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**EXCLUDING THE SELF-EXCLUDED:  
'REASONABLE FORCE' AND THE PROBLEM GAMBLER IN  
AUSTRALIA**

**ROSALIND CROUCHER\* & JOHN S CROUCHER\*\***

A key aspect of self-exclusion programs for problem gamblers is the signing of a deed, embodying the aspirations and obligations of a self-identified problem gambler who wishes to exclude himself or herself from nominated gaming areas. A central aspect of this deed, and the legal issues more generally, is the issue of forcible removal from the premises identified in the instrument. This question is at the heart of enforcement of the expectations and aspirations of self-exclusion programs. In legal terms the issue is an old one, sitting within the law of trespass, assault and battery. In practical terms, the issue affects the key stakeholders in self-exclusion schemes: the gaming establishment, its staff and the self-excluded problem gambler. This paper examines the concept of 'reasonable force' in the removal of the problem gambler from nominated premises.

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\* Professor, Dean of Law, Macquarie University, Australia. Since the preparation of this paper I have stood down as Dean (in February 2007) to take up the position as Commissioner of the Australian Law Reform Commission. I am grateful to the insightful contributions of my colleague, Penelope Watson, with respect to an earlier draft of this paper. The responsibility for the final version lies with the authors.

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## I PROBLEM GAMBLING IN AUSTRALIA – THE SIZE OF THE PROBLEM

During the 1990s in most states of Australia hotels were permitted to offer gaming to their patrons. From then on, electronic gaming machines ('EGMs', familiarly known as 'poker machines' or 'pokies' in New South Wales) became a readily available form of gambling entertainment. It proved to be a hit - and very profitable. The areas that had previously been used for live music were now roped off for EGMs. However, as proved to be the case with other gambling-tolerant societies throughout the world, there was a strong link between increased availability of gambling in a community and a noticeable rise in the percentage of the community that develops destructive behaviour in relation to gambling.<sup>1</sup> For many people gambling is a recreational activity with little or no adverse effects on their finances, work or relationships with family members. Nevertheless, there are some for whom gambling can result in serious financial losses; interfere with work; and disrupt relationships with family and others. In its 1999 report, the Productivity Commission estimated that about 1 per cent of Australian adults had severe problems with their gambling and another 1.15 per cent has moderate problems.<sup>2</sup> The generally agreed prevalence rates for problem gambling are around 1.5 to 2.5 per cent of the population.<sup>3</sup> EGMs figure largely amongst problem gamblers. In 2003, 86 per cent of problem gamblers presenting for counselling or treatment in New South Wales identified EGMs as the main form of gambling.<sup>4</sup> The review conducted by the Independent Pricing and Regulatory Tribunal of the effectiveness of gambling harm minimisation measures in

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<sup>1</sup> Mark G Dickerson, Ellen Baron, Sung-Mook Hong and David Cottrell, 'Estimating the extent and degree of gambling related problems in the Australian population: a national survey' (1996) 12(2) *Journal of Gambling Studies* 131; Robert Ladouceur, 'The prevalence of problem gambling in Canada' (1996) 12 *Journal of Gambling Studies* 129.

<sup>2</sup> Productivity Commission, *Inquiry Report on Australia's Gambling Industries*, Report No 10, Vol 1-3, (1999).

<sup>3</sup> Independent Pricing and Regulatory Tribunal (IPART), New South Wales, *Gambling: Promoting a culture of responsibility - Final Report* (2004) 3.

<sup>4</sup> Michael Walker, Kirsten Shannon, Alex Blaszczyński and Louise Sharpe 'Problem Gamblers Receiving Counselling or Treatment in New South Wales' (Seventh Survey, 2003).

New South Wales included estimates by leading counsellors and stakeholders that EGMs are the source of problems for over 80 per cent of problem gamblers.<sup>5</sup>

Despite a number of measures designed to combat the proliferation of problem gambling, EGM expenditure in Australia has escalated to around A\$9.5 billion in 2003/2004.<sup>6</sup> There are now estimated to be 197 000 EGMs in Australia, with one EGM for every 105 people compared to one for every 387 people in the United States.<sup>7</sup> The addictive features of EGMs are now 'the object of a hot societal debate'.<sup>8</sup> There has been a growing recognition that problem gambling needs to be comprehensively addressed through a range of measures to avoid escalating social problems.<sup>9</sup> Social and community concern has been reflected in compulsory measures through legislation. One key example is the inclusion in legislation of a requirement for the provision of programs of self-exclusion as part of 'a wider context of strategies, policies and tools able to be used to reduce harmful effects that problem gambling can have on the individual and the community'.<sup>10</sup>

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<sup>5</sup> IPART, above n 3, 20

<sup>6</sup> Office of Economic and Statistical Research (OESR), Queensland Treasury, *Australian Gambling Statistics 2005: Including data for the period 1978-79 to 2003-04* (2005).

<sup>7</sup> Poker/Slot Machine Information (2006), 'Archive for March 2006'  
<<http://www.pokiemagic.com/blog/2006/03/>> accessed on 9 February 2007.

<sup>8</sup> Robert Ladouceur, Christian Jacques, Serge Sévigny and Michael Cantinotti, 'Impact of the Format, Arrangement and Availability of Electronic Gaming Machines Outside Casinos on Gambling' (2005) 5(2) *International Gambling Studies* 139, 139.

<sup>9</sup> Sue Scull and Geoffrey Woolcock, 'Problem Gambling in Non-English Speaking Background Communities in Queensland, Australia: A Qualitative Exploration' (2005) 5(1) *International Gambling Studies* 29, 29-30.

<sup>10</sup> Gambling Research Panel (GRP) Victoria, *Evaluation of Self-exclusion Programs, Report No 2*, (2003) 95.

## II SELF-EXCLUSION PROGRAMS

A 'self exclusion scheme' is defined as meaning a scheme, established under relevant regulations, in which a person is prevented, at his or her own request, from entering or remaining on any area of a hotel or registered club that is nominated by the person.<sup>11</sup> Since first introduced in Manitoba in 1989, self-exclusion programs now represent 'the predominant harm minimisation intervention utilised by the gaming industry to assist problem gamblers to limit losses'.<sup>12</sup>

Since about half of the country's 200 000 EGMs are in the state of NSW (and therefore about half of all money is lost there as well), an effort was made by the politicians in that state to deflect the oft-made criticism that they were the 'gambling state'. Measures were introduced via the *Gaming Machine Act 2001* to restrict the numbers of EGMs to their then current levels and even to reduce the overall numbers - although only marginally. The state's only casino, Star City in Sydney, has 1 500 machines while the vast majority of the 1 400 registered clubs and over 2 000 hotels each have somewhere between fifteen to several hundreds of them.

Social and community concern has also been reflected in compulsory measures through legislation. One key example is the inclusion in legislation of a *requirement* for the provision of programs of self-exclusion, which until then had been industry-driven. Gambling is largely a state matter in Australia and each one has its own laws governing it. There is, nonetheless, a considerable degree of consistency across the laws and practices which have developed in response.

The *Casino Control Act 1992* (NSW) required the casino operator to make arrangements for people to exclude themselves. A similar requirement was imposed on hotels and

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<sup>11</sup> *Gaming Machines Regulation 2002* (NSW) s 49(1), definition of 'self-exclusion scheme'.

<sup>12</sup> Lia Nower and Alex Blaszczynski, 'Characteristics and Gender Differences Among Self-Excluded Casino Problem Gamblers: Missouri Data' (2005) 21 *Journal of Gambling Studies* 1, 2.

registered clubs in October 2002 under the *Gaming Machines Act 2001* (NSW) and the *Gaming Machines Regulation 2002* (NSW). The three principal self-exclusion schemes approved by the Minister for Gaming and Racing under the Act: BetSafe (applying to approximately 45 clubs); ClubSafe (operated by ClubsNSW); and GameChange (operated by the Australian Hotels Association) (IPART Report, 2004). A wide variety of self-exclusion schemes also operate in gaming machine venues across Australia with similar core requirements.<sup>13</sup>

The efficacy of the self-exclusion program as a harm minimisation strategy depends upon the effectiveness of enforcement. The studies so far indicate that the principal points at which self-exclusion programs are breaking down is the point of detection and the point of enforcement of expectations as expressed in the act of self-exclusion.<sup>14</sup>

The authors have been engaged in a project that seeks to evaluate and ultimately improve the efficacy of self-exclusion programs for problem gamblers. They have participated in a pilot project, supported by grant monies provided by a partnership of AHA (NSW) and Macquarie University (through an External Collaborative Grant).<sup>15</sup> The pilot project has involved as one of its key elements an analysis of the legal implications of the existing scheme of self-exclusion, in particular the implications and effectiveness of the deed of self-exclusion. A key aspect of this deed, and the legal issues more generally, is the issue of forcible removal from the premises identified in the instrument. This question is at the heart of enforcement of the expectations and aspirations of self-exclusion programs. It is part of the much wider project which is focused upon improving the efficacy of such programs across the board.

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<sup>13</sup> GRP, above n 10, Part B; Self-Exclusion Advisory Group (SEAG), Policy Branch, Policy and Research Division, Department of Gaming and Racing, New South Wales, *Resource Paper* (2005) 20-21.

<sup>14</sup> GRP, above n 10; SEAG, above n 13; John S Croucher, Rosalind F Croucher and Julian R Leslie, *Report of the Pilot Study on the Self-Exclusion Program conducted by GameChange* (NSW) (2006).

<sup>15</sup> Rosalind F Croucher and John S Croucher, 'Self-exclusion programs for problem gamblers' (2005) 5(1) *Journal of the Academy of Business and Economics* 61.

In legal terms the issue is an old one, sitting within the law of trespass, assault and battery. In practical terms, the issue affects the key stakeholders in self-exclusion schemes: the gaming establishment, its staff and the self-excluded problem gambler.

### **III FORCIBLE REMOVAL FROM DESIGNATED PREMISES**

#### ***A The Legal Framework***

Those who enter hotels or clubs do so as licensees, entering the premises with permission. Statute regulates those who are permitted to do so, for example, by defining the minimum age of those permitted to be upon licensed premises. There are provisions in the gaming and liquor legislation with respect to the removal of persons in particular circumstances. Whenever permission is withdrawn for the presence of a person on any premises, licensed hotels or otherwise, the person then becomes a trespasser. Where the degree of pressure or force to remove a trespasser is not otherwise stated, it is the general law with respect to removing trespassers that is relevant.

#### ***1 Legislation Governing Licensed Premises***

As EGMs are located in premises subject to liquor licensing, relevant legislation is that applicable to licenses premises generally, as well as in relation to gaming machines in particular. The *Liquor Act 1982* (NSW) includes provisions in relation to the exclusion or removal of persons from licensed premises, for example a person who is ‘intoxicated, violent, quarrelsome or disorderly’.<sup>16</sup> In such cases ‘such reasonable degree of force as may be necessary’ may be used.<sup>17</sup> In the specific context of self-exclusion programs, section 49(4) of the *Gaming Machines Act 2001* provides that it is lawful to remove a self-excluded gambler from designated areas ‘using no more force than is reasonable in the circumstances’. This provision reinforces the clauses of the self-exclusion deed with respect to expulsion. Such provisions include in legislative terms concepts drawn from the law concerning the removal of trespassers, where ‘reasonable force’ is the relevant

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<sup>16</sup> *Liquor Act 1982* (NSW) s 103(1)(a).

<sup>17</sup> *Liquor Act 1982* (NSW) s 103(3A).

standard. The two key issues are therefore identifying how and when permission to be on the relevant premises is terminated; and then whether 'reasonable force' has been exercised in seeking to remove the person from the premises. Self-excluded gamblers are a particular sub-set of persons to which such issues are applied.

## ***2 The Deed of Self-Exclusion***

A central aspect of self-exclusion schemes is that a person may be removed from the premises that have been identified in the self-exclusion deed. For the purposes of the analysis in this paper the deed used by the Australian Hotels Association (NSW) ('AHA') will be used. Amongst other things it authorises the AHA, the licensee or other person of authority at the designated venues to undertake certain actions during the period of self-exclusion. This is set out in cl 4, which authorises the taking of a photograph of the self-excluded person as a means of identification and to use this as needed in connection with the self-exclusion program, including the retention and display of the photograph at the designated venues in an area accessible by venue staff but not the general public; the requesting of the self-excluded person to leave the restricted gaming areas at the designated venues, and, if the person refuses to leave, 'to take such action as is necessary (including the use of reasonable force) to remove the self-excluded person from the restricted gaming area and to prevent the person re-entering the area.

As the participant in a self-exclusion program elects to be prevented from entry or remaining in designated areas, in terms of the law of trespass this is effectively saying to the landowner to revoke the permission otherwise extended to persons (outside the disqualifications set out in the *Liquor Act*). It is a self-enlisted revocation of the licence to enter. The obligation on the industry body to have in place a self-exclusion scheme gives effect to this. The scheme in s 49 of the *Gaming Machines Act 2001* and cl 47 of the *Gaming Machines Regulation 2002* with the emphasis upon the lawfulness of removal from the designated areas using no more than reasonable force amounts to a treatment of the participant in self-exclusion schemes as trespassers in relation to the

areas so designated in the instrument of self-exclusion. By virtue of the requirement of 'preventing a participant from withdrawing from the scheme within three months after requesting participation in the scheme',<sup>18</sup> it would seem to follow that the status of trespasser is to continue for three months after a person has self-excluded.

After the initial three month period the self-exclusion deed itself specifies certain conditions for the revocation of the deed. Although the regulations stipulate a period of three months as mandatory self-exclusion, this is not exclusive of a longer period, as it is stated that the requirements set out in cl 47 that 'constitute the minimum requirements for a self-exclusion scheme'.

The participant who signs the self-exclusion deed elects to be treated as a trespasser within the terms set out in the instrument; but it is the common law that provides the general framework for dealing with trespassers.

### ***3 The Common Law***

The provisions concerning reasonable force with respect to preventing and removing a self-excluded person from the designated areas reflect the position at common law with respect to the removal of trespassers and the force allowable for such purposes. A recent exposition of the relevant legal principles is found in the New South Wales Court of Appeal decision *Eron Broughton v Competitive Foods Australia Pty Ltd & Ors*<sup>19</sup> in the judgment of Handley JA:

The familiar saying that an Englishman's home is his castle is also true of the home of an Australian and true of land and buildings owned and occupied by corporations. No one has a right of entry on the land of another except with the invitation or permission of the owner or occupier or authority expressly conferred by law. Subject to these exceptions the owner

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<sup>18</sup> *Gaming Machines Regulation 2002* (NSW), cl 47(2)(g).

<sup>19</sup> [2005] NSWCA 168.

or occupier is legally entitled to refuse entry as he sees fit and to use reasonable force to prevent unauthorised entry.

An owner or occupier is also entitled to ask anyone who has been invited or permitted to enter to leave. An entrant who is asked to leave is bound to do so forthwith but must be given the necessary time to do this. An entrant who has been asked to leave cannot be treated as a trespasser unless he ignores the order or fails to comply within a reasonable time. However in those events the owner is entitled to use necessary but reasonable force to eject the trespasser.<sup>20</sup>

Trespass to land is committed by directly and intentionally entering or remaining upon land in the possession of another without consent. Where a person enters with permission but the permission (license) is later revoked, then the entrant becomes a trespasser.<sup>21</sup> Those who enter gaming areas in licensed premises in contravention to a self-exclusion deed, and those who have been asked to leave licensed premises for other reasons, such as being intoxicated, are therefore subject to the common law standards with respect to defining 'reasonable force' for the efforts used to remove them from the relevant premises.

### ***B Reasonable Force***

A key question to consider in the forcible removal of trespassers is what amounts to 'reasonable force'? Butterworths *Concise Australian Legal Dictionary* defines 'reasonable force' to mean:

That degree of force which is not excessive but is fair, proper and reasonably necessary in the circumstances. At common law, a person is entitled to use reasonable force in self-

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<sup>20</sup> Ibid [4-5]. See also *Cowell v Rosehill Racecourse Co Ltd* (1937) 56 CLR 605, 631 (Dixon J) in relation to removal with reasonable force, a 'self help' remedy; *Halliday v Nevill* (1984) 155 CLR 1, 7-8 (Brennan J); *Lincoln Hunt Australia Pty Ltd v Willesee* (1986) 4 NSWLR 457, 459-60 (Young J).

<sup>21</sup> *Halliday v Nevill* (1984) 155 CLR 1, 7-8 (Brennan J); *Lincoln Hunt Australia Pty Ltd v Willesee* (1986) 4 NSWLR 457, 459-60 (Young J).

defence or to protect another person where there is actual danger or a reasonable apprehension of immediate danger.<sup>22</sup>

What amounts to reasonable <sup>23</sup>force depends on the particular circumstances of each individual case. The concept of ‘reasonable force’ may also depend on its context: assault, battery and trespass to land cases may involve differences of interpretation from that used, for example, in criminal law for self-defence.

If more than ‘reasonable force’ is used, then the person removed may claim that there has been a ‘battery’: a direct act by the defendant causing bodily contact with the plaintiff without his or her consent. In *Rixon v Star City Pty Ltd* (‘*Rixon*’),<sup>24</sup> the New South Wales Court of Appeal reviewed the law regarding battery and assault. Sheller JA referred to the established principles of law in this area:<sup>25</sup> from the early 18<sup>th</sup> century case of *Cole v Turner*, that ‘the least touching of another in anger is a battery’;<sup>26</sup> and from *Collins v Wilcock*<sup>27</sup> that ‘every person’s body is inviolate’, and that any touching of another person, however slight may amount to a battery.<sup>28</sup> An ‘assault’ is ‘an overt act indicating an immediate intention to commit a battery, coupled with the capacity of carrying that intention into effect’.<sup>29</sup> The gist of the action lies in ‘the apprehension of impending contact’.<sup>30</sup>

*Rixon*<sup>31</sup> concerned a case of a person who had been excluded from Star City Casino not through an act of self-exclusion but through the force of an ‘exclusion order’ under s 79 of the *Casino Control Act 1992* (NSW). While it is force, such an order prohibits a

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<sup>22</sup> Butterworths, *Concise Australian Legal Dictionary*, 335.

<sup>23</sup> *Cole v Turner* (1704) 6 Mod 149; 87 ER 907.

<sup>24</sup> [2001] NSWCA 265.

<sup>25</sup> *Ibid* [49-58].

<sup>26</sup> (1704) 6 Mod 149; 87 ER 907.

<sup>27</sup> [1984] 1 WLR 1172.

<sup>28</sup> *Ibid* 1177-8 (Goff LJ).

<sup>29</sup> *Rixon v Star City Pty Ltd* [2001] NSWCA 265, [56], citing John F Clerk & Wilfrid G Lindsell, *Clerk & Lindsell on Torts* (17<sup>th</sup> ed, 1995) 12-12.

<sup>30</sup> *Ibid* [57], citing John G Fleming, *The Law of Torts* (9<sup>th</sup> ed, 1998) 31-2.

<sup>31</sup> [2001] NSWCA 265.

person from entering or remaining in a casino. Rixon had been identified as being in the casino contrary to an exclusion order. He was taken to an 'interview room' where he was kept for about one and a half hours until police officers arrived. Rixon sued the Casino to recover damages for unlawful arrest, assault and false imprisonment. The issue concerning the assault focused on how the casino staff attracted Rixon's attention.

The trial judge, Balla AJ, held as a matter of fact that the casino's staff member placed his hand on Rixon's shoulder to attract his attention. On appeal Sheller JA commented that placing the hand of the shoulder 'could be a battery',<sup>32</sup> but the context in which the touching occurs is relevant to assessing whether the actual touching was, or was not, a battery as a matter of law. He referred to *Collins v Wilcock*<sup>33</sup> where Goff LJ distinguished between 'a touch to draw a man's attention, which is generally acceptable, and a physical restraint, which is not'.<sup>34</sup> In the circumstances of the particular case the Court of Appeal in *Rixon*<sup>35</sup> concluded that the conduct of the Casino staff member in the circumstances was for the purpose of engaging Rixon's attention and of a kind that was 'generally acceptable in the ordinary conduct of daily life'.<sup>36</sup>

The decision in *Horkin v North Melbourne Football Club Social Club*<sup>37</sup> is instructive as to the meaning of the concept of 'reasonable force'. In this case the plaintiff was asked to leave the premises. The evidence included reference to his being in a part of the club that he was not supposed to be in as well as the quantity of alcohol consumed by him. It was accepted on both sides that once the plaintiff's licence to be in the premises was revoked, this was effective to transform him into a trespasser once a reasonable time had elapsed

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<sup>32</sup> Ibid [51].

<sup>33</sup> [1984] 1 WLR 1172.

<sup>34</sup> Ibid 1177-8, Goff LJ

<sup>35</sup> 2001] NSWCA 265.

<sup>36</sup> *Rixon v Star City Pty Ltd* [2001] NSWCA 265, [55] (Sheller JA).

<sup>37</sup> [1983] 1 VR 153.

after the revocation of the licence. At this point the defendant was entitled to use such force as was necessary to expel him from the premises.<sup>38</sup>

After reviewing conflicting evidence as to the expulsion from the premises, Brooking J concluded that the plaintiff's licence to be there was revoked before any employee applied any force to the body of the plaintiff. He was satisfied that the plaintiff had been asked to leave the premises and given a reasonable opportunity for doing so by a duly authorised person before any force used. He had become a trespasser by the time of the alleged battery. Hence, what would otherwise have been a battery was a justifiable use of reasonable force necessary to remove him from the premises.

But the facts went further, as the plaintiff injured his elbow falling onto concrete. Was the plaintiff propelled violently (as he claimed), or did he stumble after he had left (as the defendant claimed)? Brooking J concluded, as a matter of fact based on his assessment of the evidence, that the plaintiff was violently propelled through the doorway by one or more of the defendant's employees and that this caused him to fall onto the concrete and dislocate his elbow. This use of violence was, therefore, unlawful, as not being necessary for the removal of the plaintiff from the premises.<sup>39</sup> The plaintiff was the victim of a battery for which the defendant was in law responsible. The injury was therefore compensable in damages.

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<sup>38</sup> Ibid 155 (Brooking J), referring to *Hemmings v Stoke Poges Golf Club* [1920] 1 KB 820; *Cowell v Rosehill Racecourse Co Ltd* (1937) 56 CLR 605.

<sup>39</sup> Ibid 157.

#### IV ASSESSING THE RESPONSE TO THE PROBLEM – PILOT STUDY

##### *A The Questions*

During 2003–2005 a pilot telephone survey was conducted of 130 self-excluded gamblers to obtain various characteristics of their behaviour relevant to the project.<sup>40</sup> This survey, usually conducted in the evening, was particularly difficult owing to the transient nature of the respondents, many of whom frequently changed addresses, phone numbers after, in some cases, having lost their jobs, home, family and all their money. There were some fifty-two questions, most simply requiring multiple choice answers, but others left open-ended for individual comments. The time taken to conduct each survey varied between 15 and 40 minutes, the longer ones due to the respondent simply wanting to expand on their answers or chat to the interviewer about their life in general.

The questions of interest to this paper were those relating to whether they had attempted to enter a hotel gaming room from which they had been self-excluded. This was important since, if there was little evidence at attempted re-entry, then the issue of ‘reasonable force’ being used to remove them would be largely irrelevant. The three survey questions of interest are shown below. Note that it was also essential to also determine if they had been identified and how many times they had breached their contract.

Respondents were asked these three questions only if they had indicated earlier in the survey that they had attempted to enter a self-excluded hotel at least once:

- 1) Since joining the self-exclusion program, how many times have you gambled at a self-excluded *hotel* gaming room?
  1.  Once
  2.  2 – 4 times
  3.  5– 9 times

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<sup>40</sup> Croucher et al, above n 14.

4.  10 or more times
- 2) When breaching your self-exclusion at a hotel, were you ever identified/approached by hotel staff and asked to leave the gaming room?
  1.  No (*Skip Question 3*)
  2.  Yes
- 3) How many times were you identified/approached and asked to leave a gaming room?
  1.  Once
  2.  2 – 4 times
  3.  5 – 9 times
  4.  10 or more times

### ***B The Responses***

The pilot survey revealed that 79 per cent of men and 80 per cent of women had gambled on EGMs while on a self-excluded program with half of the men and one-fifth of the women doing so at a venue from which they were specifically self-excluded. If they did so at all, self-excluded gamblers most likely break their contract on at least ten occasions. About one in three of both sexes had broken their contract within a month of signing with the most likely time being between 1 and 6 months. On 56 per cent of occasions were self-excluded men identified by hotel staff with a figure of 71 per cent for women. So far there has been no evidence or complaints that undue force has been used to eject any of those found in breach, but as the numbers detected increase this seems only a matter of time.

### **V CONCLUDING COMMENTS**

During 2007 and 2008 the authors are heading a research team to survey up to 1 000 self-excluded gamblers to gain a deeper understanding of the effectiveness of the program. As part of this process, innovative technology will be employed to drastically increase the

likelihood of detection of those who are in breach. The issue of the best means of their removal will become an extremely important matter to resolve and one that will require careful consideration.

As the principal points at which self-exclusion programs are breaking down is the point of detection and the point of enforcement of expectations as expressed in the act of self-exclusion, measures which enable the identification of the person who seeks to enter designated gaming areas in breach of their undertakings, are far more effective strategies in enforcing the expectations of the self-excluded gambler. Intercepting them first, rather than having to expel them is the much better aim. If this is achieved then the issue of 'reasonable force' need not be raised at all.