

TASMANIAN LIQUOR AND GAMING COMMISSION GAMING OPERATOR LICENCE RULES

Effective 1 November 2018

CM: 18/173925

I PRELIMINARY

- 1.1 These Rules apply to the holder of a Gaming Operator Licence, authorised under section 12 of the *Gaming Control Act 1993* (the Act) to conduct games of keno and to conduct gaming machine gaming at licensed premises holding a Licensed Premises Gaming Licence (LPGL), and are in addition to the conditions imposed on the Licence by the Tasmanian Liquor and Gaming Commission and the Act.
- 1.2 The holder of a Gaming Operator Licence and their employees (including special employees) must adhere to these Rules. Failure to comply with this requirement may result in disciplinary action against the operator or special employee. Disciplinary actions may include a letter of censure, a fine, and/or the suspension, cancellation or amendment of a licence.
- 1.3 A term used in these Rules has the same meaning as the same term used in the Act or the *Responsible Gambling Mandatory Code of Practice for Tasmania*.
- 1.4 These Rules supersede all previous Gaming Operator Licence Rules issued by the Commission in relation to the terms explained in section 1.1 of this document.

2 COMPLIANCE WITH THE ACT, CODE, DIRECTIONS AND RULES

- 2.1 Any matters concerning non-compliance with any requirements of the Act or any licence, code, directions, rules or procedures made under the Act must be reported to the Commission within 24 hours of being identified.

3 STAFF

- 3.1 All staff performing the duties of a special employee for a gaming operator must have a Special Employee's Licence that is current and appropriate for the duties that the employee is required to undertake.
- 3.2 A gaming operator must maintain a record of all special employees employed by the gaming operator, detailing their name, date of commencement of employment, special employee licence number, expiry date of licence and expiry date of RCG qualification, and produce this record to a Liquor and Gaming Inspector if requested.
- 3.3 A gaming operator must ensure that a person who is employed or working for the gaming operator, whether for remuneration or reward or not, complies with these Rules, the conditions of their Special Employee's Licence (if applicable), the conditions of the Gaming Operator's Licence and the Act.

4 INDUCEMENTS, PROMOTIONS & PRIZES

For the purposes of these Rules, an inducement includes a voucher, ticket, token or any other form of reward which can be exchanged or used for gambling purposes.

- 4.1 A gaming operator must not offer or provide incentives or benefits to any other licensee and/or persons employed or working in licensed premises as a reward to encourage patrons to gamble, re-invest or replay winnings. An incentive or benefit includes, but is not limited to, money, salary bonuses and gift vouchers that are designed to encourage those working in the industry to deliberately elicit patrons to gamble.
- 4.2 A gaming operator must not enter into any incentive based sponsorship arrangement where the level of sponsorship to be provided is linked to the use of gambling products at a licensed premises.
- 4.3 A gaming operator must not offer any inducement greater than \$15 to be used for gambling purposes or offer multiple vouchers for gambling at the same time where the combined value would exceed \$15.
- 4.4 Any inducement offered by a gaming operator, regardless of the amount that it is issued for, must be redeemable for services other than just gambling, for example accommodation, dining, entertainment.
- 4.5 Any inducement offered by a gaming operator, other than one for a specific event, must be valid for a minimum of 30 days.
- 4.6 Patrons must not be offered the supply of free or discounted alcohol for consumption on a premises (including vouchers for the purchase of alcohol) as an inducement or reward for gambling, unless the alcohol is provided with food at a location outside of a restricted gaming area.
- 4.7 Any inducement offered by a gaming operator must not require patrons to gamble in excess of \$10 for a specific period of time in order to receive the inducement, obtain a prize or be eligible to enter a specific prize draw.
- 4.8 Any prize draw offered or conducted by a gaming operator must not require patrons to be at a draw, or on the premises at the time of a prize draw, in order to be eligible to win any individual prize that is greater than \$1 000 in value.
- 4.9 Jackpot prize amounts that can be won on gaming machines must be limited to:
 - a) \$25 000 maximum for standalone progressive jackpots; and
 - b) \$60 000 maximum for linked progressive jackpot arrangements.

5 PLAYER LOYALTY PROGRAMS

For the purpose of these Rules, a player loyalty program (PLP) is a formal arrangement which includes any club, membership or program that provides rewards to patrons for participating in gambling at a licensed premises gaming (LPG) premises. An “inactive” PLP member is a patron who has not gambled within the previous six-month activity statement reporting period. An “active” PLP member is a patron who has gambled within the previous six-month activity statement reporting period.

- 5.1 A gaming operator that conducts, provides or facilitates the operation of a PLP at LPG premises must ensure that the PLP complies with the following:
- a) Patrons must be provided with detailed information about the operation of any PLP at the time of joining the PLP, including but not limited to terms and conditions, points accrual details and rewards.
 - b) Patrons must have the ability to opt out of being a “member” of a PLP at any time.
 - c) PLP members must be able to access any information that the PLP operator holds about them.
 - d) All information held about a PLP and its members must be made available to the Commission upon request.
 - e) PLP points accumulation must not result exclusively from gambling activities where other activities, such as accommodation or dining, are available under the PLP.
 - f) The accumulation rate of PLP points as a result of gambling and any benefits offered by a PLP must be the same for all PLP members and must not vary.
 - g) Responsible gambling messages, as approved and/or prescribed by the Commission, must be incorporated and prominently displayed in PLP documentation.
 - h) PLPs operating at the premises must not be offered to minors or excluded persons and must not offend prevailing community standards.
 - i) PLP members must not be offered rewards greater than \$15 which can be used for gambling purposes.
 - j) Gambling related contact must not be initiated by the gaming operator or an LPG operator or their staff with an inactive PLP member at any time by any method, including in writing, in person, by telephone, internet or other electronic means. This includes the issue of player activity statements. Non-gambling communication is permissible so long as the contact or information distributed does not refer to gambling in any way.
 - k) An active PLP member must be:
 - i) notified in writing at least once each year of their right to cease participation in the PLP;
 - ii) sent self exclusion and responsible gambling information that incorporates the name and telephone number for the Gambling Helpline at least once each year; and

- iii) sent a player activity statement to their home postal address every six months, where points, or the equivalent, are accrued as a result of the patron gambling.
- l) PLP player activity statements must provide concise and meaningful information about the player's gambling history including at a minimum:
 - i) the turnover amount, in dollars, for the previous six months;
 - ii) number of hours spent at gaming machines for the previous six months (where applicable);
 - iii) the net amount, in dollars, won or lost during the previous six months;
 - iv) five year cumulative tallies of the same information above; and
 - v) clearly identify and differentiate points that have been accrued from gambling and non-gambling activities (where applicable).
- m) PLP player activity statements must not contain gambling advertising and any other irrelevant information that is not related to the gambling record of the player.

6 ADVERTISING

6.1 All advertising of gambling products by a gaming operator must:

- a) comply with the 'Code of Ethics' adopted by the Australian Association of National Advertisers.
- b) be socially responsible and consistent with the expectation that gambling will be conducted responsibly so as to minimise harm.
- c) not be offensive or indecent in nature, and not offend prevailing community standards.
- d) not be false, misleading or deceptive, including not misrepresenting the odds, the probability of winning a prize or the prizes that can be won.
- e) not give the impression that gambling is a reasonable strategy for financial betterment or enhancing social situation.
- f) not challenge or dare a person to play.
- g) not suggest that skill can influence games that are games of chance.
- h) not encourage or target people under 18 years of age to gamble.
- i) not portray, condone or encourage gambling in combination with the consumption of alcohol.

This does not apply to advertising that shows celebrating a win in a responsible manner outside of a gambling venue.
- j) not show people who are under 25 years of age in gambling advertising unless:
 - their appearance is incidental as part of a natural situation; and
 - they are not located in a gambling venue; and

- there is no implication that the person will participate in gambling.

This does not apply to a person engaged to advertise or promote gambling as part of a sponsorship agreement, however the person must be over 18 years of age and must not be shown participating in gambling.

- k) not be directed at vulnerable or disadvantaged groups, where people may not have a capacity to fully understand the information, such as refugees or people with intellectual disabilities.
- l) not procure, incite or encourage a person to commit an offence.
- m) include responsible gambling messages in all media (including internet) advertising that incorporates a standalone gambling message, for example, “Gamble Responsibly” and the name and telephone number for the Gambling Helpline, to a size and form which meets the requirements of the *Tasmanian Liquor and Gaming Commission Gambling Product Advertising Standards* document.
- n) not be directed at or provided to excluded persons.
- o) not involve irresponsible trading practices.
- p) not violate the confidentiality of information relating to, or the privacy of, players without the consent of the player.
- q) not occur on television and/or radio between:
 - 6:00am - 8:30am and 4:00pm - 7:00pm weekdays; and
 - 6:00am - 8:30am and 4:00pm - 7:30pm on weekends.

The following forms of advertising are exempt from the above periods:

 - advertising during a racing or sports broadcast; and
 - advertising that focuses specifically on entertainment or dining facilities and does not depict or refer to gambling in any way.
- r) sounds associated with gaming machine operation must not be included in any television or radio advertising.

7 RIGHT TO PLAY

- 7.1 A gaming operator must not, either directly or indirectly, impose a charge or a levy on a player for the right to take part in the game of keno, other than that provided for in the rules of keno.

8 GAMING MACHINE MONITORING SYSTEM

- 8.1 A gaming operator must ensure that a gaming machine monitoring system is operating for gaming machines in hotels and clubs which meets the requirements of the *Tasmanian Liquor and Gaming Commission Gaming Machine Monitoring System Technical Standards*.
- 8.2 A gaming operator must ensure that if card based gaming is operating at hotels and clubs, the system meets the requirements of the *Tasmanian Liquor and Gaming Commission Card Based Gaming Systems Technical Standards*.

9 DISPUTES

- 9.1 A gaming operator must comply with any request of an authorised officer to:
- a) observe the determination of any dispute with a special employee; or
 - b) be present whilst any complaint is being investigated.

DATED 1 November 2018.



Jenny Cranston
Chair
TASMANIAN LIQUOR AND GAMING COMMISSION

Liquor and Gaming Branch contact details:

HOBART

Phone: (03) 6166 4040

Fax: (03) 6173 0218

LAUNCESTON

Phone: (03) 6777 2777

Fax: (03) 6173 0218

Email: gaming@treasury.tas.gov.au

Web: www.gaming.tas.gov.au

