INTRODUCTION

Alcohol is a drug and therefore the government restricts the way it is sold and supplied (given).

Responsible Service of Alcohol (RSA) means serving and supplying liquor in a responsible manner. It also means that Licensees, Approved Managers and staff who sell or supply liquor are required to conduct their business in a responsible manner, and may all be held accountable for their actions.

The government has strict rules which control when and who can sell, serve and consume it. These rules are contained in Acts of Parliament and/or Legislation.

The primary aim of the Legislation and regulation in Queensland is harm minimisation. It ensures alcohol is sold by responsible people in a responsible manner to minimise and/or avoid its possible harmful effects.

LEGISLATION

Each State and Territory has its own laws with regard to liquor and this course is based on the legislation and licensing requirements of Queensland.

The legislation aims to ensure that alcohol is sold by responsible people in a responsible manner and that the possible harmful effects of alcohol are minimised or avoided (harm minimisation).


The legislation also aims to identify:

Who — alcohol may not be served to e.g. minors or unduly intoxicate

When — alcohol may be consumed e.g. trading hours on licences

How — alcohol may be sold e.g. authorities related to different licence types

Penalties apply to people that do not comply with the legislation that range from a fine to the suspension or cancellation of a liquor license.

LEGISLATIVE FRAMEWORK

In Queensland, the legislative framework for Responsible Service of Alcohol includes:

The Liquor Act 1992 and The Liquor Regulation 2002 (the interpretation of the Act) regulates the sale and supply of liquor and determine related penalties.

The Liquor and Other Amendments Act 2008, implemented as of January 1, 2009, establishes the first object of the Act as harm minimisation. This act is covered in more detail on the next page.

The Brisbane Specific Statutory Licence Conditions details specific licence conditions for premises operating in the Brisbane City Area.
The Responsible Service Supply and Promotion of Liquor Code of Practice was developed by the Office of Liquor and Gaming Regulation in consultation with key industry, government and community stakeholders. Its goal is to implement the law consistently. The code:

- Represents the agreed interpretations of the law by the industry sector.
- Provides guidelines to assist all stakeholders to identify and control risks associated with supply and service of alcohol.
- Outlines a range of practices and service guidelines to assist in making decisions regarding Responsible Service of Alcohol.

**RECENT AMENDMENTS**

The most recent amendments to the Qld Liquor Act 1992 were made in 2008 by the Other Acts Amendment Act 2008. A number of the changes made are detailed below.

The act introduced many changes: including changes to licence types; extended trading hours, "Approved Managers" to replace Nominees. It also introduced Risk Assessed Management Plans (RAMP) and Community Impact Statements (CIS).

Under this new legislation, the Licensee is not the only person who can be fined for breaches of the law. Penalties can also apply to the Approved Manager, Bar/Security, other staff and patrons.

The Chief Executive of OLGR was given new powers to order emergency closure or licence suspension where riotous behaviour is occurring, or is likely to occur, and is empowered to immediately close a premises in the face of riot or tumult for up to 48 hours.

Licenses were restructured into two types: commercial and community, with sub-categories based on the varying risks associated with the licensed operations.

Annual liquor licence fees were introduced. These were based on the risk a licensed premises poses. Each licensee will pay a designated base fee and loadings based on other risk factors such as trading hours and compliance history.

The Queensland Liquor Act 1992 can be viewed by clicking on the link below.

The Qld Liquor Act 1992

**HARM MINIMISATION**

Why is there so much regulation on the sale & supply of Alcohol?

As previously mentioned, the first objective of the Queensland Liquor Act is harm minimisation. Listed below are some examples of the harm caused by alcohol.

- **Driver & pedestrian deaths** of which 31% were the result of drivers having a blood alcohol reading over .05%
- **Police intervention** up to 80% police work is alcohol and drug related, including drink driving, property crime, assaults and domestic violence.
- **Hospital admissions** alcohol was involved in 8,196 hospital admissions and 43,238 bed days. The total cost of this hospitalisation was over $30 million dollars
- **Days off work** due to alcohol cost industry $1B per year in accidents & sickies
- 1/3 of all **Road deaths** in Australia; 6,500 deaths in 1992 across Australia with intangible cost of $377.1 million
- **Domestic violence**, physical & sexual, 50% are alcohol related.
- 40% of **violent crimes**, and 70-80% of **night-time assaults** are alcohol related
- **Homicide** alcohol affects 34% of offenders and 31% of victims
- **Problems faced by 15-24 year olds** linked with violence, crime, vandalism and property destruction are caused by alcohol.

**PENALTIES**

The Liquor Act 1992 imposes penalties for breaches. It imposes penalties on licensees, staff members and patrons.

**Minors**
It is against the law to:

- Sell liquor to a minor;
- Give liquor to a minor;
- Allow liquor to be given to a minor; and/or
- Allow a minor to consume alcohol.

**Penalty**

Licensee or Approved Manager: up to $27,500 – or an infringement notice of $2,750

Bar attendant or other staff – up $8800 – or an infringement notice of $1100

**Unduly Intoxicated Patrons**

It is against the law to:

- Sell liquor to an intoxicated patron
- Give liquor to an intoxicated patron
- Allow liquor to be given to the patron
- Allow the patron to consume liquor

**Penalty**

Licensee or Approved Manager: up to $55,000  Bar attendant or staff – up $8,800

**PENALTIES – RESPONSIBLE MANNER**

The Liquor Act 1992 requires Licensees to conduct their business in a responsible manner.

It is against the law for Licensees/Approved Managers to engage in practices or promotions that encourage rapid or excessive consumption of liquor.

**Penalty** – Licensee or Approved Manager $11,000

A Licensee or Approved Manager is also liable to have disciplinary action commenced against them for irresponsible service practises and/or failing to comply with the Liquor Act and regulations. One or more of the following penalties may be applied:

- Up to $11,000 fine;
- Reduced trading hours or varied Licence conditions or limiting authority to trade;
- Suspension or cancellation of licence;
- Disqualifying the licensee from holding the licence;
- Disqualification of the Approved Manager

Responsible practices & unacceptable promotions are covered later in this course.

**PENALTIES – ADDITIONAL LICENSEE PENALTIES**

The Liquor Act 1992 also requires the Licensee to provide and maintain a safe environment in and around the premises.

The following breaches carry a maximum penalty of $11,000:

- Failure to provide safe environment.
- Failure to comply with closed circuit television conditions.
- Failure to employ licensed crowd controllers.
- Supply of liquor at a time which is outside trading hours of licence.
- Allow consumption of liquor on licensed premises at any time which is outside trading hours of the licence.
- Breach of lockout conditions.
- Failure to provide water free or at a reasonable cost.

Other breaches for which a Licensee liable include:

- Up to $2750 – failure to seize false identity documents.
- Up to $3850 – failure to maintain confidentiality while checking identities.
- Up to $2750 – failure to display appropriate signage.
- Up to $4400 – failure to comply with any condition on the licence.
THE LICENSE DOCUMENT

Each licensed premises is issued a licence document by OLGR

The licence document contains details of:

- the premises name,
- the premises address,
- the name of the licensee,
- the principal activity of the business and
- the time within which the business may trade in liquor (trading hours).

It is important for staff to know the type of licence under which the premises operates to understand the way in which liquor may be sold or supplied within that business.

Penalties apply to licensees and staff responsible for breaching a licence condition.

RMLV & APPROVED MANAGERS

The OLGR introduced new provisions that will provide greater accountability, professionalism and flexibility in management across all of Queensland’s licensed venues.

The OLGR requires all applicants for liquor licences, including new licences, transfers of licence or change of nominee, to undertake Responsible Management of Licensed Venues (RMLV) and RSA training courses. These courses focus on liquor laws, harm minimisation and best practices in venue management.

Under the new requirements, the old role of Nominee has been replaced by an Approved Manager. Approval is also required for all managers of licensed venues to ensure they are responsible for compliance with the Act and conditions of the licence.

An approved Manager is responsible for managing the business in a responsible manner.

RAMP

A Risk Assessed Management Plans (RAMP) is a detailed document containing information about matters prescribed in regulation relating to the licensee’s management practices and procedures at the premises.

RAMP were introduced following amendments to the Liquor Act 1992 and are a harm minimisation initiative. They are required for all licence types and restricted liquor permits.

RAMP documents outline how the licensee will manage the premises in accordance to the first object of the Liquor Act 1992 - "to minimise harm caused by alcohol abuse and misuse."

The introduction of RAMP will, over time, replace existing House Policies.

RAMP is required, and must be included in, the following applications to the OLGR:

- New licence applications
- Licensees applying to renew 3am to 5am trading prior to 31 March 2009;
- Extended trading hours approvals;
- Permanent variation of licence applications;
- Permanent changes in licensed area;
- Transfer of existing licence; and
- Restricted liquor permits,

CIS

A Community Impact Statement (‘CIS’) is an assessment of the likely social and economic impacts on the local community area, which may result, should an application for changes to a liquor licence, or a new liquor licence, be approved.

Some factors that should be considered when defining the local community area include:

- Patron characteristics;
- Size and type of site (e.g. Local tavern, RSL, sporting or community club);
- Size and distribution of membership base (for club sites only);
- Distance;
- Physical barriers to site access (e.g., Major roads, waterways);
- Location of other venues;
- Cultural or social factors; and
- Population density.

It is not appropriate to base the selection of the local community area on a single factor alone. Rather, a combination of factors should be considered.

Applicants for most new licences will be required to complete a Community Impact Statement (CIS) and Risk Assessed Management Plan (RAMP).

Variations of licences (including conditions and extended hours) will also require a CIS and a RAMP.

If a venue is requesting a change to an existing licence, or an approval of a new licence, then a notice must be erected on the site of the application, notifying people within the local community of the proposed changes.

Community club applications will only require a CIS if so directed by the chief executive.

**LIQUOR ACCORD**

A Liquor Accord is a community approach to Responsible Service of Alcohol. They promote a co-operative approach to developing safe and well-managed environments in and around licensed premises. Liquor Accords are formally acknowledged as an effective and sustainable approach to dealing with alcohol misuse and alcohol-related issues in local areas.

Each liquor accord is formulated by its members to resolve local issues within a local area. Its members include representatives from licensed premises, businesses, councils, police, government departments and other community organisations.

A Liquor Accord document formalises a voluntary agreement between licensees, council, police, health, and other stakeholders or Accord members.

The principles of an Accord should be reviewed on an on-going basis and reflect:

- the Code of Practice for the Responsible Service, Supply and Promotion of Liquor:
- the Liquor Act 1992;
- And other legal requirements as they apply.

A Liquor Accord in no way substitutes, or directly impacts, on the normal liquor licensing enforcement and development approval processes. Licensees are still required to proceed through normal development approval processes for any new or changed licensing conditions.

The Code of Practice should be used to coordinate local business practices to meeting the objectives of the agreed Accord strategies.

As at 1 April 2011, there were over 94 liquor accords operating in Queensland.

**WHAT IS ALCOHOL**

Now that the legal framework of Responsible Service of Alcohol has been covered, it is important to understand what alcohol is and what its affects are.

Alcohol is the common name for ethanol. It is a drug that depresses the central nervous system and retards the part of the brain that controls behaviour.

The word alcohol comes from the Arabic word ‘al Kabul’, and it is believed that one of the earliest mentions of alcohol in the form of wine making, dates back to about 3,500 BC from an Egyptian papyrus.

Brewing is almost certainly the most ancient manufacturing art known to man, and is probably as old as agriculture.

Beer is also as old as bread — in fact it is probable that either beer or bread may have been a by-product of the other. According to archaeologists, “beer bread” was known in many eras.

It is important that people serving liquor understand how much alcohol they are providing to their customers.

To make judgements about your customers drinking patterns, and where they might lead them, it is important to understand how much alcohol is contained within each drink. Standard drinks are covered later in this section.

**DEFINITION OF LIQUOR**
1. a spirituous or fermented fluid of an intoxicating nature intended for human consumption.
2. also includes any other substance intended for human consumption in which the level of ethyl alcohol (ethanol) is more than 5ml/L (0.5%) at 20°C.
3. It also includes any other substance containing ethyl alcohol (ethanol) which substance is prescribed under a regulation as liquor.
4. However, "liquor" does not include a fluid, that would otherwise be liquor, if it is used merely as a preservative or medium in which fruit is offered for sale to the public in sealed containers and with the contents visible

Under the Liquor Act 1992, mentholated spirits are NOT liquor for two reasons:

1. They are not intended for human consumption;
2. They are methyl alcohol, not ethyl alcohol.

**ALCOHOL’S NEGATIVE EFFECTS**

Alcohol can have a negative impact on society through:

- Family & Relationships
- Work
- Law
- Finances
- Health
- Personal Safety

In 1998, the National Drug Research Institute released the following statistics relating to patterns of alcohol consumption in Australia.

- 39% of respondents consumed alcohol at levels that posed long term health risks
- 51% of respondents consumed alcohol at levels that posed short term health risks
- Persons below 25 years of age had the riskiest drinking patterns

It is important for venues to provide information to patrons on the range of non-alcoholic beverages available for purchase.

**IMPORTANCE OF RSA**

The Responsible Service of Alcohol is important for legal, health and social reasons.

Alcohol is not often thought of as a drug, as it is commonly used for religious and social purposes in most parts of the world.

However, it is a drug and drinking in excess has become one of society’s more serious problems. Alcohol is a depressant or a downer that reduces activity in the central nervous system.

Alcohol makes people more lively and talkative because it depresses some of our normal inhibitions. This can be a positive thing, but the continual consumption of alcohol can lead to undue intoxication which often results in poor standards of behaviour and a variety of physical effects.

Being aware of the impact and effects of alcohol abuse helps us to understand what strategies we need to adopt to ensure we operate a responsible business.

**IMPACTS OF ALCOHOL**

To be certified in Responsible Service of Alcohol, you need to understand how alcohol works in the human body. You also need to understand how bodily functions and human behaviour change when alcohol enters the body.

Intoxication commences when the first drink of alcohol enters the body and can affect a person's behaviour within minutes. Even small amounts of alcohol affect the normal functioning of the brain.

As more alcohol is consumed, the reduction a person's capacity to control their behaviour, often leads to inappropriate and dangerous behaviours. These behaviours impact on not only the individual, but on the broader community as well.

Drinking heavily over a short period of time usually also results in a hangover—headache, nausea, shaking and sometimes vomiting.

A hangover is due partly to poisoning by alcohol and other components of the drink, and partly to the body’s reaction to withdrawal from alcohol.

There are dozens of home remedies, but there is currently no known effective cure for a hangover.
ALCOHOL ENTERS THE BLOODSTREAM

Alcohol is primarily absorbed into the bloodstream through the walls of the stomach and intestines. After ingestion, the bloodstream carries the alcohol to the brain resulting in progressive impairment.

What is BAC?

Blood Alcohol Concentration (BAC) is a measure of the amount of alcohol in the bloodstream. It can be used as an indicator of how intoxicated a person is.

It is measured by the number of grams of alcohol in 100ml of blood. For example, a BAC of .05 means .05 grams of alcohol in every 100ml of blood.

The legal limit for BAC for fully licensed car drivers is below 0.05 (gram/100ml).

A BAC in excess of 15% can cause considerable depression of the central nervous system. Other drugs capable of depressing the central nervous system will increase the effects of alcohol on the brain.

As BAC increases it can lead to unconsciousness. In extreme circumstances, it can retard the part of your brain that controls breathing and cause death. This can occur with a BAC of greater than 0.40%.

DIFFERENT EFFECTS

The effects of any drug (including alcohol) vary from person to person. The rate at which your BAC increases depends on many factors including:

Gender - Female bodies contain a higher fat to water ratio than males. With less water to dilute the alcohol, the BAC will be higher.

Size - A larger person will have more water in their body to dilute the alcohol than a smaller person. It may take longer for a larger person to display signs of intoxication than a small person.

Fitness - Muscle processes alcohol whereas fat does not.

Health - Being tired, ill or stressed or tolerance (people not used to drinking) may affect a patron's reaction to alcohol.

Food - The presence of food in the stomach slows the rate at which alcohol is absorbed into the body giving more time for the body to remove it.

Rate of drinking - If liquor is consumed at a rate faster than one standard drink per hour, the BAC will rise as the body can only process one standard drink per hour.

Medication - Many medications interact with alcohol. This may increase the loss of control.

SOBERING UP

How does your body process alcohol? How do you sober up?

As blood containing alcohol circulates through the liver, it is removed by a process known as oxidation. 95% of the alcohol you consume is ultimately removed from the body by the liver. 5% is removed through breath, urine and perspiration.

It takes a healthy liver approximately one hour to process one standard drink; therefore, if a person drinks 10 pots of beer, the accumulated alcohol will take at least 10 hours to leave their system.

If they have 2 glasses of wine (200ml), it will be 4 hours before all that alcohol leaves their system.

The following methods have NO effect in reducing the level of alcohol in a person's body.

- Coffee
- Shower
- Going for a swim
- Going to the toilet
- Vomiting

The only way to sober up is to give your body TIME to process the alcohol consumed.
ALCOHOL’S HARMFUL AFFECTS

Alcohol is a poisonous substance. Excessive consumption can cause both short and long term harm to an individual’s health that may ultimately cause death.

Alcohol consumption has been linked to many health problems. Below are some examples.

Short Term Effects

- Sleep disruptions
- Fatigue
- Depression
- Hangovers and headaches

Long Term Effects

- Damage to unborn babies
- Impotency or Infertility
- Cirrhosis of the liver
- Mental illness
- Osteoporosis
- Stroke & Coronary Disease
- Muscle Weakness
- Stomach Ulcers & Digestive Cancers

AVOID THE LONG TERM EFFECTS

How do you look after yourself and avoid the short and long term impacts of alcohol?

Monitor and limit the amount of alcohol you consume over time and avoid drinking in a way that will cause the rapid or excessive build up of alcohol in your body.

The National Health and Medical Research Council warn that a person is probably harming their long term health if:

- They are male and have more than 4 standard drinks per day
- They are female and have more than 2 standard drinks per day

There should be at least 2 or 3 days a week when a person does not drink alcohol at all. It is not safe to add up the daily limit and drink it in one weekly binge.

Regular drinking above these recommended levels can damage health. Pregnant women, or women trying to become pregnant, should not drink alcohol at all. Over the short term (on any one day) it is considered high risk drinking to consume:

- 11 standard drinks for men, and
- 7 standard drinks for women.

These levels of consumption will substantially increase the likelihood of accidents and injury.

Serving alcohol in standard quantities is one way of managing the risk associated with the consumption of alcohol.

WHAT IS A STANDARD DRINK

A standard drink helps patrons be responsible about the amount of alcohol they consume and is important for people who want to drive after consuming drinks containing alcohol.

So what is a standard drink? By definition a standard drink is any alcoholic drink that contains 10grams of pure alcohol, regardless of what type of drink it is and what the volume is.

Charts on the next slides detail standard drinks. The chart details the common serving size of the product; the alcoholic content percentage by volume of the product and the number of standard drinks per serving size.
1 STANDARD DRINK EQUALS

<table>
<thead>
<tr>
<th>Drink Type</th>
<th>Volume</th>
<th>% Alc/vol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sparkling Wine</td>
<td>100 mL</td>
<td>13%</td>
</tr>
<tr>
<td>Regular Beer</td>
<td>285 mL</td>
<td>4.9%</td>
</tr>
<tr>
<td>Light Beer</td>
<td>425 mL</td>
<td>2.7%</td>
</tr>
<tr>
<td>Wine</td>
<td>100 mL</td>
<td>13%</td>
</tr>
<tr>
<td>Fortified Wine</td>
<td>60 mL</td>
<td>20%</td>
</tr>
<tr>
<td>Spirits</td>
<td>30 mL</td>
<td>40%</td>
</tr>
</tbody>
</table>

Each of these is one standard drink. A standard drink contains approx. 10 grams of pure alcohol.
STANDARD DRINKS

It is important to be aware that a standard drink and a standard size glass are not the same thing. Wine is often served in a 200ml glass. This quantity of wine contains 20 grams of alcohol (ie. 2 standard drinks). Cocktails can contain multiple standard drinks.

In Australia all bottles, cans and casks of liquor must, by law, state the number of standard drinks they contain and the percentage of alcohol by volume in the container.

High risk drinks such as Test Tubes, Shooters, Laybacks, Yard Glasses, Jugs, Buckets and Spray bottles or Backpacks are definitely seen as promoting irresponsible consumption of alcohol behaviour.

RTD AND ALCO-POPS

RTD’s and Alco-pops typically contain more Alcohol than a standard drink.

A relatively new product in the market place, a 'Ready to Drink (RTD) is typically based on a spirit with the mixer or soft drink already added. This product is also known as ‘Alcoholic Sodas' or ‘Alco-pops’. Historically these products have been marketed and directed at the young generation of consumers.

Recently these products have been a source of great debate about the responsibility or suitability of these products and the manner in which they are marketed. RTD’s have even recently received a tax specifically designed to reduce consumption of these products by young people.
Most RTD’s have a 5% alc./vol and are served in 250ml—300ml containers. It is still to be seen whether the introduction of this tax had the effect initially expected. There has certainly been a 20% drop in sales of RTD’s since the tax was imposed.

**TOPPING UP DRINKS**

Many people think they are being good hosts by ‘topping up’ a half empty glass.

In doing so they are inadvertently preventing the patron from keeping a check on the amount of alcohol they are consuming. Liquor servers should avoid topping up unfinished drinks.

**Mixing Drinks**

Mixing drinks does not make you drunk faster. It is the alcohol content of the drink which affects people, not the type of drink. However, mixing drinks may make the patron feel sick rather than more unduly intoxicated.

**HOUSE POLICY**

As part of a venue’s commitment to the responsible service of alcohol and harm minimisation, they produce a house policy document.

RSA House policy can be used to create an excellent set of rules and guidelines for both staff and patrons to follow inside a venue that can ensure the successful practice of responsible service of alcohol.

**A House Policy could contain:**

- Management’s commitment to the training of all staff in responsible serving.
- A commitment to serving patrons in a friendly, responsible and professional manner.
- Procedures for dealing with minors and intoxicated patrons
- The role staff should play - how far to go. Do staff call management or security?
- What assistance is offered - taxi, food, coffee?
- Detailed list of what behaviour would constitute refusal of service
- To record the incidents of refusal of service, details of fights or problem patrons.
- The role of security staff and who should be refused entry.
- A commitment to provide a range of interesting light or non-alcoholic beverages for drivers such as mocktails, fresh juices or a range of coffees.

**A SAMPLE HOUSE POLICY**

Below is a sample house policy.

The (name of premises) promotes and practices the responsible consumption of liquor.
The (name of premises) is committed to the training and support of staff in the Responsible Service of Alcohol (RSA.) Queensland law prohibits the consumption or purchase of liquor by persons who are minors, unduly intoxicated or disorderly. If a staff member is of the opinion that a patron is unduly intoxicated or disorderly, the staff member must not serve liquor to that person.

Customers deemed to be unduly intoxicated will be refused service, offered water and a taxi will be called if required. Patrons and staff must treat each other with dignity and courtesy at all times.

Patrons who are rude or offensive to staff or other patrons will be refused service and asked to leave the premises.

Minors may be on the premises if in the care of a responsible adult or guardian, but may not consume or purchase liquor. Minors are however, not permitted in the following areas: XX Bar, YY Bars, AA Bar, Beer Garden.

It is a condition of entry that patrons purchasing or consuming liquor must produce photo ID showing proof of age. Any patron attempting to consume or purchase alcohol who cannot provide proof of age will be refused service and asked to leave the premises.

A key objective of the (name of premises) is to ensure that the behaviour of our patrons does not adversely impact on other patrons, staff, our neighbours and the community at large.

**GOOD POLICY**

Listed below are some good policies for a licensed venue to adopt in order to meet their responsibilities for providing a safe environment and providing responsible service of alcohol.

**Provide safe transport options for patrons**

Simple strategies like recommending to a patron an alternative to driving home such as a taxi or a friend to pick them up is an easy way to provide safe transport options. Licensees and staff may engage with a local taxi service to establish a responsive relationship. Some licensees provide minibuses that drop locals home. Alternatively, if there is a designated driver, consider providing them with free non-alcoholic drinks.
Provide alternative to full-strength liquor

Assessing the range of soft drinks, juices, mineral waters and coffees available ensures patrons have alternatives to alcohol. Is there a market for "mocktails" (non-alcoholic drinks), what about crushed ice fruit daiquiris? What kind of low alcoholic drinks does the premises offer?

The advantages of encouraging consumption of light beer

- less tax for license
- more can be sold with patron remaining under .05
- the return of the "after work drink"; and
- fewer problems associated with intoxicated patrons

Close on time as per the licence

The licence document will specify the approved trading hours and when the venue must close. A period of 30 minutes is allowed at the close of business for patrons to finish their drinks and leave. This is known as the 'grace period'.

Conduct a self-audit of responsible service practices

To assist with providing responsible service, it is highly recommended that management conduct a responsible service audit to identify gaps in policies and procedures. In this regard, assistance in conducting an audit is available through the OLGR publication 'Responsible Service Code of Practice' or professional consultants may be engaged to conduct the audit.

SAFE ENVIRONMENT

A licensee can be fined up to $10,000 for failing to provide and maintain a safe environment in and around the premises.

A safe environment can be created by:

- ensuring good lighting and signage
- ensuring the venue is not overcrowded
- ensuring adequate security and safety measures
- ensuring regular glass removal and empty bottle clearance

Overall — Be perceived as an establishment with good food, entertainment, image and reputation!

Food is important in the responsible service of alcohol as it may assist in slowing the absorption rate of alcohol.

Quality food does much to ensure that patrons not only drink on the premises, but eat as well. If food sales are high then there is less risk of unduly intoxicated customers.

Remember snacks containing bread help absorb alcohol whilst ones containing a high salt content make patrons thirsty for another drink.

Entertainment can provoke bad behaviour or generate a calm atmosphere.

To maintain a good reputation, it is important to be responsive and understand what customers want. Build customer loyalty, as this means repeat business.

SECTION 2 - RESPONSIBLE HOSPITALITY LAWS

Welcome to Responsible Hospitality Practices.

In this section, you will learn about Responsible Hospitality Practices including:

- Providing a Safe Environment
- Responsible Hospitality Laws
- Liquor Regulations & Other Laws;
- Unacceptable practices
- Good Practices
- Over Crowding
• Signage
• Acceptable Promotions
• Unacceptable Promotional practices
• Noise & how to determine if you venue is a noise nuisance
• What noise are licensees responsible for?

Happy learning!

RESPONSIBLE HOSPITALITY PRACTICES

Staff should be aware that establishments trading methods may have a significant effect on surrounding businesses or nearby residents resulting from:

• noise (entertainment, motors, patrons)
• Patron behaviour problems (e.g. yelling, swearing, abusing other people, vandalism).

Responsible hospitality means providing a safe and enjoyable environment for patrons.

It also means responsibly serving liquor to ensure that patrons do not become unduly intoxicated and subsequently a problem for management, staff and the neighbourhood.

RESPONSIBLE HOSPITALITY LAWS

There have always been laws about the responsible service of alcohol in the Queensland liquor legislation. That is, rules about not selling to minors, unduly intoxicated or disorderly patrons. There were even rules about not selling liquor to sexual deviants or perverts (although no criteria were given to assess who fell into this category!)

Early laws also touched on broader responsibilities such as requiring hoteliers to keep a lamp lit with at least two burners over the door from sunset to sunrise as a guide for travellers looking for accommodation and cracker style biscuits on the bar.

Public expectations have continued to evolve over the years and now there is an increasing focus on the responsibilities of licensees in the way they conduct their business. Not only are licensees expected to follow the law and prohibit liquor to certain people such as minors, they are also required to promote responsible consumption and provide a safe environment for all patrons.

In Queensland responsible hospitality laws were first placed in the legislation in June 1995. The majority of licensees within the industry conduct their businesses in a responsible fashion. However, a small number are interested in financial returns over the short term, with little concern for the consequences. This unfortunately has a flow on effect as other operators seek to compete for trade which gives rise to the adoption of irresponsible practices.

The laws focus on promotions, games, competitions and activities that encourage the rapid and excessive consumption of liquor. This does cause harm and may lead to vandalism, public drunkenness and violent behaviour that affects the whole community.

PROVIDE A SAFE ENVIRONMENT

Licensees are required to provide a safe environment in and around licensed premises and can be fined up to $10,000 for failing to do so.

A safe environment may include:

• provide a range of free or cheap snack foods, as drinking on an empty stomach will increase the likelihood of intoxication;
• train staff in the responsible service of alcohol;
• safe transport alternatives ie courtesy bus
• regulating drink size
• availability of water
• appropriate lighting inside and outside the venue
• adequate staff or security persons to monitor or control patron behaviour
• the convenient positioning of public telephones for patrons;
• displaying taxi cab and emergency telephone numbers; and
• the adoption of RSA initiatives.

Table and bar dancing should be considered high risk as well as conducting wet t-shirt competitions during which discounted liquor is served to patrons.

UNACCEPTABLE PRACTICES

When you are trying to provide a safe environment, there are some practices which should be avoided due to the potential for harm.
A good example is conducting a wet t-shirt competition with discounted drink promotions, without adequate staff or security to monitor liquor consumption. Some patrons might become unduly intoxicated and harass other patrons and staff.

The following incident actually occurred. Free drinks were offered all night for women. Later in the evening a wet-shirt competition was held and later again a slave auction of young women was conducted. The evening resulted in an alleged rape and a number of sexual assaults.

Not only do licensees risk fines and closure, they also risk civil action if a patron is injured from a dangerous practice or unsafe drinking environment.

Circumstances sometimes take care of irresponsible practices as one licensee found out. When providing flaming drinks at a bar that had a straw roof as part of an island hut theme. Not only was a large part of the venue destroyed by the fire, but also the irresponsible practices drew the attention of the insurance company.

GOOD PRACTICES
Providing a safe environment means the adoption of some techniques which will go a long way to deterring trouble.

Spotting Trouble
If staff are pleasant and friendly when serving patrons, trouble will seem 'out of place'.

Getting the right atmosphere is important. An attitude of 'anything goes' can encourage violence and loutish behaviour. Licensees have to earn respect from patrons.

A licensee who has earned the respect of patrons through fair treatment and a sociable, no nonsense manner will have fewer problems and the support of other customers in dealing with problems that arise from time to time.

Glass Removal
Regular removal of glasses and empty bottles is important. It ensures that patrons are aware of staff and security. It reduces possible breakages and broken glass problems, and also removes any potential weapons should trouble break out.

Get to know your regulars
By getting to know your regular patrons by name, their usual drink, and even perhaps the football team they barrack for, staff will encourage good behaviour through a friendly atmosphere and professional relationship.

Quiet corners
Particular attention should be given to areas that cannot be easily seen by bar staff or security. Regular collection of glasses or table swabbing will let patrons know firmly that there is passive supervision. It will also act as a deterrent for troublemakers.

OVERCROWDING
Do not allow any area to become too congested with patrons. In crowded areas patrons trying to socialise will get pushed and shoved whilst standing, and will have difficulty moving and being served. The spilling and slopping of drinks and wandering hands can create tension, frustration and conflict.

By regulating the number of patrons in an area you can:

- create a dimension of attractiveness through the impression of popularity and restricted access
- ensure that liquor servers have enough time and visibility to assess levels of undue intoxication
- comply with the responsible hospitality practice regulations; and
- Comply with fire safety requirements.

OTHER SAFETY ISSUES
In providing a safe environment, the list of safety measures that may be considered is quite extensive. Some other issues licensees should consider include:

- Regular fire and emergency evacuation training for staff;
- Ensuring emergency equipment is in good order and regularly inspected;
- Ensuring patrons leave after closing and do not gather outside;
- Alerting taxis prior to closing to be available for patrons, particularly on busy nights;
- Displaying posters and signs to remind staff and patrons of the issues and disciplinary actions involving undue intoxication and underage drinking;
- Displaying trading hours in a prominent position;
• Ensuring that furniture and fittings are in good repair and do not contribute to accidents;
• Being aware of the potential weapons some patrons may possess.

OTHER LAWS

The Chief Executive for OLGR also has the power to close licensed premises and take action if there are any concerns with fire equipment, exits, health hazards or any other safety issues. The venue is to remain closed until all matters are rectified (s140). This will not only result in a considerable loss of trade, but also potentially tarnish a business reputation. Therefore compliance with a number of other pieces of legislation is also required.

Below is a list of some of the more significant legal requirements for liquor Licensees:

• Liquor Act 1992;
• Security Providers Act 1993;
• Workplace Health and Safety Act 1995;
• Industrial Relations Act 1999;
• Workers Compensation and Rehabilitation Act 2003;
• Food Act 1981;
• Anti Discrimination Act 1991;
• Business Names Act 1962;
• Trade Measurement Act 1990;
• Tobacco and Other Smoking Products Act 1998;
• Machine Gaming 1992;
• Fire and Rescue Service Act 1990; and
• Local by-laws outlined by Local Government.

SIGNAGE

Under the Liquor Act 1992, licensees must display the appropriate signage on the premises. These signs are available from the Office of Liquor and Gaming Regulation (OLGR).

EXTERIOR

The licensed premises are required to display an exterior sign that includes the following details:

• the name of the premises;
• the name of the Licensee;
• the nature of the premises, and
• the permitted hours for the sale of liquor.

The exterior signage must be in a prominent location and in lettering at least 15 mm high.
PROMOTIONS

Responsible hospitality laws under the Liquor Regulation 2002 require licensees to:

- Engage in practices and promotions that encourage responsible consumption; and
- Not engage in a practice or promotion that may encourage the rapid or excessive consumption of liquor.

The following definitions apply:

1. **Practice** - the manner in which liquor is served or supplied by licensees and permittees.

   - Advertising - any form of advertisements or commercials through television, radio, Internet, mobile phone, newspapers, magazines, billboards, posters, catalogues, etc.
   - Publicity - generating commercially significant news in the mass media.
   - Personal selling - with one or more prospective purchasers for the purpose of making sales and includes providing free samples for tasting or consumption.
   - Sales promotion - any other marketing activity that stimulates consumer purchasing such as.
   - Special offers - discounting, coupons, contests; and
   - Special methods - point-of-sale displays, other non-routine, non-personal efforts

2. **Promotion** - communication by licensees and permittees trying to persuade and influence customers to consume liquor including:

   - Advertising - any form of advertisements or commercials through television, radio, Internet, mobile phone, newspapers, magazines, billboards, posters, catalogues, etc.
   - Publicity - generating commercially significant news in the mass media.
   - Personal selling - with one or more prospective purchasers for the purpose of making sales and includes providing free samples for tasting or consumption.
   - Sales promotion - any other marketing activity that stimulates consumer purchasing such as.
   - Special offers - discounting, coupons, contests; and
   - Special methods - point-of-sale displays, other non-routine, non-personal efforts

3. **Rapid** - A male patron consumes 4 or more standard drinks in one hour. A Female patron consumes 3 or more standard drinks in one hour.

ACCEPTABLE PROMOTIONS

Promotional activities have to be managed and planned as well as any other business activity. They have the potential to jeopardise the safety of patrons and also to disturb the peace and good order of the neighbourhood.

ACCEPTABLE practices and promotions are those that:

- deter the rapid or excessive consumption of liquor, for example by stopping patrons from taking part in sculling games;
- have non-alcoholic and low alcohol beverages available;
- have drinking water available, free or at a reasonable cost;
- supply liquor in standardised quantities that can be recognised by patrons such as serving spirits in nips, using glasses or jugs with measured quantities, supplying liquor in labelled pre-packaged containers; and
- Serve patrons half measures of spirits on request.

UNACCEPTABLE PROMOTIONS

Unacceptable promotional practices are activities and promotions which encourage rapid and excessive consumption of alcohol. These may include:

- Promoting or conducting sculling games.
- Promoting drinks such as laybacks where a patron cannot monitor or control their consumption.
- Consuming liquor from dispensers such as water pistols which do not allow a patron to monitor their consumption or from glasses which cannot be rested, e.g. Test tubes.
- Producer/wholesalers or other persons supplying liquor on the condition that it is used to promote or conduct an activity which encourages rapid or excessive consumption or discourages patrons from monitoring or controlling their consumption of liquor.
- Conducting free or discounted drink promotions without appropriate levels of staff or security to monitor consumption levels.
- Supplying liquor in dispensers or containers that encourage rapid and excessive consumption or prevent patrons from monitoring/controlling their consumption. e.g. yard glasses
- Providing liquor to a patron while holding their EFTPOS card or other property in a way that discourages the patron from monitoring or controlling their liquor spending.

NOISE

Most complaints about licensed venues relate to noise.

The Queensland Liquor Act 1992 addresses the issue of noise from a licensed venue so as to minimise the impact on surrounding businesses and residences.

Section s187, Abatement of nuisance or dangerous activity, applies if an Investigator believes on reasonable grounds that:

a) noise coming from licensed premises or a utility area for licensed premises is

I. an unreasonable noise: or

II. in contravention of an order under section 46;

(c) Copyright hospitality institute of Australasia www.hia.edu.au
b) Because of activity in or near the licensed premises, there is a danger to persons or property that is likely to be aggravated by the continued supply of liquor in the locality.

Prescription of limits for noise that if exceeded constitute unreasonable noise

For the definition unreasonable noise in section 187(5) of the Act, the limits for noise are as follows:

a) between 6am and 10pm - the adjusted maximum sound pressure level LA10, plus adjustments for tonal and impulse components, exceeding the background level LA90 by more than 10dB(A); and

b) between 10pm and 6am - the sound pressure level LOCT10, in a full octave band with centre frequencies from 63Hz to 2000Hz, exceeding the background level LOCT90 by more than 84.113 in any octave band.

LICENSE NOISE CONDITIONS

Licensees should ensure that both management and staff are aware of any noise conditions on a license. At 3 am when a noise nuisance is being caused and the licensee has gone home for the night, staff must know:

- where the license document is located;
- the specific noise conditions on the license document;
- whether a noise limiting device has been installed on music equipment and how to ensure it is not intentionally de-activated;
- the powers of investigators and police to demand the noise be reduced; and
- The powers of investigators and police to close the venue.

FOR WHAT NOISE ARE LICENSEES RESPONSIBLE

Licensees are responsible for the noise emanating from:

- Entertainment at the venue
- Motors such as air conditioning and refrigeration units used for their business
- Patrons at the venue
- Patrons entering or leaving the premises

TOO LOUD?

It is important to remember that when staff are working in the venue, it is difficult to imagine how loud the noise might be for neighbours.

The simplest method to determine if the noise is too loud is to walk to the property line of the closest residence to the venue whilst entertainment is being conducted. Listen.

- Can you make out the words to the song?
- Can you hear the bass?
- Are patrons singing or talking loudly on entry or departure from the venue?
- Could windows or doors be shut to contain the noise more effectively?

If the answer is YES to any of these questions then the entertainment is definitely too loud.

Staff should advise the supervisor or manager so that the level of volume can be reduced.

If security staff are on duty they might be able to assist in encouraging patrons to move on when leaving etc.

SECTION 3 - UNDULY INTOXICATED

Welcome to the section on "Unduly Intoxicated & Disorderly"

In this section, you will learn about:

- What is Intoxication?
- Preventing Intoxication
- Disorderly Patrons
- Unduly Intoxicated Patrons
- Preventing Undue Intoxication & Peace Keeping
- Refusal of Service
- Do’s & Don’t of Professional Refusal of Service


- Patrons Remaining on the Premises
- Dealing with Aggression
- Peacekeeping
- Drink Spiking

THE LAW
The Liquor Act 1992 makes it an offence to serve

- Unduly intoxicated persons;
- sell or give liquor to a person in a state of intoxication;
- allow liquor to be given to the patron;
- allow the patron to consume liquor; and/or
- permit drunk or disorderly persons on premises.

Maximum Penalty:

- licensee, nominee or manager $55,000
- bar/security attendant or staff $8,800

DEFINE INTOXICATED

A person is said to suffer from alcohol intoxication when the quantity of alcohol the person consumes exceeds the individual's tolerance for alcohol and produces behavioural or physical abnormalities.

In other words, the person's mental and physical abilities are impaired. The person can't function and certainly should not be operating a motor vehicle.

Ethanol (alcohol) produces intoxication because of its depressive effects on various areas of the brain causing the following impairments in a progressive order as the person gets more and more drunk:

- inhibition of normal social functioning (excessive talking, showing off)
- loss of memory
- confusion, disorientation, movement not coordinated,
- coma, and ultimately
- The shutdown of the respiratory centres (death).

The best way for licensees and staff to determine if a person is unduly intoxicated is to observe behaviour and signs of changing behaviour.

RECOGNISING THE SIGNS

Unduly intoxicated means a state of being in which a person's mental and physical faculties are impaired because of consumption of liquor so as to diminish the person's ability to think and act in a way in which an ordinary prudent person in full possession of his or her faculties, and using reasonable care, would act under like circumstances.

The following signs which, in combination, may indicate that a person has had too much to drink.

- mood changes
- slurring or mistakes in speech
- raised speaking voice
- clumsiness, fumbling with change
- swaying or staggering
- confusion, lack of ability to hear or respond
- bumping into or knocking over furniture
- dozing while sitting at a bar or table
- crude behaviour
- spilling drinks or the inability to find one's mouth with glass
- inappropriate sexual advances
- aggression or belligerence
- inability to light a cigarette
TIPS TO PREVENT INTOXICATION

The licensee is not immune from action being taken if a police officer or licensing investigator believes the circumstances and, particularly, the undue intoxication level of patrons generally warrant further action. The following suggestions can help prevent intoxication

Have glasses or jugs of water available for patrons who want to ‘space’ their drinks, or for those that are driving.

Encourage the consumption of low alcohol and non-alcoholic drinks.

Provide free food or cheap snacks.

Reconsider bulk sales. In the case of beer, be discriminate in the use of jugs. With wine, consider offering all wines by the glass as well as the bottle, or stock a wider range of half bottles.

Ensure that customers understand that even at “all inclusive” nights (e.g. $50 banquets with food and drink supplied) you reserve the right to refuse liquor to any patron who appears to be unduly intoxicated

Adjust your prices to encourage moderation rather than intoxication. This may include low and non-alcoholic drinks that are priced lower than full strength drinks.

INTOXICATION AND PEACEKEEPING

Sometimes, you will be faced with a difficult situation. Here are some simple steps to help deal with that situation.

Tell early signs of intoxication

Alternatives – offer alternatives such as low alcohol drinks and water

Keep Calm – to avoid a situation escalating into aggression

Ever Courteous – always be polite

Clarify refusal of drinks in a non offensive factual manner

Avoid put downs and any suggestions of negativity

Report the situation to security

DISORDERLY PATRONS

Liquor cannot be sold or supplied to a disorderly patron. In the description of a disorderly patron, it must be said that this person does not need to be intoxicated or unduly intoxicated. This person could be sober or under the influence of another substance.

If permitted to remain on the premises, the potential for harm to staff or patrons is present. The protection of all is to be considered in the management of these particular individuals who are negatively impacting on the venue.

Penalties apply if the sale, supply or consumption to the disorderly patron is permitted.

Recognising the signs:

- mood changes
- aggression or belligerence
- Argumentative
- Boisterous
- Aggressiveness
- Violent
- Carelessness
- Disruptive
- Loud
- Affecting patrons comfort/enjoyment level
REFUSAL OF SERVICE

As part of your job, there may be times when you have to refuse service.

Service may be refused at any time for non-discriminatory reasons. For example, you may refuse service when patrons do not meet dress standards. However, there are times when you are required by law to refuse service of liquor, e.g. where a patron is unduly intoxicated, or you suspect the patron is under 18 years.

The main reasons for refusal of service are:

1. the law requires it - e.g. minors or unduly intoxicated or disorderly persons;
2. safety of the patron - the consumption of liquor is placing their safety in jeopardy;
3. safety of others - the consumption of liquor by a particular patron is placing the safety of other patrons in jeopardy; and
4. Civil litigation - the licensee may be held responsible for not adhering to points 1-3, should an unduly intoxicated patron endanger their life or the lives of others.

You should be sure of your reasons for refusal of service and these reasons should not be discriminatory (race, sex etc). A person has the right to take the matter to the Human Rights and Equal Opportunity Commission if they feel they have been subjected to discrimination.

Remember, if the patron who just walked in is slurring, it does not automatically mean they are unduly intoxicated. The person may have a disability. Common sense must be applied in each situation.

Dos & DON’TS OF REFUSAL OF SERVICE

Remember, you are complying with the law when you refuse to serve intoxicated or disorderly patrons.

DO obtain agreement from a supervisor and notify security, if available, before speaking to the patron;

DON’T call your patron a `drunk` but warn them politely that their behaviour is unacceptable;

DO be polite and avoid value judgements;

DO point to poster/signs behind the liquor service to reinforce your decision, e.g. " No More It’s the Law";

DON’T raise your voice - if they raise theirs, lower yours;

DO report the refusal of service to the supervisor;

DO explain the reason for refusal or service (e.g. continued bad language, inappropriate behaviour);

DO offer (if appropriate) non-alcoholic beverages instead, or phone a taxi or a friend to drive them home. It is harder to get angry with someone offering to do something for you;

DON’T think the matter is over because you have verbally addressed it;

DON’T put off refusal hoping that the patron will leave after the next drink - act while the patron can still be reasoned with;

DON’T tell them what to do or how to behave;

DO make sure that they leave the premises safely and that they don’t hang around outside;

DON’T be persuaded to give them one last drink after you have stated that they have had enough;

DO enter incidents relating to refusal of service in a log- book, especially those involving threats or aggression; and

DON’T let the issue go by because the patron has left.

PATRON MAY REMAIN ON PREMISES

It is NOT an offence if the licensee lets the unduly intoxicated person remains on the licensed premises.
This allows licensees some discretion in dealing with the patron. The licensee may be concerned that evicting the patron to find their own transport may place them in danger. However, the patron should be closely monitored to ensure there is no further access to liquor.

This does not mean that licensees can "balance out" the harm in serving a person to a state of undue intoxication by caring for a patron after service is refused.

If an unduly intoxicated person is found on the premises, police or licensing investigators will ask why the patron is there, how they reached their current state, and what action is being taken.

Examples of the type of action being taken by the licensee may include:

- allowing the patron to wait for friends to finish their drinks and take him/her home;
- waiting for a spouse or friend to collect the patron or a staff member to finish duty and take the patron home; and/or
- Providing the patron water, coffee, food and time to sober up before tackling public transport.

**KEEPING THE PEACE**

There will always be occasions when licensees or staff have to deal with people who are drunk or aggressive; situations that could get violent if they are handled badly. To keep the peace, calm the situation down and gain control.

Good licensees and their staff recognise that calming must come before controlling. There is no point in trying to exercise control until the person has calmed down. To calm someone else down, stay calm yourself. Never respond to provocation.

Best Practice for preventing problems is:

- Constant monitoring
- Use low-key monitoring techniques such as glass-collecting to watch out for potential troublemakers
- Watch out for early-warning signals in patron’s behaviour;
- Never ignore small problems
- Intervene early, but diplomatically; and
- Be tactful when refusing service to unduly intoxicated, minors or other ‘problem customers’.

**DEALING WITH AGRESSION**

There will be times when a patron becomes aggressive. Remember the following tips when dealing with an aggressive patron.

Never meet aggression with aggression.

Being aggressive doesn't solve the problem, it only makes it worse. Use calm, relaxed body language to take the heat out of the situation and to avoid presenting a challenge or a threat.

A lot of aggression in licensed premises is about status.

Being seen to be tough and macho, so try to move the offender away from their audience;

Always be clear about your decision

Whether you want the offender to leave the premises, stop drinking, or just sit down and behave, make sure this is clearly understood. Any doubt or ambiguity will cause further argument and aggression.

Never allow a confrontation to get personal.

When you refuse someone, give reasons based on the law, or house policy, and you make it clear that there is not personal dislike or criticism involved. Above all, make sure that offenders keep their dignity. "Let them have the last word", even when this means swallowing your own pride.

**PEACE KEEPING TIPS**

Some more tips for dealing with aggression.

Breathe (don't panic) – calm before control
Assess the situation for your own personal safety and the safety of others

Be calm and never respond to aggression

Try to diffuse the situation and reduce the interest from other patrons

Never meet aggression with aggression – this will frequently escalate the situation

Use calming language and calming body language – keep an open stance with palms open.

Be clear and introduce yourself and your role

Ask their name - this can assist in defusing the situation

Speak clearly and do not appear condescending.

Where required, speech should be polite, but firm, directive and not ambiguous.

DRINK SPIKING

In recent times drink spiking has become common and there is increasing concern about the dangers of drink spiking on licensed premises. It is the practice of putting a substance (usually a drug) into a person’s drink without them knowing.

Drink spiking is a criminal offence with a five-year jail term.

Drink spiking is not only placing illicit drugs into a drink. It may well be ordering drinks for people with extra shots of alcohol, such as vodka. This has direct implications in the responsible serving of alcohol.

Management should think of having a policy about the number of standard drinks they will serve in any one glass. Some establishments have a 2 standard drinks policy and will serve no more than 2 shots in any one drink. If a request for a cocktail with more than 2 alcoholic ingredients is received, then half shots are poured. Check what your venue’s policy is.

LOOK OUT

Any request for drinks with shots of spirit added should be viewed with suspicion.

Staff should look after people who suddenly appear intoxicated and scrutinise any person offering to assist them home.

Research shows drink spiking happens mostly in licensed premises that have a nightclub style of entertainment.

The majority of victims are female and many know their attacker. There have even been cases reported of women being photographed in compromising positions and the photographs then being posted on the internet.

Drink spiking is illegal and is a very dangerous practice that can lead to:

- assault & robbery;
- rape and sexual assault;
- extreme intoxication,
- outrageous and uncharacteristic behaviour;
- side effects to the victims health from unknown drugs; and death.

UNATTENDED DRINKS

Staff of licensed premises have been found, in some cases, to be the offender or have intentionally helped an offender to spike a drink.

Licensees are especially encouraged to ensure staff place ‘unattended drink’ cards over drinks temporarily left by patrons. Ideally, the graphic personal nature of the warning on these cards will discourage patrons from leaving their drinks unattended.

Unattended drink cards, along with posters advising patrons of how to reduce the likelihood of their drinks being spiked are available from OLGR.

The vigilance of you or your staff could save a person’s life or prevent a rape.
WHAT DO I DO

If a person suddenly appears to develop the symptoms of being unduly intoxicated or acts in an outrageously provocative manner, take the following actions:

- Go to the person and offer assistance
- Find out if they have a trusted friend in the venue who can help them get home
- If they become sleepy while you are speaking to them, there is a good chance they are the victim of drink spiking - carefully watch the person and arrange for a manager to assist them
- Take the person’s drink in its original container and give it to a manager for safekeeping in a secure location
- If possible, only touch the lowest part of the container and place it in a plastic bag. The drink may be crucial evidence in finding an offender.
- Call an ambulance and the police if the person appears to have been drugged
- if you are suspicious of anyone in the company of the victim, ask for their ID and take note of details
- If someone collapses and is unconscious call an ambulance immediately - but don't leave them alone.

Staff can help by:

- getting any affected person to a safe, quiet place and stay with them;
- call an ambulance if they become unconscious;
- ensure that the person who is assisting them home is indeed a friend
- always record what has happened and what action was taken in the incident register
- all drink spiking incidents should be reported to police.

SECTION 4 - MINORS

Welcome to the section on “Minors”

In this section, you will learn about:

- Who is a minor? Who is a responsible adult?
- Are minors allowed on licensed premises
- Secondary supply
- Why friends are liable too
- Office of Liquor & Gaming Officers
- ID Checking & Proof of Age
- Types of ID & what to look for when checking ID
- New Queensland drivers' license
- Fake IDs & their confiscation

WHO IS A MINOR?

In Queensland, any person under the age of 18 is considered a minor. The Acts Interpretation Act 1954 defines a minor as "an individual who is under 18".

Who is a responsible adult? A responsible adult, in relation to a minor, is any of the following:

- a parent;
- a step-parent or guardian: or
- an adult who has parental rights, duties and responsibilities in relation to the minor whilst the minor is on licensed premises or in a public

For more information refer to Minors, The Law & You fact sheet

MINORS & THE LIQUOR ACT 1992

On licensed premises (or at a place adjacent to licensed premises), under the Liquor Act 1992 it is an offence to:

- sell liquor to a minor
- supply liquor to a minor
• permit or allow liquor to be supplied to a minor
• allow liquor to be consumed by a minor
• allow a minor to consume liquor, and
• allow a minor who is not an exempt minor to be on licensed premises.

By including “place adjacent to licensed premises” offences, areas around bottle shops or other venues are captured.

It is also an offence for a minor to be ON licensed premises unless they are an "exempt minor". An exempt minor is discussed on the next slide.

Licensees and staff are required to ensure that minors are not on the premises and remove them from the venue as soon as they are found.

EXEMPT MINOR

Section 155(4) of the Liquor Act explains the term "exempt minor". According to this section, minors are allowed on licensed premises if they are:

• a resident
• an employee
• a person conducting lawful business
• training or work experience
• at a private function e.g. a wedding
• eating a meal or
• accompanied by a responsible adult

However, there are also restrictions around each of these categories of minor.

For example, in the case of on-premises (cabaret) premises, minors are not permitted at all on the premises after 5pm unless the premises is not being used for cabaret entertainment, and then only in accordance with the above conditions.

In the case of clubs, minors are permitted on the premises as long as their presence does not contravene the club’s constitution.

IRRESPONSIBLE SUPPLY

Following reforms to the Liquor Act 1992, harm minimisation is now part of the Act’s main purpose.

As part of the harm minimisation focus, irresponsible supply laws have been introduced. The purpose of the new irresponsible laws is to address problems associated with minors consuming liquor at private premises.

Events such as schoolies’ and youth parties held at private residences attracted significant attention in the community as a result of the behaviour of intoxicated underage teenagers. In some circumstances parents and other adults were providing liquor to minors without responsible supervision.

Under the new law, there are two offences:

1. for an adult who is not a responsible adult for the minor to supply liquor to a minor in a private place; and
2. for a responsible adult for a minor to supply liquor to the minor in a private place, without responsibly supervising the consumption of the liquor.

WHAT IS IRRESPONSIBLE SUPPLY

A range of relevant factors will be considered by police when determining if the supply of liquor to a minor is irresponsible.

These factors include:

• whether the adult is unduly intoxicated;
• whether the minor is unduly intoxicated;
• the age of the minor;
• whether the minor is consuming liquor supplied with food;
• whether the adult is responsibly supervising the minor’s consumption of the liquor supplied; and
• the quantity of liquor supplied and the period of time over which it was supplied.
What is NOT considered irresponsible supply?

The new laws will not penalise parents/guardians who choose to educate their children in the responsible consumption of liquor through supervised and limited consumption within the family environment.

ROLE OF THE POLICE

The new laws are specifically directed towards supply of liquor to a minor in private places. An offence under these new laws can only be investigated by a Queensland Police Officer.

A conviction of an offence of irresponsible supply could result in a maximum fine of $8,000.

A police officer has the power to seize the liquor if the officer reasonably suspects it is in relation to irresponsible supply to a minor. The liquor which is seized under this authority is forfeited to the State immediately.

For more information, refer to the OLGR Fact Sheet about Secondary Supply

FRIENDS ARE LIABLE TOO

Don't buy drinks for mates!

If you buy drinks for a mate who has had too much to drink, you can be fined up to $8,000.

If you buy drinks for a mate who is under 18 you can be fined up to $8,000.

If you are underage and decide to enter a licensed premise, you are considered to be breaking the law.

It is the responsibility of the licensee and staff to ensure you don’t enter the premise and therefore they must refuse your entry.

What happens if I make it into a licensed premise without detection e.g. at schoolies?

If underage, expect to receive an on-the-spot fine of $300. The minor may also receive a further on-the-spot fine of $225 if they have consumed liquor. As well as on-the-spot fines, court action can be taken and you may subsequently receive a fine of up to $2,500 for each offence you commit.

The minor will not be the only person fined — the licensee and staff may also be prosecuted and fined up to $10,000. Staff could even lose their jobs.

OLGR OFFICERS

Officers of the Office of Liquor and Gaming Regulation have the right to enter licensed premises at any time without notice to ensure that the Act and Regulations are being upheld.

They may issue infringement notices, on-the-spot fines, request access to compliance records and in cases enforce closure of the licensed premises.

An “Authorised Officer” may, at any reasonable time:

- Enter a licensed premises;
- Inspect a licensed premises;
- Require any person who has possession of books of account, or other records relevant to a licensed premise to produce those books of account or other records for inspection; and
- Require any person who is in a position to provide information relating to the sale, purchase or supply of liquor to answer any question put by the authorised officer on that subject.

BORROWED ID

Don't Fake it - fake IDs can land you in court with fines of up to $4,400

It is also illegal to borrow and lend IDs, and these practices are fined heavily. It is illegal to use someone else’s ID, You are both breaking the law if you do so and the ID may be confiscated.

What is an on-the-spot fine? These are issued by OLGR inspectors or by police and then if prosecuted may go to court.
CHECKING PROOF OF AGE

The Licensee, Approve Manager and staff are responsible for ensuring minors are not sold or supplied alcohol and that they are not on the premises unless they are an exempt minor.

It is important that all ID's have a photo and date of birth of the person. Some interstate driver's licenses do not have any photos and are therefore NOT acceptable.

Why? Because you can't verify who is the owner of the license.

The way in which ID checking is carried out will depend on your license type, the size of your establishment and the number of staff on hand.

For example, a city nightclub or hotel will check ID at the door, a club or country hotel will usually ask for ID at the bar and a waiter will ask for ID while taking a drink order at the table.

If a patron cannot produce suitable ID, refuse entry!

WHAT IS ACCEPTABLE PROOF OF AGE

Acceptable proof of age documents must have a photograph and date of birth. The following five forms of identification are acceptable in licensed venues.

1. Current Australian driver's or riders licence & or Australian learners permit;
2. A current Australian or foreign passport;
3. A current government proof of age card e.g. 18+ card from any state or territory;
4. Other current ID approved by OLGR (e.g. Victorian keypass card); and
5. International drivers license providing it has a photo and D.O.B. Where a foreign driver's license is not written in English, an international drivers permit issued in the foreign country of origin (including photo of licence holder and translation) must be presented with the foreign drivers license.

Note: Each of these forms of ID has a photograph and date of birth

Real or Fake? - IS THE ID GENUINE?

If you are presented with an acceptable form of identification, how do you determine if it is genuine?

The following hints will assist you to identify fake or tampered with identification documents:

1. Ensure you are in a well lit area. That way you can more easily identify alterations or irregularities.
2. Always have the patron remove the ID from its plastic holder or their wallet.
3. Run your fingers over the ID. Feel for pin pricks, lifted laminate, thicker than usual laminate, glued on photographs, dog ears or split sides and anything else unusual. Wrinkles, bumps and bubbles are possible indicators the ID has been tampered with.
4. Feel for ridges between the photo and the card.
5. Check the eye colour and height.
6. Check for obvious scratching, use of permanent markers, any smudges in print or possible blurring of typed dates of birth.
7. You can ask the patron to verify the personal details on the ID. For example, you could ask the person their star sign, year or month of birth? What is your postcode?
8. Familiarise yourself with the built-in security features for each form of identification. For example: look for the Queensland coat of arms in the laminate, or holograms for other states.
9. Additional supplementary ID that could be requested to back up photo ID includes: Medicare card, credit or charge card or other ID with signatures.

It is suggested that you actually look for anyone under 25 years of age. This way you will be screening a wider range of people and will pick up those minors who do look older than they really are.

And finally, if you have any doubts about the person being 18 years of age, you should refuse service or refuse entry to the establishment (if minors are not allowed to be there).
TYPES OF ID

[Images of various ID cards and documents, including driver's license, passport, and international driver's license.]
REPLACEMENT 18+ CARDS

All replacement 18+ Cards and licences now have a "D" imprinted to indicate a duplicate card has been produced. This should make it easier for you to detect fraudulent 18+ Cards and licences as they can now be easily distinguished from the original. If presented with a duplicate card, you may want to ask for a secondary from of ID.

Queensland Adult Proof of Age Card

The Queensland Government is replacing the Card 18+ to a more secure and durable and more credible Adult Proof of Age Card. The Adult Proof of Age Card provides proof of age for Queenslanders 18 years of age and older.

All current Card 18+ products will still be recognised and moving to the new card is optional. New cards are issued to all new Adult Proof of Age Card applicants. As with the current Card 18+, the Adult Proof of Age Card will not contain the cardholder's address details.

NEW QUEENSLAND DRIVERS LICENCE

The new Queensland Driver Licence (pictured below) is a more durable, plastic, credit-card sized card that replaces the current laminated driver licence.

The new Driver Licence has a computer chip to store your licensing details and personal information, and improved security features to reduce identity theft.

FAKE ID

It is an offence for a person to falsely represent themselves to be 18 years old with the intent to enter licensed premises or being supplied with liquor.

Licensees and bar/security staff are not the only ones who can be fined. The minor and anyone who tampered with the ID, or allowed the minor to use their ID may face fines.

If you are shown ID which has been tampered with, or you believe it is being used by the wrong person, you must confiscate the ID and complete a confiscation report. Then forward to the OLGR the ID and the confiscation report.

The Confiscation Report
The confiscation report should contain information that will assist the OLGR to determine the type of offence that has been committed and the appropriate course of action.

The OLGR officers will conduct enquires and if necessary, obtain further information from the licensee, manager, staff memeber or security. The decision to prosecute or issue an infringement notice is based on the seriousness of the offence.

Defacing or interfering with an ID is also an offence.

Remote Sale & Delivery of Alcohol

If you have an online site selling alcohol, or you take telephone, fax, email or mail orders there are a number of rules you must follow. Particularly with regard to minors and who can accept alcohol deliveries.

Online Sales

On your website you must display the following notice:

'It is against the law to sell or supply alcohol to, or to obtain alcohol on behalf of, a person under the age of 18 years.'

This notice needs to be prominently placed on your website - consider putting it on your home page as well as the actual page where online sales are made.

If you do not display this notice, you may be liable for an on-the-spot penalty or a court fine.

If you sell alcohol online, you must display your liquor license number prominently on the website and in any relevant advertisement published in print or electronically.

You can consider placing your liquor license number on the home page and the page where online sales are made. If you do not display your license number, you may be liable for an on-the-spot penalty or a court fine.

Confirm people are at least 18 years of age

At the time you make the first online or remote sale, you must confirm that the buyer is at least 18 years of age.

If you have regular customers, you only have to confirm they are at least 18 years of age the first time they buy alcohol from you if you keep a record of the customer’s date of birth. If you do not keep a record, you will have to get it when they make another order.

Give written instructions to deliverer

You must give written instructions to the person responsible for delivering the alcohol. The written instructions must require the alcohol to be delivered:

- to the adult who placed the order (include their name in the instructions);
- to another adult at the delivery address who can accept the order on behalf of the person who placed the order;
- if the delivery is made on a day after the sale was made through an internet site, in accordance with the customer’s instructions (such as delivery to another address).

Phone, fax and mail order alcohol sellers

If you sell alcohol by taking orders over the phone or by fax or mail order, there are a number of rules you must follow.

Display your license

You must display your liquor license number in any relevant advertisement published in print or electronically. If you do not display your license number, you may be liable for an on-the-spot penalty or a court fine.

Confirm people are at least 18 years of age

At the time you make the first sale, by phone, fax or mail order, you must confirm that people are at least 18 years of age.

If you have regular customers, you only have to confirm they are at least 18 years of age the first time they buy alcohol from you if you keep a record of the customer’s date of birth. If you do not keep a record, you will have to get it when they make another order.

Give written instructions to deliverer
You must give written instructions to the person responsible for delivering the alcohol. The written instructions must require the alcohol to be delivered:

- to the adult who placed the order (include their name in the instructions)
- to another adult at the delivery address who can accept the order on behalf of the person who placed the order
- if the delivery is to be made on a day after the order was taken, in accordance with the customer’s instructions (such as delivery to another address).

**Know who can accept alcohol deliveries**

A person under the age of 18 years cannot accept delivery of alcohol sold online, by phone, fax or mail order. Adults cannot ask children to accept deliveries.

If alcohol is delivered to a person under 18 years of age, an on-the-spot penalty or a court fine can apply to both the licensee and any person who delivered the alcohol on the licensee’s behalf.

**Checklist for licensees who sell alcohol online, by phone, fax or mail order**

- Make sure you put the compulsory notice on your website.
- Display your license number on your website.
- Put your liquor license number in any relevant electronic or print advertisement if you sell alcohol online, by phone, fax or mail order.
- Confirm the date of birth for all customers – they must be at least 18 years of age.
- Keep a record of the customer’s date of birth – otherwise you will have to get it when they make another order.
- Give written instructions to the person responsible for delivering the alcohol. The written instructions must require the alcohol to be delivered:
  - to the adult who placed the order (include their name in the instructions)
  - to another adult at the delivery address who can accept the order on behalf of the person who placed the order
  - if the delivery is made on a day after the sale was made through an internet site, in accordance with the customer’s instructions (such as delivery to another address).

**Checklist for couriers and delivery people**

- Get written instructions from the licensee on how the liquor is to be delivered.
- Do not deliver the alcohol to a young person aged under 18 years.
- Ask for proof of age documentation if you think the person accepting delivery might be under 18 years of age (to be safe it is a good idea to check for proof of age where the person appears to be under 25 years of age).
- Do not deliver the alcohol to empty premises until at least the day after the customer orders the liquor.

**Section 5 – INDIGENOUS ISSUES**

In this section, you will learn about:

- Restricted areas and general consumption;
- Alcohol Management Plans;
- Visiting restricted areas; and
- Laws regarding home brew and homemade alcohol.

Please press "Next" to start.

**General Consumption**

Many non-indigenous Australians often make assumptions regarding Aboriginal and Torres Strait Islanders’ abilities or behaviours after drinking liquor in comparison to their own behaviour. This unfortunately produces some very ineffective and generalised arguments.

For many non-indigenous people alcohol has been part of their cultural ancestry for decades if not hundreds of years and consequently they have built up a resistance to alcohol. In comparison, alcohol has only recently been part of Indigenous cultures.

**Special conditioning for licensed premises**

Special conditioning is in place for licensed premises situated within a few hours drive of Aboriginal communities and convenient for residents to purchase alcohol to take back to their community.
Four basic conditions have been imposed on most licensed premises situated in catchment areas near Indigenous communities.

These conditions are:

I. No alcohol sales to taxi drivers.

II. No licensee to hold a patron's bank access cards.

III. A ban on the sale of pre-mixed spirits in containers exceeding two litres and all other liquor in containers exceeding four litres.

IV. A ban on the sale of fortified wines in glass flagons.

These conditions do not apply in Cairns, Townsville and Mt Isa because of practical difficulties in conditioning all licensed premises in these large cities.

**Elders in the Community**

The negative repercussions of family obligations can significantly reduce a staff member's ability to refuse service when working in a venue in an indigenous community.

When staff are in the situation where it is not culturally appropriate for the staff member to apply refusal of service to elders, respected family members, council members and respected community individuals, staff need to consider softer approaches for refusal such as:

- Seeking the support of the manager or other patrons who are older and respected to apply the refusal of service instead of staff.
- Using culturally appropriate language to minimise any adverse reactions.
- Staff and managers should determine methods for refusal unique to their community.

**Culturally Significant Days**

Managers are encouraged to respect culturally significant days in respect to the sale of alcohol in Indigenous communities. Appropriate advice from councils and or community justice groups is provided to instruct managers to close canteens, taverns and take away facilities on significant cultural days. In some cases the requirement to close on significant days is a condition of a licence, in other cases it is left to the discretion of the manager.

**Examples of culturally significant days include:**

- Tombstone openings (Torres Strait Island tradition; however can also be conducted in mainland Aboriginal communities).
- Funerals (day of, day before or burial days).
- House openings (associated with family's mourning period).
- Festivals, road shows, community concerts and sports days (particularly where children are involved).

**Alcohol Management Plans (AMPs)**

The Cape York Justice Study Report 2001, by the former Justice Tony Fitzgerald, recommended a community-driven approach to alcohol management in indigenous communities. It also recommended conditions applying to licensed premises providing alcohol to Aboriginal and Torres Strait Islander people.

In April 2002 the Government responded to the report with the "Meeting the Challenges, Making Choices Strategy". One of the principle aspects of the strategy was the implementation of Alcohol Management Plans (AMPs), developed by Community Justice Groups in 19 identified indigenous communities.

The aim of an Alcohol Management Plan is to minimise the harm caused by alcohol abuse within indigenous communities by focusing on initiatives that reduce the supply of alcohol to the community, and reduce the community's demand for alcohol. The main initiative was the introduction of carriage limits.

Carriage limits apply in many remote communities. And alcohol restrictions apply to everybody that lives in, visits or passes through accord communities. Carriage limits define the amount of liquor that can be possessed, at any one time. This limit applies regardless of whether the alcohol is purchased within the community or brought in from outside. The carriage limit varies from community to community. Some restricted areas have a carriage limit of zero, which means no alcohol is permitted.

These limits apply equally to a person or any sort of vehicle regardless of the number of passengers. This means that if the carnage limit is set at one carton of beer, then a person can walk down the street carrying one carton of beer. A truck, car, plane, dinghy or any other mode of transport is also only allowed to carry one carton.
The driver of the vehicle whether it is a car, boat, truck, dinghy or plane is considered to be the responsible person and would be charged if their vehicle contained more alcohol than the carriage limit.

**Aboriginal and Torres Strait Islander Community**

The AMP legislation is aimed at improving the lives of people living in remote Indigenous communities through reducing the alcohol-related abuse and violence and to improve the health and wellbeing of all community members.

Key amendments to the Liquor Act 1992 are:

- Local government authorities cannot hold a general liquor licence from 1 July 2008.
- No other licence types will be affected by these changes.
- Councils, who currently held a general licence, may be granted a continuance up to 31 December 2008, subject to consideration of any current health and social harm issues.

The Torres Strait council will be allowed to continue operating for an extra 12 months.

Like the rest of Queensland, drinking in public places in Indigenous communities will be banned.

Within restricted area boundaries, wet areas can only be declared by regulation.

The alcohol restrictions will apply to the entire community area, including private residences and it will be an offence of attempting to bring illicit alcohol into a community.

**Visitors**

Those planning to visit, travel through or pass near any of the restricted areas should ensure they are aware of the laws. There are heavy penalties for anyone breaking the law.

If you are planning to visit, travel through or pass near an Indigenous community in you must ensure you are aware of laws restricting the type and quantity of alcohol that can be taken into or through communities.

You cannot travel through restricted areas with alcohol. You cannot have it in your vehicle or boat. Even if you are only travelling through the restricted area and not planning to stop.

Restricted areas are sign posted. There are heavy penalties for anyone breaking the law (fines of up to $41,250 for a first offence and up to $82,500 for a third offence or 18 months imprisonment).

The previously mentioned conditions do not apply in Cairns, Townsville and Mt Isa because of practical difficulties in conditioning all licensed premises in these large cities.

**Homemade Alcohol**

In March 2005, new laws banning the use of home-brew and home-made alcohol came into effect in the indigenous communities of Mornington Island and Aurukun.

Other communities have since adopted this ban. This legislation is maintained by the Department of Communities under The Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984.

The Queensland police service is responsible for enforcing the home-brew ban under the Aboriginal and Torres Strait Islander Communities Act 1984.
The maximum penalty for possession of homemade alcohol in communities with a zero carriage limit is:

- 500 penalty units (currently $37,500) for a first offence.
- 700 penalty units (currently $52,500) or 6 months imprisonment for a second offence.
- 1000 penalty units (currently $75,000) or 18 months imprisonment for a third or later offence.

For communities that do not have a zero carriage limit, but where home-brew is banned by regulation, the maximum penalty for possessing homemade alcohol is 250 penalty units ($19,000).

**Home Brew Legislation**

In communities with a home-brew ban, it will be an offence to:

- Possess a home-brew kit; (includes a fermenter, an airlock and a thermometer).
- Possess home-brew concentrate; (malt and hops user for brewing beer, wort and grape concentrate used for making wine).
- Possess home-made alcohol.
- Supply home-made alcohol to someone else.

Everyday food stuffs, such as yeast or cooking essences, aren't a problem unless it can be shown these items are being used to brew alcohol.

Home-brew and home-brew equipment is banned in communities with a zero alcohol carriage limit. It may also be banned by regulation in other communities as in the case of Doornadoee. A community justice group or council can approach the Department of Communities to have a home-brew ban implemented in their community.