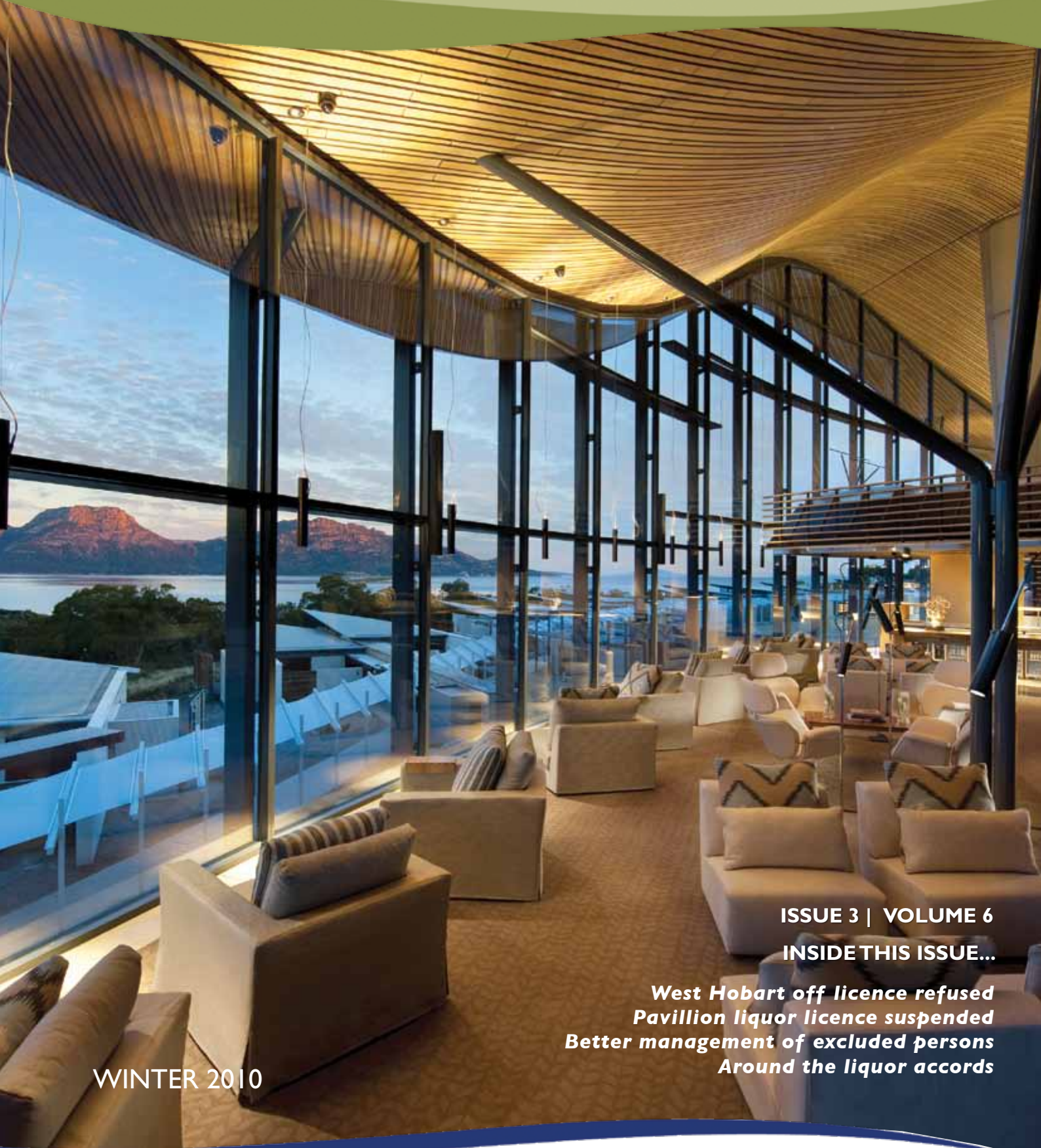


# Liquor and Gaming **review**



ISSUE 3 | VOLUME 6

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*West Hobart off licence refused  
Pavillion liquor licence suspended  
Better management of excluded persons  
Around the liquor accords*

WINTER 2010



## From the **Executive Director**

### **>Welcome to the winter edition of the *Liquor and Gaming Review*.**

The Licensing Board heard an application for an off licence (bottle shop) in West Hobart on 20 July 2010 and on 11 August 2010 handed down its decision to refuse the application.

This application drew a great deal of public interest, with 260 objections received by me for submission to the Board, to be considered as part of their deliberations on whether to approve or refuse the application.

The industry and the public have expressed concern over the number of applications for bottleshops made in recent years and the process used to decide whether they should be granted or refused.

The Commissioner and the Board as statutory authorities under the *Liquor Licensing Act 1990* must comply with the legislation. To provide a better understanding of the procedure followed by me in processing applications for liquor licences, there is an article in this edition which details the process of receiving, giving public notice and referring applications to the Board. In addition the Chairman of the Board, Phillip Kimber, has provided an insight into the Board's decision making when considering applications on planning issues in conjunction with the wants and desires of the local community.

I commend both of these articles to you as they provide factual information on the procedures followed by the Commissioner and the Board in accordance with the Act and the principles of procedural fairness and natural justice.

As Commissioner for Licensing, I have recently suspended the operation of the licence of the licensee of the Pavillion Brewhouse and Function Centre in Launceston for one day, for the breach of a Notice that requires the licensee to ensure that the operation of the premises does not cause undue disturbance and annoyance to people living or working in the neighbourhood of the premises. I have outlined my reasons for doing so in an article in this newsletter.

The industry has expressed concern over the issue of the identification of underage drinkers, due to the circulation of fake driver licences that could allow underage teenagers access to licensed premises and alcohol. I share this concern and wish to reassure licensees that, provided they have good processes in place and have taken reasonable steps to identify fake ID, the risk of a penalty will be significantly reduced, if an underage person is served alcohol. Acceptable forms of ID are again detailed for your information in this Review.

As advised in a previous issue of the Review, I have endorsed a Registered Training Organisation to deliver RSA training online. To provide some guidance and direction for other training organisations intending to develop RSA training on line, the Liquor and Gaming Branch has produced a set of guidelines and recommendations. "Guidelines for RSA Online". These guidelines can be accessed from the Department's website.

*Wendy Sawford*

Front cover - Saffire Freycinet, Coles Bay (licensed by the Commissioner for Licensing with a general licence on 17 May 2010)

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GPO Box 1374, Hobart 7001

**General enquiries** (03) 6233 2475

**Fax** (03) 6234 1728

### **Email**

[gaming@treasury.tas.gov.au](mailto:gaming@treasury.tas.gov.au)  
[licensing@treasury.tas.gov.au](mailto:licensing@treasury.tas.gov.au)

### **Launceston:**

3rd Floor Henty House, 1 Civic Square  
PO Box 972, Launceston 7250

**General enquiries** (03) 6336 2261

**Fax** (03) 6336 2799

### **Website**

Department of Treasury and Finance – containing links to Tasmanian Gaming Commission and Liquor Licensing.  
[www.treasury.tas.gov.au](http://www.treasury.tas.gov.au)

The Official Newsletter of the Liquor and Gaming Branch of the Department of Treasury and Finance. Your quarterly update on news, changes and improvements from the Liquor and Gaming Branch.

## Licensing Board decisions - *planning and community*

### **From the Chairman of the Licensing Board, Philip Kimber**

A couple of recent decisions of the Licensing Board have given the opportunity to expand on the interweaving of planning requirements with Board decision making, to determine whether a liquor application is "in the best interests of the community".

#### **Planning**

The *Liquor Licensing Act 1990* was designed to be less prescriptive than under the 1976 Act. It was drafted to set wide parameters for relevant considerations for licence grant, and to provide the Board with a broad discretion in determining whether or not to direct the grant of a licence.

I think it was Parliament's view that the Board should be able to be flexible to enable innovative licence applications to be granted, and to give different weight and credibility to issues as the community perspective about liquor and licensed establishments changed.

It has historically been the case in most States of Australia that the licensing authority has had a wide discretion to grant a licence. There are many factors which will bear on the discretion, and the evidence available will not always be certain or complete: some element of local knowledge and consideration is necessary.

Likewise with planning issues, the legislation does not absolutely require the Board or an applicant to wait until planning issues are dealt with by the local council or Resource Management & Planning Appeals Board. Logically, an applicant might want to see if they have a 'snow-flakes chance in hell' with the Licensing Board before embarking on what might be another expensive application with appeals in the planning arena.

The Board's view has consolidated in recent times, and is dealt with in decisions Brian Armstrong: Seaside Turners Beach 17th June 2010, and Jason Bresnehan Main Rd Hadspen 20th May 2010. See [www.treasury.tas.gov.au](http://www.treasury.tas.gov.au) for the decisions in full.

These decisions show that the Board will receive and hear an application without prior planning approval, but that if planning issues (like parking, traffic flow, zoning, noise levels, harmony and coherence within the local environment, etc) are crucial, then the Board may determine that the evidence is insufficient to grant the licence, but may be satisfactory after the site has been approved by the planning authority.

Especially in the context of local community opposition based on planning grounds, the Board will be reluctant to decide in favour of an application when the planning issues have not first been dealt with by the planning authority.

In the instance of a simple matter where planning consent is likely to follow, and opposition (if any) is not based on planning issues, then the Board may well be satisfied that directing the grant of the application prior to planning approval is appropriate. In that way, an applicant can pursue a number of their regulatory approval processes in tandem, and not waste time dealing with them serially.

Ideally, the property will be zoned for the intended use, and a planning permit will be in place before the application for liquor licence is made, but life isn't always so simple. The applicant will need to take the chance that their licence application will be refused or adjourned due to the absence of planning certainty. The Commissioner's office will receive and progress applications, but the risk of rejection or adjournment when the matter comes on for hearing by the Board is a risk that the applicant takes. The Commissioner's officers cannot state what the result of a hearing will be at any stage of an applications progress.

#### **Community opposition**

The other matter which has been the subject of some focus is the relevance of local community opposition to an application to the question of 'what is in the best interests of the community?'

The decision in Peter Morrison: Hill Street Cellars, West Hobart 11th August 2010 covers this question in some detail. However, the overriding issue is that the Board will make a decision on each matter on the basis of weighing the individual aspects for and against a licence grant, in their discretion. It will not always be that local community opposition is certain to cause the rejection of a licence application.

The onus is on the applicant to demonstrate that the licence grant will be in the best interests of the community, but the onus will shift to objectors to prove their concerns. The generalised assertion that 'another liquor outlet will increase harm' is not sufficient to cause rejection of an application.

The interesting aspect of this particular decision was that, although the issues of concern held by the objectors were not all accepted (for example parking or traffic issues and risk of increased harm caused by sale of liquor from the business), nevertheless, the universal local opposition to the application was sufficient to result in the Board rejecting the application.

No doubt it would benefit a licence application to demonstrate that the locals would desire to have the new facility. The question posed by the legislation is 'what is in the best interests of the community' which is really the whole community, of which the local community forms part.



## Tasmanian Alcohol Action Framework – *Rising Above the Influence*

In February 2010, the Government released the Tasmanian Alcohol Action Framework 2010-2015, entitled *Rising Above the Influence*.

This whole-of-community Framework was developed by the Inter Agency Working Group on Drugs as one of three key initiatives under the Tasmanian Drug Strategy 2005-2009. It takes into account the National Alcohol Strategy, the National Drug Strategy and the work of the National Preventative Health Taskforce.



The purpose is to provide a policy framework to guide activities and partnerships between Government Agencies, local councils, community sector organisations, and the liquor and hospitality industries to deal with alcohol issues and reduce the social harms associated with alcohol in Tasmania. The focus of the Framework is on activities to:

- change the culture of reliance on alcohol in all social settings including heavy drinking, and binge drinking;
- develop an effective system for controlling the supply of alcohol; and
- ensure the provision of effective interventions to deal with and prevent alcohol-related harm.

The priorities are to address: the health and wellbeing of the population; community safety and amenity; intoxication; and the high risk groups and high risk behaviours associated with the use and misuse of alcohol in the community.

Work is currently underway to implement the strategies highlighted in the Framework, with an Alcohol Advisory Group established to drive the implementation.

The Tasmanian Alcohol Action Framework, and its companion Background Paper, can be downloaded from <http://drugstrategy.dhhs.tas.gov.au/alcohol> or you can obtain copies from Statewide and Mental Health Services by emailing [smhs-pdu@dhhs.tas.gov.au](mailto:smhs-pdu@dhhs.tas.gov.au).

## Pavillion liquor licence suspended

The Commissioner for Licensing suspended the general licence of the Pavillion Brewhouse and Function Centre in Yorktown Square, Launceston for one day on Thursday 19 August 2010.

The suspension was imposed by the Commissioner following a number of complaints received about noise and disturbance at the Pavillion from March through to July this year.

The licensee Mr Nathan James was issued a Notice on 20 May 2010 from the Liquor and Gaming Branch requiring that he "ensure that the operation of the premises does not cause undue disturbance and annoyance to people living or working in the neighbourhood of the premises".

Further complaints were received by the Commissioner following the issue of the notice, and the licensee was given the opportunity to respond to the allegations against the premises. After taking Mr James's submissions into account, the Commissioner determined that he had breached the Notice and that a penalty of a one-day suspension of his licence was appropriate.

Suspension of a licence is not a matter that the Commissioner takes lightly. In this case, there was evidence that the operations of the Pavillion were causing undue disturbance and annoyance to residents and accommodation providers, that the remedial actions taken by the licensee up to that point were insufficient to prevent recurrences of the disturbance and annoyance, and that there had been a clear breach of the Notice. Following undertakings from Mr James that he was in the process of implementing further measures to restrict the escape of noise from the premises, the Commissioner imposed only a one day suspension.

The Commissioner expects all licensees to take the requirements of the Liquor Licensing Act seriously to ensure that the operations of licensed premises do not give rise to undue disturbance and annoyance to those living and working in the vicinity of those premises.

## Surveillance – good for business

Recorded surveillance systems are mandatory in all gaming premises and they must meet the standards set by the Tasmanian Gaming Commission.

The amnesty period expired on 30 June 2010 and compliance officers from the Liquor and Gaming Branch are now inspecting premises for compliance with the new standards. While recorded surveillance systems are not mandatory for non-gaming premises, a number of premises have installed systems. Also, a number of gaming premises have extended their surveillance systems to other parts of their premises, including external areas.

Ben Carpenter, manager of the Beach Hotel in Burnie, has extended his surveillance system beyond the gaming areas to his dining room/lounge bar, public bar, bottleshop and external areas of the hotel. This provides him with a view from his office of all areas of operation at all times of the day. Ben is now linking his

surveillance system to his Ipad so he still has access when absent from the premises.

"I was initially concerned at the cost of installing cameras etc when advised by the Liquor and Gaming Branch, but can now see how this business expense can be justified and work to secure all aspects of my gaming and liquor operations" Ben said. "It doesn't necessarily modify behaviour, but provides me with peace of mind and supports staff in undertaking their duties. Also, if needed, it can provide evidence of any untoward behaviour of patrons and non-compliance with the law".

The Tasmanian Gaming Commission has expressed its pleasure at the general improvement in the quality of surveillance in gaming and wagering premises, particularly those premises that have gone beyond the standards.

Good surveillance can protect your assets and is vital to the integrity of gaming and wagering, provides protection for staff, and contributes to a safer and responsible licensing environment.

## THA Awards of Excellence



Peter O'Sullivan from Liquor and Gaming with Andrew Fox of Wrest Point

The Tasmanian Hotels Association conducted its annual awards night in May this year:

Wrest Point Hotel Casino and the Claremont Hotel were the winners of the Responsible Service of Alcohol and Responsible Conduct of Gaming Awards respectively.



Bruce Bevan from IGT and Sandra Rodman from the Claremont Hotel

Wrest Point Hotel Casino, as the winner of the RSA award, was able to demonstrate effective application of RSA principles, with:

- their induction program for training new employees;
- the provision of effective and clear signage in all bar areas;
- annual RSA refresher training, clear house policies displayed;
- a traffic light system for assessing patrons;
- RSA cards detailing the new Liquor Act amendments; and
- a designated driver scheme.

The Claremont Hotel, as winner of the RCG Award, was able to demonstrate (through an established and experienced staff culture) a duty of care shown to patrons and instances of providing patrons with assistance and referral to counselling. The premises had updated its house policy and had good processes in place to keep staff informed and vigilant about patron exclusions. Congratulations to both licensees and their staff

## Responsible gambling awareness week - report



Now in its fourth year, Responsible Gambling Awareness Week is a national initiative to promote community understanding of the risks, harms and responses to problem gambling.

In Tasmania, the Week is coordinated by the Gambling Support Program at the Department of Health and Human Services, in partnership with gaming industry, the Liquor and Gaming Branch of the Department of Treasury and Finance, and the Break Even Gambling Support Services.

Activities conducted during the Week in May included:

- Promotion of the Week through the display of printed resources at venues, including TOTE outlets and the casinos.
- Venue visits by Liquor and Gaming Branch Compliance Officers and Break Even Counsellors.
- Public seminars for health and community agency representatives, and the general public, in Devonport and Rosebery: Problem Gambling and finding a safe "Third Place", speakers Gabi Byrne and Break Even Network counsellors.
- DHHS Mask Campaign: Radio, TV, billboards, bus backs, cinema.
- State-wide distribution of youth resource: Long Odds.

Over 2 000 table quiz cards were distributed to all gaming venues offering patrons an entertaining activity to provide a brief alternative to gambling and promote help services for problem gamblers.

A number of venues were visited by Liquor and Gaming Branch compliance officers in the company of counsellors from the Break Even Network. The objectives of the visits were to establish a greater connection between venues and counsellors and to provide staff at venues support for issues that they may have in supporting and getting help where needed for problem gamblers.

The conduct of Responsible Gambling Awareness Week is under review from government and industry to ensure that the promotion remains effective and relevant.

## Responsible Gambling – Betfair Covenant

Betfair has established a set of protocols, *The Betfair Covenant*, to offer protection to their customers and the racing and sporting industries and to establish measures to address problem gambling.

The Covenant includes the ability to set industry wide customer loss and deposit limits. It also provides a commitment from Betfair to enable customers to exclude themselves from gambling with Betfair and other wagering outlets.

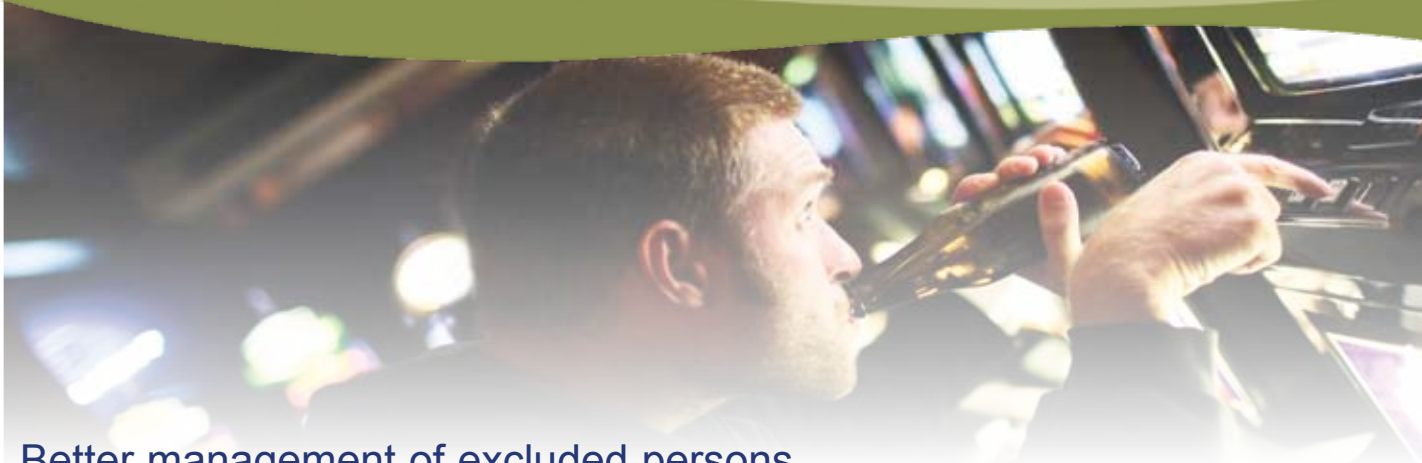
Betfair's CEO, Andrew Twaits said that it was important for wagering operators to set and enforce limits.

"It's important that all customers are offered the ability to set limits on the amount of money they can deposit and the

amount they are prepared to spend over a period of time. More importantly, we recognise the need for wagering operators to actively enforce those limits," he said.

"Betting agencies and the sporting organisations need to look at ways of dealing with this more effectively. There's a clear need for this to be properly regulated, not just in terms of protecting the image of the game, but also to protect people from themselves."





## Better management of excluded persons

Changes have been made to the Tasmanian Gambling Exclusion Scheme Database to support new legislative requirements for managing people who are excluded from gambling. The new requirements started on 18 August 2010.

All gambling venues have been sent information about the changes which were featured in the Autumn 2010 edition of the Liquor and Gaming Review. If you have not received this information please contact the Liquor and Gaming Branch by email at [gaming@treasury.tas.gov.au](mailto:gaming@treasury.tas.gov.au) or by phone on (03) 6233 2475.

The new requirements only apply to new exclusions. Existing exclusions continue to operate under their existing conditions until they expire or are revoked.

Any venue exclusion that was "inactive" on the database has now been changed to "expired". Venues should check the database and make a new exclusion if an old inactive one has been changed to expired and it is still appropriate to exclude the person.

### Is there a choice about which gaming or wagering activities people are excluded from?

| Old requirements:   | New requirements:   |
|---|---|
| Yes <ul style="list-style-type: none"> <li>• whole of venue; or</li> <li>• gaming area; or</li> <li>• specific activities (table gaming, gaming machines, Keno, TOTE).</li> </ul> | Yes <ul style="list-style-type: none"> <li>• whole of venue; or</li> <li>• all gaming or wagering activities, which includes a restricted gaming area.</li> </ul> |

- There is now a choice between two forms of exclusion: whole of venue, or all gaming or wagering (which means that the person can not enter or remain in a restricted gaming area).
- It will be easier to monitor and detect people who have been excluded since 18 August 2010 as they are not allowed in restricted gaming areas.
- Not allowing excluded people in restricted gaming areas means that they will be less exposed to the sights and sounds of gaming and wagering, and will be less likely to breach their exclusion notice or order.
- If self-excluded persons still want to participate in Keno or TOTE activities, they can choose not to include Keno or TOTE only venues in their self-exclusion notice.

### Is there a minimum period for self-exclusion?

| Old requirements:   | New requirements:   |
|---|---|
| No <ul style="list-style-type: none"> <li>• A person can revoke their self-exclusion notice at any time.</li> </ul> | Yes <ul style="list-style-type: none"> <li>• A self-exclusion notice can not be revoked within six months after it is applied.</li> <li>• A person may seek the Tasmanian Gaming Commission's approval to amend their self exclusion notice.</li> </ul> |

- This supports a person's decision not to gamble during the early stages of an exclusion where the urge to gamble may be high.
- People will need to consider their circumstances carefully when choosing the form of self-exclusion (that is, whole of venue or all gaming or wagering) as it will now apply for a minimum of six months.
- It will be difficult to weaken a self-exclusion notice during the first six months, but possible to strengthen a notice (for example, by adding venues or changing to a whole of venue exclusion).

### Is there a maximum period for exclusion?

| Old requirements:   | New requirements:  |
|---|--|
| No <ul style="list-style-type: none"> <li>• but a standard revocation date of three years is recommended for self-exclusion and venue exclusions are inactive after three years.</li> </ul> | Yes <ul style="list-style-type: none"> <li>• A three year maximum period for all exclusions - self, venue and third party. After three years the exclusion notice or order will expire.</li> </ul> |

- The three year time limit for all new exclusions will help to make sure that records, including photos, are up to date.
- A venue will be notified seven days before the expiry of one of its venue exclusion orders.

It will take time before old exclusions expire or are revoked and the new requirements apply to all excluded people. Until then the Database will cater for excluded people across both formats.

**For more information and for help with the Database, contact the Liquor and Gaming Branch by email at [gaming@treasury.tas.gov.au](mailto:gaming@treasury.tas.gov.au) or by phone on (03) 6233 2475.**

## Applying for a liquor licence – *the process facts*

### Information on procedure for liquor licence applications and their determination:

Any application for a liquor licence must be accompanied by a submission addressing general details of the applicant and proposal, including, but not limited to, information about the facilities and services to be provided.

In addition the applicant is required to address the relevant sections of the *Liquor Licensing Act 1990 s24A*:

- For all licence applications "In considering an application for a licence, the Commissioner for Licensing and the Licensing Board must make a decision which, in the opinion of the Commissioner and the Board is in the best interests of the community."
- For off-licences only "In considering an application for an off-licence, the Board must be satisfied that the principal activity to be carried on at the premises is the sale of liquor."

An applicant for a licence is required to give public notice of the application in a form approved by the Commissioner. This takes the form of a notice in a prominent position at the proposed premises and a notice published in a local newspaper circulating in the locality, inviting representations from the public.

Once satisfied that the applicant is qualified to hold a licence, the Commissioner refers the application to the Board for hearing, along with any representations received as a result of the public notice. Any person making a representation, either in support or objection, is invited to appear before the Board at the hearing. In hearing an application for a liquor licence, the Board must make a determination in keeping with s24A of the Act.

Applicants and persons making representations are referred to the Department's website to view Guidelines for Applicants. There is information regarding previous decisions of the Board showing its considerations and determinations. The website also contains Guidelines for people interested in putting a submission to the Board in relation to a licence application.

By virtue of the requirements of s24A there is an onus of proof on the applicant for a licence to put a case to the Board that:

- the application "is in the best interest of the community"; and
- for an off-licence, the principal activity to be carried on at the premises is the sale of liquor.

The Board welcomes submissions/representations from the applicant, supporters and objectors to assist them in making a determination which in their opinion - "is in the best interests of the community".

## RSA online

As mentioned in the previous issue of the Liquor and Gaming Review, the Commissioner for Licensing has endorsed a Registered Training Organisation to deliver RSA training online.

To provide some guidance and direction for other training organisations intending to develop RSA training online, the Commissioner has produced a set of guidelines and recommendations *Guidelines for RSA Online*.

The Guidelines detail the requirements of the *Liquor Licensing Act 1990*, the national competency and the

## Applying for a special gaming employees licence – *do it right!*

Applicants for a Special Employee's Licence are reminded that the Tasmanian Gaming Commission will only accept applications that are submitted with the required documentation.

Please ensure that the following information and documents are included in your application:

- Application fee of \$251.60 (cheque, money order or credit card details only).
- Copy of two identification documents - one of these must be photographic identification such as a drivers licence or passport. These need to be endorsed with the words "original sighted" and signed by an acceptable witness.
- Both the Authority and Consent / Statutory Declaration sections of the form need to be completed and signed by an acceptable witness.
- Four passport sized photos signed on the reverse side by an acceptable witness.

Note that acceptable witnesses include the following:

- A Commissioner for Declarations
- A legally qualified Medical Practitioner
- A Justice of the Peace or Bail Justice
- An Authorised Person of the Tasmanian Gaming Commission
- A member of the Police Force
- A Pharmacist
- A Barrister and Solicitor of the Supreme Court

Please be aware that the Commission will no longer be accepting incomplete special employee licence applications. Applications that are submitted without the required documentation will be returned via post to the applicant.

**For more information contact the Liquor and Gaming Branch by email at [gaming@treasury.tas.gov.au](mailto:gaming@treasury.tas.gov.au) or by phone on (03) 6233 2475.**



## RESPONSIBLE SERVING OF ALCOHOL

Australian Qualifications Training Framework and include suggested best practice for online learning.

For a training organisation to deliver online training, they should address the Commissioner's requirements in relation to the delivery of RSA training generally, as well as specific requirements in relation to online training.

The Guidelines can be accessed at the Department's website on [www.treasury.tas.gov.au](http://www.treasury.tas.gov.au) and go to Liquor and Gaming/RSA.

## Responsible Conduct of Gaming training

As advised in the autumn issue of our Liquor and Gaming Review, the Tasmanian Gaming Commission, has announced major changes to the provision of training for licensed gaming employees.

As from 1 July 2010 the Commission will only recognise courses conducted by Registered Training Organisations that deliver the national competency SITHGAM006A – Provide Responsible Gambling Services.

The Commission has, in the past, approved the Tasmanian Hospitality Association and the Skills Institute as recognised providers of the course in Tasmania.

Together with the Tasmanian Qualifications Authority, the Liquor and Gaming Branch conducted a moderation day in March 2010 to update and inform training organisations and their trainers on RCG and gaming laws, to prepare to deliver the new course.

The Commission will continue to recognise the qualifications of special employees who have completed the current Tasmanian Hospitality Association or the Skills Institute course for a maximum of five years.

From 1 July 2010, all special employees are to be retrained in the new course once their existing RCG qualification is more than five years old, with these special employees having 12 months to upgrade to the national competency.

The following is a list of RTOs registered with the Commission to deliver courses in RCG. These RTOs receive regular updates on legislation and policy from the Commission and participate in annual moderation sessions.

**Campbell Page Training Services**  
6278 3243  
[www.campbellpage.org.au](http://www.campbellpage.org.au)

**Franklyn Scholar**  
6323 1300  
[www.franklynsscholar.com.au](http://www.franklynsscholar.com.au)

**IT Tas**  
6343 0797  
[www.avidity.com.au](http://www.avidity.com.au)

**NGT**  
6223 2377  
[www.ngt.com.au](http://www.ngt.com.au)

**Polytechnic (VET course students only)**  
1300 655 307  
[www.polytechnic.tas.edu.au](http://www.polytechnic.tas.edu.au)

**Tasmanian Skills Institute**  
1300 655 307  
[www.skillsinstitute.tas.edu.au](http://www.skillsinstitute.tas.edu.au)

**The Training and Business Company**  
6228 3555  
[www.tandbc.com.au](http://www.tandbc.com.au)

**Work & Training Ltd**  
1300 309 675  
[www.work-training.com](http://www.work-training.com)

**Work Plus Development + Training**  
6344 3747  
[www.workplus.com.au](http://www.workplus.com.au)



For further information on RCG and RSA training refer to our website at [www.treasury.tas.gov.au](http://www.treasury.tas.gov.au) link to "Liquor and Gaming" and "Responsible Conduct of Gaming" and "Responsible Service of Alcohol".

## Devonport introduces Yellow Card initiative

Ten pubs and clubs in Devonport have started to issue yellow drink cards, with the offer of a free soft drink to alcohol-affected patrons in a bid to slow down their drinking.

"It's a warning to let them know they've had enough and staff are onto them. It was time people realised it was up to them as individuals to act responsibly", Devonport Mayor Lynn Laycock said.

Inspector Locky Avery said it was a step in the right direction and had been trialled successfully in other places. If patrons continued to do the wrong thing after getting a yellow card they would be asked to leave. Refusal to leave licensed premises was an offence, he said.

"We tell them to move on and if they don't they're locked up. There wouldn't be the time or need to issue a red card second warning because they'd be out and that's basically what happens now," he said.

The yellow card initiative was developed by Devonport hoteliers and club owners in partnership with the Devonport Community Safety Liaison Group, as an additional commitment to the Responsible Service of Alcohol.

The "yellow drink card" initiative was first introduced by the Launceston Liquor accord in May 2010.



Ald Lyn Laycock and Inspector Locky Avery - courtesy Advocate

## Around the liquor accords



### Burnie Accord

Burnie held their quarterly meeting combined with the annual general meeting at the Top of the Town Hotel in August 2010.

The following persons were elected to the Executive positions:

Chairman - Ben Carpenter, Beach Hotel Burnie  
Vice Chairman – Craig Jones, Muddled Restaurant, Burnie  
Publicity Officer – Vaughan Pendlebury, Wharf Hotel, Wynyard  
Treasurer – TJ Kirkpatrick, Top of the Town, Burnie  
Secretary - Allison Daley, Burnie City Council

The Accord discussed a number of issues (including crowd control and underage issues) and agreed to:

- charge membership fees, develop a logo and, with council, develop a website;
- develop an accord poster/house policy to indicate expected behaviour from patrons;
- work with Burnie City Council to develop better locations for taxis and access for patrons; and
- work with BighART and students to develop short films on binge drinking.



Burnie Accord meeting at the Top of the Town Hotel



### Launceston Accord

Launceston held their quarterly meeting combined with the annual general meeting at the Launceston City Council on Tuesday 3 August 2010.

The following persons were elected to the Executive positions:

Chairman – James Harding, Irish Murphys/Hotel New York  
Vice Chairman – Michael Acquarola, Star Bar Café/Billabong Bar and Grill  
Publicity Officer – Nicholas Daking, Sportsmans Hall Hotel  
Treasurer – Bruce Potter, Royal Oak Hotel  
Secretary – Nikki Colgrave, Launceston City Council

The new Chairman, James Harding, paid tribute to the outgoing Chairman, Don McQuestin, for his contribution in establishing and developing the Launceston Accord.

The Accord:

- reviewed the yellow drink card initiative;
- discussed the report from Council on lighting and surveillance cameras in CBD;
- discussed the successful movement of Charles St taxi rank;
- discussed crowd controller and underage issues;
- made a strong commitment to providing security at taxi ranks on significant public event weekends; and
- discussed discounting drinks and the possible deterioration in patron behaviour that might flow.

## RSA in action at Eastern Shore bottleshop

The benefits of contact between police and liquor licensees were highlighted recently when police responded to a licensee's concerns about adults supplying alcohol to underage persons.

Earlier this year, Tasmania Police were contacted by the licensee of an Eastern Shore bottle shop who reported his concerns of an increase in the number of young persons, who appeared to be underage, being supplied with alcohol that adults had just purchased from his bottle shop.

After becoming aware of this issue the licensee and his staff refused service to adults who had been observed with young people in the car park area near the bottle shop.

The incidents were all recorded in their incident book, reflecting a significant number of service refusals when either

no ID was able to be produced or a customer had been observed with youths who remained outside the bottle shop.

Police responded by increasing focus on the area during times identified by the licensee and staff. As a direct result police detected a number of youth-related alcohol and illicit drug offences in Rosny and public golf grounds behind Eastlands Shopping Centre.

Tasmania Police were impressed by the vigilance and responsible approach taken by the licensee and his staff which led to immediate action to fix the problem. This highlights the benefits of encouraging and fostering contact between police and liquor licensees.

## Underage identification – acceptable forms

An article which appeared in the Hobart Mercury on Thursday 15 July 2010 "Alert follows fake ID debacle" brought our attention again to the issue of valid and acceptable forms of identification to assist licensees and their staff to satisfactorily identify that persons in their premises are 18 years of age or older.

Steve Old, the General Manager of the Tasmanian Hospitality Association, expressed concern on behalf of his members that liquor licensees and their staff are at risk of prosecution due to the continued circulation of fake driver licences and could inadvertently allow underage access to prohibited or restricted areas within premises and access to alcohol.

The Commissioner for Licensing is also concerned about the circulation of these false identifications, and wishes to reassure licensees that, provided they have good processes in place and have taken reasonable steps to identify fake ID, the risk of a penalty will be significantly reduced, if an underage person is served alcohol.

Where hospitality staff are presented with suspicious ID they are encouraged to ask for further identification to support the presented ID. If not satisfied, they should refuse entry or service.

Importantly, persons presenting a fake ID at licensed premises are liable to fines of up to \$1 200, and licensees, their serving staff and crowd controllers have the authority to seize identification if there is reason to suspect that identification is fake. Fake IDs must be handed to Tasmania Police with 72 hours of seizure.

The Liquor and Gaming Branch is constantly highlighting the importance of hospitality staff being properly educated in evaluating the identity of patrons, scrutinising identification presented and being knowledgeable about reliable forms of identification.

*Acceptable forms of Identification:*



Passports and gun licences are also acceptable forms of ID.

## Decisions of the Licensing Board

### West Hobart off licence - refused

This application for an off licence at the corner of Hill and Arthur Streets, West Hobart was heard by the Board on 20 July 2010, with the decision handed down on 11 August 2010.

The applicant Mr Peter Morrison applied for the licence at premises previously operated as a petrol service station in West Hobart. Mr Morrison obtained a conditional lease on the premises subject to getting a liquor licence for sale off premises, and subject to a council planning permit.

The applicant stated that his application had benefits for the community: it would provide the benefit of a use for premises soon to be vacant (when the petrol station was to close), it would employ people, provide a service that some in the community would want, and provide economic stimulus from a business activity which would generate income to meet expenses, and surplus for the business proprietor.

The Board accepted the applicant's assertions as to his intentions regarding development of the property, the liquor to be available, and that the method of service would be similar to a number of other such stand alone liquor outlets in Tasmania.

There were no submissions in support of the application, but 260 submissions were received in opposition to the application from the local community. Many were replicas evidencing the same concerns held by many people. In addition twenty members of the local community attended the hearing.

The Board did not accept that all the fears of the objectors could be borne out. There was no specific evidence that the premises, which the Board assumed would be well run, would give rise to abuse or misuse of alcohol. The Board formed the view that, in this instance, the local community did not want a liquor outlet of the nature offered by the applicant at the site and would find such a business, or an additional business of that type, to be out of harmony with their expectation of the development of their community.

The Board found that, on weighing the factors in favour with those in opposition, the community desire as expressed should require that the licence application be rejected. The Board determined that to do otherwise would be to seriously undermine the relevance of a local community's universal expression of discontent with "an unnecessary liquor outlet". The Board did not consider the legislation compels them to direct the grant of a licence over a universal expression of desire against it.

The Board directed the Commissioner to refuse the licence application.

**Decisions of the Board can be read on the Department's website at [www.treasury.tas.gov.au](http://www.treasury.tas.gov.au) – follow links to Liquor and Gaming and Licensing Board.**

## Disciplinary actions taken by the Tasmanian Gaming Commission

Licence Holder – Melmark Pty Ltd, Comfort Inn Port Arthur – providing an ATM for use within a licensed gaming venue

The Commission took disciplinary action by censuring the licence holder for failing to enforce Commission Rules, by providing an automatic teller machine (ATM) for use at the Comfort Inn, Port Arthur.

In making their determination the Commission requested that staff advise the licence holder and the Federal Group (with respect to other gaming venues), that an ATM must not be on the premises if they wish to retain Keno or, alternately, they must cease providing Keno if they wish to retain the ATM.

## Gaming licence movements - FOR THE PERIOD 1 JANUARY TO 31 MARCH 2010

### NEW OR CHANGES TO GAMING OPERATORS

| LICENCE NO | PREMISES NAME   | CLIENT NAME                  | EFFECTIVE DATE | ACTIVITY                 |
|------------|-----------------|------------------------------|----------------|--------------------------|
| 64164      | Crown Inn       | A.C.N. 142 740 038 Pty Ltd   | 4-Jun-10       | Keno                     |
| 63709      | Lewisham Tavern | Jupp Pty Ltd                 | 6-May-10       | Keno                     |
| 64108      | Westbury Hotel  | Plunkett Enterprises Pty Ltd | 11-May-10      | Keno and Gaming Machines |

## Liquor licence movements - FOR THE PERIOD 1 JANUARY TO 31 MARCH 2010

### LIQUOR LICENCES ISSUED

| PREMISES NAME                                | PREMISES FULL ADDRESS                                    | LICENCE HOLDER         | LICENCE CATEGORY | LICENCE EFFECTIVE DATE |
|--|--|------------------------|------------------|------------------------|
| Saffire Freycinet                            | 2352 Coles Bay Road , COLES BAY, 7215                    | Matthew Ralph Casey    | General          | 17-May-10              |
| Shout Bottleshops (Clarence)                 | 172 Clarence Street , BELLERIVE, 7018                    | Alexia Kalis           | Off              | 30-Apr-10              |
| Duncans at Hadspen                           | Shop 4, 39 Winifred Jane Crescent , HADSPEN, 7290        | Gregory Arthur Homan   | Off              | 1-May-10               |
| BWS (Shorewell Park)                         | Shops 3 - 5 / 11A Wiseman St , SHOREWELL PARK, 7320      | Marcus Allan Kelly     | Off              | 19-May-10              |
| Shout Bottleshops (Lenah Valley)             | 2 Augusta Road & 462-466 Elizabeth Street , HOBART, 7000 | Alexia Kalis           | Off              | 22-Jun-10              |
| University of Tasmania - Cradle Coast Campus | 16 - 20 Mooreville Road , BURNIE, 7320                   | Gregory Guy Eastley    | Special          | 19-Apr-10              |
| Italian Pantry & Serra Rao Fine Foods        | 27-29 Federal Street , HOBART, 7000                      | Matthew Rao            | Special          | 10-May-10              |
| Mt Nelson Store                              | 462 Nelson Road , MOUNT NELSON, 7007                     | John Spiro Paradisis   | Special          | 21-May-10              |
| Geeveston Onestop Shop                       | 64 Arve Road , GEEVESTON, 7116                           | Resul Kucukakyuz       | Special          | 24-May-10              |
| Eumarrah                                     | 39 Barrack Street , HOBART, 7000                         | Anthony Alban Johnson  | Special          | 22-Jun-10              |
| Marlborough House Garden Cafe                | 3 Blenheim Street , AVOCA, 7213                          | Stephen Paul Taylor    | Special          | 21-Apr-10              |
| WAN  | 68 George Street , LAUNCESTON, 7250                      | Kazuhiro Kojima        | Special          | 26-May-10              |
| Ding's                                       | 16a Princes Street , SANDY BAY, 7005                     | Lu Ding                | Special          | 9-Jun-10               |
| Saffron Corner                               | 403-405 West Tamar Road , RIVERSIDE, 7250                | Periachi Krishnamurthi | Special          | 21-Jun-10              |
| J Boag & Son - Moonah                        | 110 Gormanston Road , MOONAH, 7009                       | Mark Andrew Haigh      | Special          | 28-Jun-10              |
| Flip Burgers                                 | 222 York Street , LAUNCESTON, 7250                       | Linus Austen McManamey | Special          | 25-May-10              |
| Greenstore Gourmet                           | 134 - 138 New Town Road , NEW TOWN, 7008                 | Gary Stephen Young     | Special          | 22-Jun-10              |

