

# Amended pro-forma liquor accord arrangement

## Important information for liquor accord participants

Liquor accord bodies are encouraged to tailor liquor accord arrangements to suit circumstances unique to licensees and your local community or precinct. You are not compelled to implement all or any of the accord strategies contained in this document.

### Implementing any highlighted strategies or provisions?

The 'Responsible service of alcohol' section of this pro-forma liquor accord arrangement have received conditional authorisation from the Australian Competition and Consumer Commission (ACCC).

You will receive the benefit of authorisation for giving effect to some or all of the **highlighted strategies/provisions** in the Responsible Service of Alcohol section, provided you first register your liquor accord arrangement with the Office of Liquor and Gaming Regulation (OLGR). The OLGR will register your liquor accord arrangement if it considers that the highlighted strategies/provisions you wish to implement are appropriate for reducing, and are proportionate to, the alcohol-related harms in your local community.

If your liquor accord body gives effect to, or take steps to implement, any of the highlighted strategies/provisions without first registering the liquor accord arrangement with the OLGR, members of the accord may be liable for breach of the *Competition and Consumer Act 2010* (Cth).

### Not implementing any highlighted strategies or provisions?

If your liquor accord body does not propose to implement any of the highlighted strategies or provisions, you should delete all highlighted provisions before you sign and commence implementing the liquor accord arrangement. In this situation your liquor accord arrangement does not need to be registered with the OLGR.

Individual accord members can still decide independently of each other to adopt the highlighted strategies or provisions provided they have not reached an agreement with other accord members to adopt these provisions.

### Future variations to your liquor accord arrangement

If your local liquor accord body wishes to implement any of the highlighted strategies that are not already included in your liquor accord arrangement (whether your liquor accord arrangement is already registered or not), you must develop a new liquor accord arrangement and register it with the OLGR.

### Strategies that depart from the pro-forma liquor accord arrangement

If your local liquor accord body wishes to vary the contents of this pro-forma liquor accord arrangement, or to otherwise depart from its contents, you are advised to seek legal advice on the implications of trade practices laws and other legal requirements before adopting the amendments. Even if your liquor accord is registered with the OLGR, you will not receive the benefit of authorisation for any

provisions of your liquor accord arrangement that are not in the same express terms as the highlighted strategies or provisions, unless those provisions are in narrower terms than the highlighted strategies or provisions.

For example, and in accordance with the scope of the ACCC's authorisation, liquor accord members are not permitted to agree on the actual price (at or above the minimum price) to be charged by liquor accord members for alcoholic beverages.

# PRO-FORMA LIQUOR ACCORD ARRANGEMENT

Stakeholders of the [insert name of local liquor accord body] endorse and will seek to uphold the strategies as listed below in our local area as a way of:

- promoting responsible practices in relation to the sale and supply of liquor at licensed premises
- minimising harm from the misuse of alcohol
- minimising alcohol-related disturbances, or public disorder, in the locality.

## DEFINITIONS

The following definitions apply to this accord:

**Extreme discounts** means half price drinks, 2-for-1 drinks or supplying drinks at prices that are below an agreed minimum price. This accord does not however, prohibit or restrict licensees from discounting drinks generally.

**Discounts of limited duration** include happy hours with a duration of less than an hour or promotions that set a short timeframe (e.g. 15 minutes) in which liquor is discounted. This accord does not however, prohibit or restrict licensees from discounting or promoting happy hours generally.

**Drinks that, by their method of consumption, encourage irresponsible drinking habits and are likely to result in rapid intoxication** include drinks that are offered in objects or items that are non-standard glasses certified by Weights and Measures (eg. test tubes and water pistols), and alcoholic drinks commonly known as “shots” or “shooters”. It also includes drinking games involving the consumption of liquor in a short period of time which can lead to rapid and/or excessive consumption of liquor (eg. skolling games and laybacks).

**Promotions that encourage rapid intoxication** include advertising, in a way that is visible or audible to persons outside particular premises:

- (a) the availability of free liquor or multiple quantities of liquor at those premises (such as “2-for-1 drinks” promotions)
- (b) the sale price of liquor at those premises
- (c) the promotion of the availability of liquor for consumption at those premises at a price less than that normally charged for the liquor (such as ‘happy hour’, ‘all you can drink’, and ‘toss the boss’ promotions).

**Very high alcohol substances** – This term is intended to capture drinks that contain any more than 2 standard drinks per serve.

Accord stakeholders are encouraged to refer to the *Liquor Act 1992*, *Liquor Regulation 2002* and the Code of Practice for the Responsible Service, Supply and Promotion of Liquor for further guidance.

## STRATEGIES

### 1. Responsible service of alcohol

#### No unduly intoxicated patrons

- Refuse to serve alcohol to, or allow entry of, persons who are unduly intoxicated.
- Encourage patrons to drink responsibly, and let them know they will be asked to leave if they become unduly intoxicated, disorderly, violent or quarrelsome.
- Promptly and politely ask patrons to leave when they are showing signs of being unduly intoxicated.
- Offer to call unduly intoxicated patrons a taxi and/or provide water while they wait in a safe environment.

#### No underage drinking

- Actively monitor all patrons to ensure they are not underage by checking proper proof of age identification (ID) at the door.
- Prominently display signage about restrictions on minors.
- Apply the following standards when checking ID:
  - The ID is removed from a wallet/purse or cardholder and held by the staff member conducting the check
  - The ID is checked to ensure it is current and is an approved form of identification - photographic driver's licence; or a proof of age card issued by a Government Department or approved entity (e.g. 18+ card, Keypass); or an Australian or foreign passport
  - The date of birth is checked to establish the age of the patron
  - The date of birth is checked for any tampering
  - The photo is checked to ensure it is the person presenting the ID
  - The photo is checked to ensure it has not been substituted or tampered with
  - The ID is checked overall for any bumps or raised areas which may indicate the identification has been tampered with.
- If staff believe that a document being presented is false, defaced or in the possession of a person who is not the owner of the ID and who is falsely claiming to be 18 years of age, the document will be confiscated and forwarded to the Office of Liquor and Gaming Regulation.

#### Discourage activities that encourage excessive drinking

- Ban practices and promotions that may encourage rapid or excessive consumption of liquor, for example:
  - 'drink cards' that provide multiple of free drinks
  - extreme discounts or discounts of limited duration
  - any other promotions or gimmicks that encourage rapid intoxication.
- Provide snack food during 'happy hours' where practical.
- Avoid serving drinks that offer alcohol in non-standard measures.
- Ensure smaller serves of drinks (eg half nips) are available at differential (lower) prices.

#### Not promote or sell alcoholic beverages that may encourage rapid or excessive consumption of liquor

- Avoid labelling or promotions that may encourage patrons to consume liquor irresponsibly and excessively to an unduly intoxicated state.
- Avoid offering drinks that, by their method of consumption, encourages irresponsible drinking habits and are likely to result in rapid intoxication.
- Not advertise or allow promotions of very high alcohol substances such as

overproof rum and high alcohol carbonated drinks.

- Not allow stockpiling of drinks.

#### Promote non- or low-alcohol beverages and food

- Offer and promote low alcohol beer at differential (lower) prices compared to full strength.
- Offer and promote a range of non alcoholic drinks at differential (lower) prices.
- Ensure bottled water is available free or for purchase at reasonable prices.
- Provide and promote reasonably priced snacks and food throughout operating hours.

## **2. Improve safety and security**

Provide and maintain a safe environment in and around the licensed premises, for example:

#### Maintain proper standards of behaviour

- Have a phone available for the use of patrons in a location where patrons using the phone can be heard above noise within the premises.
- Display phone numbers for taxis, police, ambulance and fire brigade adjacent to the phone.
- Have the name of the duty manager prominently displayed at each bar in the premises.
- Do not promote activities that might encourage harassment by patrons of the staff or other patrons.
- Clearly display a list of acceptable and unacceptable behaviour on premises (house policy), such as the non acceptance of excessive consumption of alcohol or any illicit drug use.
- Assign staff to actively monitor patrons and at regular intervals move through premises to assess any potential problems (monitoring should also include toilets).
- Actively liaise with police and other licensed premises when disorderly patrons have been ejected or are moving through the area.
- Ensure internal and external security procedures are well maintained and functioning effectively.
- Encourage phased and an orderly exit of patrons from premises when closing.

#### Maintain safety and security

- Conduct regular risk assessments of premises and surrounding environments.
- Ensure entrances and exits of premises are well lit and that immediate surrounds are safe and allow good visibility.
- Implement appropriate surveillance systems, such as closed circuit television systems, on premises.
- Ensure staff, including security staff are clearly identifiable (for example, distinctive t-shirts, uniforms, name tags etc.).
- Serve drinks in containers which minimize potential harm to customers.
- Fully cooperate with the police and other accord members on ways to improve public safety.
- Prevent criminal activity and disorderly conduct from occurring on premises.
- Notify the police immediately if something illegal or suspicious does occur.
- Door/security or reception personnel will, in addition to restricting entry by minors or unduly intoxicated persons to the premises:
  - wear clear ID at all times
  - not harass or intimidate passers-by or potential customers

- refuse re-entry to the premises to those who have caused a disturbance
- immediately contact police and other premises to inform them of potential 'problem' patrons in the vicinity
- check for the unlawful removal of alcohol from premises
- assist patrons in accessing safe transportation out of the area
- uphold any statutory requirements relating to security personnel and enter details of any safety incidents in the Premises Incident Register.

Maintain records of incidents and have appropriate communication with the police and other authorities

- Maintain a register of all safety and security incidents noting the time, date and nature of the incident in and around the premises and the response by staff and management (the 'incident register').
- Notify the police and other relevant authorities of any special events likely to significantly increase the number of people in the area. This should happen well in advance of the event.
- Train all staff to know help procedures and emergency numbers and when and how to fill out the incident register.
- Encourage all staff members to undertake first aid courses and, where possible, ensure one staff member with a first aid certificate is rostered on to each shift.
- Establish open communication with security at other venues via venue to venue radio and or a telephone contact listing.
- Ensure close liaison and open communication with the Office of Liquor and Gaming Regulation.

**3. Commitment to being good neighbours**

Improve the local amenity

- Assist patrons in accessing safe transportation out of the area (for example, door staff should volunteer information about access to a railway station, late night bus services and taxi ranks and encourage patrons to use these quickly and quietly when departing).
- Minimise noise generating from the premises.
- Educate patrons, including through signage, about the need to respect the local amenity and to arrive and depart the area in a quiet and orderly manner.
- Prevent the unlawful removal of liquor (other than packaged where permitted) from licensed premises.
- Ensure staff, specifically door and security staff are briefed on local environmental issues, including potential traffic, noise or security problems.
- Ensure police are informed of regular closing hours and any variations such as for special events or new activities.
- Respond to legitimate complaints and resident concerns and take all reasonable steps to ensure premises are functioning as a 'good neighbour'.

Patron responsibility

- Post signage that clearly explain licensee and patron responsibilities regarding the responsible service of alcohol (for example 'No More it's the Law' signage).
- Ensure staff are trained appropriately to advise patrons when they will no longer be served alcohol and will be asked to leave the premises.

Staff at licensed premises (including outsourced staff eg. security)

- Ensure all employees and applicable security staff have completed a

- Queensland approved Responsible Service of Alcohol course.
- Maintain a register of staff that have completed a Queensland approved Responsible Service of Alcohol course.
  - Provide regular updates to new staff and training on the accord and related responsible service of alcohol and harm minimisation policies and practices.
  - Ensure strict reference checks are conducted on all staff, including outsourced security staff, in the context of recruitment practices.
  - Ensure all staff are familiar with the incident register and are aware of how to use it when required.
  - Ensure staff have access to relevant literature on the accord, Queensland liquor laws and regulations.

Actively monitor and promote the accord

- Provide an ongoing commitment to the accord and to the continued proper management and conduct of the licensed premises.
- Notify the police, or other relevant authorities where appropriate, of any event or practice detected that may impact on the accord or any other licensing law or regulation.
- Establish and maintain effective complaints procedures.
- Promote educational and information items in the community to discourage the irresponsible service and consumption of alcohol.