**Information Sheet – Appeals against casino exclusion orders**

## Background

This Information Sheet explains how the Victorian Gambling and Casino Control Commission (**the Commission**) will resolve an appeal against a casino exclusion order that has been issued by the casino operator. The *Casino Control Act 1991* governs the procedures relating to casino exclusion orders.

A casino exclusion order can be either:

* + An order made by the Commission, casino operator or a person in charge of a casino which prohibits a person from entering or remaining in a casino; or
	+ A ‘self-exclusion order’, made when a person applies voluntarily to the Commission or casino operator.

If you receive a casino exclusion order (including a self-exclusion order), you may appeal the order to the Commission.

How do I appeal?

You need to request the appeal in writing and specify the grounds for the appeal in your written request. Your request must be sent to the Commission within **28 days** of receiving the casino exclusion order.

## How will the Commission deal with my appeal?

The Commission can either decide your appeal at an appeal hearing or on the basis of written information alone.

## Appeal hearing

You do not have to attend an appeal hearing. When the Commission receives your appeal request, it will write to you asking whether you want to attend an appeal hearing. You must tell the Commission within **14 days** if you want to attend. If you want to attend, the Commission will arrange with you a time and place for the appeal hearing.

The Commission may obtain information from the casino operator and consider it when deciding your appeal. If the Commission does this, it will provide you with details of the information provided prior to the appeal hearing.

What happens if I request an appeal hearing but fail to attend?

If you fail to attend the appeal hearing at the date and place notified, the Commission will make a decision on the basis of your written request for appeal.

What happens at the appeal hearing?

Your appeal will be decided by one or more commissioners and the appeal hearing will be conducted in private. However, the Commission may at its discretion invite a representative of the casino operator to attend the appeal hearing and give evidence.

At the appeal hearing, you can explain your reasons for appealing the exclusion order, supply any relevant evidence (including any witnesses to support your appeal) and ask questions of the representative of the casino operator (if they attend).

## Decisions based on written information

If you do not reply within 14 days, or you tell the Commission that you do not want to attend the appeal hearing, the Commission will make its decision on the basis of the information in your written appeal request.

Similar to the process for an appeal hearing, the Commission may obtain information from the casino operator and consider it when deciding your appeal. If information is obtained from the casino that is adverse to your appeal that information will be revealed to you and you will be asked for your comments about it.

**Decision**

After considering your appeal, the Commission may either reject the appeal and confirm the exclusion order, or allow the appeal (in whole or in part) or vary the order.

At a hearing, the Commission will usually adjourn to consider its decision. After it has made a decision, the Commission notify you in writing and provide you reasons for its decision.

**Do I need a lawyer? Can I bring a support person?**

You are not required to have legal representation, but may do so if you wish. You can also bring a support person to provide you with help and assistance.

**Effective Date:** This practice note was approved by the Commission on 23 March 2017 and applies to all appeals made to the Commission after this date.

The Commission has approved this Information Sheet to explain how it generally handles casino exclusion appeals, but may vary the way it handles an appeal at its absolute discretion.