

Consultation: Statewide Third-party Exclusions

Section / Theme	Proposal	ClubsNSW initial comment	Impact on clubs (Likely)
1. Core gaming reforms	<ul style="list-style-type: none"> Introducing third-party exclusions. Implementing a statewide exclusion register, and Mandating the use of facial recognition technology (FRT) to help enforce exclusions at venues with gaming machines. 	<ul style="list-style-type: none"> The statewide exclusion needs to be introduced prior to legislating FRT ClubsNSW do not support mandatory FRT, and supports a risk-based approach Clubs need proportionately phased implementation of all gaming reform measures. 	<p>High - The statewide exclusion register and third-party exclusion process will impact all gaming clubs. mandatory FRT will require significant investment in technology.</p>
2. Third-Party Exclusion - application	<ul style="list-style-type: none"> Third-party exclusions initiated by friends, family or venues. Police-initiated exclusions from gaming venues, to prevent money laundering and criminal activity. Feedback is sought regarding allowing for anonymous reports. 	<ul style="list-style-type: none"> Definitions of 'family' and 'friend' are broad and need to be tightened. Concern that allowing anonymous reports will compromise the obligation to provide evidence, increasing the risk of misuse. 	<p>Medium – Clubs will need to enforce exclusions and might have to communicate with patrons about these exclusions.</p>
3. Third-Party Exclusion – proposed administration	<ul style="list-style-type: none"> Liquor & Gaming NSW (L&GNSW) would manage the scheme with an appeal mechanism via ILGA would provide an independent review of exclusion decisions. 	<ul style="list-style-type: none"> Guidance is required on whether venues will be required to provide evidence in support of an exclusion order. Concerns about how personal opinions might affect risk assessment criteria. 	<p>Low – Not relevant for venues</p>

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4. Scope/Types of Exclusion	Exclusion orders could be applied: <ul style="list-style-type: none"> • Statewide (covering all venues with gaming machines in NSW), or • To specific venues, or • To specific areas within a venue (e.g., gaming rooms). 	<ul style="list-style-type: none"> • Guidance will be needed for clubs to provide information to patrons 	Medium – Clubs must apply exclusions as directed, requiring administrative processes and staff training.
5. Exclusion Duration	<ul style="list-style-type: none"> • Minimum exclusion period is proposed to be 12 months 	<ul style="list-style-type: none"> • The proposal seems reasonable. • Clubs need information on how they will be notified of exclusions and whether enforcement responsibilities lie with venues or regulators. 	Medium – Clubs must ensure compliance and enforce exclusions where applicable.
6. Enforcement of exclusion breach	<ul style="list-style-type: none"> • Use the statewide exclusion register and FRT for enforcement. • Feedback is sought on penalties for breaches by both the excluded customer and the venue (with provisions for a reasonable defence for venues that take proper steps). 	<ul style="list-style-type: none"> • There is no clear process for reporting breaches, and there is a concern that venues could be unfairly held responsible for enforcement failures. Further information is needed to address these issues • Clubs require a defined process for responding to breaches and legal protection if they take appropriate action. 	Medium – Clubs to develop and implement policies for compliance, including protocols for identifying and removing excluded patrons.
7. Implications including data privacy and	<ul style="list-style-type: none"> • Address privacy concerns by ensuring that data (both applicant and customer) is stored securely. 	<ul style="list-style-type: none"> • Guidance required on data security requirements, record-keeping responsibilities, and how 	Medium to High – Clubs must ensure compliance with data privacy regulations

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alignment with other orders	<ul style="list-style-type: none"> Consider the interaction with guardianship or financial management orders under existing legal frameworks. Ensure that all measures are consistent with broader Liquor & Gaming reforms. 	these exclusions interact with existing legal frameworks.	and may need to update internal procedures.
Third-party Administration Processes			
8. Third-Party Exclusion – panel	<ul style="list-style-type: none"> A panel made up of relevant government representatives, convened by L&GNSW, will assess applications and make exclusion decisions. 	<ul style="list-style-type: none"> Guidance on obligations and what information clubs are expected to provide to the panel. Unclear how clubs will be involved in the process. 	Low – Will be overseen by L&GNSW
9. Test for Issuing an Exclusion Order	<p>The decision-maker (L&GNSW panel) must be “reasonably satisfied” that:</p> <ul style="list-style-type: none"> The individual is at significant risk of harm (physical, psychological, emotional, or financial), or The individual poses a risk of causing harm to family/friends. Exclusion must be deemed in the best interest of the individual and their family. 	<ul style="list-style-type: none"> Guidance required on whether clubs will be required to provide evidence in support of an exclusion order. Concerns about subjectivity in risk assessment criteria. 	Low – Overseen by L&GNSW. Clubs may need to provide information but have no decision-making role.
10. Evidence Required for application	<p>Third-party applicants should provide evidence demonstrating the risk of harm. Evidence can include:</p>	<ul style="list-style-type: none"> Unclear if Clubs are required to proactively submit evidence or 	Low – Will be overseen by L&GNSW, but clubs may

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	<ul style="list-style-type: none"> • Relevant compliance or law enforcement records relating to the individual (including court documents) • Relevant medical records • Financial records such as bank statements, overdue bills etc • Relevant venue information such as sign-in records, CCTV footage, and • Gaming data relating to the individual. • There is also scope for L&GNSW Panel to request additional evidence (e.g., from venues) to ensure a robust decision process. 	<p>only respond to L&GNSW requests.</p>	<p>need to provide gaming data upon request.</p>
<p>11. Excluded Patron</p>	<ul style="list-style-type: none"> • The patron will receive written notice about the application and a temporary exclusion, that will last for 21 days, whilst the exclusion assessment is taking place. • They will be offered support (e.g., counselling) and the opportunity to self-exclude or provide their own evidence. • An appeal to ILGA is available if the patron disagrees with the exclusion decision. 	<ul style="list-style-type: none"> • The proposal seems reasonable. • Clubs need confirmation on their role in issuing notifications. 	<p>Low – Will be overseen by L&GNSW, but clubs may need to facilitate communication with affected patrons.</p>

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12. Protecting Applicants from Retaliation	<ul style="list-style-type: none"> • There are different ways anonymity for applicants could work. <ul style="list-style-type: none"> • Applicant’s identity is kept completely anonymous even from the decision-maker. • Applicant’s identity is known to the decision-maker but is kept from the customer. 	<ul style="list-style-type: none"> • Guidance needed on how clubs will be involved in this process and how inquiries from patrons affected by exclusions should be handled. 	<p>Low – Overseen by L&GNSW. Clubs may need to manage inquiries from affected patrons.</p>
13. Review and revocation process	<ul style="list-style-type: none"> • A review or revocation process will be available if there is evidence that the risk has reduced, or circumstances change. 	<ul style="list-style-type: none"> • Proposal lacks detail on the review and revocation process. • Guidance required on whether clubs will have any role in the review process or if it will be entirely managed by L&GNSW. 	<p>Low – Will be overseen by L&GNSW. Clubs may be required to update exclusion records but should not be involved in decision-making.</p>