

## *Class 4 Information Project*

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

## *Exclusion Orders*

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## **Please send us your submission by 27 July 2007.**

All submissions may be made publicly available, unless you say you don't want that. Even if you do ask that your submission (or part of it) be kept confidential, we might have to release it at a later date if someone makes a request under the Official Information Act.

Late submissions will not be considered.

You may send us your submission in any of the following ways:

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OR

**POST TO:** Lee Patton  
Analyst, Gaming, Racing and Censorship Policy  
Department of Internal Affairs  
P O Box 805  
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OR

**COURIER TO:** Reception  
Department of Internal Affairs  
46 Waring Taylor Street  
Wellington 6011  
(Attention: Lee Patton)

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# 1. What this paper is about

This paper follows on from the Department's earlier *Consultation on Establishing a Standard Approach to Information Gathering from Class 4 Gambling Operators*.

That paper was about identifying stakeholder information requirements that were not being met by the Department and establishing realistic approaches for collecting that information. Specifically, it asked for comments on two main areas identified as areas in which information (for purposes other than compliance) is deficient. The areas identified being:

- Information on funds applied or distributed to authorised (community) purposes
- Information on exclusion orders.

**This paper proposes a method for collecting the type of information required to meet policy and stakeholder information needs relating to exclusion orders.**

The submissions received regarding exclusion orders from the previous paper have been particularly helpful. We would like to thank those who made submissions. The comments made have been kept in mind when developing the proposal outlined in this paper.

We would very much appreciate your comments on the proposal outlined in this paper. We have provided questions to help identify certain issues, but you are welcome to comment on any issues not raised in the questions. You're welcome to comment on all the questions, or just the ones that particularly interest, or are relevant, to you. We want to know what you think, even if that is only a couple of lines about one issue.

Please feel free to copy this paper, or pass it on, to anyone you think might be interested. It is also available from the Department's website ([www.dia.govt.nz](http://www.dia.govt.nz)). A word file of the questions is also available on the website.

**Please note that a standard approach to gathering information on funds applied or distributed to authorised (community) purposes from class 4 gambling operators is being progressed separately. We would like to thank those who made submissions on that part of the earlier paper. Information regarding developments in this area will be communicated in due course.**

## **2. Why does the Department want to collect information on exclusion orders?**

The exclusion order tool is an important component of the harm prevention and minimisation purpose of the Gambling Act 2003. Currently, there is only anecdotal information about how effectively exclusion orders are being applied. It is not possible to assess how effective they are as a harm prevention and minimisation mechanism or whether there are any current problems regarding how they are operating.

The information collected about the exclusion orders will provide the Department and the Ministry of Health with regular information about the use of exclusion orders, the extent that venues are issuing exclusion orders, the extent problem gamblers are requesting exclusion orders, and the extent significant others are requesting exclusion orders. It will also give the Department and the Ministry of Health information on the length of exclusion orders.

The proposal is to collect demographic information (eg age, sex, ethnicity, occupation) from excluded persons to gain a greater knowledge about the sub-populations of people experiencing gambling harm. This information can also be compared to the statistics collected by problem gambling treatment providers and the statistics on problem gamblers collected in the Department's surveys. This will enable an evaluation of the effectiveness of exclusion orders for the various sub-populations experiencing gambling harm.

The Department aims to be able to break this information down by Territorial Authority. Being able to analyse the information by Territorial Authority would support Territorial Authorities' decision-making when setting their Gambling and TAB Venue Policies. It can be used, alongside other information, to gauge the number of problem gamblers in a community.

A number of operators expressed concerns with collecting demographic information from excluded persons. This is acknowledged and the intention would be for an excluded person to volunteer their demographic information. It would not be for a venue manager to attempt to determine a person's age, sex or ethnicity.

There was also a concern expressed that requesting this personal information might discourage problem gamblers from requesting an exclusion order. However, the collection of demographic information does not appear to be appreciably more intrusive than the requirement for an excluded person to provide their name, address and a photograph. Issues of privacy and collection of demographic information will be discussed below.

### **3. Proposal for a standard approach to collecting exclusion order information**

#### **3.1 Proposed authority for collecting exclusion order information**

The Department proposes to request regular information on exclusion orders under section 365 of the Gambling Act 2003. Requests will be made so that operators can incorporate the Department's information requirements into their operations.

Operators must provide the information requested under section 365 within the stated timeframe. Failure to provide the information would be taken into consideration at licence renewal.

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

#### **3.2 Who from?**

The Department considers it appropriate to collect the information from the class 4 gaming machine operators, rather than directly from venues. Operators will be responsible for collating the information from their venues.

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

#### **3.3 Method of providing to the Department**

The Department will ask operators for a list of all current exclusion orders as at a certain date. The request will be for the information referred to in section 4, below.

The request will ask that the information be provided in a standard form. A draft standard form based on an excel spreadsheet is attached at Appendix A. The Department would prefer receiving the information electronically and will be looking into establishing appropriate channels for receiving electronic returns. However, legible completed hard copy would be acceptable as long as it was comparable to the standard form. Similarly, electronic versions in other programmes would be acceptable if they are comparable to the standard form. The standard form would be made available for venues to use if that is seen as beneficial.

All operators would be required to submit a form indicating their current exclusion orders. If an operator has no current exclusion orders as at a particular date, the returned form would indicate that there are no current exclusion orders.

3. Do you agree with the proposal to provide the information on a standard form?
4. Do you have any comments on the draft form / spreadsheet?

### **3.4 Timeframes**

Operators will be asked to compile their lists as at 30 June and as at 31 December each year. The request would require operators to provide the information to the Department by 31 January and 31 July each year.

5. Do you agree with the suggested dates?

### **3.5 Exclusion Order templates**

We have prepared draft standard form template for a venue exclusion order and self-exclusion application and order. This is in response to positive feedback regarding standard form templates in the previous consultation document. The template forms have been drafted to contain questions that will enable venues to collect the statistical information the Department is looking to collect.

The draft standard form templates are attached as Appendix B and Appendix C.

The standard form templates include a personal information waiver, which authorises the Department to obtain personal details discussed in section 4.4.i below.

At this stage, the Department is not proposing to make the use of a standard form exclusion order mandatory. We would suggest that it would be useful for operators to utilise the template if preparing their own exclusion order forms. There would be benefits for staff who move from one venue to another in that the forms would remain similar, if not the same, and would, therefore, require less training.

Similarly, smaller operators whose use of exclusion orders is too low to justify creating their own could use the templates.

Making the use of a standard exclusion order form mandatory by all class 4 gaming machine operators and venues still remains an option. The benefit of making the use of these forms mandatory is that there is a standard approach to collecting information on excluded persons is being used.

6. Do you have any comments on the draft templates?
7. Should the use of a standard exclusion order be made mandatory?

### **3.6 Alternatives**

A national exclusion order register was suggested during consultation on the previous paper. Presumably this would be a centralised, dynamic register that would be updated by venues or operators whenever an exclusion order is issued.

There may be other alternative methods for collecting exclusion order information. If so, it would be useful if you could outline the details of any alternative proposals you have and provide these to the Department.

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

## 4. What information does the Department want to collect?

We wish to collect information on all current exclusion orders in place at operators' venues as at regular, six-monthly dates (eg as at 30 June). The information collected would relate to the exclusion orders themselves as well as information about the excluded persons.

We would be looking to collect the following information about exclusion orders:

- the venue 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;
- the date the exclusion order expires;
- whether a third person (eg a problem gambling treatment counsellor) or significant other (eg a family member or a friend) is involved in obtaining an exclusion order; and
- the number of times the exclusion order has been breached.

We would be looking to collect the following information about excluded persons:

- initials; (see section 4.4.i below)
- date of birth; or year of birth (see section 4.4.ii below)
- sex, eg male or female;
- ethnicity; and
- occupation and/or income.

### 4.1 Collecting information about exclusion orders

Much of the information proposed to be collected relating to exclusion orders is relatively straightforward. In order to avoid confusion, these will be briefly discussed below.

#### *i. Venue and Territorial Authority*

The venue is the issuer of the exclusion order. The venue licence number should be provided to identify the venue to which the exclusion order relates.

Territorial Authority refers to the areas determined by the Local Government Commission. These are used as the local council areas. There are 74 territorial authorities. The Territorial Authority of a venue can be determined by its street address.

#### *ii. Type of exclusion order*

This is intended to identify the difference between venue initiated exclusion orders issued under section 309 of the Gambling Act and requests for self-exclusion under section 310 of the Gambling Act.

### ***iii. Period of exclusion***

The Department is looking for the date the exclusion order is issued and the period it has been issued for. This is determined by recording the date the exclusion order is issued and the date it expires. The period of the exclusion is the period between those two dates.

### ***iv. Whether requested by a significant other***

There may be situations where a significant other is involved in obtaining an exclusion order, or a third person formally acting on behalf of a person may apply for an exclusion order. A significant other may be a relative, a friend, etc, and a third person may be a gambling treatment counsellor. This would require noting the relationship of the third party that was involved in obtaining the exclusion order to the person excluded.

### ***v. Number of times an exclusion order is breached***

The question is to ascertain the number of times an exclusion order has been breached. If an exclusion order has not been breached, then the number is 0.

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

## **4.2 Collecting information about excluded persons**

### ***i. Initials***

These are the first letter of each of an excluded person's first name, middle name (if appropriate) and family name.

### ***ii. Date of birth***

Date of birth is the accepted Statistics New Zealand Standard to ascertain age.

### ***iii. Sex***

Sex is defined by Statistics New Zealand Standards as either 'male' or 'female'.

### ***iv. Ethnicity***

The Statistics New Zealand Standard utilises the self-identification concept for ethnicity. This means excluded persons identify their own ethnicity. This approach would be followed. Rather than provide categories of ethnic group (a tick box approach), the method would be to provide a space for applicants to write in their ethnicity. This would allow people to state their specific ethnic groups without being forced to identify in a more general category. It also enables data to be aggregated into a smaller number of broader categories as required.

#### **v. Occupation and/or income**

The proposal is to utilise self-identification for occupation. This means the excluded persons identify their own occupation.

Income is more useful information to collect in terms of developing policy. The proposal would be for the excluded person to identify which bracket their yearly income fits within. The proposed income brackets are: below \$20,000; brackets of \$10,000 between \$20,001 and \$80,000; and above \$80,001.

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

### **4.3 Privacy considerations**

When collecting information about an excluded person, the venue, the class 4 gaming machine operator, and the Department need to consider their obligations under the Privacy Act 1993.

Venues have a duty to hold personal information in confidence. Essentially, personal information is information that could identify a particular person. This could be a single piece of information, like a person's name, or a number of pieces in combination that could identify a person, like address, sex and date of birth together. Information that does not identify a person is not personal information and is not subject to confidence.

People are able to waive the confidence of their own personal information. This can be done at the point of collection with a signed waiver declaration. Generally, these permit certain agencies to use certain information.

As well as formal Privacy Act considerations, the Department is also mindful that a problem gambler might consider the transfer of information about them on to a third party a breach of their privacy and be less likely to request an exclusion order.

### **4.4 Collecting information to identify persons excluded from multiple venues**

An issue that arose from submissions on the previous consultation paper was that many people are self-excluding from multiple venues. There were concerns that the value of the data would be reduced if there were not a mechanism for identifying these persons.

The proposed method for identifying persons excluded from multiple venues in the data collected is to use a combination of personal details. This would enable some ability to identify these persons depending on the level of personal details used.

However, there is a balance to be met between the Department's ability to determine the number of persons excluded from multiple venues and privacy considerations. These considerations will affect the level of personal detail the Department collects. A higher level of personal details needs to be collected in order to accurately identify persons excluded from multiple venues. This in turn encroaches on privacy. Conversely, gathering a lesser degree of personal details reduces the certainty of identifying persons excluded from multiple venues.

It is acknowledged that achieving absolute certainty could only be achieved by collecting names and addresses of excluded persons, which is not proposed.

***i. Using initials, date of birth, sex, ethnicity and occupation/income***

Collecting initials, date of birth, sex, ethnicity and occupation/income would give sufficient information to be relatively confident that those details relating to more than one exclusion order indicates a person excluded from more than one venue.

However, as this information is personal information, a waiver would be required to collect this information. While this waiver could specify the information being supplied to the Department and what the information would be used for, there is a concern that a personal information waiver might discourage problem gamblers from requesting an exclusion order. The template exclusion order forms referred to in section 3.5 above include an example of a personal information waiver.

***ii. Using year of birth, sex, and ethnicity***

Alternatively, collecting the year of birth, sex, and ethnicity would not require a waiver of confidentiality. However, it would provide a lesser degree of certainty when identifying persons excluded from multiple venues.

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

#### **4.5 Collecting personal information from venue excluded persons**

It was raised by submissions on the previous consultation document that persons being issued with a venue exclusion order may not be willing to volunteer personal details. There were also specific issues raised with venue managers being required to specify the ethnicity of a person issued with a venue exclusion order.

The approach would remain that the excluded person would volunteer personal information. If the person does not want to provide the information, a 'Not

provided' response would be acceptable. There would be no obligation on venue staff to 'guess' an excluded person's personal information.

The effects of this approach on the data collected would be considered in any interpretation of the results, and discussed in any publication of them.

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

## 5. What information would be made public?

The Department intends to make public only aggregate information. So, for example, information could be produced on:

- the number of self-exclusion orders and venue exclusion orders in total;
- the number of exclusion orders by each demographic category;
- the average length of an exclusion order;
- how many exclusion orders were issued each month;
- the number of people excluding from more than one venue; etc.

Importantly, information that could identify an individual would not be made publicly available. Similarly, details of individual exclusion orders would not be released.

Information that identifies particular venues or particular operators would generally not be produced.

It is probably that some information would be shared with the Ministry of Health, given its responsibility for providing an integrated problem gambling strategy.

The information would be subject to the Official Information Act.

14. Should other restrictions on publication apply?

## Summary of Questions

1. Do you agree with the Department regularly collecting this information under section 365 of the Gambling Act 2003?
2. Do you agree that it is appropriate to collect the information from operators? If not, please specify who would be appropriate.
3. Do you agree with the proposal to provide the information on a standard form?
4. Do you have any comments on the draft form / spreadsheet?
5. Do you agree with the suggested dates?
6. Do you have any comments on the draft templates?
7. Should the use of a standard exclusion order be made mandatory?
8. Do you have any suggestions for alternative methods to collecting this information? If so, please provide details.
9. Do you agree with collecting all of the above information about exclusion orders? If not, please specify what you disagree with and outline why.
10. Do you agree with collecting all of the above information about excluded persons? If not, please specify what you disagree with and outline why.
11. Do you agree with using initials, date of birth, sex and ethnicity for identifying persons excluded from multiple venues? If not, please specify why.
12. Do you agree with using year of birth, sex and ethnicity for identifying persons excluded from multiple venues? If not, please specify why.
13. Do you agree with this approach? If not, please specify why.
14. Should other restrictions on publication apply?

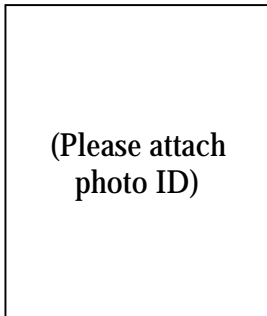


**Venue Exclusion Order  
Section 309, Gambling Act 2003**

**TO:** \_\_\_\_\_  
(First name) (Middle name) (Last name)

Residential Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other contact details:\* \_\_\_\_\_  
\_\_\_\_\_



Date of Birth:\* \_\_\_\_\_ Sex: (Please circle)\* Male Female

Ethnicity:\* \_\_\_\_\_ Occupation:\* \_\_\_\_\_

Annual income:\* (Please circle what best describes your annual income before tax)

- |                   |                   |                   |                   |
|-------------------|-------------------|-------------------|-------------------|
| \$20,000 or less  | \$20,001-\$30,000 | \$30,001-\$40,000 | \$40,001-\$50,000 |
| \$50,001-\$60,000 | \$60,001-\$70,000 | \$70,001-\$80,000 | \$80,001 or more  |

Verification of identity: (Please circle) Drivers Licence Passport HANZ ID

*\* Providing your personal information is optional. Any personal information provided will be kept in accordance with the Privacy Act 1993. Your personal information will only be used by this venue to assist in your exclusion. Your personal information may also be used to assist policy development and for statistical purposes, and may be provided to the Department of Internal Affairs for those purposes. However, your name and address will not be provided to the Department of Internal Affairs.*

**I agree to the use of my personal information for the purposes mentioned on this form only.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
(Excluded person)

**I am issuing you with an exclusion order preventing you from entering the gambling area of:**

Venue Name: \_\_\_\_\_

Venue Address: \_\_\_\_\_  
\_\_\_\_\_

For a period of \_\_\_\_\_ months (maximum permitted: 24)  
starting on \_\_\_\_\_ and ending on \_\_\_\_\_

**If you enter the gambling area above during this period you will be committing an offence and could receive a fine of up to \$500. If you enter the gambling area above, you will be asked to leave the gambling area. If you refuse to leave then the Police may be called to assist in your removal.**

**Issued by:**

Name: \_\_\_\_\_  
(Venue Manager)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



**Self Exclusion Order  
Section 310, Gambling Act 2003**

**TO:** \_\_\_\_\_  
(First name) (Middle name) (Last name)

Residential Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**You have applied for an exclusion order preventing you from entering the gambling area of:**

Venue Name: \_\_\_\_\_

Venue Address: \_\_\_\_\_  
\_\_\_\_\_

For a period of \_\_\_\_\_ months (*maximum permitted: 24*)  
starting on \_\_\_\_\_ and ending on \_\_\_\_\_

**I am issuing you with an exclusion order preventing you from entering the gambling area of the venue stated above.**

**If you enter the gambling area above during this period you will be committing an offence and could receive a fine of up to \$500.**

**If you enter the gambling area above, you will be asked to leave the gambling area. If you refuse to leave then the Police may be called to assist in your removal.**

**Issued by:**

Name: \_\_\_\_\_  
(Venue Manager)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_