

DETAILS OF EXCLUSION SOUGHT

Please select the type of exclusion sought:

- State-wide exclusion, from the whole-of-premises, at licensed gaming venues (including Ubet).
- State-wide exclusion from gambling activities at licensed gaming venues (including Ubet).
- Exclusion from selected venues, whole-of-premises or gambling activities, please indicate on a separate attachment.

Signature of applicant:

Date:

Contact phone number:

ATTACHMENTS INCLUDED IN THE APPLICATION

Please provide a list of the supporting documentation included in the application for exclusion:

-
-
-
-
-
-
-
-

Post this form with its attachments to:
'Exclusion Program'
Tasmanian Liquor and Gaming Commission
GPO Box 1374
HOBART TAS 7000

IMPORTANT

The information provided below is a brief outline of the rights and responsibilities of parties involved in the exclusion process. The *Gaming Control Act 1993* specifies other obligations on the parties. To obtain further information please contact the Tasmanian Liquor and Gaming Commission.

ISSUING AN EXCLUSION ORDER UNDER SECTION 112C AND/OR 76ZNC

On receipt of an application, the Commission must provide the person in respect of whom the application is made with a written notice:

- a) informing the person of the making of the application and the reasons for it; and
- b) inviting the person to make representations to the Commission about the application within fourteen (14) days.

After considering representations made by the applicant and the person in respect of whom the application is made, the Commission must:

- a) if it is satisfied that it is in the interests of that person and the public interest to do so, make a third-party exclusion order prohibiting that person from: wagering with, or otherwise participating in any game conducted by, any specified licence holder or class of specified licence holder; and/or entering or being on premises specified in the order; or
- b) if it is not satisfied, refuse the application.

On making a third-party exclusion order, the Commission must provide a copy of the order to:

- a) the affected person (the person nominated for exclusion, known as the affected person);
- b) to all specified licence holders that may also be affected by the order; and
- c) the applicant.

On refusing the application, the Commission must notify the applicant and the affected person in writing of that refusal and the reasons for making it.

REVOCATION OF AN EXCLUSION ORDER ISSUED UNDER 112C AND/OR 76ZNC

An affected person or the person who applied for a third-party exclusion order may apply in a form approved by the Commission for a revocation of the order.

On receipt of an application for revocation, the Commission must provide the other party with a written notice-

- a) informing the other party of the making of the application and the reasons for it; and
- b) inviting the other party to make representations to the Commission about the application within fourteen (14) days.

After considering representations made by both parties, the Commission must-

- a) if it is satisfied that it is in the interests of the affected person and in the public interest to do so, make an order revoking the third-party exclusion order; or
- b) if it is not satisfied, refuse the application.

On refusing the application, the Commission must notify all parties in writing of that refusal and the reasons for it.

On making an order revoking a third-party exclusion order, the Commission must provide a copy of the revocation order to-

- a) the applicant
- b) the other party; and
- c) all specified licence holders that have been provided with a copy of the third-party exclusion order.

GETTING HELP

Gamblers Help is available 24 hours, 7 days a week for free and confidential counselling on 1800 858 858.

If you have any complaints relating to breaches of the exclusion scheme, call the Tasmanian Liquor and Gaming Commission on one of the following contact numbers.

LIQUOR AND GAMING CONTACT DETAILS

Salamanca Building Parliament Square
4 Salamanca Place HOBART TAS 7000
Telephone: (03) 6166 4040 Facsimile: (03) 6173 0218

Level 3 Henty House 1 Civic Square LAUNCESTON TAS 7250
Telephone: (03) 6777 2777 Facsimile: (03) 6173 0218

GPO Box 1374 HOBART TAS 7001 Australia
Email: gaming@treasury.tas.gov.au Web: www.gaming.tas.gov.au