

Liquor Licensing Act 1997
General Code of Practice Guidelines



**Consumer and
Business Services**

Reviewed February 2014



Government of South Australia
Attorney-General's Department

Under section
42 of the *Liquor
Licensing Act 1997*,
it is a condition
of every licence
that the licensee
complies with the
Commissioner's
codes of practice.

General Code of Practice Guidelines

Failure to comply with a provision in the General Code of Practice will be a breach of licence condition and may result in disciplinary action or prosecution against the licensee, Responsible Person and/or other persons in accordance with the *Liquor Licensing Act 1997*.

Licensees and staff have clear responsibilities under the Act. The purpose of the General Code of Practice and these Guidelines is to promote the objects of the Act and, in particular -

- to encourage responsible attitudes towards the promotion, sale, supply, consumption and use of liquor, to develop and implement principles directed towards that end (*the responsible services and consumption principles*) and minimise the harm associated with the consumption of liquor; and
- to ensure as far as practicable that the sale and supply of liquor contributes to, and does not detract from, the amenity of community life; and

- to ensure that the sale and supply of liquor occurs in such a manner as to minimise the risk of intoxication and associated violent or anti-social behaviour including property damage and causing personal injury.

Included in these Guidelines are examples of good practices which can be followed that may assist licensees to comply with the General Code of Practice, noting the inherent differences between the licence classes covered by the Act. Also included are examples of unacceptable practices which are likely to be in contravention of the General Code of Practice and may result in disciplinary action or prosecution against the licensee and/or other persons.

By having reference to these Guidelines, licensees will be better equipped to understand and comply with their obligations under the General Code of Practice.

The information contained in these Guidelines does not constitute legal advice. Consumer and Business Services recommends that licensees seek their own legal advice should they require an interpretation of the Act or the General Code of Practice. Consumer and Business Services will not be liable for any injury, damage or loss sustained by any party engaging in the provision or service of liquor.



Responsible Service of Alcohol Training

General Code of Practice Part 2, Clause 7

- (1) A licensee must ensure that all staff involved in the service or supply of liquor on the licensed premises complete nationally accredited responsible service of alcohol training.
- (2) The training must be completed within three months.

Responsible service of alcohol (RSA) training means a vocational education and training course in responsible service of alcohol accredited under the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

Licensees should also ensure that their staff undertake accredited RSA training through a Registered Training Organisation.

In South Australia, training providers are registered by the Australian Skills Quality Authority (ASQA) the national vocational, education and training regulator (NVR) pursuant to the *National Vocational Education and Training Regulator Act 2011* (Cwth). Once registered, provider details can be found at www.training.gov.au, being the official national register of information on training packages, qualifications, courses, units of competency and Registered Training Organisations (RTOs).

To search for RTOs offering training in RSA, visit www.training.gov.au.

General Code of Practice Part 2, Clause 7(5)

- (5) The licensee must produce evidence of the completion of responsible service of alcohol training by persons as required by this clause or by licence conditions, within 7 days of being requested to do so by an authorised officer (within the meaning of section 122 of the *Liquor Licensing Act 1997*).

Good practices that may assist with compliance:

- Retain copies of training certificates for all staff on the licensed premises.
- Document and have readily available if requested for compliance purposes, the commencement date of employment for each employee and the date that each employee completed their RSA training.



General comments:

Understanding of South Australian Liquor Licensing Laws

When staff are confident, well trained and are supported by management, they are more likely to act responsibly when serving liquor to patrons.

The nationally accredited RSA training course lists in the Required Skills and Knowledge section, “the key provisions of liquor laws and regulations”. It is important for all staff (not just the licensee) to understand the Act and its objectives.

If staff know and understand their obligations and responsibilities under the Act, they will be in a better position to deal with problem patrons while on duty.

It is the view of the Liquor and Gambling Commissioner that all staff should be trained in their responsibilities and powers under the Act and should, **at minimum**, be familiar with each of the sections of the Act and regulations referred to in these guidelines, in addition to the following specific sections:

Conditions of licence

Section 42 – Mandatory conditions

All staff should be aware of the General Code of Practice (and any other relevant codes of practice) issued by the Commissioner.

Subsection (2) relates to an important principle and one that is often the subject of disciplinary action. It is a condition of a licence authorising the sale of liquor for consumption off the licensed premises, that liquor sold under that authorisation -

- must be delivered to the purchaser in sealed containers or containers of a kind approved by the licensing authority;
- if the liquor is not delivered personally to the purchaser at the licensed premises must, except in the case of a direct sales licence or where the licensing authority gives an authorisation to the contrary, be despatched to the purchaser from the licensed premises; and

- must not be consumed on the licensed premises unless the licence also authorises the sale of liquor for consumption on the licensed premises and the liquor could have been lawfully sold and consumed on the licensed premises under that authorisation.

Section 102 - Restriction on taking liquor from licensed premises

If a licensee is not authorised under the licence to sell liquor for consumption off the licensed premises, a person who takes liquor away from the licensed premises may be guilty of an offence.

Further, if a licensee is authorised under the licence to sell liquor for consumption off the licensed premises during certain authorised trading hours, a person who takes liquor away from the licensed premises more than 30 minutes after the relevant trading hours is guilty of an offence.

The maximum penalty for such an offence is **\$2 500** with an expiation fee of **\$210**.

Note - This section does not prevent the removal of liquor won as a prize.

Section 103 - Restriction on consumption of liquor in, and taking liquor from, licensed premises

If at a particular time a licensee is not entitled under the licence to sell liquor to a particular person, that person is not then entitled -

- to purchase or consume liquor on the licensed premises; or
- to be in possession of liquor on the licensed premises; or
- to take liquor from the licensed premises,

and a person who does so is guilty of an offence.

Section 104 - Liquor may be brought onto and removed from, licensed premises in certain cases

If a licence authorises the consumption of liquor (or the sale and consumption of liquor) on the licensed premises with or ancillary to a meal provided by the licensee, then, despite any other provision of this Act, it is lawful for a person -

- to bring liquor onto the licensed premises, with the consent of the licensee, intending that it be consumed with or ancillary to a meal provided by the licensee on the licensed premises, and later to take from the licensed premises the unconsumed portion of liquor so brought onto the licensed premises in the container in which it was brought onto the licensed premises; or
- if a bottle of wine has been purchased on the licensed premises by the person intending that the wine be consumed with or ancillary to a meal provided by the licensee on the licensed premises, to take from the licensed premises the unconsumed portion of wine so purchased in the bottle in which it was purchased.

Entertainment

Section 105 - Entertainment on licensed premises

Consent of the Commissioner is required in order to provide entertainment on licensed premises.

Once granted, entertainment consent allows a licensee to provide entertainment in accordance with the conditions of approval. These conditions may restrict the type of entertainment or how the entertainment can be provided.

A licensee who provides entertainment on premises without the consent of the Commissioner, or contrary to other conditions contained in this section of the Act, is guilty of an offence.

The maximum penalty for such an offence is **\$10 000** with an expiation fee of **\$1 200**.

Noise

Section 106 - Complaint about noise etc emanating from licensed premises

As there is the potential for noise or disturbance to occur as a result of activities on licensed premises, or the conduct of patrons making their way to or from licensed premises, licensees need to be vigilant by monitoring sound levels and patron behaviour.

Complaints may be made to the Commissioner where noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises, is unduly offensive, annoying, disturbing or inconvenient.

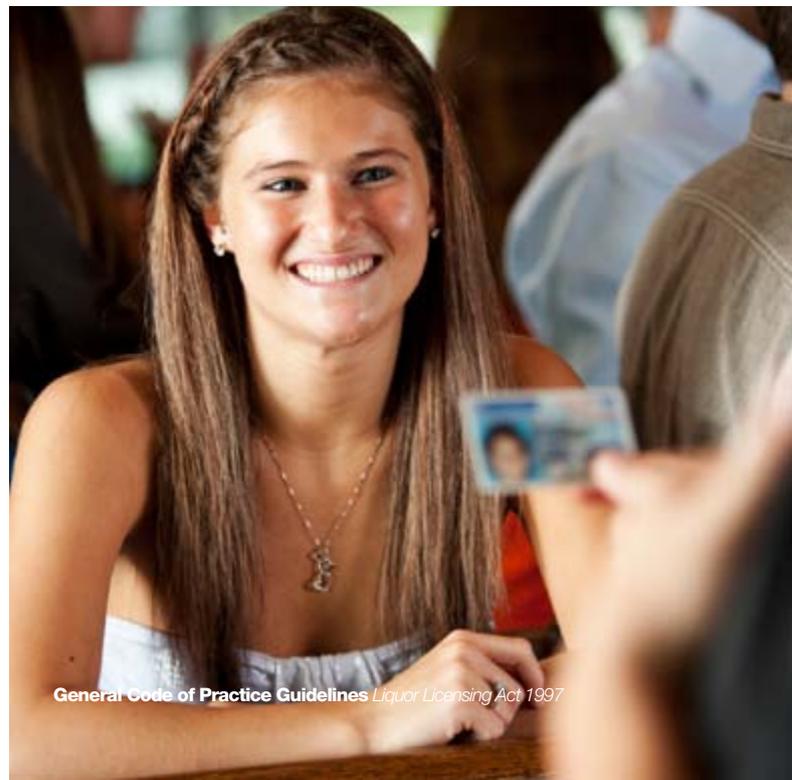
Intoxication

Section 108 - Liquor not to be sold or supplied to intoxicated persons

It is an offence to sell or supply liquor on licensed premises to a person who is intoxicated. A person can be intoxicated if the person's speech, balance, coordination or behaviour is noticeably affected and it is reasonable to believe that the impairment is the result of the consumption of liquor or some other substance (including over the counter medications).

Minors

A licensee must ensure that all approved responsible persons and persons engaged in supplying liquor to patrons have a detailed knowledge of the provisions of the Act relating to minors.



Section 107 - Minors are not to be employed to serve liquor on licensed premises

If a minor is employed to sell, supply or serve liquor on licensed premises, the licensee is guilty of an offence. However, this section does not prevent the employment of a minor to sell, supply or serve liquor on licensed premises if-

- the minor is of or above the age of 16 years, a child of the licensee or a responsible person for the licensed premises and resident on the premises; or
- the minor is of or above the age of 16 years and a child of the licensee or a responsible person for the licensed premises, and the licensing authority, on application, approves the employment of the minor for that purpose.

Section 110 - Sale of liquor to minors

It is unlawful for liquor to be sold or supplied (given or passed on) to a person who is under the age of 18.

Section 111 - Areas of licensed premises may be declared out of bounds to minors

Minors are not allowed in an area designated as out of bounds to minors. For an area to be declared out of bounds, the licensee must apply to the Commissioner to designate the area out of bounds to minors. Under section 111 of the Act, a sign must be prominently displayed at all entry points to the designated area.

Section 112 - Minors not to enter or remain in certain licensed premises

For all licences (other than an Entertainment Venue Licence), section 112(1) prohibits a minor from entering or remaining in licensed premises between the hours of midnight and 5 am, unless in:

- a dining room;
- a bedroom; or
- a part of the licensed premises approved by the Commissioner as an area where minors are permitted. (eg, a family New Year's Eve party in a function room).

For an Entertainment Venue Licence, section 112(1) of the Act prohibits a minor from entering or remaining in premises with an entertainment venue licence between the hours of 9 pm on one day and 5 am of the next unless in:

- a part of the licensed premises approved by the Commissioner as an area where minors are permitted.

Section 113 - Notice to be erected

A sign containing prescribed information must be prominently displayed in all areas of the licensed premises where minors are permitted.

Section 115 - Evidence of age may be required

This section empowers an authorised person to ask a person suspected of being a minor to produce evidence of age (see practices relating to minors on pages 8-9).

Section 116 - Power to require minors to leave licensed premises

This section empowers an authorised person to require a minor in contravention of the Act to leave the licensed premises.

Use of force and power to remove or refuse entry

Section 71B - Use of force by approved crowd controller

An approved crowd controller must not use force to remove a person from licensed premises except under the direct supervision of the licensee or the responsible person for the premises.

Section 124 - Power to refuse entry or remove intoxicated persons or persons guilty of offensive behaviour

This section empowers an authorised person, if necessary, to use reasonable force to -

- remove from the licensed premises any person who is intoxicated or behaving in an offensive or disorderly manner, or
- prevent the entry of such a person onto licensed premises; or
- remove from licensed premises any person who the authorised person reasonably suspects has supplied, or is about to supply, liquor to an intoxicated person on the licensed premises.

Section 137B - Procedures to be observed by authorised persons in prevention of persons from entering, and removal of persons from, licensed premises

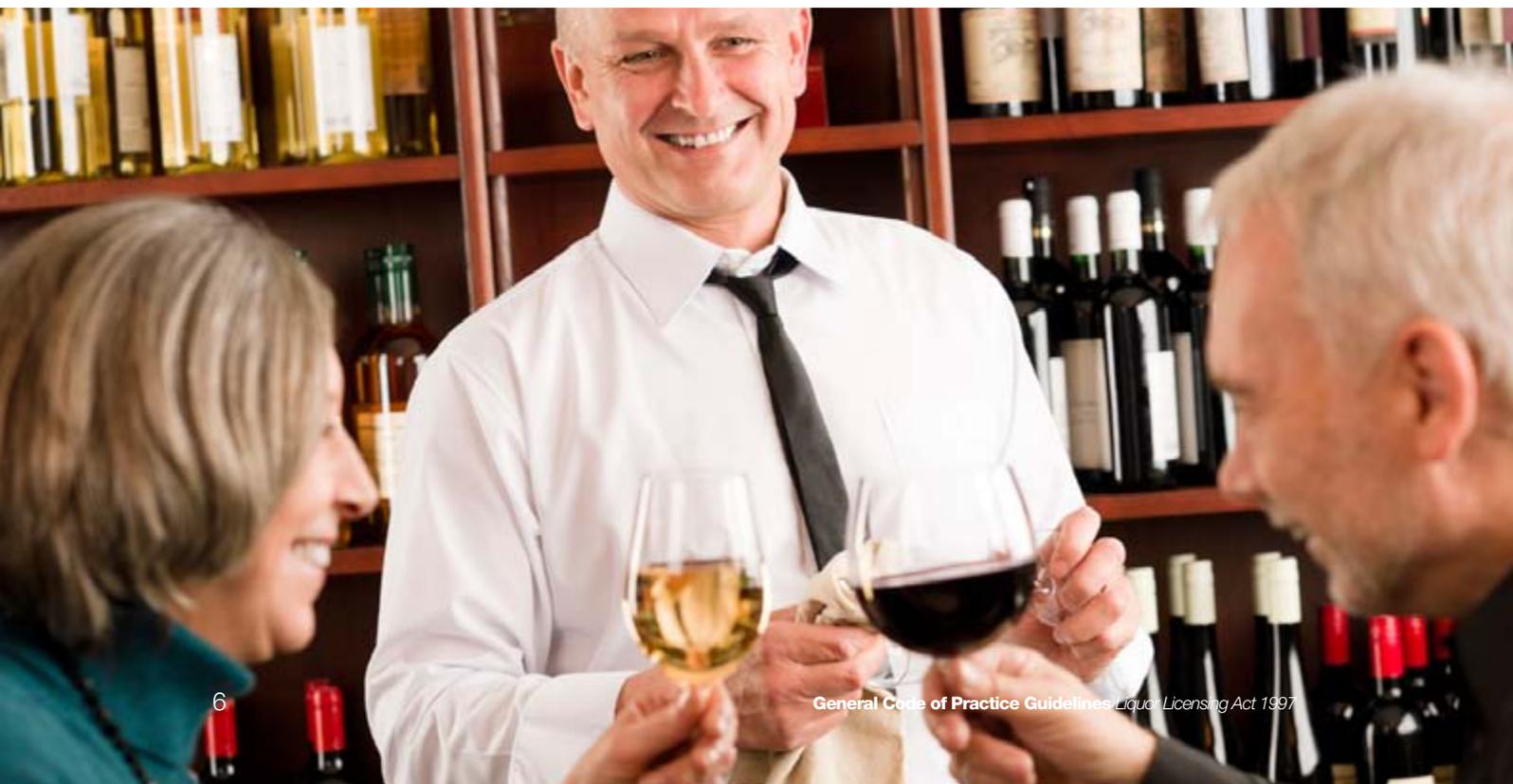
The regulations prescribe procedures to be observed by authorised persons in or in connection with the removal of minors, and, the prevention of persons from entering, or the removal of persons from, licensed premises or a part of licensed premises.

Licensee barring orders

Section 125 - Licensee barring orders

This section empowers the licensee or responsible person for the licensed premises to bar a person from entering or remaining on the licensed premises for a specified period -

- if the licensee or responsible person is satisfied that the welfare of the person (or the welfare of a person residing with the person) is seriously at risk as a result of the consumption of liquor by the person; or
- if the person commits an offence, or behaves in an offensive or disorderly manner, on, or in an area adjacent to the licensed premises; or
- on any other reasonable ground.



Practices relating to minors

General Code of Practice Part 2, Clause 8(1)

- (1) A licensee must take reasonable steps to prevent -
- (a) minors consuming or being supplied with liquor on the licensed premises; and
 - (b) minors unlawfully entering or remaining on the licensed premises or any part of the licensed premises that is out of bounds to minors.

Good practices that may assist with compliance:

- Refuse service of alcohol to any person who you suspect may be underage and does not have identification (ID) to show otherwise.
- Ensure that staff are aware of the types of acceptable ID that can be accepted as proof of age in accordance with regulation 18 of the Liquor Licensing (General) Regulations 2012, which provides that the following can be produced as evidence of age:
 - o a current photographic driver's licence issued under the *Motor Vehicles Act 1959* or under a corresponding law of another State or a Territory;
 - o a current photographic Proof of Age card issued by the Registrar of Motor Vehicles or by a corresponding public authority of the Commonwealth or another State or a Territory;
 - o a current passport issued by the Commonwealth or under the law of another country, bearing a photograph of the person and enabling the age of the person to be determined; or
 - o a current photographic Keypass identification card issued by Alfa Omega Nominees Pty Ltd, trading as Commonwealth Key and Property Register.
- If areas of licensed premises have been declared out of bounds to minors, ensure that relevant signs are placed at all entry points to those areas.
- Where appropriate (eg, late trading or entertainment venues) display signage which indicates that patrons may be asked for proof of age upon entry (signage may deter minors from attempting to enter the premises).
- Where appropriate, require patrons to provide proof of age before entry onto the licensed premises.
- When checking ID adopt the following strategies in order to effectively detect fraudulent, fake or defaced cards:
 - o examine the ID in well-lit areas where alterations will be more easily detected;
 - o ask the patron to remove their ID from their wallet for you to inspect;
 - o feel around the photo, birth date and edges of the card for wrinkles, bumps or air bubbles which could mean the ID has been tampered with;
 - o calculate the date of birth on the ID to ensure that it does in fact confirm that the patron is over 18 (driver's licences can be issued for 16 and 17 year olds); and
 - o check the ID for holograms or other security features that would indicate that the card is legitimate.
- If you suspect that the ID offered by the patron may be fake, ask some simple questions that the patron should be able to easily answer such as:
 - o what month were you born?
 - o what is your middle initial?
 - o what is your postcode?
- If your premises is using "pass outs" or wrist bands, closely screen anyone trying to re-enter the premises as "pass outs" can be easily transferred.



General Code of Practice Part 2, Clause 8(2)

(2) A licensee must not conduct, promote, advertise or permit the conduct, promotion or advertisement of their business in a way that tends to encourage minors to consume liquor.

Unacceptable practices that may be deemed to be promoting or advertising the licensed business in a way that encourages minors to consume liquor:

- Advertisements or promotions that are linked to events that appeal to, or are especially relevant to minors (eg, promotions linked to “Schoolies Week” or “after parties” etc).
- Using characters, imagery, designs, motifs, interactive games, merchandise or media that is likely to appeal to minors.
- Using role models, celebrities or other testimonials that primarily appeal to minors.
- Placing advertisements for the licensed business in close vicinity to a primary or secondary school or other place primarily frequented by minors.

Guidance for Risk Assessment (factors to be considered)

- Are minors permitted on your premises?
- If so, why do minors attend your premises? Are they there before or after sport (eg at a sporting club) or for the entertainment that you provide? Are they there for a meal (eg at a hotel or restaurant)?
- Are minors who attend your premises usually accompanied by a parent or guardian?
- Between what times are minors generally present?
- In what areas of your premises are minors permitted and what areas are out of bounds to minors?
- How often do you conduct special promotions?
- What type of promotions do you conduct?
- Do the promotions you conduct involve products that might particularly appeal to minors?
- How do you promote your business (eg TV, newspaper, radio, posters)?
- Are any of these means of advertising likely to particularly appeal to minors?
- Are your premises or advertisements (eg posters) located near a local school?
- Who are your promotions/advertisements aimed at? What age group?

Practices promoting responsible attitude to consumption of liquor on licensed premises

General Code of Practice Part 2, Clause 9(1)

(1) A licensee must not promote, advertise, conduct or permit the conduct, promotion or advertisement of their business in a way that tends to encourage the rapid or excessive consumption of liquor or that discourages a responsible attitude to the consumption of liquor.

The promotion, advertising and operation of a licensed business must not provide incentives that encourage the irresponsible, rapid or excessive consumption of liquor.

Some practices by their very nature can encourage patrons to drink more rapidly, drink excessive amounts of liquor, or simply drink more than they would normally.

Activities such as games, competitions and challenges can provide patrons with an entertaining environment on licensed premises. However, where these activities involve the consumption of liquor in order to take part or as part of a prize, they can act as an incentive for the irresponsible, rapid or excessive consumption of liquor.

Competitions and games in themselves are not prohibited by the General Code of Practice, however, licensees should carefully consider how they promote, advertise and conduct these types of activities.

The promotion, advertising and operation of a licensed business must also not encourage the stockpiling of drinks by the patron for consumption on the licensed premises. Some types of promotions such as drink cards and free drink offers can encourage stockpiling where there are no controls over how the consumption of the liquor takes place. As a result of stockpiling, patrons may feel compelled to finish accumulated drinks where they would normally have stopped drinking, thereby leading to irresponsible, rapid or excessive consumption.

Unacceptable practices that may be deemed to be promoting, advertising or operating the licensed business in a way that encourages the irresponsible, rapid or excessive consumption of liquor:

- Using language, slogans or images that promote or encourage patrons to get drunk, drink excessively or drink rapidly (eg, “drink until you drop”, “beat the clock”, “drink like a fish”, “beer prices hammered”).
- Display of “honour boards” which show patrons’ names and the quantity of liquor consumed over a period of time such as “100 Pints Club”, “Beer Legends” or similar.
- Promotions involving free liquor (other than where liquor is supplied by way of sample) or heavily discounted liquor (eg, \$1 shots of spirits).
- Multiple recurring promotions in one trading period and promotions with a duration of more than two hours (eg, “two-for-one base spirits all night”).



- Promotions that encourage or reward the purchase of, or drinking of, large quantities of liquor in a single session (eg, “buy five drinks in one round and get the sixth for free”).
- Gender based promotions or practices (eg, “unlimited free alcohol for women all night”).
- Prizes, rewards, drink cards or loyalty schemes that may only be redeemed by consuming liquor on the licensed premises within a finite timeframe during a trading period (eg, “\$50 drink card to be redeemed between 8 pm - 10 pm”). Including any competition where liquor is the prize or reward and consumption is expected to take place on licensed premises.
- Pouring liquor straight into patrons’ mouths (eg, pouring liquor directly from a bottle or shooting liquor from a water pistol) or pouring a multiple supply of shooters for an individual’s consumption.
- Serving alcoholic beverages in a container which cannot remain upright.
- Drinking games, competitions, dares or challenges that involve rapid or excessive consumption of liquor (eg, skolling games, speed drinking games, boat races).

Guidance for Risk Assessment (factors to be considered)

- How often do you conduct special promotions?
- What type of promotions do you conduct?
- How do you advertise your business (eg TV, newspaper, radio, posters)?
- Who are your promotions/advertisements aimed at? Males or females? What age group?
- Will free cool drinking water be made available over the counter upon request or will it be available for customers to help themselves from some kind of water dispenser unit that sits on the bar?
- If you are providing a water dispenser unit for customers, how often does this need to be checked to ensure that it is not empty?

The following do not apply where liquor is sold for consumption off licensed premises only, or where liquor is supplied by way of sample only:

- What type of non-alcoholic beverages do you have available for purchase?
- What is the least expensive non-alcoholic beverage that you have available for purchase?
- Is this always in stock?

General Code of Practice Part 2, Clause 9(2)

- (2) A licensee must not conduct or permit gender-based promotions involving free or discounted liquor on the licensed premises including free or discounted entry to the licensed premises.

A number of concerns have been raised about gender-based promotions, particularly those aimed specifically at young women.

Unacceptable practices that may be deemed to be in breach of the code:

- Free or discounted entry or liquor for females all night or for an extended period of time.
- \$1 beers for males on Grand Final Day.
- Special ‘all you can drink’ offers for females only.
- Promotions involving free ‘drink cards’ for all females upon entry.
- \$1 spirits or cheap drink ‘ladies nights’ or ‘bachelor nights’.

General comments:

Promotions that are not specifically gender-based and clearly do not encourage rapid or excessive consumption (eg, a free champagne or beer with a meal on Mother’s or Father’s Day) would not be considered a breach of the General Code of Practice.

Practices relating to drink spiking

General Code of Practice Part 2, Clause 10

- (1) A licensee must take reasonable steps to reduce the likelihood of drink spiking occurring on the licensed premises.
- (2) A licensee must cooperate with and assist police in any investigation relating to alleged drink spiking.
- (3) In this clause -
drink spiking includes any addition of liquor or other substance to a person's drink without the person's knowledge or permission (whether at all or in the quantity added).

Good practices that may assist with compliance:

- Ensure that staff understand the seriousness and consequences of drink spiking allegations.
- Develop operating procedures within your premises that promote preventative and harm reduction strategies in order to protect the safety and health of your patrons, including guarding against the incidence of drink spiking on licensed premises.
- Train staff how to identify and respond to situations where drink spiking is suspected or reported.
- Train staff that unattended glasses should be collected to reduce the risk of drink spiking and alert patrons to this procedure.
- Train staff to be aware of unusual beverage requests (eg, beer with a nip of spirits).
- Decline patrons' requests to add extra alcohol to friends' drinks without their knowledge.
- Monitor and, if necessary, report any suspicious behaviour to the police.

- Where appropriate (eg, late night trading venues), ensure key staff are trained in an accredited first aid course to assist patrons.
- In the instance of an alleged drink spiking incident:
 - o ensure that someone stays with the person;
 - o seek immediate medical assistance; and
 - o if appropriate at the time, encourage the person to notify police of the incident.

Guidance for Risk Assessment (factors to be considered)

- Is liquor served over the bar or is table service provided? (Drink spiking is less likely to occur if people are purchasing their own drinks. If patrons are purchasing drinks for others, there is the potential for requests to be made to add amounts of alcohol to a person's drink without their knowledge).
- What type of patrons do you serve?



Practices relating to intoxication and disorderly, offensive, abusive or violent behaviour

General Code of Practice Part 2, Clause 11

- (1) A licensee must take reasonable steps -
 - (a) to prevent the sale or supply of liquor to persons in circumstances where their speech, balance, coordination or behaviour is noticeably affected and it is reasonable to believe that the affected speech, balance coordination or behaviour is the result of the consumption of liquor or some other substance;
 - (b) to reduce the likelihood of incidents of intoxication and/or disorderly, offensive, abusive or violent behaviour on licensed premises; and
 - (c) to manage incidents related to intoxication and/or disorderly, offensive, abusive or violent behaviour that may occur on licensed premises.

Good practices that may assist with compliance:

- Ensure that all staff are familiar with the Intoxication Guidelines available from the CBS website and are alert to the signs of intoxication.
- Train staff to ensure early intervention in incidents of intoxication and/or offensive or disorderly behaviour of patrons, having due regard to the safety of staff and customers.
- Actively promote food (serving food to people who are drinking slows the absorption of alcohol into the bloodstream and is also likely to extend the time between rounds of drinks).
- Where appropriate (eg, late trading venues, entertainment venues or at large events):
 - o use dedicated staff (Responsible Persons or 'drink marshals') to monitor and coordinate the responsible service of liquor and monitor people exhibiting signs of intoxication and/or offensive or disorderly behaviour;

- o implement clear door and queue monitoring procedures - by monitoring the door and queue closely, you can help prevent problems before they occur as this provides an opportunity to deny entrance to intoxicated or disorderly patrons;
- o ensure queues into licensed premises are monitored by a Responsible Person or crowd controllers to ensure that the behaviour of patrons in the queue is acceptable and there is no interference with pedestrians.

The following do not apply where liquor is sold for consumption off licensed premises only, or where liquor is supplied by way of sample only:

- Ensure that a range of non-alcoholic drinks is available.
- Encourage the service of low alcohol drinks (eg, light beer).

Guidance for Risk Assessment (factors to be considered)

- What is the likelihood that your patrons might 'pre-load' on liquor or other substances before visiting your premises?
- Remember that people have different levels of tolerance to alcohol.
- Are the majority of your patrons female? Females generally have a lower tolerance to alcohol and may become intoxicated more quickly than their male counterparts.
- How late do you trade?
- How many people can be in your premises at any time?
- Are large licensed events or festivals ever held near your premises? If so, are you likely to have customers come to your premises after such events and is it likely that these patrons have been drinking at the event?
- What type of patrons does your venue attract or do you have particular patrons that frequent your premises (eg is it likely that members of rival football clubs or motorcycle gangs might attend your premises on the same night)?

Practices relating to disturbances

General Code of Practice Part 2, Clause 12

- (1) A licensee must take reasonable steps -
- (a) to prevent undue offence, annoyance, disturbance, noise or inconvenience to people who reside, work or worship in the vicinity of the licensed premises, resulting from entertainment or activities on the licensed premises or the conduct of people making their way to or from the licensed premises; and
 - (b) to ensure public order and safety.

A licensee's responsibility does not begin and end at the front door. Good management involves surveillance in and around the vicinity of the licensed premises and requires licensees to respond positively to any complaints from nearby residents. Where appropriate, the preparation and implementation of a 'Dispersal Policy' that sets out the steps that your venue will take at the end of a trading session would assist in minimising the potential for disorder and disturbance as patrons leave the premises.

Good practices that may assist with compliance:

- Subject to section 104 of the Act and other relevant carry-off provisions in the Act relevant to specific licence classes, make it clear to patrons that they will not be allowed to leave the premises with open bottles or glasses. This policy should be supported by signage and, where appropriate, a vigilant door team monitoring patrons as they leave the premises. If appropriate, bins can be provided at exits and licensees could also provide advice on any dry areas in the vicinity.
- Where appropriate (eg, late night trading venues), approximately 30 minutes prior to closing, licensees can stop or limit liquor service, reduce the noise level of entertainment or music being played and increase lighting to encourage the

gradual dispersal of patrons during the last part of trading. At this time an announcement could also be made asking patrons to respect neighbours by leaving the area quickly and quietly.

- Where appropriate, use crowd controllers to help disperse and direct patrons from the immediate area of the premises after closing.
- Actively promote and display information about any nearby managed taxi ranks and other public transport services that are available, (eg After Midnight Bus Stops) to assist with patron dispersal.
- Ensure that entry/exit areas and parking areas have adequate lighting and are free of hazards and obstructions.
- Use of bright lights at the exit of the premises.
- Where appropriate, maintain a presence on the street until all patrons have left the area and ensure that any bottles and liquor containers within a 100 metre radius of the premises are cleared away.

Guidance for Risk Assessment (factors to be considered)

- Is your premises located within or near a residential area?
- How late do you trade?
- How many people can be in your premises at any time?
- Do you provide entertainment? If so, what type of entertainment and is this likely to create a lot of noise?
- Do patrons leaving your premises have to walk past residential areas in order to get to a car park, taxi rank or public transport?
- Where is your premises located (eg is your premises situated on a main road or within a shopping centre or main shopping precinct)?

Risk assessment and reasonable steps

General Code of Practice Part 3, Clause 13

- (1) A licensee must consider the measures that will be implemented in conducting operations under the licence for the purposes of compliance with this code of practice and, in particular, the measures that will be taken to comply with the requirements to take reasonable steps.
- (2) The measures must be contained in a written management plan.
- (3) The management plan or copy must be kept on the licensed premises and made available as soon as practicable upon request of an authorised officer.
- (4) The management plan must be reviewed and if necessary, modified every two years or when operations under the licence alter in such a way that warrants a review and modification of the management plan to be undertaken.

General comments:

The General Code of Practice intends that licensees be responsible for ensuring that they-

- make an assessment of the risk of their operational practices;
- not undertake operational practices involving unacceptable risk;
- consider and implement measures to manage high risk operational practices; and
- maintain standards of operational practice that, as a matter of course, address medium and low risk operations.

Good practices that may assist with compliance:

- Facilitate discussions between staff members to identify any existing or potential risks associated with the operations under the licence.

- If you identify any significant risks, consider the types of measures that can be implemented or steps that can be taken to address these and ensure that these are included in the venue's management plan.
- If you are unsure about the risks that may be associated with a particular promotion or activity, have discussions with staff (including bar staff), who are often the people who notice first hand the impact that certain promotions/activities can have on patrons and the environment within the licensed premises.
- Think about who might be harmed and how. For example, are bar staff or patrons at risk?
- If you are still concerned about potential risks, choose a less risky option - give consideration to operational/promotional changes that you might make to prevent or reduce the likelihood of a negative outcome occurring.
- When assessing the risks associated with a particular promotion or activity that involves liquor, give consideration to the following -
 - o timing - conducting promotions during certain time periods may pose higher risks of irresponsible drinking;
 - o type and strength of liquor – the stronger the liquor offered during a promotion, the higher the risk of intoxication;
 - o price - the cheaper the liquor, the increased incentive for patrons to drink excessively;
 - o duration of the promotion - the longer the promotion runs, the higher the risk of intoxication;
 - o type of promotional activity - some types of promotions encourage irresponsible drinking; and
 - o frequency - conducting a promotion several times a night can increase the risk of irresponsible drinking.

Induction and refresher training

General Code of Practice Part 3, Clause 13

- (1) A licensee must provide to all staff involved in the service or supply of liquor on the licensed premises, training in relation to the management plan to be implemented to address the risks associated with the operational practices.
- (2) The training must be provided to all staff on induction and at least once in each subsequent period of two years.
- (3) The licensee must produce evidence of the completion of the training by persons as required by this clause within 7 days of being requested to do so by an authorised officer (within the meaning of section 122 of the *Liquor Licensing Act 1997*).

Good practices that that may assist with compliance:

- Incorporate discussion of relevant sections of the *Liquor Licensing Act 1997* into induction and refresher training for all staff.
- Use staff meetings as an opportunity to engage staff in discussions about emerging issues and trends relating to the responsible service of liquor.
- Document details of when induction and refresher training is provided and keep records of this on the licensed premises.
- Where possible, involve staff in the development of any house policies or operational procedures that address responsibilities mandated under the Act and the relevant Codes of Practice.
- Consult staff when significant changes are made to house policies or operational procedures.



Consumer and Business Services

Chesser House
91-97 Grenfell Street
Adelaide SA 5000

Telephone 131 882
Facsimilie (08) 8204 9771

www.cbs.sa.gov.au

Translating & Interpreting Service (TIS)

Telephone 131 450