

# The Commission for Children and Young People and Child Guardian

promoting and protecting the rights, interests and wellbeing of all Queenslanders under 18

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**Advice to:** Office of Liquor, Gaming and Racing

**Topic:** *Review of Queensland problem gambling exclusions regime*

**Date due:** 29 September 2008

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Thank you for providing the Commission for Children and Young People and Child Guardian (the Commission) with the opportunity to comment on the *Review of Queensland problem gambling exclusions regime*.

The Commission supports the review of the exclusions regime and has the following recommendations relating to those children and young people who directly experience negative consequences from the problem gambling of their parents or care givers.

## **The Commission recommends that:**

- children and young people be able to initiate exclusions in recognition of the serious impact a problem gambler has on family members, and children in particular, as acknowledged in the definition of a problem gambler, and
- specific and appropriate procedural guidelines be developed to enable children and young people to initiate exclusions.

## **Children and young people to initiate exclusions**

The Commission previously raised concern about the inconsistency between the proposed definition of a problem gambler and the lack of a complementary legislative mechanism for family members to initiate an exclusion of a family member who is a problem gambler. The inconsistency arises because the definition recognises that the excessive time and money spent by a gambler has a serious impact on a gambler's family, but there is no enforceable avenue for relief to those families.

In order to minimise gambling-related harm to children and young people, the Commission recommends that future developments actively consider providing young people and children with the opportunity to exclude a family member from a gaming venue.

It is acknowledged that young people are able to access Helpline services regarding a problem gambler in the family but this avenue of help provides them with emotional support only and does not effect any change in family functioning. In essence, it just provides young people with advice on how to cope. It does not impact on the behaviour of the problem gambler in the way that their exclusion from a gaming venue/s would. Children and young people in families where gambling is a problem often experience a range of negative consequences, including shouldering family responsibilities such as caring for siblings and/or parents, yet they have no power to change the situation.

Children and young people have a right to an adequate standard of living, as identified in the *United Nations Convention on the Rights of the Child* (the Convention) which states that every child has the right to "a standard of living adequate for the child's physical, mental, spiritual, moral and social development". The Convention also says that "The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development" (Article 27 part 1 and 2). If a problem gambler in a household is depriving a young person of one or more of these elements necessary for an adequate standard of living it is the

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Commission's view that the young person should have access to third-party exclusion procedures to help them regain an adequate standard of living.

## Specific exclusions process for children and young people

The Commission recommends that in providing children and young people with access to initiating exclusions, the Office of Liquor, Gaming and Racing (OLGR) consider:

- that the process must be child/young person-friendly
- specific approaches be identified to raise awareness about exclusion processes for children and young people
- the safety of children and young people be identified as paramount, and
- confidentiality and privacy be upheld at all times.

### 1. *The process must be child/young person-friendly*

To provide access to exclusions which are children and young people-friendly requires the creation of a specific process as the current Venues Exclusions procedure is inadequate in this regard. The process requires entry to the gaming venue and as such is inappropriate and inaccessible to children and young people. The current system requires contact with a Customer Liaison Officer (CLO), which presents a number of issues for children and young people:

- primarily, anyone under 18 years of age is excluded from gaming venues
- children and young people may not be aware of the function of a CLO even if they were able to access one, and
- the current Venues Exclusion process indicates that once a notification is made, then the CLO discusses this with both the identified patron and the third party to discern appropriate action. Children and young people might be particularly uncomfortable confronting the alleged problem gambler on the issue.

It will be important to identify existing services and access points that are known to children and young people or are focused on their needs. Children and young people may be more likely to seek support through people and services they are familiar with. This would require the development of appropriate methods of communication that children and young people would be more likely to engage in, for example:

- access to discuss concerns with someone they trust or have confidence in, and
- through technology, online or by telephone.

Further, there is potential for the Commission's complaints service to provide an access point for children and young people seeking to initiate an exclusion.

### 2. *Specific approaches be identified to raise awareness about exclusion processes for children and young people*

To provide improved access for children and young people the Commission suggests the following strategies for consideration:

- the Responsible Gambling Teaching Resource Kit could be adapted to increase awareness and knowledge of the exclusions process for both those in schools and those not in mainstream education. Such revisions include the procedure for initiating an exclusion and the identification of localised support. This mechanism would require collaboration of the OLGR, appropriate gaming venues, schools and community organisations to provide support to a young person initiating an exclusion process. This may involve:
  - identifying key personnel within schools or community organisations – a contact teacher, youth worker or counsellor – who can liaise with OLGR

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- providing procedural guidelines and training for the identified personnel on how to attend to expressions of concern or the desire to initiate an exclusion from a young person, and
- wider distribution of the Resource Kit to youth organisations to enhance the impact and increase knowledge of support systems.
- other ways of engaging with children and young people in regional and remote communities could include:
  - road-shows that raise community awareness about problem gambling which include children and young people specific workshops and activities, and
  - continued development of links with appropriate organisations within the communities to identify and needs and issues faced by children and young people.

### 3. *Safety of children and young people*

There is a considerable body of research linking problem gambling to other personal issues. For example, one study showed that problematic gambling is more common among people with alcohol use disorders (AUDs) (i.e. either alcohol abuse or dependence) compared with those without AUDs<sup>1</sup>. This raises concern that the children of a problem gambler may be exposed to alcohol-related behaviour (such as escalated aggression, violence, lack of responsibility or care for the family), thus making them vulnerable following an exclusion of a parent or carer from a gaming venue. Therefore, the Commission recommends strongly that consideration is given to the safety of children and young people expressing a desire to initiate an exclusion. Furthermore for all exclusions, that is self-exclusions or third-party instigated, the Commission suggests that support be provided to the problem gambler's family through appropriate services such as counselling, access to CLO and OLGR designated support workers, who could have a wider scope than just one venue.

### 4. *Confidentiality and privacy*

As part of the exclusion implementation process it is important that consideration is given to a young person's confidentiality and privacy. The Commission acknowledges that this is a complex issue regarding reporting and communication with the identified problem gambler on issues of exclusion, however as part of the due process in substantiating a claim from a young person, it would be appropriate to establish a clear policy that enables a young person to be fully protected through this process. If on initiation of the exclusion by a child or young person their safety is deemed to be at risk, then measures must be taken to provide protection for that young person or family as appropriate.

Please do not hesitate to contact Richard Proctor, Senior Policy Officer, Strategic Policy and Research (ph: 3247 5520; e-mail: [richard.proctor@ccypcg.qld.gov.au](mailto:richard.proctor@ccypcg.qld.gov.au)) should any aspects of this advice require clarification.

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<sup>1</sup> Grant, J., Kushner, M. & Kim, S.W., *Pathological gambling and alcohol use disorder*, Alcohol Research & Health, Spring 2002