

*Best practice guidelines for the implementation
of Responsible Gambling Codes of Conduct
and Self-Exclusion Programs*

A VCGR Responsible Gambling publication



Victorian Commission
for Gambling Regulation

Background

The Victorian Government has enacted new legislative requirements to foster responsible gambling.

On 30 September 2008, the Minister for Gaming, the Hon. Tony Robinson MP, in accordance with the *Gambling Regulation Act 2003*, issued Ministerial Directions and accompanying Guidelines requiring the Victorian Commission for Gambling Regulation (VCGR) to:

- ensure that certain organisations adopt a Responsible Gambling Code of Conduct (Code) and a Self-Exclusion Program (SEP) by 1 June 2009
- ensure that any Code or SEP meets the standards and requirements set out in the Ministerial Directions.

The VCGR has also set out Criteria and Benchmarks that will be used to determine whether any proposed Code or SEP should be approved.

The VCGR's roles and responsibilities include facilitating and enforcing industry compliance with all legislative requirements. It has a formal audit inspection program that covers all aspects of gaming. The requirements of a Code for commercial licensees and a SEP for venue operators has been incorporated into the VCGR's audit process, which includes both announced and unannounced inspections of premises, carried out on a random basis.

The VCGR will periodically undertake an audit of commercial licence holders' premises, staff training records, and record-keeping procedures, including the in-house administration of the incident registers for Codes and SEPs. Commercial licence holders should regularly maintain and review these registers and (in addition) venue operators should maintain their internal processes for self-exclusion.

Purpose of the guidelines

These guidelines are a VCGR initiative provided to assist commercial licence holders to effectively implement an approved Code and, in the case of venue operators, an approved SEP.

These guidelines are presented as 'best practice' in the sense that they will assist operators to implement the legislative requirements effectively and thoroughly and should minimise the risk of non-compliance. The guidelines are not a substitute, however, for the legislative requirements.

Note that the VCGR will assess each commercial licence holder's implementation of the Codes and SEPs based solely on the legislative requirements.

Structure of the guidelines

There are two parts to the guidelines:

- **Part A: Meeting the requirements** provides advice on how to effectively implement the Code and SEP provisions.
- **Part B: Schedule of responsibilities for commercial licence holders and their staff** lists the responsibilities that would typically be assumed, respectively, by commercial licence holders, managers and gaming industry employees, in order to implement the Code and SEP provisions.

At the end of the document there is a list of additional VCGR resources to assist you with implementation.

Part A: Meeting the requirements

Communicating with staff

Having regular discussions with gaming industry employees about the Code – and, where applicable, self-exclusion – will help everyone understand the best way to implement the Code and SEP requirements.

Consultation and communication with program administrators, employees and customers should continue after the implementation process has been completed and throughout the life of the Code and SEP.

The next step is to think about ways to get the best possible result from your Code and/or SEP. Clear communication and open discussion between managers and employees will help get a good result for everyone, ensure that the risk of non-compliance is reduced, and help to foster responsible gambling.

In-house policies and procedures

- All gaming industry employees must be aware of their responsible gambling requirements under the Gambling Regulation Act and should read a copy of the Code. These requirements should be documented in a gaming policy for the licensee. All other employees should also be aware of the policy.
- Responsible gambling should be a regular topic at meetings of the board/committee, management meetings and staff meetings.
- A copy of the approved Code should be included in staff induction manuals and procedural manuals.
- There must be clear guidelines on how staff can raise issues about Code implementation with management.
- Members of staff must have access to training opportunities that enable them to familiarise themselves with the approved Code and how to apply it.
- There could be ways of publicising and rewarding effective responsible gambling practices among staff. For example, the business plan could include incentives as part of the employee performance and salary arrangements or as part of a rewards and recognition program.

Staff training

A commercial licence holder can fulfil the staff training requirements by conducting seminars and workshops for staff, providing written material on responsible gambling for staff, and providing appropriate assistance to employees on responsible gambling matters.

It is a mandatory requirement for all gaming industry employees in a gaming machine area to undergo an approved Responsible Service of Gaming (RSG) course within six months of commencing employment and a refresher course within three years following completion of an approved course. Other commercial licence holders may also wish to consider sending staff to responsible gambling training and seminars offered by the Code or SEP administrator, Gambler's Help and the VCGR.

It is a requirement that an approved training provider includes information on Codes and SEPs in any RSG course. These provisions should be understood by all gaming industry employees and course participants who successfully complete their approved RSG training.

In addition, venue operators that have adopted an approved SEP should ensure that their staff training program on Codes and SEPs is reviewed on a periodic basis, with a formal review on an annual basis.

Staff gambling

Unless otherwise stated in your approved Code, a gaming industry employee whose duties relate to gambling should not participate in gambling at the facility where they work.

The licensee must ensure that all staff are aware of this requirement and refer to the approved Code for more information.

This is in addition to other mandatory restrictions on gambling which apply to gaming industry employees at their place of work, including not participating in gaming while on duty or at any time when the facility is closed to the public.

The licensee should also direct employees who request assistance with gambling problems to appropriate assistance.

Note that an approved Code requires that interaction with staff occurs in a manner that respects the staff member's right to privacy, as outlined in the Ministerial Directions.

Signage

Gaming venue operators

- The responsible gambling message must be displayed at the entrance to the gaming room and/or the cashier's station.
- A sign advising customers of the availability of the Code must be displayed at the entrance to the gaming room and/or the cashier's station.
- The Code should be regularly featured in other communications that the gaming venue may have with its patrons and stakeholders.

Club Keno

- The responsible gambling message must be clearly visible in venues where Club Keno is sold.

Commercial bingo centre operators

- Commercial bingo centre operators must display a notice advising customers of the availability of the approved Code in areas where bingo players purchase tickets.

Public lotteries licence holders

- A notice must be displayed at the premises of all retailers stating that the Code is available upon request and at all authorised points of sale and outlets.

Casino operator

- Copies of the Code must be available at brochure stands near cashier locations and at the Responsible Gaming Support Centre, or by contacting staff.
- The responsible gambling message must be printed on all gaming-related advertising and made clearly visible throughout the complex.

Physical environment

The Code must identify how customers will be made aware of the passage of time and how they will be discouraged from engaging in extended and intensive play. This requirement could be met by the commercial licence holder staging events that occur at specified times (for example, coffee breaks), announcing the time at regular intervals, and undertaking a customer care intervention program.

Complaints

The approved Codes and SEPs incorporate clear processes that must be followed by the commercial operators upon receipt of a customer complaint.

Each approved Code and SEP outlines the processes and information that licensees must make accessible to customers. Usually, the complaint process will:

- specify how a complaint can be made
- specify the process for resolution of a complaint
- provide for independent review of decisions made by the commercial licence holder about customer complaints
- specify how information about complaints will be collected and retained
- enable the Commission to monitor compliance with the complaints process.

By formally adopting an approved Code or SEP, commercial licence holders are committing to establishing and actively promoting effective complaint resolution procedures to ensure that a customer's complaint on a gambling-related issue can be resolved.

Commercial licence holders must include a complaints resolution process in their business plan that clearly defines the role and responsibilities that extend to all staff, managers and the Code/SEP administrator.

Record keeping

A commercial licence holder with an approved Code (and, in the case of venue operators, an approved SEP) must keep a record of:

- persons identified as potentially showing signs of having a gambling problem, and how this was addressed
- (for venue operators) persons entering the premises who are listed as self-excluded under an approved SEP
- (for venue operators) all incidents of relevance to the operation and enforcement of the Code and SEP, documented in an incident register (kept separately for the Code and SEP, or as two sections in the one folder)
- complaints made about the Code (including details of which part of the Code the complaint relates to)
- any complaint about a problem gambling incident, including copies of correspondence to the parties making the complaint, and details of what action, if any, was taken
- the relevant RSG training course certificate for each gaming industry employee who is required to complete this training as a mandatory requirement and for any other employees
- (for venue operators) people listed as self-excluded under a SEP (This requirement could be met by keeping a list of names of self-excluded persons, with photographs, in a secure area)
- any in-house policies and procedures relating to responsible gambling
- any interactions with their local problem gambling support service (including copies of correspondence)
- any other documentation supporting the Codes and SEPs.

Reporting breaches of a SEP

For an approved SEP to be effective a process of monitoring and reporting breaches is essential. The venue owners/board/committee should set up a process to monitor the performance of the SEP and deal with breaches of a self-excluded person's deed (by that person).

A breach occurs when a self-excluded person enters the gaming machine area of a nominated venue. All breaches should be reported to the SEP administrator if detected. In the case of monitoring and discussing cases of repeated breaches, it would be prudent for the venue operator licence holder to seek legal advice and to discuss the matter with the program administrator.

Providing SEP information to customers

A key benchmark of a SEP is that the approved program adopted by the venue operator should be easy for customers to understand, is publicised in a clear manner, protects the privacy and dignity of the customer, and demonstrates links with a problem gambling service. To meet this benchmark, the venue operator must:

- have a brochure that is readily available to customers and that provides contact details for information about the self-exclusion program
- include information about self-exclusion when providing a person with general information about gaming at the venue
- ensure that a staff member is available whenever gaming occurs to provide customers with information about self-exclusion
- not send promotional material about gambling to a person that is listed as self-excluded under the approved SEP
- remove self-excluded people from any customer loyalty programs in operation and not permit self-excluded persons to join a customer loyalty scheme.

Managing a SEP

The following suggestions and reminders will help you (and your staff) operate your SEP so that you can comply with the following requirements:

- Staff are required to actively monitor the gaming machine area of the venue to identify self-excluded persons.
This requirement could be met by a SEP requiring a list of names of self-excluded persons to be prepared and maintained, and requiring photographs of self-excluded persons to be displayed in a place accessed only by staff. This could be in the form of printed photographs, or online photographs stored in the program administrator's secure website facility, with appropriate procedures for staff access.
- If the venue operator has to ask a person who has been identified as a self-excluded person to leave their gaming room area, the licensee should do so in accordance with the approved SEP that the venue has adopted. As a general rule, it is advisable not to use more force, or subject someone to greater indignity, than is necessary and reasonable to exclude the person from gambling at the facility.
- A record must be kept in the gaming room of any self-excluded person who is found breaching their deed at the nominated venue. It is important for the venue operator to alert the program administrator whenever a breach occurs.
- Venue operators must prepare written procedures that outline how people are to be excluded from gambling at the facility.
- Suitable statements, policies, processes and resources should be applied by the venue operator to the conduct of the approved SEP, including having staff trained on how the program operates, and including information on the approved program in procedural and induction manuals.
- Written procedures and in-house training will:
 - assist the venue operator to meet their legal obligations
 - help venue managers and supervisors make consistent and reliable decisions
 - give gaming industry employees a clear understanding of what is expected of them
 - provide patrons with clear guidance on how they can access a SEP.

Part B: Schedule of responsibilities for commercial licence holders and their staff

This part of the guidelines sets out a basic schedule of responsibilities that would typically be assumed, respectively, by commercial licence holders, managers and gaming industry employees, in order to effectively implement an approved Code and, in the case of venue operators, an approved SEP.

A commercial licence holder should:

- comply with the relevant laws, including the *Gambling Regulation Act 2003*, and related regulations
- comply with their adopted Code provisions, including maintaining all records relating to the Code
- ensure that all advertising is compliant with the standards of the Australian Association of National Advertisers
- meet the requirements of their adopted Code as a licence condition (The VCGR has the power to take disciplinary action against commercial licence holders who do not observe the actions and responsibilities set out in their approved Codes)
- if they are a venue operator, ensure that all staff and management who are working in the electronic gaming machine (EGM) area of an approved venue understand the Code and the actions and responsibilities it contains
- if they are a venue operator, display and make available to customers relevant information on responsible gambling, including the Minister's Standards – Player Information
- review the approved Code on an annual basis, unless otherwise specified in the Code.

A manager should:

- nominate a staff member – to be available whenever gambling occurs – who is responsible for providing information about the Code and responsible gambling to customers
- watch for signs of problem gambling and know what to do if a customer is showing one or more of these signs, including taking reasonable steps to discuss the matter with the person (If the contact officer is not at the venue at the time or the person has left, then getting in touch at a subsequent time by phone or mail may be appropriate)
- provide a person that may have a gambling problem with information about Gambler's Help counselling and support services
- record and report to the commercial licence holder on gambling incidents and complaints
- tell the person making the complaint about a problem gambling incident what action, if any, was taken
- provide a written report to the owner/board/committee on meetings about the Code and the SEP, and incidents that relate to these provisions
- be aware of and ensure compliance with all regulatory requirements

- employ, monitor, train and discipline all staff when necessary on the Code and SEP provisions
- reward staff excellence around Codes and SEPs.

A Gaming Industry Employee should:

- confirm a person's age (where appropriate) and ensure that under-age gambling does not occur
- ensure responsible service of alcohol is practised, and ensure that intoxicated patrons are not gambling
- remedy the situation immediately if there is a breach of the above requirements (that is, an under-age person or an intoxicated person is found to be gambling)
- provide information to customers (and answer queries) on responsible gambling issues, such as odds of winning, player information display, game rules, session tracking time and regard for pre-commitment as outlined in the approved Code
- watch for signs of problem gambling and know what to do if a customer is showing one or more of these signs
- ensure that the appropriate signage, responsible gambling message, problem gambling information and point-of-sale material is displayed as outlined in the approved Code.

Employees working in the gaming machine area of a venue must:

- hold a current Gaming Industry Employee's licence (or, in the case of a casino operator employee, be the holder of a Casino Special Employee's licence approved by the VCGR)
- undertake an approved RSG course within six months of commencing employment*
- use their best endeavours to identify any listed self-excluded person who has entered the gaming room
- use their best endeavours to prevent a self-excluded person from entering a gaming room
- bring any identified breaches by self-excluded persons to the attention of the venue's Manager/Nominee or Responsible Gambling Customer Liaison Officer
- refer any staff queries on responsible gambling to the venue's Manager/Nominee or Responsible Gambling Customer Liaison Officer
- ensure that the appropriate signage and point-of-sale information is displayed in the gaming area of the venue
- refer all customer complaints and problem gambling matters to the venue's Manager/Nominee or Responsible Gambling Customer Liaison Officer.

* They are also required to undertake an approved refresher course within three years following initial completion of the approved course. The Gambling Regulation Act enables the VCGR to approve training courses and refresher courses that relate to the responsible provision of gaming. To view a current list of approved RSG training providers and approval dates visit the VCGR website.

VCGR resources

Useful VCGR publications

- *Being the Nominee of a Venue Operator: What you need to know.* Available by phoning the VCGR on (03) 9651 3333 or by visiting www.vcgr.vic.gov.au.
- *Gaming Industry Employee Information Handbook.* Available by phoning the VCGR Employee Licensing Unit on (03) 9651 3054 or by emailing Emp.Licence@vcgr.vic.gov.au.
- *VCGR News.* This free quarterly newsletter can be downloaded from the Publications section of the VCGR website at www.vcgr.vic.gov.au, or you can request a subscription by providing your email address and contact details to VCGR.Contact@vcgr.vic.gov.au.

More information

Additional VCGR information is available on the following topics:

- **Responsible gambling**

The Responsible Gambling Project provides information to industry to enable compliance with responsible gambling Codes and SEPs. Phone the Responsible Gambling Hotline on (03) 9651 3112 or email responsible.gambling@vcgr.vic.gov.au.
- **Commercial licensing and monitoring**

For information on the licensing and monitoring of commercial operators, such as venues and bingo centre operators, and the approval of Associates and Nominees, Codes of Conduct and Self-Exclusion Programs, phone (03) 9651 3655 or email commercial.licensing@vcgr.vic.gov.au.
- **Employee licensing**

For information on the licensing of Gaming Industry Employees and Casino Special Employees phone (03) 9651 3054 or email responsible.gambling@vcgr.vic.gov.au.
- **Responsible service of gaming training**

Training organisations and gaming industry employees can obtain advice and information regarding responsible gambling training courses by phoning (03) 9651 3708.

Compliance and investigation

VCGR inspectors carry out investigations as a result of complaints and in relation to licence applications, permits and other approvals. Inspectors are available to attend any location 24 hours a day, seven days a week.

Complaints regarding gaming venues (including approved Codes of Conduct and Self-Exclusion Programs for gaming venues), wagering, public lotteries, keno, trade promotions, the casino, raffles, bingo and lucky envelopes can be made by phoning (03) 9651 3737 or emailing investigation@vcgr.vic.gov.au.

Gambling operations and audit

For information on the general conduct of gaming, including gaming machine and Club Keno game play, new premises requirements, modifications to approved premises and gaming machine areas, phone the Duty Inspector on (03) 9651 3563.

Disclaimer

The Victorian Commission for Gambling Regulation has responsibilities in relation to several pieces of legislation and associated regulations.

This publication is designed as a quick reference tool and offers a summary only of some of the more common topics associated with Responsible Gambling that are dealt with under the *Gambling Regulation Act 2003* and the *Casino Control Act 1991*.

The information provided in this fact sheet is general in nature and is not meant to replace the information contained in the relevant pieces of legislation.

For more information, including the Ministerial Directions and the VCGR's Criteria and Benchmarks on Responsible Gambling Codes of Conduct and Self-Exclusion Programs, refer to the Responsible Gambling section of the VCGR website at www.vcgr.vic.gov.au/responsiblegambling.

For more information on Responsible Gambling Codes of Conduct and Self-Exclusion Programs, contact the Responsible Gambling Project Team at the Victorian Commission for Gambling Regulation on (03) 9651 3112, or email responsible.gambling@vcgr.vic.gov.au.

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