

Code of Practice for the Responsible Service, Supply and Promotion of Liquor

June 2005



CABARETS
Queensland



Purpose

This Code of Practice provides a proactive whole-of-industry approach to ensure liquor is served, supplied and promoted responsibly. It also encourages the creation of safe, secure and social environments for patrons of licensed premises to minimise harm to individuals and the broader community.

The Code of Practice supports and progresses the Government's commitment in *Finding the Balance: Queensland Alcohol Action Plan 2003/2004 to 2006/2007 (Queensland Alcohol Action Plan)* to prevent and reduce harm associated with alcohol misuse in Queensland, and is based on the *Australian Alcohol Guidelines: Health Risks and Benefits* endorsed by the National Health & Medical Research Council in October 2001

The Code of Practice provides a universal guideline for use by the Liquor Licensing Division, licensees, permittees and their staff to identify and control the risks associated with a practice or promotion related to the service and supply of liquor, and comply with the *Liquor Act 1992*.

Legal obligations

Section 148A of the *Liquor Act 1992* imposes obligations on licensees and permittees in the conduct of business on licensed premises (or premises to which a permit relates) to:

- I. maintain a safe environment for patrons and staff of the premises; and
- II. ensure liquor is served, supplied and promoted in a way that is compatible with minimising harm from the use of liquor and preserving the peace and good order of the neighbourhood of the premises.

It is an offence if a licensee or permittee:

- Engages in a practice or promotion that may encourage rapid or excessive consumption of liquor (Maximum penalty \$7,500).
- Does not engage in practices and promotions that encourage the responsible consumption of liquor (Maximum penalty \$7,500).
- Does not provide and maintain a safe environment in and around the premises (Maximum penalty \$7,500).

Definitions

The following definitions apply to this Code of Practice:

- 1. Practice** The manner in which liquor is served or supplied by licensees and permittees.
- 2. Promotion** Communication by licensees and permittees trying to persuade and influence customers to consume liquor including:
 - i. Advertising – any form of advertisements or commercials through television, radio, internet, mobile phone, newspapers, magazines, billboards, posters, catalogues etc;
 - ii. Publicity – generating commercially significant news in the mass media;
 - iii. Personal selling – with one or more prospective purchasers for the purpose of making sales and includes providing free samples for tasting or consumption; and
 - iv. Sales promotion – any other marketing activity that stimulates consumer purchasing such as:
 - Special offers – discounting, coupons, contests
 - Special methods – point-of-sale displays, other non-routine, non-personal selling 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.
(Based on *Australian Alcohol Guidelines*, National Health & Medical Research Council, Canberra, 2001)
- 4. Excessive** A male patron consumes 11 or more standard drinks on any one day.
A female patron consumes 7 or more standard drinks on any one day.
(Based on *Australian Alcohol Guidelines*, National Health & Medical Research Council, Canberra, 2001)



Code of Practice

This Code of Practice commits the liquor and hospitality industry to:

- I. **Assess the risk** of all promotions and practices in accordance with the risk assessment guideline before the practice or promotion is commenced.
- II. **Develop a management plan** where any high risk is identified to demonstrate any risks can be controlled before the practice or promotion is commenced.
- III. **Not conduct** promotions and practices if:
 - there is any unacceptable risk; or
 - any high risk cannot be adequately controlled.
- IV. **Immediately cease** any practice or promotion that is underway if patrons:
 - consume liquor rapidly or excessively; or
 - engage in unsafe behaviour.



Ultimately, whether or not a promotion or practice is lawful will depend on how the actual promotion or practice is conducted by the licensee and their staff, whether the risks have been satisfactorily controlled, and the response of patrons.

<p>Consumption Rate</p>	<p>How many standard drinks (or equivalent) are patrons encouraged to consume hourly?</p> <table border="1"> <thead> <tr> <th></th> <th>Unacceptable Risk</th> <th>High Risk</th> <th>Medium Risk</th> <th>Low Risk</th> </tr> </thead> <tbody> <tr> <td>Male</td> <td>More than 4</td> <td>4</td> <td>2 to 3</td> <td>Up to 2</td> </tr> <tr> <td>Female</td> <td>More than 3</td> <td>3</td> <td>2</td> <td>Up to 1</td> </tr> </tbody> </table>		Unacceptable Risk	High Risk	Medium Risk	Low Risk	Male	More than 4	4	2 to 3	Up to 2	Female	More than 3	3	2	Up to 1									
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<p>Consumption Method</p>	<p>How is the liquor served for consumption?</p> <table border="1"> <thead> <tr> <th>Unacceptable Risk</th> <th>High Risk</th> <th>Medium Risk</th> <th>Low Risk</th> </tr> </thead> <tbody> <tr> <td>Drink stockpiling</td> <td>Yard glass</td> <td>Bulk pre-mix</td> <td>Standard measures</td> </tr> <tr> <td>Multiple shooters</td> <td>Test tubes</td> <td>Cocktails</td> <td>Half-measures</td> </tr> <tr> <td>Laybacks</td> <td></td> <td>Non standard measures</td> <td>Low alcohol drinks</td> </tr> <tr> <td>Water pistols</td> <td></td> <td></td> <td>Non alcohol drinks</td> </tr> <tr> <td>Offering trays of shooters</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Unacceptable Risk	High Risk	Medium Risk	Low Risk	Drink stockpiling	Yard glass	Bulk pre-mix	Standard measures	Multiple shooters	Test tubes	Cocktails	Half-measures	Laybacks		Non standard measures	Low alcohol drinks	Water pistols			Non alcohol drinks	Offering trays of shooters			
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<p>Discounting</p>	<p>What is the promotional discount compared to the regular price on premises for the equivalent drink?</p> <table border="1"> <thead> <tr> <th>Unacceptable Risk</th> <th>High Risk</th> <th>Medium Risk</th> <th>Low Risk</th> </tr> </thead> <tbody> <tr> <td>Gender based discounts</td> <td>50% or higher</td> <td>25% to 49%</td> <td>Less than 25%</td> </tr> </tbody> </table>	Unacceptable Risk	High Risk	Medium Risk	Low Risk	Gender based discounts	50% or higher	25% to 49%	Less than 25%																
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<p>Patron Safety</p>	<p>What are the risks of the promotion/practice to patron safety?</p> <table border="1"> <thead> <tr> <th>High Risk</th> <th>Medium Risk</th> <th>Low Risk</th> </tr> </thead> <tbody> <tr> <td>Physical injury risks</td> <td>Glass injury risks</td> <td>Reasonable physical activity</td> </tr> <tr> <td>Sexually provocative activities</td> <td>Slip/trip/fall risks</td> <td>Non-threatening environment</td> </tr> <tr> <td>Table/Bar dancing</td> <td></td> <td>RSA trained staff</td> </tr> <tr> <td>Pyrotechnics/Fireworks</td> <td></td> <td>WH&S Plan</td> </tr> </tbody> </table>	High Risk	Medium Risk	Low Risk	Physical injury risks	Glass injury risks	Reasonable physical activity	Sexually provocative activities	Slip/trip/fall risks	Non-threatening environment	Table/Bar dancing		RSA trained staff	Pyrotechnics/Fireworks		WH&S Plan									
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Examples of acceptable and unacceptable practices or promotions

Section 41A of the *Liquor Regulation 2002* prescribes examples of acceptable or unacceptable practices or promotions under the Liquor Act. The examples provided in the Liquor Regulation do not limit the operation of the Liquor Act in relation to other practices or promotion.

Acceptable	Unacceptable
<p>Competitions with prizes of food, meal deals or other non-liquor prizes are acceptable.</p> <p>Deterring patrons from taking part in skolling games.</p>	<p>Drinking Competitions that encourage rapid or excessive consumption of liquor or discourage a patron from monitoring or controlling the patron’s consumption of liquor are not acceptable.</p> <ul style="list-style-type: none"> • skolling games, ‘boat races’ • ‘laybacks’ • consumption of liquor from a water pistol • labelling or titling of promotions such as “Beat the clock” and “Drink like a fish”
<p>Supplying liquor in standardised quantities that can be recognised by patrons is acceptable.</p> <ul style="list-style-type: none"> • serving spirits in measured nips • serving liquor in glasses or jugs marked with measured quantities • supplying liquor in prepacked containers labelled with measured quantities <p>Serving half measures of spirits on request.</p>	<p>Using a container that encourages rapid or excessive consumption of liquor or discourages a patron from monitoring or controlling the patron’s consumption of liquor.</p> <ul style="list-style-type: none"> • serving liquor in a yard glass for skolling • serving liquor in a test tube shaped glass without providing a stand on which the glass can be placed • multiple supply of ‘shooters’ • offering trays of shooters
<p>Promotions involving low alcohol liquor, where it is clear from the advertising and promotional material that it is a low alcohol liquor promotion, are acceptable.</p>	<p>Promotions or drink cards which provide a multiple of free drinks, or extreme discounts on a given day or night are not acceptable.</p>
<p>Free liquor – A complimentary standard drink upon arrival is acceptable.</p> <p>Wine buffets and drink packages are acceptable provided:</p> <ul style="list-style-type: none"> • the function/event involves a full meal or banquet; • there are measures to monitor and control a patron’s consumption of liquor; and • appropriate action is taken to discourage rapid or excessive consumption of liquor. 	<p>Unlimited liquor consumption such as “all you can drink” offers and “free drinks for women” are not acceptable.</p> <p>Promoting free or discounted liquor without providing an appropriate number of staff or security persons to monitor and control patrons’ consumption of liquor is not acceptable</p>
<p>Helping patrons to arrange transport from the premises is acceptable.</p> <ul style="list-style-type: none"> • arranging the supply and convenient positioning of public telephones displaying telephone numbers for taxis and emergency services • allowing staff to make telephone calls to arrange transport for patrons <p>Providing appropriate lighting inside and outside the premises</p>	<p>Promoting or conducting an activity that encourages harassment of patrons or staff.</p> <ul style="list-style-type: none"> • conducting a ‘wet T-shirt’ competition during which discounted liquor is served to patrons, and the licensee does not provide adequate staff or security persons to monitor or control patrons’ behaviour and some patrons become intoxicated and harass other patrons and staff;
	<p>Holding a patron’s financial-institution access card and serving liquor to the patron on account over several days pending payment when the patron next receives social security benefits is not acceptable.</p>