HOUSE POLICY - PREVENTION OF INTOXICATION ON LICENSED PREMISES

WHAT IS THE PURPOSE OF THIS HOUSE POLICY?

This document:
• Details the measures in place to prevent intoxication on this licensed premises (including the method of complying with the steps set out in the guideline document “Prevention of Intoxication on Licensed Premises”).
• Describes how staff are instructed and trained to prevent intoxication on the licensed premises

ABOUT THE HOTEL

Jannali Hotel is situated at 34-38 Railway Crescent Jannali NSW 2226. The hotel comprises the following licensed areas:
• Bar Areas
  o Public Bar
  o Function Room
  o Gaming Room
• Minor Authorised areas
  o Public Bar
  o Function Room
  o Dining/Bistro
  o Beer Garden

LIQUOR LICENCE - Hotel Licence Number LIQH400103182

TRADING HOURS

• Approved Trading Hours
  o 5am -12am Monday to Saturday
  o 10am - 10pm Sunday
• Hours of Operation
  o 10am - 12am Monday to Saturday
  o 10am - 10pm Sunday
• Takeaway Sales
  o 10am - 10pm Monday to Sunday
  
  Note: Takeaway Sales must cease prior to 10pm, and liquor purchased by patrons prior to 10.00pm must not to be taken away after 10.30pm

THE LAW IN RELATION TO INTOXICATION ON LICENSED PREMISES

For the purposes of the Liquor Act 2007, a person is "intoxicated" if:

(a) the person’s speech, balance, co-ordination or behaviour is noticeably affected, and
(b) it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

LICENSEE OBLIGATIONS

- A licensee must not permit intoxication on licensed premises
- A licensee or an employee or an agent must not sell or supply liquor to an intoxicated person on the licensed premises
- If an intoxicated person is on licensed premises, then the licensee is taken to have permitted intoxication unless the licensee proves;
  - that the intoxicated person did not consume alcohol on the licensed premises
  - the licensee, their agents or staff asked the person to leave the licensed premises; contacted, or attempted to contact the police for assistance in removing the person; and stopped alcohol service to the person on becoming aware the person was intoxicated; and
  - the licensee or staff member has taken the reasonable steps set in the Guideline document “Prevention of Intoxication on Licensed Premises” issued by the Secretary, Trade and Investment (copy attached)

STEPS TO PREVENT INTOXICATION ON LICENSED PREMISES

- Do not serve liquor or allow liquor to be sold or supplied to any person who is intoxicated
- The licensee, staff and agents (including security officers) will ensure they hold a current Responsible Service of Alcohol (RSA) training certification
- Licensees/managers will ensure;
  - Paper RSA certificates are properly filed in the RSA register; and
  - RSA Photo competency cards sighted and expiry date noted. Whilst not legally required, house policy is to retain a copy of the photo card for records.
- that a range of non-alcoholic and low alcohol beverages are available at prices lower than standard measure drinks,
- that free drinking water will be available at all times
- that liquor is not sold or supplied or promoted in a manner that is inconsistent with the Liquor Promotion Guidelines issued by the Secretary, NSW Trade and Investment. (copy attached)

STEPS TO MONITOR LIQUOR CONSUMPTION AND PATRON BEHAVIOUR

- The licensed premises will be operated under the direct supervision of the licensee, or an appropriately experienced supervisor in the licensee’s absence whenever liquor is sold or supplied
- To the best of their ability, staff are to actively monitor liquor consumption by all patrons by;
  - being aware of who is purchasing alcoholic drinks
JANNALI HOTEL

- being aware how many drinks are being purchased and how many persons are in any groups for whom drinks are being purchased
- being aware of any stockpiling
- being aware of how many empty drinking vessels are being collected from individuals/groups

- Should staff become aware that a patron is consuming liquor irresponsibly they are to intervene and report this to the licensee/manager/security
- Should any staff become aware that a patron is intoxicated, they will
  - Stop further consumption of liquor, and
  - Request the person to leave the premises
- Any conditions imposed on the liquor licence, requirements under the Liquor Act 2007, or requirements of a development consent or approval under the Environmental Planning and Assessment Act 1979 relating to the engagement and duties of security personnel and/or RSA Marshalls are complied with

IMPLEMENTING HARM MINIMISATION MEASURES

- The availability of free drinking water will be actively promoted to patrons by
  a) Water containers and drinking vessels are clearly visible at each bar
  b) Signage;
  c) Electronic messages;
  d) Verbal instructions by staff; and/or
- Non-alcoholic and low strength alcoholic beverages are to be clearly listed as such on any sign boards
- Food is available at all times. (When the bistro/restaurant is closed, it is suggested any person requesting food is to be shown an after-hours menu or similar)

ADDITIONAL STRATEGIES BETWEEN MIDNIGHT AND 5AM (IF APPLICABLE)

- Not applicable

The following drinks will not be sold or supplied between midnight and 5am
- Not applicable

UNDER AGE PERSONS

- it is against the law for any person to serve or supply liquor to a person under 18 years of age
- it is against the law for under-aged persons to purchase or attempt to purchase liquor on licensed premises
- all relevant OLGR signs relating to persons under 18 years of age are placed/posted in the appropriate areas of the licensed premises

PREVENTING UNDER AGE DRINKING
• The licensee, staff or an agent may request proof of age of any person on, or attempting to enter the licensed premises.

• Any person who refuses to produce identification may be refused service by staff and Management may ask that person to leave the premises.

• If a staff member believes that any person who seeks service, or has been supplied liquor, is under 18 years of age, will request proof of age (Passport, Photo Card by the RMS, Photo Drivers Licence or Proof of Age card issued by the Commonwealth or other State/Territory).

• Security and staff will be vigilant in relation to deterring and preventing under age persons seeking to enter the premises.

HIGH RISK EVENTS/OCCASIONS/TRADING PERIODS

During peak risk trading periods additional RSA sweeps are conducted throughout the venue by RSA Marshalls/licensees/managers

EXCLUDED PERSONS/ PERSONS REFUSED ENTRY

• Any person refused entry or asked to leave the premises under s.77 (2) of the Act will be told;
  o they have to leave the licensed premises;
  o they have to move a minimum of 50 metres away from the premises;
  o they cannot return to the licensed premises for at least 24 hours; and
  o if they fail to comply with the above, they are committing an offence and police will be called and the person may be issued a penalty notice for $550.00

ADDITIONAL STAFF TRAINING

• All staff who are involved in the service and/or supply of liquor have appropriate RSA certification
• Staff briefings are conducted in relation to major events/issues
• Emails are sent to staff regarding identified issues with intoxication

STAFF ENDORSEMENT

I certify that I have received and read a copy of the Intoxication House Policy which I understand and agree to comply with the measures contained herein

| Name: | |
| Signature: | |
| Date: | |
INTRODUCTION

Liquor licensees have important obligations to ensure alcohol is served responsibly to help minimise alcohol-related harm. Supporting responsible consumption practices and preventing intoxication lowers the risk of alcohol-related violence and neighbourhood disturbance, and helps to promote a safe venue for customers and staff.

The NSW liquor laws prohibit the sale and supply of alcohol to intoxicated persons. Licensees also have a legal obligation to prevent intoxication from occurring on their premises. Significant penalties – including fines, higher annual licence fees, and possible suspension or cancellation of a licence – apply where alcohol is served to an intoxicated person or intoxication is permitted.

These guidelines include practical steps that licensees can take to manage the risk of intoxication on their premises. They will assist licensees to comply with the liquor laws and the conditions of their liquor licence.

While implementing these steps is not a licence requirement, it is recommended, as the steps provide evidence of what a licensee has done to minimise the risk of intoxication in the event of a prosecution under the liquor laws.

Because liquor is sold in a diverse range of circumstances, licensees and staff should also consider whether other measures – in addition to the steps outlined in these guidelines – are needed to minimise the risk of intoxication.
What is the law?

It is unlawful for a licensee or staff member to sell or supply liquor to an intoxicated person on licensed premises (section 73(2) of the Liquor Act 2007). The maximum penalty is $11,000.

A person is intoxicated if:

a. the person’s speech, balance, co-ordination or behaviour is noticeably affected, and

b. it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

Separate guidelines have been issued by the Secretary, NSW Trade & Investment, to assist licensees and staff in determining whether a person is intoxicated. These guidelines are available at www.olgr.nsw.gov.au/pdfs/intox_guidelines.pdf

It is unlawful for a licensee to permit intoxication on licensed premises (section 73(1)(a) of the Liquor Act 2007). The maximum penalty is $11,000.

A licensee is deemed to have permitted intoxication if an intoxicated person is on the licensed premises (section 73(4) of the Liquor Act 2007), unless the licensee can prove:

a. The licensee or staff:
   i. asked the intoxicated person to leave the premises, and
   ii. contacted, or attempted to contact, the police for assistance in removing the person from the premises, and
   iii. the person was refused further service of liquor, or

a1. The licensee or a staff member had taken the steps set out in guidelines issued by the Secretary, NSW Trade & Investment under section 73(5A) of the Liquor Act 2007, or

b. The intoxicated person did not consume liquor on the licensed premises.

What is the purpose of these guidelines?

The Secretary, NSW Trade & Investment, is required to issue these guidelines under section 73(5A) of the Liquor Act 2007. Their purpose is to describe the steps that licensees and their staff must take where a licensee wishes to be able to rely upon the defence in section 73(4)(a1) to establish that intoxication was not permitted on their licensed premises.

Where a licensee seeks to rely upon this defence, it will be necessary to demonstrate that each of the steps in these guidelines were taken at the time that the offence of permitting intoxication was alleged to have occurred.

As an alternative to implementing the steps in these guidelines, licensees also have the option of relying upon sections 73(4)(a) or 73(4)(b) of the Liquor Act 2007 to defend an allegation that intoxication has been permitted on the licensed premises.

References

Any reference to a licensee in these guidelines includes a reference to a manager as defined in section 4 of the Liquor Act 2007.

Any reference to staff or a staff member in these guidelines includes a reference to any person undertaking duties related to the sale and supply of alcohol on the licensed premises, including security personnel and RSA marshals.

Steps to prevent intoxication on licensed premises

1. Selling, supplying and promoting liquor responsibly

The steps are:

a. the requirement to not sell or supply liquor to an intoxicated person (under section 73(2) of the Liquor Act 2007) is complied with,

b. obligations relating to responsible service of alcohol training and the availability of free water (under clauses 40, 42, 42A, 42B and 51 of the Liquor Regulation 2008) are complied with,
c. any conditions imposed on the liquor licence or any requirements under the Liquor Act 2007 which restrict the times, type or quantity of alcohol sold or supplied on the licensed premises are complied with, and

d. liquor is not sold, supplied or promoted in a manner that is inconsistent with the Liquor Promotion Guidelines issued by the Secretary, NSW Trade & Investment, under section 102(4) of the Liquor Act 2007.


2. Monitoring liquor consumption and patron behaviour

The steps are:

a. the licensed premises is operating under the direct supervision of the licensee or appropriately experienced supervisory staff whenever liquor is being sold and supplied,

b. liquor consumption by all patrons is actively monitored by the licensee or staff,

c. intervention occurs when the licensee or a staff member becomes aware that a patron is consuming liquor irresponsibly and in a manner likely to result in intoxication,

d. intervention occurs when the licensee or a staff member becomes aware that a patron is intoxicated to prevent the person from consuming liquor and to request that person to leave the premises,

e. patrons entering the licensed premises between midnight and 5am are actively monitored and assessed for intoxication at the time of entry, and

f. any conditions imposed on the liquor licence, requirements under the Liquor Act 2007, or requirements of a development consent or approval under the Environmental Planning and Assessment Act 1979, relating to the engagement and duties of security personnel and/or RSA marshals are complied with.

3. Implementing harm minimisation measures

The steps are:

a. the availability of free drinking water is actively promoted to patrons throughout the licensed premises,

b. action is taken to make patrons aware of the availability of non-alcoholic and low strength alcoholic beverages in the licensed premises,

c. any requirements under the Liquor Act 2007 relating to the provision of food on the licensed premises are complied with in a manner consistent with the reasonable requirements, expectations and demands of the patrons of the premises, and

d. the following drinks are not sold or supplied between midnight and 5am:

i. any drink (commonly referred to as a ‘shot’, a ‘shooter’ or a ‘bomb’) that is designed to be consumed rapidly,

ii. any ready to drink beverage with an alcohol by volume content of more than 5%, and

iii. any drink prepared on the premises that contains more than 30 ml of spirits or liqueur, other than a cocktail that contains spirits or liqueur (or both) mixed with other ingredients and that is not designed to be consumed rapidly.

4. Planning to prevent intoxication on the licensed premises

The steps are:

a. a written document (such as a plan or house policy) is prepared which:

i. details the measures in place to prevent intoxication on the licensed premises (including the method of complying with the steps set out in these guidelines),

ii. describes how staff are instructed and trained to prevent intoxication on the licensed premises, and

iii. is provided to police and inspectors upon request.

b. all staff receive instructions and training on the contents of the document referred to in step 4(a) above before they commence working on the licensed premises.
Disclaimer

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation.

This publication is intended as a guide only.
We suggest you seek professional advice when necessary.

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Introduction

Licensees and staff are required to have responsible attitudes and practices regarding the promotion and sale of alcohol. The promotion and activities that surround the sale and supply of alcohol can have a significant influence on patrons and the way they consume alcohol and the way they behave.

A range of negative impacts can result from undesirable alcohol promotions or ones which are not appropriately managed. This can include promotions which encourage excessive, rapid or irresponsible drinking, are offensive or indecent, target minors or are out of step with general community standards. These types of promotions can contribute to alcohol-related anti-social behaviour and violence, have negative impacts on the amenity of the local community, and have health impacts for the individual.

It is important that licensees are mindful of and manage the risks and responsibilities associated with running liquor promotions. These Guidelines are not intended to stifle business innovation or healthy competition, but rather assist in the development of a sustainable and responsible liquor industry by defining clear expectations for the conduct of liquor promotions.
The Law

Section 102 of the *Liquor Act 2007* gives the Director General, NSW Trade & Investment, the power to issue a notice to a licensee who is involved in a liquor promotion which is considered undesirable.

The *Liquor Act 2007*

The Act details the types of promotions that may be restricted or prohibited. The Act states:

The Director General may restrict or prohibit any such activity only if the Director General is of the opinion that:

a) the promotion is likely to have a special appeal to minors because of the use of designs, names, motifs or characters in the promotion that are, or are likely to be, attractive to minors or for any other reason, or

b) the promotion is indecent or offensive, or

c) the promotion involves the provision of liquor in non-standard measures or the use of emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication, or

d) the promotion involves the provision of free drinks, or extreme discounts or discounts of a limited duration, that creates an incentive for patrons to consume liquor more rapidly than they otherwise might, or

e) the promotion otherwise encourages irresponsible, rapid or excessive consumption of liquor, or

f) the restriction or prohibition is otherwise in the public interest.

Before the Director General can exercise this power, publicly available guidelines must be made available that indicate the kinds of activities or promotions that may be the subject of a notice under section 102. These Guidelines fulfil this requirement.

Examples where the Director General has exercised this power include:

- A nightclub promoted a $30 door charge which included free house spirits, beer, wine and cider from 9pm til 3am;
- A hotel promoted $10 cocktail buckets where patrons consumed the cocktail directly from the bucket; and
- A restaurant promoted alcohol served in syringes, cocktails served in oversize novelty vessels and jelly shots.
Liquor Promotion Guidelines

These Guidelines are intended to provide guidance as to what issues are considered important in determining whether a liquor promotion is undesirable and may be subject to a notice.

Information is provided on each category listed in the Act. Each category is described in these Guidelines as a principle. They are not intended to be a definitive list of what can and cannot be done. Each case must be considered on its merits and against each of the principles.

The Guidelines provide an explanation of each principle and include examples of unacceptable practices. These examples do not include specific detail, such as allowable numbers of free drinks before a promotion becomes unacceptable. Instead the examples provide a description of the types of practices which are clearly contrary to the principle. It is noted that the word ‘unacceptable’ is used instead of ‘undesirable’ when listing some of these examples, as this gives clear guidance to industry on those promotional practices that are problematic and that must not be undertaken.

Where relevant, additional information is provided which may assist certain types of licence holders. In some cases there is also information on additional measures which can be implemented to assist in ensuring that a liquor promotion is appropriately run.

This approach enables licensees to take an informed view of any proposed promotion, as licensees are best placed to assess risk and apply appropriate controls in their own business environment.

The Guidelines aim to be consistent with other codes and guidelines relating to alcohol promotions and advertising, such as the Alcohol Beverages Advertising (and Packaging) Code, the Australian Association of National Advertisers Code of Ethics and the National Health and Medical Research Council Australian Guidelines to Reduce Health Risks for Drinking Alcohol.

“Each case must be considered on its merits and against each of the principles.”
These Guidelines apply to ALL licensed premises under the Liquor Act 2007 that run liquor promotions, including:

- Hotels (pubs, taverns, small bars)
- Clubs (RSL, community and sporting clubs)
- On-Premises (restaurants, cafés, nightclubs, theatres, boats, caterers, etc)
- Packaged (Bottle shops)
- Producer/Wholesaler
- Limited licences.

It is recognised that the consumption of alcohol occurs in many different contexts and circumstances, and that there may be different risks associated with promotional activities in different licensed premises.

A distinction can be made between promotions offering alcohol to be consumed immediately on a licensed premises and promotions offering alcohol that which may be stored for consumption later away from the premises. As a result, the extent to which each principle in this document applies to different licence types will vary accordingly.

Some principles apply to promotions operated by all licence types, such as Principle 1 which ensures liquor promotions do not have a special appeal to minors. Other principles, such as Principle 3, relating to the use of non-standard measures that encourage irresponsible drinking, would generally apply more to licence types where alcohol is consumed immediately on the licensed premise. These different circumstances would be recognised as part of the consideration of whether a liquor promotion is undesirable and should be subject to a notice.

The determination of whether a promotion is undesirable and may be subject to a notice is made by the Director General, NSW Trade & Investment, or a delegate, such as the Director, Compliance, Office of Liquor, Gaming & Racing. Before a determination is made, a licensee may be given the opportunity to comment or offer an explanation on why the promotion should not be considered undesirable. An application can be made to the Independent Liquor & Gaming Authority to review any decision.
While each of the principles and examples provide guidance on liquor promotions that are generally considered undesirable, it is in the interests of venues to ensure that all promotions are conducted with harm minimisation measures in place to prevent unacceptable outcomes.

Even a seemingly harmless or mundane promotion can lead to adverse outcomes if appropriate risk-based measures are not put in place.

Adopting harm minimisation measures can reduce risks of harm associated with liquor promotions. Active consideration of possible risks and ways to reduce them is important in developing and running any promotion.

Employing harm minimisation measures does not automatically negate the possibility of liquor promotions being restricted or prohibited, but appropriate management of all promotions is necessary.

It is up to individual licensees to identify, manage and minimise risk within their own business environment for any liquor promotion undertaken and it is up to each licensee to identify which harm minimisation measures are appropriate to reduce potential harms in each circumstance.

A list of harm minimisation measures that may be appropriate include but are not limited to the following:

- RSA marshals
- Service of free food and water is part of the promotion
- Alcohol Management Plan specific to the promotion
- Drink limits
- Signs prominently disclosing the content of mixed alcoholic drinks served to customers
- Appropriate time frame for conduct of promotion
- Alcohol content is measured and discernable
- Limits on the quantity of alcohol that can be purchased at a reduced price.

There are no mitigating measures that will enable examples of promotions identified as being ‘unacceptable’ in these guidelines from being undertaken. For those ‘Examples of promotions which require harm minimisation measures’ identified in this guideline, significant risks are apparent with these types of promotions, and licensees are advised to carefully determine the appropriate harm minimisation measures that should be put in place before this type of promotion is undertaken.

Section 102A

Section 102A of the Liquor Act 2007 also allows the Director General to restrict or prohibit activities that are likely to encourage the misuse and abuse of liquor. It is noted that this section does not just apply to promotions, but applies to any activity within a licensed premises which is likely to encourage the misuse and abuse of liquor.

Section 102A does not require guidelines and can consider issues more broadly than just promotions. However, where consideration is being given to issuing a notice under section 102A for a liquor promotion related issue, the principles in these Guidelines will provide some guidance as to acceptable and unacceptable practices.
Liquor promotion guidelines

Principle 1: Appeal to minors

The promotion must not have a special appeal to minors, because of the designs, names, motifs or characters in the promotion that are, or are likely to be, attractive to minors or for any other reason.

Explanation

It is illegal to sell alcohol to minors or to supply alcohol to minors on licensed premises.

The effects of alcohol on minors can be significant and can be harmful to their health and physical development as well as having social and emotional effects. The National Health and Medical Research Council outlines research which shows that minors are much more likely than older drinkers to undertake risky or antisocial behaviour connected with their drinking. In addition, alcohol may adversely affect brain development and lead to alcohol-related problems later in life.

For most venues, minors are allowed onto parts of the premises in the company of a responsible adult. As such, venues need to be mindful of the presence of minors on licensed premises when conducting liquor promotions.

Examples of unacceptable promotions

• Promotions which use characters, imagery, motifs, naming or designs which primarily appeal to minors.
• Promotions that include merchandise that primarily appeals to minors.
• Promotions using interactive games or technology predominantly targeted to minors.

Additional Information

Care should be taken in using celebrities or other role models that have a special appeal to minors as part of the liquor promotion as this may be construed as having a special appeal to minors under the Act.
Principle 2: Indecent or offensive

The promotion must not be indecent or offensive.

Explanation

The use of indecent or offensive material in a liquor promotion is in poor taste and is against general community standards. Licensees should also be aware that indecent and offensive promotions may be a catalyst for crime or violence, including sexual violence against women.

Linking the consumption of alcohol with such material or activities is not appropriate for any licensed venue, function or event.

While a determination of what is indecent or offensive is subjective, licensees should be mindful of what would reasonably be considered offensive in the broader community.

Examples of unacceptable promotions

- Promotions which use images, including human bodies, that may be considered offensive to a reasonable adult.
- Promotions which offer free or discounted drinks for participating in an activity that may be offensive to a reasonable adult present on the licensed premises, for example, encouraging participants to remove items of clothing.
- The use of insulting or offensive language in the promotional material.
- Promotions that involve any form of discriminatory, demeaning or vilifying language or imagery.

Additional Information

It is acknowledged that some drinks have provocative names. While the sale of these products is acceptable and the use of their names in that context is acceptable, branding a promotion with these names is likely to be considered undesirable, as the provocative names in the promotional material could be considered insulting or offensive. In addition, caution should be taken regarding the way that these products are advertised or promoted within or externally to the venue to make sure these provocative names do not cause offense.
Liquor promotion guidelines

Principle 3: Non-standard measures

The promotion must not involve the use of non-standard measures that encourages irresponsible drinking and is likely to result in intoxication.

Explanation

A standard measure is the level of alcohol used to work out safe drinking levels. Standard measures enable individuals to clearly assess their alcohol intake. Where standard measures aren’t used the likelihood of irresponsible drinking is increased as the alcohol content of the drink is unknown.

Where a well recognised vessel, such as a schooner glass, wine glass, tumbler, is not used, consideration needs to be given to whether the vessel itself encourages irresponsible consumption of alcohol or limits the ability of the person to judge how much they have consumed, based on the design (such as a water-pistol, test tubes, jam jars or teapots with no cups).

Promotions which involve the serving of alcohol in ways which encourage skolling, repeated quick consumption of alcoholic drinks or free pouring of alcohol are not acceptable and clearly encourage irresponsible drinking. Free pouring is also contrary to national trade measurement laws which require a range of alcoholic products to be sold by volume measure only.

It is important that alcohol is always served with responsible service of alcohol principles in mind. Where a promotion is being undertaken where a particular alcoholic drink is being promoted and being sold in large volume (such as jugs) or ‘novelty’ drink ware it is appropriate that the following approach is taken:

• Accurate standard measures are used to pour the drink into the vessel.
• If the drink is meant to be shared, then appropriately sized vessels should be provided to pour the drink into.
• Patrons are clearly made aware of the alcohol content of the drink. (This can be established before the promotion using the standard measures that would be used to make up the drink. Details of the number of standard drinks should be included on the drinks menu or other suitable promotional material on the licensed premises, for example, posters promoting the drink.)

Examples of unacceptable promotions

• A promotion encouraging the consumption of alcohol in a yard glass for skolling.
• A promotion encouraging the consumption of laybacks, slammers, blasters, bombs or consumption from a water pistol.
• A promotion which encourages an individual to purchase and consume on their own an alcoholic drink intended to be shared (that is, a drink containing a significant number of standard drinks).
• A promotion encouraging the consumption of multiple shooters or shots by an individual.

Examples of promotions which require harm minimisation measures

• Promotions where the service of alcohol is in non-standard measures such as teapots or jam jars, where the alcohol content of the drink is not apparent or easily discernable.

Additional Information

Where a company wishes to conduct a product promotion involving jugs of mixed spirits, beer, cider or wine, it is important that the company takes responsibility for ensuring that the promotion does not encourage irresponsible drinking. Developing an alcohol management plan for the promotion, can assist in ensuring that the promotion is consistent with the principles in these Guidelines. It is noted that the use of an alcohol management plan is considered best practice.

This principle predominantly focuses on promotions offering alcohol to be consumed immediately on the licensed premises. There are separate requirements that apply to packaged liquor sales to ensure standard drink information is clearly stated on liquor products (Food Standards Australia New Zealand) and to restrict undesirable liquor products which may encourage irresponsible drinking (section 101 of the Liquor Act 2007).
Principle 4: Emotive descriptions or advertising

The promotion should not use emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication.

Explanation

The aim of this principle is to restrict the use of emotive descriptions in a liquor promotion which encourage irresponsible drinking.

Encouraging or glorifying excessive consumption of alcohol is inappropriate. A promotion which primarily focuses on irresponsible drinking is not in the public interest and goes against all responsible service of alcohol principles.

A promotion which focuses on drinking irresponsibly or uses emotive descriptions to encourage excessive drinking can influence actions of consumers and increase the likelihood of intoxication. This then has ramifications for the health and wellbeing of the patron and can increase the risk of anti-social behaviour and violence.

Examples of unacceptable promotions

- Promotions or events which focus principally on the excessive consumption of alcohol (e.g. Mad Monday, Round the world).
- Labelling or titling of promotions that suggest irresponsible or excessive consumption of alcohol (e.g. ‘Drink like a fish’, ‘Drink ‘til you drop’).
- The engagement of a person who, as part of the promotion, enthusiastically talks up excessive consumption of alcoholic beverages, encourages intoxication or irresponsible or illegal behaviour.
- A promotion which encourages consumers to get drunk. This may include the use of language, images or slogans such as ‘Drink ‘til you drop’.

Additional Information

Product promotions by producers and distributors often focus on the consumption of alcohol (as a particular alcoholic product is being promoted). However, it is important that this type of promotion does not encourage irresponsible drinking or be likely to result in intoxication. This can be achieved by using an alcohol management plan to address risks and appropriate responsible service of alcohol procedures which all venues running the promotion must follow. Particular care should be taken in determining whether the name of the promotion or any promotional material used contains descriptions which encourage irresponsible drinking. It is noted that the use of an alcohol management plan is considered best practice.

In undertaking a promotion, consideration should be given to how this principle applies to your venue, as it is recognised that there may be variability in how this principle applies depending on your business model.
Liquor promotion guidelines

Principle 5: Extreme discounts

The promotion should not involve the provision of free drinks or extreme discounts, or discounts for a limited duration that creates an incentive for patrons to consume liquor more rapidly than they otherwise might.

Explanation

Discounting alcohol can be used as a marketing tool for licensees to encourage people into the venue and to stay in the venue or to try a new product or to run down stock of a particular product. However, it is important that in running any such promotion consideration is given to whether the promotion will encourage people to consume more rapidly than they may otherwise have, which could lead to irresponsible drinking and intoxication.

In particular, caution should be exercised when undertaking a promotion involving free drinks. Careful management of the number of free drinks provided to each individual is important to reduce the risk of rapid consumption and intoxication.

The term ‘extreme discounts’ is not specifically defined in this document. The influence of the level of discount on creating an incentive for patrons to rapidly consume alcohol depends on a range of things, including the type of product being discounted. For example a 75% discount on a bottle of wine may have a different effect to a 75% discount on shots. Generally, a promotion involving a discount over 50% should be undertaken with caution and risks should be properly assessed in relation to whether it will encourage rapid consumption of alcohol.

Examples of unacceptable promotions

- Promotions providing free drinks which encourage rapid consumption of alcohol (e.g. All you can drink in a limited time frame).
- Drink cards, promotional cards, vouchers or ‘shopper docket’ which encourage rapid consumption of alcohol over a short period of time (e.g. $50 voucher redeemable between 9pm and 10pm).
- Happy hours encouraging or facilitating the rapid consumption of alcohol.

Examples of promotions which require harm minimisation measures

- Promotions linked to unpredictable events (e.g. free drinks until the first points scored).
- Promotions that encourage the purchase of large amounts of alcohol with rewards of free or discounted drinks (e.g. buy six drinks and get 2 free drinks) to be redeemed within the same trading period.
- ‘Buy one, get one free’ offers promoted through discount vouchers, cards or ‘shopper docket’ offers without purchase limits or other suitable controls in place.
- Promotions operating for very short periods which create an incentive to consume liquor more rapidly than customers should.
- Promotions where significant discounts are provided over an extended period of time e.g. over two hours.
- All you can drink offers for a set price or excessive periods of free drinks (e.g. $50 entry and free drinks all night). See additional information section in relation to functions.
- Promotions involving discounts of greater than 50% off the normal retail price.

Additional Information

Across the hospitality industry, there are a range of businesses which offer function packages that include all drinks for a set price (such as wedding packages, corporate functions etc). The Guidelines do not seek to prevent this type of operation, however, it is the responsibility of the licensee to ensure that any such function is run appropriately and that there is responsible service of alcohol and that patrons do not become intoxicated.

Where product promotions involve the provision of free or discounted drinks, it is important that these promotions do not create an incentive for patrons to consume alcohol more rapidly than they otherwise might. The use of an alcohol management plan to assess the risks in any liquor promotion and provide clear guidance for those undertaking the product promotion is an important tool for ensuring the promotion is undertaken appropriately. It is noted that the use of an alcohol management plan is considered best practice.

In undertaking a promotion, consideration should be given to how this principle applies to your venue, as it is recognised that there may be variability in how this principle applies depending on your business model.
Liquor promotion guidelines

Principle 6: Irresponsible, rapid or excessive consumption

The promotion should not otherwise encourage irresponsible, rapid or excessive consumption of liquor.

Explanation

Licensees should always be mindful that any liquor promotion undertaken does not encourage patrons to drink irresponsibly, rapidly or excessively. Consideration needs to be given to the way alcohol is consumed as part of the promotion (water pistols, yard glasses) or whether it involves competitions or games which involve excessive or rapid consumption of alcohol.

Other more general promotions such as the operation of happy hours can also impact on irresponsible, rapid or excessive consumption of alcohol. A happy hour promotion should not create an incentive to drink in greater amounts than a customer otherwise would. This can include extreme discounts for limited periods where drinks are consumed immediately or can be stockpiled.

Similarly, happy hours which are run near the end of the trading period can encourage patrons to continue drinking where they may otherwise have stopped. This may be particularly problematic if the patrons have already been drinking for a significant period of time.

Examples of unacceptable promotions

• The promotion involves the use of drinkware which encourages rapid consumption, such as test tubes, water pistols, yard glasses.

• The promotion involves drinking games, competitions, challenges, dares, lotteries or games of chance that involve the rapid or excessive consumption of liquor (such as skolling games, boat races, flip and win, ‘around the world’, 60 shots in 60 minutes’, pub golf).

• A promotion in which a consumer is challenged or dared to drink a particular alcoholic drink because of its higher alcohol content.

• Happy hours occurring late into the trading period (or in the early hours of the morning, for those premise operating 24 hours) which encourage patrons who have been drinking for a significant period of time to continue drinking.

• Promotions that encourage the stockpiling of drinks.

Additional Information

Competitions and games can be a marketing tool for licensees and can add to the atmosphere of a venue. Licensees are encouraged to operate promotions such as these, but offering prizes other than liquor, such as meals, movie tickets or other products. Where liquor is offered as a prize the process should be conducted in a responsible manner.

Consideration also needs to be given to the appropriateness of any promotion for discounted packaged liquor sales. Licensees should be aware of the risk where the promotion of extreme discounts may encourage irresponsible or excessive consumption of alcohol due to the increase in volume purchased, where it is likely to be consumed within a short time frame. Consideration needs to be given to how discount promotions can be responsibly managed, including purchase limits (e.g. two per customer) or other measures to reduce the risk that the promotion will encourage people to drink alcohol excessively or irresponsibly.

In undertaking a promotion, consideration should be given to how this principle applies to your venue, as it is recognised that there may be variability in how this principle applies depending on your business model.
Principle 7: Not in public interest

The promotion should not be otherwise considered to not be in the public interest.

Explanation

A range of liquor promotions may not necessarily promote rapid or excessive consumption of alcohol, or meet other principles in the Guidelines, but may still be considered undesirable as they are not in the public interest.

Generally, if something is not in the public interest, it goes against general principles of fairness, equity, decency or lawfulness in society. Public interest is linked to the well being of the community or the risk of detriment to the community at large. It is important that licensees be mindful of whether a particular promotion may be discriminatory or demeaning to a group or individual, whether it promotes or encourages unlawfulness, whether it is misleading or if it inappropriately targets vulnerable groups or individuals.

While a determination of what is in the public interest is subjective, licensees should be mindful of what would reasonably be considered inappropriate to the broader community.

Examples of unacceptable promotions

- Promotions which use images or messages which could be seen to be encouraging or condoning breaking the law or other anti-social behaviour.
- Promotions which use images or messages which link the promotion of alcohol with illicit drugs or allude to drug taking behaviour.
- A promotion which associates liquor consumption with aggressive or violent behaviour towards other people.
- Any discriminatory promotion (e.g. women drink free).

Additional Information

The examples provided above apply equally to all licence types. Careful consideration of promotions of packaged liquor sales is required to ensure that it is in the public interest and does not encourage excessive consumption of alcohol due to an increase in the volume purchased where it is likely to be consumed within a short timeframe.