

TASMANIAN LIQUOR AND GAMING COMMISSION LICENSED PREMISES GAMING LICENCE RULES

Effective 1 March 2020

CM: 20/17139

I PRELIMINARY

- 1.1 These Rules apply to the conduct of keno and gaming machine gaming in all hotels and clubs operating under a Licensed Premises Gaming Licence (Licence), and are in addition to the conditions imposed on the Licence by the Tasmanian Liquor and Gaming Commission and the *Gaming Control Act 1993* (the Act).
- 1.2 A licensed premises gaming (LPG) operator and its 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 An LPG operator must ensure that a copy of these Rules is available for free public inspection and must ensure that they are enforced or caused to be enforced at all times.
- 1.4 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*.
- 1.5 These Rules supersede all previous LPG Licence Rules issued by the Commission in relation to the terms explained in section 1.1 of this document.

2 GAMING MACHINE AREA

- 2.1 The physical boundaries of a restricted gaming area must be clearly defined and clearly separated from other areas of the licensed premises.
- 2.2 A restricted gaming area must not be the only thoroughfare to the exits, toilets, a public bar or any other part of the venue.
- 2.3 A coin change area must only be used in connection with gaming – food or drinks must not be served from this area. The public must be prevented from accessing any approved equipment located in this area (including the site controller) and must not be permitted to enter any coin change area.
- 2.4 Pool tables, bingo ticket machines, machines commonly known as “arcade amusement machines” and any gaming equipment which is not of a type approved by the Commission under the Act cannot be placed or operated within a restricted gaming area.
- 2.5 A restricted gaming area must contain the following number of analogue clocks.

Number of gaming machines in a restricted gaming area	Number of clocks required
1 – 20	1
21 – 40	2

- 2.6 Analogue clocks in a restricted gaming area must have a diameter of not less than 30 centimetres with clearly displayed numbers, in good working order and set to, or within, 10 minutes of the correct time. A clock must be clearly visible to patrons participating in gambling in the restricted gaming area.
- 2.7 A restricted gaming area must have sufficient lighting to enable clocks and signs to be easily read and the faces of people within the area to be easily identified. Where possible, this is to be achieved by maintaining or utilising natural light as a source of lighting.
- 2.8 Alcohol must not be served at any time to patrons while they are playing on, seated or standing at, a gaming machine.
- 2.9 Food must not be served to patrons while they are playing on, seated or standing at, a gaming machine between the hours of 6pm and the close of business each day.

3 KENO AREA

- 3.1 Keno must not be operated in an area that is used primarily for liquor off-sales in connection with the licensed premises.
- 3.2 An analogue clock with a diameter of not less than 30 centimetres with clearly displayed numbers, in good working order and set to, or within, 10 minutes of the correct time must be located in any area where a keno terminal is operated outside of the restricted gaming area. A clock must be clearly visible to patrons participating in gambling in these areas.

4 DURATION OF HOURS OF GAMING

- 4.1 Gaming can only be conducted at the licensed premises within the hours of operation specified in the liquor licence or permit issued under the *Liquor Licensing Act 1990*.
- 4.2 Gaming facilities can only be operated at the licensed premises for a maximum of 20 hours within any 24-hour period. There must be at least four continuous hours each day when gaming machines and/or keno are not operating.

5 PATRONS

- 5.1 Any patron who appears to be intoxicated or has been refused the service of alcohol must not be permitted to participate in keno or gaming machine gaming.
- 5.2 No minor (whether employed by a LPG operator or working at a licensed premises) can take part in the conduct of gaming or enter a restricted gaming area.
- 5.3 No fee of any kind (direct or indirect) can be charged for entry into a restricted gaming area.

6 COMPLIANCE WITH THE VENUE OPERATING PROCEDURES

- 6.1 The procedures found in the document titled *Venue Operating Procedures – Gaming Machines and Keno* (as approved by the Commission from time to time) must be adhered to at all times. This document must be physically located on any premises where gaming occurs.
- 6.2 Any matters concerning non-compliance with any requirements of the Act or any licence, code, directions or rules made under the Act must be reported to the Commission within 24 hours of being identified.

7 STAFF

- 7.1 All staff performing the duties of a special employee in the licensed premises must have a Special Employee's Licence that is current and appropriate for the duties that the employee is required to undertake.
- 7.2 At least one special employee who holds a certificate of competence as a Gaming Machine Supervisor must be on duty and present at the licensed premises at all times that gaming machine operations are conducted.
- 7.3 At least one special employee who holds a certificate of competence as a Senior Writer must be on duty and present at the licensed premises at all times that keno operations are conducted.
- 7.4 An LPG operator must ensure that all special employees who are employed or working in the licensed premises, whether for remuneration or reward or not, have completed a RCG Course at least every five years from the date they received their most recent RCG qualification.

- 7.5 An LPG operator must maintain a record of all special employees employed by the LPG 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.
- 7.6 An LPG operator must ensure that a person who is employed or working in the licensed premises, 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 LPG Licence and the Act.

8 PROVISION OF CASH TO PATRONS

- 8.1 An LPG operator must not provide, authorise or permit anyone to provide, for use in or on the licensed premises or in any adjoining premises which are owned, operated, occupied, leased or otherwise controlled by the LPG operator, an automatic teller machine or other device (with the exception of an electronic funds transfer point of sale (EFTPOS) terminal) that can be used to provide access to cash from a patron's credit or debit card account.
- 8.2 An LPG operator must not accept bank deposits, electronic funds transfers or any form of digital payments from patrons to use for gambling purposes.
- 8.3 EFTPOS terminals must not be accessible within a restricted gaming area or located in a coin change area, unless otherwise approved by the Commission or for the sole purpose of processing the payment of winnings by electronic bank transfer.
- 8.4 EFTPOS transactions must not be used for the provision of cash from credit accounts.
- 8.5 No more than one EFTPOS cash withdrawal transaction is permitted to be provided to each patron, each day, for any purpose and must not exceed \$200 in value.
- 8.6 An LPG operator and their staff must not suggest or encourage patrons that have reached the above withdrawal limits to access the EFTPOS facilities in the adjoining bottle shop for further cash withdrawals.
- 8.7 Cash provided as part of an EFTPOS transaction for gambling purposes must, where practically possible, be provided as notes, not coins.
- 8.8 Staff must take all reasonable steps to observe the gambling behaviour of their patrons and must not provide funds to a patron requesting any EFTPOS transaction for gambling purposes if that patron appears to be experiencing difficulties controlling their gambling.
- 8.9 An LPG operator and their staff must not cash a patron's cheque for any purpose unless the patron is an international visitor or an exemption from this requirement has been approved by the Commission. (For guidance on the exemption process, refer to the *Tasmanian Liquor and Gaming Commission Guidelines for seeking exemption to cash cheques* document.)
- 8.10 In circumstances where cashing a cheque is permissible (ie in a venue granted prior exemption or the patron is an international visitor) an LPG operator and their staff:
- must not cash more than one cheque per patron per day for gambling purposes and any cheque cashed must not exceed \$100 in value; and
 - must check the name of any patron wishing to complete a cheque cashing transaction for gambling purposes against the Tasmanian Gambling Exclusion Scheme (TGES) database prior to the transaction being completed.
- 8.11 Cheque cashing transactions for gambling purposes must not be completed for any patron who is excluded under the TGES. Staff must ensure that any patron excluded under the TGES who is attempting to cash a cheque for gambling purposes, leaves the venue or restricted gaming area immediately (in accordance with their exclusion requirements).

- 8.12 Coin change machines must be located in the line of sight of the venue's main staffed areas (staff regularly allocated to these areas), be directly supervised by staff, and be in the position approved by the Commission. (For details of the approval process, refer to the *Tasmanian Liquor and Gaming Commission Guidelines for seeking location approval of coin change machines.*)

9 PAYMENT OF WINNINGS

For the purposes of these Rules, winnings from gaming machines and keno are defined as any individual gaming machine payout that requires a hand-pay voucher or the payout value of any individual keno ticket.

- 9.1 Payouts to patrons from any individual gaming machine or keno ticket must not exceed \$1 000 cash. Where any required payout exceeds \$1 000, the amount of the payout that is above \$1 000 must be paid by cheque or, when requested by a patron, direct bank transfer if the operator can accommodate the transfer.
- 9.2 Patrons must be provided with the opportunity for any payout from gaming machines or keno in excess of \$300 to be paid by cheque or, when requested by a patron, direct bank transfer if the operator can accommodate the transfer.
- Venues have up to 24 hours to provide any cheque or bank transfer for the payouts, except in the case of weekends or public holidays, where payment must be made by the next business day.*
- 9.3 All cheques provided to patrons for the payment of payouts from gaming machine or keno gaming must have the words "Gaming Machine Payout" or "Keno Payout" written on the front of the cheque and be crossed "Account Payee Only, Not Negotiable".
- 9.4 The details of any patron requiring a cheque or direct bank transfer for a payout must be checked against the TGES database prior to the completion of the transaction. Any patron identified as being excluded under the TGES must be paid their payout and then be required to leave the venue or restricted gaming area immediately (in accordance with their exclusion requirements) and the details of the exclusion breach entered in the TGES database.

10 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.

- 10.1 An LPG operator must not offer or provide incentives or benefits to any other licensee and/or persons employed or working in the 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.
- 10.2 When checking a keno ticket for a patron, if the ticket has wins and staff offer to replay the ticket they must also offer the patron the option of a payout.
- 10.3 An LPG 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 the licensed premises.
- 10.4 Patrons must not be offered or allowed to use any inducement greater than \$15 for gambling purposes or offered multiple vouchers for gambling at the same time where the combined value would exceed \$15.
- 10.5 Any inducement, regardless of the amount that it is issued for, must be redeemable for services other than just gambling, for example accommodation, dining, entertainment.

- 10.6 Any inducement offered, other than one for a specific event, must be valid for a minimum of 30 days.
- 10.7 Patrons must not be offered the supply of free or discounted alcohol for consumption on the 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.
- 10.8 Patrons must not be required to gamble in excess of \$10 for a specific period of time in order to receive an inducement, obtain a prize or be eligible to enter a specific prize draw.
- 10.9 Patrons must not be required 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.
- 10.10 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.

II 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 the 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.

- 11.1 An LPG operator must ensure that any PLP which operates at the premises 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) With the exception of k) below, gambling related contact must not be initiated by 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) Amounts of \$20 or more held in the account of an inactive PLP member (inactive card) must be returned to the player after 11 months of inactivity by means of a cheque delivered to their home postal address or, where available, direct electronic funds transfer. Information unrelated to returning the funds is not allowed to accompany the cheque or the EFT advice.
- l) 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.
- m) 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).
- n) 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.

12 INFORMATION TO PLAYERS

An LPG operator must ensure that the following signs, brochures, stickers or information is affixed or placed as required.

- 12.1 Sign ORS02 "Minors Warning (Entrance)" must at all times be clearly displayed at every entrance to a restricted gaming area.
- 12.2 Sign ORS03 "Minors Warning" must at all times be clearly displayed at the location of each keno terminal and self-service keno terminal, unless the keno terminal is staffed and located within a restricted gaming area.
- 12.3 Poster ORP01 "Gamblers Help" must be displayed throughout the venue as instructed by the Commission from time to time.
- 12.4 Contact Card ORC01 "Gamblers Help" must be displayed throughout the venue in prominent positions and discreet locations, including toilets and gambling areas or as instructed by the Commission from time to time.

- 12.5 Brochure ORB01 “Gambling Regulation” must be available to patrons at all times and supplies of the brochure must be located in prominent positions wherever keno or gaming machine gaming occurs.
- 12.6 Brochure ORB03 “Need to Take a Break from Gambling” must be available to patrons at all times and supplies of the brochure must be located in prominent positions wherever keno or gaming machine gaming occurs.
- 12.7 Brochure ORB04 “Chances of Winning” must be available to patrons at all times and supplies of the brochure must be located in prominent positions wherever keno or gaming machine gaming occurs.
- 12.8 Brochure ORB09 “Complaints” must be available to patrons at all times and supplies of the brochure must be located in prominent positions wherever keno or gaming machine gaming occurs.
- 12.9 Sticker ORM01 or ORM02 “Minors Warning (Gaming Machines)” must at all times be displayed in a prominent location on the front of every gaming machine.
- 12.10 Any other sign, brochure, sticker or information as required from time to time by written notice from the Commission.

13 ADVERTISING

- 13.1 All advertising of gambling products by LPG operators must:
- comply with the ‘Code of Ethics’ adopted by the Australian Association of National Advertisers.
 - be socially responsible and consistent with the expectation that gambling will be conducted responsibly so as to minimise harm.
 - not be offensive or indecent in nature, and not offend prevailing community standards.
 - not be false, misleading or deceptive, including not misrepresenting the odds, the probability of winning a prize or the prizes that can be won.
 - not give the impression that gambling is a reasonable strategy for financial betterment or enhancing social situation.
 - not challenge or dare a person to play.
 - not suggest that skill can influence games that are games of chance.
 - not encourage or target people under 18 years of age to gamble.
 - 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.*
- 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.

14 CCTV SURVEILLANCE

- 14.1 An LPG operator must ensure that a CCTV surveillance system is operating at the licensed premises at all times that gaming is conducted and that the system meets the Commission’s *Technical Standards for Recorded Surveillance in Gaming Premises*. An LPG operator must comply with any requirement listed in the standards.

DATED 1 March 2020



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