

**CONSULTATION ON OPTIONS FOR A STANDARD APPROACH  
TO INFORMATION GATHERING FROM CLASS 4 GAMBLING  
OPERATORS: EXCLUSIONS ORDERS**

**Analysis of submissions**

1. The document “Consultation on options for a standard approach to information gathering from class 4 gambling operators: Exclusion Orders” (the consultation document) was released for consultation on 6 July 2007. Submissions were to be made to the Department by 27 July 2007.
2. Eighteen (18) submissions were received on the consultation document. Ten (10) were from gaming machine operators [six (6) were operators that mainly apply gaming machine funds to their own authorised purposes], one (1) from a territorial authority, and four (4) were from problem gambling treatment providers. Submissions were also received from the Charity Gaming Association (CGA) and Clubs NZ. One anonymous submission was received. A list of the submissions received is attached as Appendix A.
3. This analysis should be read in conjunction with the consultation document.
4. Many of the submissions responded to the questions posed in the consultation document. It is useful, then, to use these as a basis for this analysis.

**Do you agree with the Department regularly collecting this information under section 365 of the Gambling Act 2003?**

5. The consultation document proposed regular collection of exclusion order information requested under section 365 of the Gambling Act 2003.
6. Submissions were generally supportive of the proposal to collect the information under a section 365 request. The Wainuiomata Bowling Club was the only submission to directly object to the proposal.
7. The Southern Victorian Charitable Trust commented that the Department needed to “tell us what you want, when you want it, give us the format and give us the time to collect it.” We agree and this project has been about establishing what information needs to be collected and determining the most effective and efficient way of collecting that information. This will be our approach in the future.
8. Takaro Sports Society noted that the collection of the information should not be compulsory for an exclusion order to be issued. The consultation document outlined the voluntary approach to collecting information from excluded persons. We need to ensure that it is clear that some of the information that is asked for from excluded persons is not compulsory.
9. Whitford Park Golf Club suggested that information should be requested from relevant venues that have identified a problem. We do not agree. All operators

need to be asked, even if the response is no exclusion orders issued, to ensure consistency and completeness of the data.

10. Clubs New Zealand submitted that any analysis of the data collected should note that exclusion orders are a part of overall harm prevention measures.

**Do you agree that it is appropriate to collect the information from operators? If not, please specify who would be appropriate.**

11. The consultation document proposed collecting the information from operators. Submissions largely agreed with the proposal. Two submissions felt it was more appropriate to collect the information directly from venues as from operators created double-handling.
12. Palmerston North City Council commented that it may be useful to establish standardised reporting between venues and operators. We hope that this would develop with operators being required to report in a standard format to the Department. There are benefits for operators to ensure they receive information from venues in the standard form. Similarly, the proposal is to set up a relatively simple standardised approach to collecting this information and providing it to the Department. This should assist with standardising collection between venues and operators.

**Do you agree with the proposal to provide the information on a standard form?**

13. There was universal agreement to the consultation document's proposal to require the information to be provided to the Department on a standard form.

**Do you have any comments on the draft form / spreadsheet?**

14. The consultation document included a draft form / spreadsheet for comment. There were generally no comments made on the form. A number of submitters, however, did notice a discrepancy between the categories on the spreadsheet and on the draft template exclusion order forms. This will be rectified.

**Do you agree with the suggested dates?**

15. Submissions largely endorsed the proposed dates (as at 30 June and as at 31 December).
16. Some submissions, notably Clubs NZ, suggested that the information be collected at the time of license renewal. Collection at license renewal was discussed in the previous document. The Department does not consider licence renewal to be an appropriate time for collecting the information as it does not lend itself to producing consistent data (since licence renewal dates are staggered throughout the year). There are also issues around the timeliness of renewal applications.

17. The Boulcott Golf Club suggested that smaller operators (eg operators with six or less machines) should only be required to provide the information annually.
18. Other submissions suggested a shorter timeframe. The Salvation Army suggested that the collection dates be aligned with the Ministry of Health reporting requirements for problem gambling service providers. These are quarterly. It was submitted that this timeframe would make it easier to identify operators falling behind in their obligations to provide the information.
19. On balance, it appears that the proposed dates should be utilised in any future collection of this information. The request does not provide an unreasonable burden on operators at six monthly intervals.

### **Do you have any comments on the draft templates?**

20. There were a number of very useful comments on the draft template exclusion order forms. The suggestions that should be incorporated into the templates include:
  - creating a single exclusion order template for both venue and self initiated exclusions;
  - include helpful information on the reverse side of forms;
  - ensure that the voluntary information is clearly distinguishable from the required information; and
  - ensure that the privacy waiver is in plain English and easily understood.
21. The Wainuiomata Bowling Club objected to collecting ethnicity information. It also objected to the request for income details. Clubs NZ felt the request for income details would create a barrier to exclusion.
22. An exclusion order template prepared by the Department would be particularly useful for the sector. The Department should look at developing a template exclusion order form in consultation with major stakeholders. The form should incorporate the suggestions listed above in para 20 and should reflect the information that the Department decides to collect (see paragraphs 58 and 59 below).

### **Should the use of a standard exclusion order be made mandatory?**

23. Seven submissions supported the mandatory use of a standard exclusion form. Three submissions, including Clubs NZ, opposed mandatory use of template forms.
24. The PGF also felt that it would set the minimum standard as the norm. What is proposed, however, would be significantly better than the current norm.
25. It may be useful to note that Clubs NZ currently utilise an exclusion order form prepared and provided by PGF.

26. The main concern with this proposal is ensuring that venues utilise appropriate exclusion order forms, and collect the information the Department requires. Preparing regulations detailing the content requirements of exclusion order forms would also achieve this purpose. The Department should consider creating these regulations in conjunction with preparing a template exclusion order form.

**Do you have any suggestions for alternative methods to collecting this information? If so, please provide details.**

27. Three alternative methods were proposed. The CGA suggested that the demographic information aspect of the proposal would be better undertaken by independent researchers that follow up with face-to-face interviews from a sample of excluded persons held by operators. Exclusion order forms could ask whether the person agreed to be contacted for further information gathering for research purposes. This would, however, create a two-step information collection process. We believe there is more efficiency to be gained by collecting demographic information in a standard manner at the time the exclusion order is completed.
28. Clubs NZ suggested collecting the information via a website. The anticipated size of this information collection would not justify, at this stage, the cost of developing a database and website. This could be revisited in the future.
29. The PGF suggested that a third party, preferably a treatment provider, could collect the information and periodically provide it to the Department. This approach would enable an option for the excluded person to be contacted by a treatment provider. We believe the PGF proposal may be a time-consuming and costly method of collecting and disseminating this information. We would also have concerns with adding an additional organisation into the process, and the privacy issues this would create.

**Do you agree with collecting all of the above information about exclusion orders? If not, please specify what you disagree with and outline why.**

30. The proposals in the consultation document were largely endorsed. There were two aspects of the proposal that received objections. These were the recording of exclusion order breaches and the recording of significant others/agents.
31. The New Zealand Community Trust submitted that it would be difficult to provide breaches of exclusion orders as there were “too many variables”. The submission did not elaborate on the “variables”. As a result, the submission was that data would be subjective and the results questionable. Clubs NZ also provided limited support for collecting this information as it would be unreasonable to expect venues to report themselves for breaches given the offence provisions relating to exclusions in the Act. The offence provisions relate to excluded persons breaching the order and venues that knowingly allow or fail to remove an excluded person in breach of their exclusion order. As a result, it is reasonable to collect information on the number of breaches of exclusion orders.

32. Given the responses to this aspect of the proposal and previous experience with the venue operators, we do not feel that the information that would be collected on the number of times an exclusion order has been breached would be sufficiently reliable to utilise for policy purposes. As a result, we should not recommend continuing with the number of breaches aspect of the proposal.
33. Both the CGA and Clubs NZ had concerns with the recording of whether a significant other or an agent was involved in seeking an exclusion order. There concerns relate to the accurate collection of this information, with the CGA suggesting that this would need to be incorporated into the exclusion order form. Clubs NZ also raise privacy concerns. This may be the case where the relationship to the excluded person is revealed, as per the proposal. However, if there was just an indication of whether a significant other or agent was involved in obtaining the exclusion order, then no privacy issues would arise. Guidelines on when to record when a third party is involved in relation to the exclusion order could mitigate against the CGA and Clubs NZ concerns with the collection of this information.

**Do you agree with collecting all of the above information about excluded persons? If not, please specify what you disagree with and outline why.**

34. The proposed information to be collected about excluded persons generated a large number of comments. This proposal related to the collection of demographic information from excluded persons.
35. Four submissions supported the full proposal detailed in the consultation document.
36. Seven submissions were opposed to the collection of personal information. This includes the New Zealand Community Trust, which suggested that demographic information should be collected by treatment providers. This is currently done. The benefit of collecting demographic information in relation to exclusion orders is in its comparison with the information collected by treatment providers. This is to gauge the effectiveness of the exclusion order regime for certain demographic groups.
37. The majority of opposition from submitters, including the CGA, centred on concerns that requesting personal information such as the demographic information would act as a disincentive for persons wanting to self-exclude. This would ultimately frustrate the purpose of the exclusion order regime. Similarly, asking for this information could be considered offensive.
38. The CGA also suggested that collecting this information also raised the issue of maintaining the information securely. In our view, this is not a relevant point as venues currently have to collect personal information from excluded persons (name at least, and in many cases, a photograph), which must be maintained securely. The CGA also suggested that venue operators would not approach the issue with “much relish”.

39. The PGF supports collecting the demographic information on excluded persons, except for the proposal to collect occupation and income information. Clubs NZ also did not support collecting income information as, based on its experience, it is considered extremely sensitive and rarely accurately divulged.

**Do you agree with using initials, date of birth, sex and ethnicity for identifying persons excluded from multiple venues? If not, please specify why.**

40. The majority of submissions were supportive of the proposal to utilise initials, date of birth, and other demographic information for identifying persons excluded from multiple venues.
41. The Mana Community Grant Foundation was not in favour of this proposal. Two other submissions were opposed to this proposal. These submissions were generally opposed to the proposals contained in the consultation document.
42. The Palmerston North City Council agreed to the proposal, but suggested that a possible measure would be to ask a person if they had been excluded from other venues, and if so, how many in total. This would, however, create a challenge with analysis to avoid over counting, and would not be accurate.
43. Clubs NZ commented that the forms currently utilised by its members currently includes a privacy waiver and they have not found it to be a significant barrier to the exclusion process. However, Clubs NZ “recognise that if [the privacy waiver] includes a government department this may be viewed differently.”

**Do you agree with using year of birth, sex and ethnicity for identifying persons excluded from multiple venues? If not, please specify why.**

44. This question related to the alternative proposal for identifying persons excluded from multiple venues. Most submissions received endorsed the initial proposal.
45. The Salvation Army endorsed this proposal as it felt that, in its experience, gamblers disengage if they get suspicious they are going to be traced.
46. Clubs NZ, the Auckland Conference of Billiard Sports, the Manukau Community Grants Foundation, and the Palmerston North City Council acknowledged that this approach reduces the ability to accurately identify multi venue exclusions.

**Do you agree with this approach? If not, please specify why.**

47. Again, submissions were generally in agreement with the approach proposed in the consultation document. Two submissions were opposed, generally, to the proposals in the consultation document.

48. Palmerston North City Council and Clubs NZ both commented on the reliability of the data that would be collected under the proposal. Clubs NZ wanted to make sure that any analysis and reporting is clear about how the information has been gathered. Palmerston North City Council noted that policy could be hampered by incomplete information sets and vulnerable to assumptions if large people choose not to complete the demographic information. However, both these would apply to any statistical data.

### **Should other restrictions on publication apply?**

49. Most submitters commented that no other restrictions should apply.
50. The Palmerston North City Council suggested that it would be useful for TLA's to have the information available at a more specific level within a territorial authority area. The example given was it appeared that a cluster of venues in a particular area was generating a large number of self-exclusions, then the TLA could consider preventing new consents in that area. The proposal in the consultation document prevents the Department from identifying where exclusion orders apply as it only proposes collecting the TLA of the exclusion, not the specific venue. The information collected could request the licence number of the venue that the exclusion order relates. This would enable analysis at a ward level.
51. The Gambling Helpline believes that venues should be identified in order to be transparent in respect of exclusion obligations.

### **Other comments**

52. A number of submissions noted that the desire to collect statistical information should not detract from the objective of the exclusion order system. The project team has been particularly aware of this issue. Any information collection will need to balance the information needs of the Department and other stakeholders without discouraging people from requesting exclusions.
53. Clubs NZ raised its concerns about the imposition of further compliance costs. The result of this project will be to require additional information gathering measures. However, efforts are being made to ensure the measures imposed are incorporated into business as usual operations of venues and operators, and should be seen as complementing harm prevention and minimisation measures already undertaken by venues and operators.
54. The PGF provided its research into exclusion orders, including the results of a survey of responses to a gamblers request for self-exclusion from 174 venues in Christchurch. The results indicated confusion and inconsistency reign in the area of self-exclusion from venues.
55. The PGF also commented strongly that there was no mechanism to recognise the failure of operators to provide exclusion order information. Failure to respond to a section 365 request for information can be considered at renewal as part of an

operator or venue's fitness to hold a license. Similarly, the project should suggest some type of period and sampled audit of the information provided to ensure full compliance with the information request. The PGF felt a mechanism for the public to make submissions with respect to a venue seeking licence renewal would alleviate this issue. Under section 81 of the Act, person may make a complaint to the Department, and the Department will undertake an investigation. The results of that investigation can be considered at license renewal.

56. Whitford Park Golf Club queried whether the DIA intended making similar information requests in relation to the New Zealand Racing Board (NZRB). The NZRB publishes the number of exclusion orders it issues in its Annual Report. This is available on the NZRB website ([www.nzracingboard.co.nz](http://www.nzracingboard.co.nz)). The Department could consider collecting this information from the NZRB.

### Conclusions

57. There is general agreement to the proposal to collect information on exclusion orders bi-annually (as at 30 June and as at 30 December), requested under section 365 of the Gambling Act 2003. The request will be to operators and operators will be expected to provide the information in a standard format provided by the Department. As the requests are regular, operators and venues should incorporate this data collection into their regular business practices.

58. Information about the exclusion orders that should be collected is:

- the venue licence number and Territorial Authority of the venue to which the exclusion order relates;
- the type of exclusion order, eg a venue exclusion order or a self-exclusion order;
- the date the exclusion order was issued; and
- the date the exclusion order expires.

59. Information about excluded persons should be collected on a voluntary, self reported basis. The information that should be collected is:

- initials;
- date of birth;
- sex, eg male or female;
- ethnicity; and
- occupation.

60. A privacy waiver is required to collect information on excluded persons. We should discuss the content of any waiver and methods of storing information with the Privacy Commission.

61. The Department should develop a template exclusion order that covers both venue initiated and self initiated exclusion orders. It should enable venues and operators to collect the information about exclusion orders and excluded persons above. It should be very clear what information is required, and what information is voluntary, both in terms of the words used and how the form is presented. It should also incorporate helpful information on the reverse, as per the NZCT form

## **APPENDIX F**

provided by PGF in its submission. The Department should consider whether this template should be made mandatory.

62. Publication of data should never identify an individual. Any analysis and publication of the data should note the limitations of the data collected.

### LIST OF SUBMISSIONS RECEIVED

Submissions were received from:

1. Mana Community Grants Foundation
2. Southern Victorian Charitable Trust
3. St Kilda Community Sports Society
4. New Zealand Charitable Trust
5. Auckland Confederation of Billiard Sports Inc
6. Takaro Sports Club
7. Foxton RSA
8. Whitford Park Golf Club
9. Boulcott Golf Club
10. Wainuiomata Bowling Club
11. Palmerston North City Council
12. Charity Gaming Association
13. Gambling Helpline
14. Woodlands Centre Charitable Trust
15. Problem Gambling Foundation
16. The Salvation Army
17. Clubs New Zealand

One anonymous submission was also received.