

# Barring Order

For use by Gambling Providers Approved or who have Notified under the *Authorised Betting Operations Act 2000*

## When to use this form

This form should be used when making or refusing a barring order under the *Gambling Administration Act 2019* (the Act).

Section 44 of the Act states that a gambling provider may make a barring order in relation to a person in either of the following circumstances:

- (a) at the request of that person (i.e. a voluntary barring); or
- (b) if:
  - (i) the person is behaving in manner that indicates that the person is at risk of harm, or is at risk of causing harm to a family member of the person, because of gambling; *and*
  - (ii) the gambling provider is satisfied that the making of the order is appropriate in the circumstances.

With respect to (b) above, the decision of the gambling provider can be aided by information received from any source, including third parties such as friends or family of the person.

A gambling provider can also rely on other information that may come to their attention when determining whether they consider a person, or their family, to be at risk of harm, due to gambling. This may include a request that an account be closed together with a review of the person's gambling history and an assessment as to whether the person, or their family, is at risk of harm. Please note that an account closure, in and of itself, may not be sufficient evidence to justify a barring.

Evidence of closure of account notices cannot be used in place of barring orders and will not be accepted.

For a barring order to comply with the legislation, the order must be in a form determined by the Commissioner. This form is approved for that purpose. Further, the barred person must be served with a copy of the barring order, otherwise the order is of no effect. Finally, the barring order must contain the following information to be compliant:

- the name and address of the barred person
- the date of birth of the barred person (if known)
- the date on which the barring order is made
- the period for which the barring order remains in force
- the first date on which the barring order may be revoked or varied
- sufficient details of the activities, premises or place from which the person is barred, to enable the barred person to understand the extent of the barring order
- a statement notifying the barred person that a gambling provider may withhold winnings from a person if satisfied that the person is subject to a barring order
- a statement notifying the barred person that it is an offence to contravene or fail to comply with a barring order.

Completion and provision of this document to a barred person will ensure compliance with the above requirements.

Please also ensure you are offering a referral to a gambling help service for all barred persons.

Please note that the issuing or refusal of a barring must also be uploaded by the gambling provider to the Barring and Online Employee Notification System (BOEN) within seven days after making the order or making a decision to refuse the request for a barring.

# Barring Order

## Gambling provider:

## Barred person:

Given names:

Address:

Surname:

Suburb:

Date of birth:

Postcode:

Email:

Phone:

## Third party details (if applicable):

Given names:

Address:

Surname:

Suburb:

Phone:

Postcode:

Email:

## Barring details:

The barring was requested by:  the barred person (voluntary barring)  the gambling provider  
 a third party

The gambling provider has:  approved the barring  refused the barring

Pursuant to section 44(4) of the Act the barred persons is barred from placing bets with the gambling provider for:

the period between the date that this barring order is served on the barred person and \_\_\_\_\_ (date)

an unlimited period.

Any documents to support your decision, including reasons for granting or refusing the barring, can be uploaded to BOEN but should not form part of this barring order.

### **This barring is effective from the date of service of this notice to the barred person**

Under section 48 of the Act, a person who is affected by a decision to make, or refuse to make a barring order, may apply to the Liquor and Gambling Commissioner (the Commissioner) to undertake a reconsideration of the decision by visiting [www.sa.gov.au](http://www.sa.gov.au).

Under section 53 of the Act, a gambling provider may withhold winnings from a barred person. If winnings are withheld from a barred person, the barred person may, within 14 days of being informed of the decision to withhold the winnings, apply to the Commissioner for a review of the decision using the form available by visiting [www.sa.gov.au](http://www.sa.gov.au).

A barred person who contravenes or fails to comply with a barring order is guilty of an offence and liable to be fined up to \$2,500.

## Voluntary Barrings Only

*This section of the form only needs to be completed in circumstances where the barring is voluntary (i.e. when the barring has been requested by the barred person).*

### Gambling help service contact:

Does the barred person consent to their details being shared with a gambling help service?  Yes  No

*Please note that it is the responsibility of the gambling provider to refer the barred person to a gambling help service if the barred person agrees to their details being shared.*

### Minimum period barring order must remain in force:

Pursuant to section 44(6) of the Act this order must remain in force for a period of \_\_\_\_\_ (please note that this period cannot be greater than three months). The first date on which this barring may be revoked or varied is \_\_\_\_\_. On the expiry of this period, the barred person may request a variation or revocation of their barring using the form available by visiting [www.sa.gov.au](http://www.sa.gov.au).

## Service

*To be completed on the copy of the order that is retained by the gambling provider to which it relates.*

I certify that a copy of this barring order was served on \_\_\_\_\_ to \_\_\_\_\_ by:

emailing to the following email address:

posting to the following address:

personally.

*The gambling operator must notify the Commissioner of the making of this barring order (or refusal) **within seven days** of the barring order being made via BOEN.*

Name of licensee or delegate completing this order \_\_\_\_\_ Date \_\_\_\_\_