

# Liquor and Gaming News

December 2016

## SEASONAL ALERTS

### Liquor and Gaming Branch – office hours over Christmas and New Year

The Liquor and Gaming Branch offices will be closing for the holiday period:

- **Closing:** 3 pm – Friday, 23 December 2016
- **Opening:** 8.45 am – Tuesday, 3 January 2017

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### Trading – Christmas and New Year

The Commissioner for Licensing has authorised opening hours to be extended for premises holding **general, club, and on-licences** as follows:

- **Christmas Eve – midnight until 2 am on Christmas Day**
- **New Year's Eve – midnight until 3 am on New Year's Day**

Licensees should examine their trading needs for the festive season and, if necessary, apply for an out-of-hours permit or an extension of their existing OOHP. Please note that if you have an existing OOHP, any conditions of that permit apply to these extended hours.

**Applications for an OOHP must be made by Monday, 12 December 2016 and [can be made online](#).**

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### Taking a holiday?

Licensees must notify the Commissioner for Licensing in writing (or by email to [licensing@treasury.tas.gov.au](mailto:licensing@treasury.tas.gov.au)) if they will be away for more than 14 days. The written notice must specify the length of time the licensee will be away and the details of the person left in charge.

In the case of absence in an emergency, the licensee should notify the Commissioner at the earliest reasonable opportunity.

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## ADMINISTRATION ALERTS

### Minimum age to sell or serve alcohol

**The transitional period for staff under 16 years of age serving liquor concluded on 1 December 2016**

Amendments to the *Liquor Licensing Act 1990* commenced on 1 September 2016 stipulating a minimum age requirement to sell or serve liquor on licensed or permit premises. Sellers and servers of liquor must now be at least 16 years of age (or below that age if determined by the Commissioner for Licensing on a case-by-case basis).

The previous regulations allowed a transitional period of three months after the first day of employment for licensees, permit holders and their existing employees who do not meet the minimum age requirement, time to adapt to the change.

This period has expired and from 1 December 2016, licensees and permit holders must not allow a person to sell or service liquor if they do not meet the minimum age requirement. The penalty is a fine not exceeding 50 penalty units (\$7 850 for 2016-17).

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## REGULATORY NEWS

### Suspension on applications to authorise possession of electronic gaming machines and introduction of a community interest test

Amendments to the *Gaming Control Act 1993* received royal assent on 6 December 2016, giving effect to the Treasurer's intention with respect to a community interest test outlined in the ['Ministerial Statement on Gaming'](#) announced 17 March 2016.

These amendments introduce a community interest test to an application to possess electronic gaming machines in a venue for either the first time, or after a six-month break in possession. This ensures the community has a chance to share their views about electronic gaming machines being introduced to a venue, and allows the Tasmanian Liquor and Gaming Commission to take into account the community interest as part of deciding whether the authorisation to possess electronic gaming machines should be granted.

As the form of the test and what is to be considered as part of the community interest determination has not yet been decided, there is now a temporary suspension on new applications to authorise possession of electronic gaming machines **until further notice**. The form of the test is subject to a public consultation process, which is set to begin in early 2017.

The introduction of the community interest test will not affect venues who already have an authorisation to possess electronic gaming machines. The community interest test will only apply to licensees applying to possess electronic gaming machines in a venue for either the first time, or after a six-month break in possession.

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### Joint Select Committee on Future Gaming Markets

The Parliament of Tasmania has established a Joint Select Committee to inquire into and report upon community attitudes to gambling, and how gaming markets will operate post-2023 once the current Deed with the Federal Group has concluded.

The Terms of Reference for the inquiry are:

- (a) consideration of community attitudes and aspirations relating to the gambling industry in Tasmania with particular focus on the location, number and type of poker machines in the State;
- (b) review of the findings of the Social and Economic Impact Studies conducted for Tasmania;
- (c) consideration of the document entitled "Hodgman Liberal Government post-2023 Gaming Structural Framework";
- (d) an assessment of options on how market-based mechanisms, such as a tender, to operate EGMs in hotels and clubs could be framed;

- (e) consideration of future taxation and licensing arrangements, informed by those in other jurisdictions;
- (f) a review of harm minimisation measures and their effectiveness, including the Community Support Levy;
- (g) consideration of the duration and term of licences for the various gaming activities post 2023; and
- (h) any other matters incidental thereto.

The Committee invites written submissions from interested individuals or organisations and will be open until close of business, 9 December 2016. **Electronic submissions are encouraged** and all submissions can be provided to:

The Secretary  
Joint Select Committee on Future Gaming Markets  
Legislative Council  
Parliament House  
HOBART 7000

[fgm@parliament.tas.gov.au](mailto:fgm@parliament.tas.gov.au)

Phone: (03) 6212 2250 / Fax: (03) 6212 2345

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**Commissioner for Licensing – recent written decision**

The written decisions of the Commissioner for Licensing provide his considerations of a number of aspects of liquor licensing that future applicants and representors may find useful for their applications and correspondence, and may be of interest to the community. All decisions can be found at [www.liquorlicensing.tas.gov.au](http://www.liquorlicensing.tas.gov.au) by selecting the “Commissioner for Licensing” link on the left-hand menu bar.

The written decision below sets out the reasons behind a recent decision to grant a special licence at a regional general store.

[Middleton General Store – Middleton – granted.](#)

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**Barring order process**

As of 1 September 2016, licensees have the power to issue a barring order to prevent a person entering or being near a certain premises for a given period of time.

Licensees intending to issue a barring order can do so by downloading a form [from our website](#). For a barring order to be effective, it must be in writing and given to the person, or sent (or left) at their last known address. The licensee must keep a copy of the barring order at their premises for 180 days after it expires, and the licensee cannot share information about a person who is subject to a barring order with staff at other premises.

Barring orders may also be issued by Police, who have the power to not only ban a patron from a premise, but also from a class of (or all) licenced premises in an area, e.g. all night clubs in the Salamanca precinct.

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**Staff serving liquor while intoxicated**

Under the *Liquor Licensing Act 1990*, employees must not serve or sell liquor on premises while they are intoxicated. Additionally, licensees and permit holders must not permit their employees to serve or sell liquor while intoxicated on the premises. The fines issued can be up to \$3 140 for employees, and up to \$7 850 for licensees or permit holders.

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# Tasmanian Liquor and Gaming Commission Annual Report

The *Tasmanian Liquor and Gaming Commission 2015-16 Annual Report* was tabled in Parliament on 17 November 2016, [and is available on our website.](#)

## GAMBLING SUPPORT PROGRAM

### Family and Friends Campaign (December)

*It's not just gamblers who need support. It's those around them.*

The Family and Friends campaign is a TV, radio and print campaign to draw attention to the help and support available for people affected by someone else's gambling. Find out more [here](#).

### Get Back to the Real Game - summer cricket season campaign

From December, new advertisements will run online, on smartphones and through social media about the risks of sports betting. The aim of the campaign is to draw attention to the risks associated with sports betting and the help provided by Gambler's Help for those affected. Find out more [here](#).

### Know Your Odds

In February the Know Your Odds campaign will commence again, with a new TV advertisement and other new material. The Know Your Odds campaign provides information about how commercial games of chance work, and how because of the house edge, as the saying goes...the longer you play the more you lose. Find out more [here](#).

## INDUSTRY DATA

- [Licence applications with the Commissioner for Licensing](#) and all [recent decisions](#).
- [Liquor industry data](#).
- [Data relating to gaming and wagering](#).

## Disciplinary actions taken by the Tasmanian Liquor and Gaming Commission under the Gaming Control Act 1993 June 2016 - November 2016

Licence holder	Section of Act	Breach	Decision Date	Outcome
Tasmanian Outstanding Property Investments Pty Ltd	50(2)	Use the services of an unlicensed person to perform gaming duties.	1 August 2016	Fine \$1 848
Australian National Hotels Pty Ltd – Wrest Point Hotel Casino	112T(4)	Non-compliance with Internal Control and Accounting Manual due to operating Rapid Roulette with no drop box.	10 October 2016	Fine \$1 570

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