

PROBLEM GAMBLING FAMILY PROTECTION ORDERS HEARING INFORMATION

In most cases, the Independent Gambling Authority will not make problem gambling family protection orders until it has conducted a hearing of a complaint made under the *Family Protection Problem Gambling Orders Act 2004*.

Why have a hearing?

Hearings are the best way for the Authority to gather all of the information it needs to make decisions about problem gambling family protection orders.

Where is the hearing held?

Hearings are usually held at the Authority's office, on the fourth floor of 45 Grenfell Street, Adelaide.

In special circumstances, the hearing might be held somewhere else.

How will I know when the hearing is on?

The Authority will tell you the time and date of the hearing by letter.

Who 'hears' the complaint?

At least two members of the Authority (there are seven members in all) will conduct the hearing.

Who attends the hearing?

The person who makes the complaint (referred to as the *complainant*) and the person with the suspected gambling problem (called the *respondent*) will have to attend. (However, if the respondent refuses, the Authority can go ahead without him or her.)

Some or all of the following people may also be required to attend:

- (a) any people that the complainant or the respondent want to give evidence;
- (b) any other person that the Authority says may be able to assist.

Can I bring someone along for support?

Yes. If you feel you need personal support, bring a trusted friend or family member.

Can I bring a lawyer?

Yes, you are entitled to bring a lawyer. However, you are responsible for paying the lawyer's costs. The Authority does not have any power to award costs between parties.

Does the respondent have to attend the hearing?

The respondent should attend the hearing to give his or her side of the story. There could be serious consequences for a respondent who refuses to attend.

In very special circumstances (for example, if the matter is extremely urgent) the Authority may hear a complaint in the absence of the respondent. If an order is made, the Authority must have another hearing within 7 days of the order to confirm the order. The respondent will be served with a summons to attend the further hearing to provide information to the Authority about why the orders should not remain in place.

What do I need to bring to a hearing?

You need to bring any information that you consider supports your case. This may include documents or people who will appear as witnesses.

What happens at the hearing?

The hearing will be conducted as informally as possible.

People involved in a hearing must be ready to give evidence—this means taking an oath or an affirmation.

The complainant and the respondent will be in the hearing room for the whole time. Witnesses will come and go as they are needed.

The Authority will start with the complaint form and submissions and evidence from the complainant. The Authority will probably ask the complainant some questions.

Then, if there are witnesses the complainant wants the Authority to hear from, the complainant will be able to ask them to tell their stories. The respondent will be able to ask questions of any of these witnesses. So will the members of the Authority.

Next, it will be the respondent's turn. He or she will make submissions and give evidence. The Authority will ask some questions.

Then, the respondent may call witnesses, if he or she wishes to. The complainant will be able to ask questions of these witnesses. So will the members of the Authority.

The Authority will provide interpreters as required.

The hearing will be recorded electronically.

Can the hearing be adjourned or divided into several parts?

Yes.

The hearing may be adjourned if—

- (a) either the complainant or the respondent fails to attend the hearing;

- (b) the Authority considers that the complainant or respondent needs to provide information other than the information that he or she has brought to the hearing;
- (c) the Authority is satisfied that a summons to the respondent to attend the hearing has not been served.

The hearing must be adjourned if the Authority becomes aware that a complaint has been made against the respondent under the *Domestic Violence Act 1994*. The hearing cannot be reconvened until proceedings about any such complaint have been completed.

Are orders made straight away?

In urgent cases, the Authority will make every effort to make orders and have the orders produced in writing immediately. In such cases, the Authority may give its reasons for its decision verbally and provide written reasons within 7 days after the hearing.

In cases that are not urgent, the Authority may reserve its decision and make orders after the hearing has concluded. In those instances, the Authority will make orders and deliver its reasons for decision in writing within 7 days after the hearing.

More information

Visit the Independent Gambling Authority at Level 4, 45 Grenfell Street, Adelaide, telephone on 8226 7233, fax to 8226 7247 or view the website at www.iga.sa.gov.au.