

Licensee Exclusion Review Process Fact Sheet

The Gambling and Racing Control Code of Practice (the Code) is contained in Schedule 1 of the Gambling and Racing Control (Code of Practice) Regulation 2002 (the Regulation).

Section 1.14(1) of the Code states that the licensee of a gambling facility must exclude a person from gambling at the facility if the licensee:

- has reasonable grounds for believing that the welfare of the person, or any of the person's dependants, is seriously at risk because of the person's gambling problem or
- that the person has signed a deed of exclusion.

The meaning of "gambling problem" is contained in section 1.2 of the Code.

Section 1.15 of the Code covers the matters that a licensee must consider when deciding whether to exclude a person. It also states that the decision to exclude must be reasonable in the circumstances. In making the decision the licensee must consider whether the exclusion:

- is necessary to protect the welfare of the person, or any of the person's dependants, from risk in relation to the person's gambling problem
- is in the public interest, particularly having regard to the social and economic costs of problem gambling.

If the licensee excludes a person under section 1.14 of the Code, they must provide the person with a notice of exclusion and add their details to the ACT Gamblers Exclusion Database, maintained by the ACT Gambling and Racing Commission (the Commission).

Section 1.16 of the Code states that a person aggrieved by a licensee's decision to exclude them under section 1.14 may ask the Commission to review the licensee's decision.

Clause 16 of the Regulation sets out the processes the Commission must follow to review a decision, if it receives a written application to review a licensee exclusion.

The Commission must:

- give the licensee a written notice stating that the licensee may, within 2 weeks of receipt, provide a written response about the matters in the notice

- have regard to any response provided by the licensee
- by written notice, confirm, revoke or amend the licensee's decision, having regard to the matters mentioned in section 1.15 of the Code.

The notice must be in the form of a reviewable decision notice. The Commission's decision is reviewable by the ACT Civil and Administrative Tribunal (ACAT).

Review Process

1. The Commission receives written application to review a licensee exclusion.
2. The Commission writes to the applicant acknowledging receipt of their application and advising of the process.
3. The licensee is initially contacted by phone and advised of the application for review. An informal discussion may occur about the circumstances for the exclusion being initiated and advising of the process.
4. The licensee is sent a written notice in accordance with clause 16 of the Regulation and requested to provide all documentation used to come to their decision to exclude the applicant.
5. If required, the applicant may be contacted to provide clarification on any matters raised by them or the licensee.
6. All information received from both the applicant and licensee is assessed. When a decision is made by the delegate a notice in the form of a reviewable decision notice is forwarded to the licensee, applicant and any other person whose interests are affected by the decision.

Considerations

The Commission will assess whether the licensee had reasonable grounds to believe that the welfare of the person or their dependants was seriously at risk because of a person's gambling problem and that the licensee had regard to the matters outlined in sections 1.2 and 1.15 of the Code when making its decision.

Contact Information

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