

Casino Control (Problem Gambling — Exclusion Orders) Rules 2008

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No. S 623

**CASINO CONTROL ACT
(CHAPTER 33A)**

**CASINO CONTROL (PROBLEM GAMBLING — EXCLUSION ORDERS) RULES
2008**

In exercise of the powers conferred by section 170 of the Casino Control Act, the National Council on Problem Gambling, with the approval of the Minister for Community Development, Youth and Sports, hereby makes the following Rules:

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Casino Control (Problem Gambling — Exclusion Orders) Rules 2008 and shall come into operation on 15th December 2008.

Definitions

2.—(1) In these Rules, unless the context otherwise requires —

“register” means the register of excluded persons under rule 3;

“secretary” means the secretary to the Council appointed under section 155(2) of the Act.

“self-exclusion order” means an exclusion order given by a Committee against a person on the voluntary application of that person under section 165(2) of the Act;

“third-party exclusion order ” means an exclusion order made by a Committee on its own motion against a person under section 165(1) of the Act.

(2) In these Rules, a reference to “the excluded person”, in relation to an appeal to the Council against an exclusion order or an application to the Council for variation or revocation of an exclusion order or a family exclusion order, means the excluded person to whom the appeal or application relates.

Register of excluded persons

3. The secretary shall keep and maintain a register of persons against whom any of the following orders have been made:

- (a) a family exclusion order;
- (b) a third-party exclusion order;
- (c) a self-exclusion order.

Records to be maintained

4. The secretary shall keep and maintain —

- (a) records of every application for a family exclusion order or an exclusion order made to the Council;
- (b) all records of proceedings made under rule 8;
- (c) records of every appeal against an exclusion order, and every application for variation or revocation of a family exclusion order or an exclusion order; and
- (d) such other records as the chairman may direct.

No disclosure of register or records except to certain persons

5. No person shall disclose particulars or information in the register maintained under rule 3 or records maintained under rule 4, except to —

- (a) the Minister;
- (b) any member or officer of the Council;
- (c) any officer of the Authority; or
- (d) any other person, with the express authorisation of the Minister.

PART II

PROCEDURE FOR FAMILY EXCLUSION ORDERS

Application for family exclusion order

6. An application for a family exclusion order made under section 159, 160 or 161 of the Act by or on behalf of a family member of the respondent may be made in such form as the Council may determine.

Conduct of proceedings by Committee

7. Where a Committee is constituted to hear and determine an application under section 158 of the Act, a hearing date shall be fixed within 28 days after the date of the application and, unless adjourned, the proceedings shall be conducted in the following manner:

- (a) the chairman of the Committee shall give a brief statement of the facts of the application;
- (b) the Committee shall hear the evidence of —

- (i) the applicant or the person acting on his behalf under section 160 or 161 of the Act;
 - (ii) the respondent; and
 - (iii) such other person as the Committee may think necessary to determine the application;
- (c) where an applicant, a respondent or a witness summoned to attend fails to do so, or states that he does not wish to be present at the proceedings, the chairman of the Committee shall make a note of that fact in the record of proceedings; and
- (d) the applicant and the respondent may, with the permission of the chairman of the Committee, produce one or more witnesses to give evidence on matters relating to the application.

Record of proceedings of Committee

8.—(1) The record of the proceedings of a Committee shall include —

- (a) the name and particulars of every person who attended, or who was summoned and failed to attend, the proceedings;
- (b) a summary of the evidence presented by or on behalf of the applicant and the respondent in sufficient detail to enable the Council to comprehend the course of the proceedings;
- (c) the reason for any adjournment;
- (d) any other information relevant to the decision of the Committee;
- (e) the decision reached by the Committee and the reasons for its decision; and
- (f) the terms of the family exclusion order made, if any.

(2) The record of proceedings shall be signed by the chairman of the Committee and all the other members of the Committee and submitted to the Council.

Application for variation or revocation of family exclusion order

9.—(1) An application for the variation or revocation of a family exclusion order may be made by a family member for whose benefit the order was made or by the excluded person to the Council under section 166(1) of the Act in such form as the Council may determine.