



DEPARTMENT OF RACING,  
GAMING AND LIQUOR

# RGL FORM



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MARCH 2015  
**EDITION**

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## Shut down period as pre-cursor to launch of new regulatory system

The Department will replace multiple ageing and disparate systems with a single licensing and compliance solution in March.

The Unified Regulatory System, which will go live on 16 March 2015, allows the Department to improve and expand the online functions available to liquor and gambling licensees and other stakeholders. However, the new online functionality will not be available to customers until 30 March when a new portal is launched.

To enable a smooth transition from the old to the new system, a phased shutdown will occur for all of the Department's systems including our online system.

The first shutdown will occur over the period 12 to 15 March and will not affect services provided by the Department.

For online services the shutdown dates of our existing system are as follows:

- Approved Manager Applications - You must lodge your application online and present yourself to Australia Post by COB on March 23.

Application forms created prior to March 23 will not be accepted at Australia Post after COB March 23. Any existing applications that have not been submitted to Australia Post will require a new application to be completed online after 30 March.

- Occasional Liquor Licence Applications - You must lodge your application online by COB on March 25.
- Bookmaker Race Bet Levy Returns - You must complete and submit all details by COB March 26.

Please note that all "saved" partially completed applications or returns on the current online system will not be migrated to the new system, and will need to be re-entered on the new system after the 30 March.

All other new applications or submissions, not using the online facility, will be accepted by the Department throughout the system shutdown period and will be entered into the Unified Regulatory System from 16 March. All existing applications will continue to be processed with no action required from our clients.

The new systems and technology will provide significant benefits and online functionality over time. During

the transition to the new system the Department is endeavouring to keep any disruption to a minimum and your patience during this time will be greatly appreciated.

For further information, or if you experience any issues with the new system, please email [system.help@rgl.wa.gov.au](mailto:system.help@rgl.wa.gov.au) or call (08) 94251888.



## ANZAC Day and Good Friday trading conditions

**Licensees are reminded of their obligations regarding trading on ANZAC Day and Good Friday as set out in the Liquor Control Act 1988. Unless more restrictive hours have been imposed on your licence the following trading hours will apply:**

### Good Friday (3 April):

Hotels, taverns and small bars are required to close at midnight on Thursday, April 2 – trading is only permitted on Good Friday if liquor is sold and supplied ancillary to a meal supplied by the licensee between the hours of 12 midday and 10pm.

Hotels may sell and supply liquor to lodgers at any time.

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Nightclubs are permitted to trade until 3am on Good Friday – they cannot resume normal trading until 6pm, Saturday, 4 April.

The casino is not permitted to operate between the hours of 3am and 10pm on Good Friday.

Restaurants can trade at any time on Good Friday subject to normal trading conditions (that is, only ancillary to a meal). Liquor without a meal permits do not apply on Good Friday.

Clubs are authorised to trade until 12.30am on Good Friday, but only if liquor is sold and supplied ancillary to a meal supplied by the licensee. No other trading is authorised.

Producers are only permitted to trade on Good Friday if liquor is sold and supplied ancillary to a meal supplied by the licensee in a specified dining area between the hours of 12 midday and 10pm.

Liquor stores and wholesalers are not permitted to trade on Good Friday.

The permitted trading hours under a club restricted licence and a special facility licence are specified in the licence conditions. Licensees should check their licence document to ascertain if they are authorised to trade on Good Friday.

## ANZAC Day (Saturday, 25 April)

Hotels, taverns and small bars without extended trading permits (ETPs) are required to close at midnight on Friday 24 April – they cannot open until 12 midday on Saturday April 25. Hotels may sell and supply liquor to lodgers at any time on ANZAC Day.

Trading before 12 midday on Saturday April 25 is not authorised by an ETPs unless the permit specifies that trading before 12 midday on ANZAC Day is permitted.

In addition to the permitted trading hours, hotels, taverns and small bars may seek an ETP for the purpose of holding an ANZAC Day-related function specifically for Returned and Services League (RSL) members and their guests. No general public will be allowed entry to the function.

Nightclubs are permitted to trade until 3am on April 25 – they can then resume normal business hours which, being a Saturday is from 6pm.

The casino is not permitted to operate between the hours of 3am and 12 midday on Anzac Day.

Club licences are authorised to trade from 12 midday to 12 midnight.

In addition to the permitted trading hours, RSL clubs that hold a club or club restricted licence may apply for an ETP to trade between 6 am and 12 midday on ANZAC Day. These permits will be subject to normal trading conditions, that is, liquor may only be sold and supplied to members and guests. Non member ETPs may also be sought.

Producers and wholesalers are permitted to trade between 12 midday and 12 midnight on ANZAC Day.

Liquor stores (both metropolitan and country) to trade from 12 midday until 10pm on April 25.

The permitted trading hours for restaurants are at any time except from 3am to 12 midday on ANZAC Day, subject to normal trading conditions (that is, liquor must only be sold ancillary to a meal). Liquor without a meal permits do not apply before 12 midday on ANZAC Day.

The permitted trading hours under a club restricted licence and a special facility licence are specified in the licence conditions. Licensees should check their licence document to ascertain if they are authorised to trade on ANZAC Day.

## Licensees must comply with entertainment conditions

Licensees are reminded of their obligations in terms of “entertainment” provided at licensed venues.

A standard entertainment condition is imposed on most licences, which, amongst other things, prohibits lewd or indecent activities.

The condition also states that nobody on licensed premises is permitted to be immodestly or indecently dressed

In this regard, strippers, topless female staff and so on are not permitted on licensed premises.

This also refers to “skimpy barmaids” who are required to abide by these conditions at all times.

For more information, see the Director’s policy on entertainment conditions at [http://www.rgl.wa.gov.au/ResourceFiles/Policies/Entertainment\\_Conditions.pdf](http://www.rgl.wa.gov.au/ResourceFiles/Policies/Entertainment_Conditions.pdf), or call the Department on 9425 1888.





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The guide provides assistance and information for local governments in relation to the Liquor Control Act 1988.

## Department develops local government guide

The Department recently developed a liquor licensing guide for local government authorities.

The guide provides assistance and information for local governments in relation to the Liquor Control Act 1988, as well as highlighting the important role they play in the liquor licensing process.

It includes information regarding liquor exemptions, sections 64 and 175 liquor restrictions, and liquor restricted premises – it also outlines the powers available to local governments in respect to licensed premises.

The document, A Guide for Local Government, was developed in consultation with the WA Local Government Association and the Drug and Alcohol Office.

To access the guide go to [http://www.rgl.wa.gov.au/ResourceFiles/Media/LiquorControlAct1988\\_AGuideforLocalGovernment.pdf](http://www.rgl.wa.gov.au/ResourceFiles/Media/LiquorControlAct1988_AGuideforLocalGovernment.pdf).

## Department expands social media presence

The Department recently launched its Twitter account @DRGL\_WA.

We will use Twitter to alert followers to issues that affect anyone involved in the racing, gaming or liquor industries – as well as those people who those industries cater to.

Our Twitter feed adds to our overall social media presence, with the Department launching its Facebook account a couple of years ago.

Be sure to follow us on Twitter, or like us on Facebook, to stay up-to-date with all the news relating to racing, gaming and liquor.

[Follow us on Twitter](#)

[Like us on Facebook](#)

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## Limits should apply to Chase the Ace game jackpots

One of the principal objects of the Liquor Licensing Act 1988, as set out in section 5(1)(b), is:

"to minimise harm or ill health caused to people, or any group of people, due to the use of liquor"

As a consequence, licensees are required to actively demonstrate their commitment to the principles of harm minimisation.

As part of these harm minimisation strategies, the Director of Liquor Licensing has a policy on Responsible Promotion of Liquor.

The purpose of that policy is to provide licensees with guidance on what promotional activities are considered acceptable and those that aren't.

The intent is to discourage licensees from offering liquor as an enticement to attract people to the premises, or adopting practices that encourage people to consume liquor in an irresponsible manner.

Giving liquor as a prize in gaming activities and the linking of tickets in gaming activities to the purchase of liquor has raised some concerns in the industry. In particular, the trade promotion lottery known as "Chase the Ace", where substantial cash or liquor prizes are offered.

Entry is generally linked to the purchase of liquor (eg. one entry for each drink purchased), and the competition is usually open for a limited time.

The person holding the ticket that is drawn out is offered a deck of cards to choose from, and if ace of spades is drawn, the person wins the prize; if that card is not chosen, then the prize jackpots to the following week. In some cases, the jackpot has reached \$10,000.

The concern is that when the jackpot increases to such a high amount, it may serve to entice patrons to drink more alcohol than normal (in order to gain multiple entries into the lottery). As a result, there is a strong likelihood that irresponsible consumption will occur.

The Director and the Gaming and Wagering Commission of Western Australia have jointly considered these concerns and have agreed that the Director will consider imposing conditions on liquor licences where problems occur in relation to trade promotion competitions.

The options that may be considered and may serve to minimise the potential for alcohol related harm, include:

- Where entry to the lottery is linked to the purchase of liquor, entry is restricted to one entry per person;
- The maximum value of cash prizes or jackpots must not exceed \$2000; and
- Juveniles are prohibited from entering the lottery.

To reflect the position of the Director of Liquor Licensing and the Gaming and Wagering Commission of WA, the Responsible Promotion of Liquor policy has recently been updated to include the following:

Where there is evidence that a licensee has not sold or supplied liquor in a responsible manner, the licensing authority may impose restrictive conditions on the licence.



Trade promotion lotteries like Chase the Ace may serve to entice patrons to drink more alcohol than normal.

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## Liquor licence decisions made on evidence-based submissions

From July 1, 2007 until January 31, 2015, 243 hotel, tavern, and small bar liquor licences were granted across the State, while 17 applications were refused. The following article demonstrates how supporting evidence, whether from the applicant or an objector/intervener, is considered during the decision-making process.

There has recently been public comment over the apparent disparity of “weight” given to evidence that is presented to the licensing authority in support of liquor licence applications against evidence presented by WA Police or the Executive Director Public Health (EDPH). In particular, it has been suggested that evidence relating to the tourism potential of a business does not carry as much weight as that relating to possible harm or ill health, and may result in the refusal of a licence application.

Essentially, the call has been for the tourism aspect of an application to carry as much weight as the possible harm/ill health issues when a decision is being made on an application.

It is incorrect to assume that one primary object of the Liquor Control Act 1988 has more credence than another when determining a liquor licence application, as all evidence is assessed on its merits and not in accordance with any pre-determined or statutory weighting.

While the concept of “weighting” is consistent with the need to weigh and balance all relevant considerations, the weighting assigned to evidence presented with an application is ultimately determined by the quality of that evidence.

Considering the objects of the Act is a mandatory requirement imposed on the licensing authority when determining an application. In this regard, the primary objects of the Liquor Control Act 1988 are to:

1. Regulate the sale, supply and consumption of liquor;
2. Minimise harm or ill-health due to the use of liquor; and
3. To cater for the requirements of consumers for liquor; and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.

Not only does the third primary object “allow” for a venue’s

tourism, community and cultural benefits to be considered in an application, but it is also incumbent on the licensing authority to assess an applicant’s case against the secondary object to “facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State”.

Consequently, where a business model for an application is based on tourism, evidence-based support from tourism/hospitality representative groups should form part of the applicant’s documentation, and the licensing authority must give weight to this in accordance with the evidence presented.

There has also been comment around the frequency that WA Police and EDPH intervene on liquor licence applications, and the influence this may have on an applicant’s success or otherwise.

While the Act provides for WA Police and the EDPH to intervene or object to an application, it does not mean the application has less chance of being approved.





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In other words, the information presented in an intervention does not hold a higher evidentiary status than that presented with an application. An objection however, carries the burden of establishing the validity of the respective objection.

As stated, each application is determined on its merits, and all relevant and legitimate evidence presented in relation to an application, including information contained within an intervention, is taken into consideration when the licensing authority is making a decision.

However, for any evidence supporting, or objecting to, a liquor licence application, it is imperative that the evidence presented is factually-based and relevant to the application in question.

In A Note from the Director General on Applying for a Liquor Licence that was first published in March, 2012 the Director General stated “The Liquor Commission has confirmed that it is not sufficient for applicants to merely express opinions about the perceived benefits of their application without an appropriate level of evidence to support those opinions and assertions.

“This means applicants must adduce sufficient evidence to demonstrate the positive aspects of their application, including that the proposed licence will cater for the requirements for consumers for liquor and related services. The Liquor Commission has determined that failing to do this means “... the granting of licences under the Act would become arbitrary and not in accordance with the objects of the Act.”  
(LC 32/2010: Element WA Pty Ltd).”

The Director General goes on to say “The private interest of an applicant wishing to establish a liquor outlet is not to be confused with the public interest. The requirements of the Act are directed at the licensing authority taking a balanced approach to the granting of new applications.

“It is not open for the licensing authority to make a finding to grant an application because it would be a good idea based on some general rule that it has formulated for itself on knowledge and experience gained in the determinations of other applications.

“There is an onus of proof for applicants to establish the merit of their application; section 38(2) of the Act states that “an applicant ... must satisfy the licensing authority that granting the application is in the public interest.”

In other words, evidence must be presented to the licensing authority to substantiate the assertions made in the case for (or against) a licence being granted.

Again, all liquor licence applications are determined on their merits. Relevant information presented in support of, or intervention/objection to, an application is taken into consideration as part of the decision-making process, and in all cases those decisions are based on the evidence presented to the licensing authority.

For the full version of A Note from the Director General, go to [http://www.rgl.wa.gov.au/ResourceFiles/Media/Note\\_from\\_Director\\_General\\_on\\_applying\\_for\\_licence.pdf](http://www.rgl.wa.gov.au/ResourceFiles/Media/Note_from_Director_General_on_applying_for_licence.pdf)