

LIQUOR AND GAMING BRANCH NEWSLETTER

December 2018

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:** 4 pm - Friday, 21 December 2018
- **Opening:** 8.45 am - Wednesday, 2 January 2019

Compliance inspectors from the Branch will continue to monitor activities at licensed premises around the State and will be attending major events during the holiday period.

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

Please note that no liquor is allowed to be removed from the licensed premises during the extended hours. If you have an existing out-of-hours permit, any conditions of that permit apply to these extended hours.

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 out-of-hours permit before **10 December 2018**. Applications for out-of-hours permits can be found [here](#).

Any application for a permit should be lodged **at least seven days** prior to commencement. Failure to do so may result in your application not being assessed or granted. Further information about permits can be found [here](#).

Taking a holiday?

Licensees must notify the Commissioner for Licensing in writing (or by email to 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.

REGULATORY NEWS

Responsible Gambling Mandatory Code of Practice for Tasmania

The final transitional changes following the review of the *Responsible Gambling Mandatory Code of Practice for Tasmania* took effect on **1 November 2018**. Consequential changes have been made to the associated Tasmanian Liquor and Gaming Commission Rules. The Commission Rules can be found [here](#).

One of the more significant measures related to the location of coin change machines, which are now required to be located in line of sight of main staffed areas of the licensed venue, be directly supervised by staff, and be in the position approved by the Commission. These areas will typically include bars and cashier areas, but are not limited to these examples. The key principle is that these areas must be regularly staffed to routinely monitor patron expenditure patterns and effectively observe situations that may require intervention.

Coin change machine locations subject to physical inspection to ensure compliance

Following approval by the Commission, the locations of coin change machines will be subject to an on-site inspection by Compliance Inspectors of the Branch to complete the approval process. This will be undertaken as part of the normal inspection program and will confirm whether the location is adequate or whether a more suitable location is required. Should a coin change machine be found to be operating contrary to the approval, the Commission may take disciplinary action against the venue operator.

Should you have any queries or require further information regarding suitable locations for coin change machines in your venue, please contact the Branch on (03) 6166 4040 or email gaming@treasury.tas.gov.au.

Non Compliance - Sale of liquor through the internet or other media

On 1 September 2016, changes were made to the *Liquor Licensing Act 1990* with respect to the sale of liquor through the internet or other media. All licensees were notified of these changes by letter in August 2016.

The Branch wrote to all licensees in mid-July 2017, following an audit showing that a number of licensees selling liquor over the internet were not meeting the requirements of the legislation. A Fact Sheet was provided to licensees to help in complying with the legislation, and is available through the link below:

<https://www.treasury.tas.gov.au/Documents/SaleofliquorthroughtheInternetorothermedia.pdf>

A recent random sample audit has shown that a number of licensees continue to be non-compliant with the legislative requirements. The following areas are highlighted as in need of attention:

When selling liquor over the internet licensees are required to:

- display their licence number prominently on their internet site and in any electronic or print advertising or publication related to their liquor sales;
- display prominently on their internet site a warning notice (in a form approved by the Commissioner for Licensing) advising that it is an offence for liquor to be sold to, or purchased by, a person under the age of 18 years of age;

- collect a purchaser's date of birth at the time at which agreement for the sale is made (in order to evidence that the purchase is not under 18 years of age) unless it has previously been supplied to the licensee; and
- provide written instructions to the person responsible for the delivery of the liquor requiring that the liquor be delivered to the adult purchaser, another responsible adult or in accordance with the purchaser's instructions (to ensure delivery is not accepted by a person under 18 years of age).

Licenses who sell liquor online are strongly encouraged to review and address their compliance as a priority, as further audits will be conducted and non-compliance may result in disciplinary action.

Streamlining record keeping requirements

The Branch has reviewed record keeping requirements relating to the Responsible Conduct of Gambling and Responsible Service of Alcohol. The requirement for licensees or licence holders to maintain a physical register has been removed and this information can now be stored electronically. Details of the new record keeping requirements have been provided to licence holders by the Branch and are summarised below.

Changes to Responsible Conduct of Gambling Register

From 1 November 2018, licence holders are now required to keep a record of all staff involved in gambling services which includes:

- name of each staff member;
- commencement date of employment;
- special employee licence number;
- expiry date of licence; and
- expiry date of the RCG qualification (five years after the issue date shown on the certificate).

These records can be kept electronically and must be produced if required by a Liquor and Gaming Inspector. Further information can be found [here](#).

Changes to Responsible Service of Alcohol Register

From 1 October 2018, licensees are required to retain a copy of the RSA certificate issued to any staff member involved in the sale and service of liquor, or evidence of a staff member's enrolment in an approved course. Licensees must be able to produce the certificates, or evidence of enrolment when required and are now able to keep the records electronically. Further information can be found [here](#).

Tasmanian Gambling Exclusion Scheme Fact Sheet for Licensed Premises Gaming Licensees

Recently, the Tasmanian Liquor and Gaming Commission has increased its focus on the effectiveness of the Tasmanian Gambling Exclusion Scheme and the implications of venues not maintaining appropriate records or excluded persons not being identified. These are examples of serious breaches. On 10 October 2018 the Commission wrote to all licence holders outlining the importance of protecting excluded persons from gambling harm and enclosing information on how to respond if an excluded person was located within their venue.

The Commission has determined to take disciplinary action if venues are found to not have performed their responsibilities in the correct manner.

Applications for 'takeaway' liquor sales from restaurants

The Commissioner for Licensing has recently refused applications from restaurants seeking to provide takeaway liquor to patrons. Consideration of an application for the authority to sell liquor for consumption off the premises to customers who are purchasing a meal (whether dine-in or takeaway), is not a straightforward matter and the onus is on applicants to make a credible case for the Commissioner's consideration as to why these types of 'takeaway' sales should be authorised either under a liquor licence or a liquor permit. In recent examples, arguments put forward by applicants, although genuinely held, have not been sufficient to satisfy the Commissioner that proposals meet the requirement of the *Liquor Licensing Act 1990* and the Regulations. These arguments have included that:

- taking a partly consumed bottle of wine home would ensure that customers receive value for money as their purchase does not go to waste. It might also reduce the risk of over consumption on the premises and drink driving;
- liquor products from a geographic region should be matched with cuisine from that region and specific brands may not always be available for purchase from mainstream bottle shops;
- it would increase business sales; and
- customers have reasonably requested it.

When considering an application for a liquor licence or permit, including varying existing conditions, the Commissioner considers each case on its merits and must ensure that his decision supports the objects of the act, including minimising harm from the misuse of liquor and ensuring that supply of liquor is in the best interests of the community.

For further information about the best interests of the community as prescribed in the legislation, access the fact sheet available at: <https://www.treasury.tas.gov.au/liquor-and-gaming/liquor/liquor-guides-and-fact-sheets>

A reminder on the special licence condition - Sale of Tasmanian beer only

Special licences for tourist focussed venues will often have a condition restricting sale to Tasmanian produced liquor. With regard to beers, that condition will usually only permit the sale of Tasmanian brewed beer manufactured by a Tasmanian owned company. Brewers such as by Boags and Cascade are not Tasmanian owned companies and their product cannot be sold under a special licence with such a condition. Licence holders must be sure to check the conditions of their liquor licence and comply accordingly.

New requirements for sellers of liquor to Northern Territory

The Branch has recently written to all licence holders advising of changes to liquor legislation in the Northern Territory (NT) to minimise the harms associated with high-alcohol volume, low-cost alcoholic beverages in the NT.

From **1 October 2018**, liquor retailers who are based outside of the NT and who sell liquor by retail into the NT need to:

- hold a new NT 'interstate retailer licence' (apply online with no fee); and

- comply with a new minimum unit (floor) price for alcohol of \$1.30 per standard drink.

In addition, an interstate licensed retailer is required to:

- comply with the conditions of their home state or territory licence;
- provide data to the NT regulator to be used to assess the impact of the minimum unit price on reducing alcohol related harms; and
- comply with obligations in relation to liquor promotions.

More information and the NT interstate retailer licence online application are available from this link: <https://alcoholreform.nt.gov.au/floor-price>

Licensed premises recorded CCTV surveillance

The Commissioner for Licensing recently determined to require all liquor licensed premises that are permitted to trade after 2 am to have recorded CCTV (closed circuit television) surveillance in operation at all times the premises is open for trade.

This decision follows industry consultation and formalises what is already best practice among many of the responsible premises that are currently trading within these hours. The Commissioner considers that measures such as requiring recorded CCTV surveillance have been successfully implemented in other Australian jurisdictions to support the minimisation of alcohol-related harms.

The new requirement to upgrade, obtain or install a CCTV surveillance system will not commence until 1 March 2019, which will enable existing permit holders sufficient time to transition. Any new permit issued from 1 December 2018 that permits trade after 2 am will be issued with the CCTV surveillance conditions with a commencement date of 1 March 2019.

In conjunction with this decision to require surveillance, the Commissioner for Licensing has also approved a minimum standard of CCTV surveillance titled CFLRS002. These surveillance standards formalise the previous surveillance guidelines for licensees published by the Liquor and Gaming Branch.

Information about the Commissioner for Licensing Surveillance Standards CFLRS002 can be found [here](#).

Disciplinary action taken by the Commissioner for Licensing July 2018 – October 2018

Licence holder	Section of Act	Breach	Outcome
Craig Ferrar (Joe's Garage)	99(j)	Having an associate of a licensee who is not a fit and proper person	Letter of Censure

Disciplinary action taken by the Tasmanian Liquor and Gaming Commission July 2018 - October 2018

Licence holder	Section of Act	Breach	Outcome
Julfran Pty Ltd (Globe Hotel)	92(2)	Failure to provide a system for staff to view information on excluded patrons	Fined \$3 180
Grassroots Café Pty Ltd (Crown Inn)	92(2)	Failure to satisfactorily maintain exclusion records	Fined \$3 180
Grassroots Café Pty Ltd (Crown Inn)	92(2)	Failure to maintain Keno and EGM Logbook	Fined \$795
Grassroots Café Pty Ltd (Crown Inn)	92(2)	Failure to maintain Responsible Conduct of Gambling register	Letter of Censure
Grassroots Café Pty Ltd (Crown Inn)	92(2)	Failure to maintain a clock in the keno area that met the regulatory size requirements	Letter of Censure
UBET TAS Pty Ltd	76ZNF(c)	Sent player loyalty program upgrade email to excluded customers	Fined \$31 800
Australian National Hotels Pty Ltd (Wrest Point Hotel Casino)	98	Allowed a gaming machine to be played whilst it did not function in the manner it was designed	Fined \$15 900
Tasmanian Country-Club Casino Pty Ltd	92(2)	Allow a non-Premium Player Program member access to a Premium Player Program member-only automatic teller machine	Fined \$7 950

Licence holder	Section of Act	Breach	Outcome
Mandy Lee	2.3.1	Playing keno while on duty	Special employee's licence suspended for three months
Tirie Hall	2.3.1	Playing keno while on duty	Letter of Censure
Mandy Jones	2.3.1	Playing keno while on duty	Fined \$1 590
York Cove Investments Pty Ltd (Pier Hotel)	50(2)	Allowing staff to perform the duties of a special employee when not licensed to do so	Fined \$1 630
Burnie Club Inc (Burnie Club)	92(2)	Failure to comply with the Commission's Technical Standards for Recorded Surveillance	Fined \$1 630

INDUSTRY DATA

[Gambling Industry Data](#) published monthly and includes:

- gambling activities in premises;
- number of permits and licences;
- electronic gaming machine player expenditure;
- lottery agent and table gaming data; and
- number of exclusions issued under the Tasmanian Gambling Exclusions Scheme.

[Liquor Industry Data](#) includes liquor licences by location and number of liquor licences on issue

[Other legislation and data](#) related to liquor and gaming

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