



Plan of Management

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Objectives of Plan of Management

Under section 73(2) of the *Liquor Act 2007* (**Act**) it is unlawful for a licensee or staff member to sell or supply liquor to an intoxicated person on licensed premises. 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.

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

A licensee is deemed to have permitted intoxication if an intoxicated person is on the licensed premises (see 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.

Under section 73(5A) of the Act "Guidelines" have been issued to assist the licensee and staff in determining whether a person is intoxicated. These Guidelines are available at <https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4003-intoxication-guidelines.pdf>. The purpose of the Guidelines is to describe the steps that The Cordial Factory ("TCF" - as licensee) and its staff must take in circumstances where wishes to be able to rely upon the defence in section 73(4)(a1) to establish that intoxication was not permitted on TCF licensed premises.

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

The Guidelines contain four (4) steps, the fourth being the requirement for TCF to implement a written document (such as a plan or policy) containing specific information.

This Plan of Management is prepared and implemented in accordance with step 4 of the Guidelines.

TCF implements and practices the Responsible Service of Alcohol in compliance with this Plan of Management.

It is the aim of TCF, in adopting the provisions of this Plan of Management, to

- (a) minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour) on TCF premises, and

- (b) encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor on TCF premises.

Management accepts that the minimising of harm not only applies to our patrons but also to neighbouring businesses and their patrons and the residents of homes located within the vicinity of TCF premises and to others who are also members of our local community.

1. Selling, supplying and promoting liquor responsibly

(a) Not sell or supply liquor to an intoxicated person (under section 73(2) of the Liquor Act 2007)

What is Intoxication?

The Act states that 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.

The above definition of “intoxication” is not an exhaustive list of the signs of intoxication. Please refer to the Intoxication Guidelines attached to this Plan of Management to assist in determining whether or not a person is intoxicated for the purposes of the Act

The attached Intoxication Guidelines should be understood and considered by the Licensee and employees of TCF together with this Plan of Management.

Refusal of Service

Under section 73(2) of the Liquor Act 2007 (**Act**) it is unlawful for a licensee or staff member to sell or supply liquor to an intoxicated person on licensed premises. The maximum penalty is \$11,000 and or 12 months imprisonment.

Refusal of service to a patron who is showing signs of “intoxication” is a fundamental aspect of the responsible service of liquor. The refusal of service in circumstances where the law requires refusal can be difficult. Individual patrons and some sections of the public do not readily accept that such refusals are obligatory and that the failure of staff to apply the law could place TCF’s licence in jeopardy or result in charges being laid against TCF and its employees.

To minimise any potential hostility or anti-social behaviour on the part of a patron who has been refused service, such refusals should always be done in a professional, polite, discreet but firm manner and where appropriate the reasons for refusal of service should be explained to the patron.

Where refusal of service takes place the person or persons who have been refused service must be requested to leave TCF’s premises. If the person/s refuse to leave at the request of Management or staff, other persons, including the Police must be asked to remove the person using such force as may be necessary.

Under the Act it is the duty and obligation of Police at the request of TCF Management or staff, to remove an intoxicated, quarrelsome or disorderly person from the Premises.

TCF Management will support staff in the refusal of service by providing:

- TCF Management available at all times to assist staff in the refusal of service.

- Diversionary and alternative strategies to minimise conflict when service is refused.
- Appropriate signage prominently displayed within TCF's premises emphasising TCF's and staff duties under the Act to refuse service.

No staff will be directed to sell or supply liquor to a person if the staff member reasonably believes that the person is intoxicated. The Act provides that a person is "intoxicated" for the purposes of the Act if that person's speech, balance, co-ordination, or behaviour is noticeably affected by liquor.

(b) obligations relating to responsible service of alcohol training and the availability of free water

Training

Management will ensure the proper and regular training of all staff in the responsible service of liquor. Management requires and encourages all staff to undertake appropriate training to a level that is commensurate with their roles and duties at TCF. All staff involved in the sale, supply or service of liquor on TCF's premises and all crowd controllers and bouncers must:

- (a) hold a current recognised competency card or existing RSA certificate, or
- (b) have been granted a valid interim RSA certificate within the previous 5 years.

In order to demonstrate its commitment to training, TCF adopts the following training requirements:

Management

TCF Management will attend and successfully complete an accredited training course in Responsible Service of Alcohol and will be on site at all times during the trading hours of TCF.

Management will attend or participate in additional accredited training courses relevant to their position and duties at TCF.

Staff

All staff on appointment must have undertaken an approved Responsible Service of Alcohol course. All staff will be given an introduction to and instructions in the principles of Responsible Service of Alcohol and this Plan of Management.

Crowd Controllers and Bouncers

All crowd controllers and security engaged at TCF will be given an introduction to and instructions in the principles of Responsible Service of Alcohol and this Plan of Management.

On-Going Training

Responsible Service of Alcohol and Liquor Licensing issues will be included as an agenda item at all staff meetings. Issues of concern regarding the implementation of this Plan of Management and Responsible Service of Alcohol measures generally will be open for discussion generally at staff meetings.

Responsible Service of Alcohol and Liquor Licensing issues will be incorporated into training sessions involving all employees. Training will be provided by in-house personnel, qualified trainers and others and will cover all matters relating to the responsible service of liquor and its implementation within TCF.

Minors

The Act prohibits minors being present on licensed premises except in certain circumstances.

A minor will only be permitted to be present on TCF's premises if:

- the minor is a guest of a patron who is a responsible adult, and:
 - (i) at all times while on TCF premises, remains in the company and immediate presence of a responsible adult, and
 - (ii) does not remain on TCF's premises any longer than the responsible adult.

Management will support staff refusing service to and/or denying a patron access to TCF's premises, and will facilitate that patron's removal from TCF's premises, if the staff member has reason to believe that the patron is a minor and that minor is not at TCF's premises as the guest of a patron who is a responsible adult.

Management and staff will have reason to remove a patron from the Premises whom they suspect to be a minor if that patron cannot produce acceptable ID verifying their age, or if the patron is confirmed to be a minor and does not fall within one of the exceptions listed above.

An acceptable ID will only include the following documents:

- a current Australian driver's licence with a photograph;
- a current passport with a photograph;
- NSW Photo Card issued by RMS; or
- a current proof of age card issued in another State or Territory.

Management will display appropriate signage on the Premises which explains the law in respect of minors being on licensed premises.

Management and a staff member is an "authorised person" under the Act and as such is authorised to ask a suspected minor to produce evidence of their age.

If the minor does not satisfy Management or staff members as to their age, or if the ID produced is not acceptable, the staff member is legally entitled to ask the suspected minor to leave TCF's premises and can remove the minor (or ask any other person to do so) using such force as may be necessary. The minor commits an offence if he or she does not leave the Premises.

Staff should be aware that although there may be controlled access to TCF's premises and it is intended that ID will be required of any person seeking to enter the premises who is a young-looking person, there is still an obligation on serving staff to be sure that no minor is sold or supplied with liquor.

Staff who suspect that:

- a minor (who does not fall within one of the exceptions listed above) is present on TCF's premises; or
- a minor has attempted to purchase liquor or is consuming liquor;

should request the production of an acceptable ID by the suspected minor and if no acceptable ID is produced the suspected minor should be immediately refused service and asked to leave TCF's premises. The assistance of Management or security staff should be obtained if the suspected minor refuses to leave.

Staff must not:

- sell or supply liquor to minors either on or off TCF's premises;
- permit a minor to consume liquor on TCF's premises;
- permit liquor to be sold or supplied to a minor on TCF's premises; or
- permit liquor to be sold to a person who is purchasing or obtaining liquor on behalf of the minor on licensed premises.

Drinking Water

TCF will ensure that drinking water is at all times, while liquor is sold or supplied for consumption on the premises, available free of charge to patrons at the point of service which is TCF vintage caravan bar.

(c) Conditions imposed on TCF licence or any requirements under the Liquor Act 2007 which restricts the times, type or quantity of alcohol sold or supplied on the licensed premises

As per Weddin Shire Council Notice of Determination of Development Application No. 60/2020 issued on 19/02/21:

6. Planning General

ii) The development shall only be conducted maximum twice monthly on Wednesday to Sunday only between 12pm and 12 midnight.

(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.

TCF aims to comply with the Liquor Promotion Guidelines in that it does not promote liquor in a manner that:

- has a special appeal to minors, because of the designs, names, motifs or characters in the promotion are, or are likely to be, attractive to minors or for any other reason;
- is indecent or offensive;
- involves the use of non-standard measures that encourage irresponsible drinking and are likely to result in intoxication;
- uses emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication;
- involves 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;

- encourages irresponsible, rapid or excessive consumption of liquor;
- is not otherwise considered to not be in the public interest.

The Liquor Promotion Guidelines are available at

<https://www.liquorandgaming.nsw.gov.au/documents/gl/gl4001-liquor-promotion-guidelines.pdf> and a copy of the Guidelines will be maintained at TCF at all times.

Advertising and Drink Promotions

No advertising will be displayed nor will incentives be promoted at the Premises which encourage patrons to consume liquor in a manner that is considered irresponsible. In the course of maintaining responsible service of alcohol TCF will prohibit promotional material, including but not limited to:

1. Drinks that offer alcohol in non-standard measures and/or by virtue of their emotive titles such as - "laybacks", "shooters", "slammers", "test tubes", "blasters" - and their method of consumption encourage irresponsible drinking habits and are likely to result in rapid intoxication.
2. Drink cards that provide a multiple of free drinks, extreme discounts or discounts of limited duration on a given day or night and have a capacity to be readily stockpiled by patrons or transferred to other patrons. In other words, the drink card must not, by design or potential misuse, create an incentive for patrons to consume liquor more rapidly than they otherwise might.
4. Promotions, for a limited duration, in which excessive discounts is the enticement for people to consume liquor on the premises and which may encourage the irresponsible consumption of liquor.
5. Any labelling or titling of promotions that may encourage patrons to consume liquor irresponsibly and excessively to an intoxicated state.
6. The refusal to serve half measures of spirits on request or provide reasonably priced non-alcoholic drinks.
7. Any promotion that encourages a patron to consume liquor excessively - "all you can drink offers", "free drinks for women", "free drinks for women all night", "two for one" - and to consume it in an unreasonable time period.
8. Staff will discourage and deter patrons from indulging in activities within the Premises that have been identified as being of the kind that are likely to lead to binge or irresponsible drinking of liquor.
9. Staff are to encourage the consumption of non-alcoholic, "light" or low alcohol drinks.
10. Staff are to promote the consumption of food by patrons.
11. Staff are to indicate a willingness to serve half measures of spirits.

2. Monitoring liquor consumption and patron behaviour

(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

At all times in which liquor is being sold and supplied on TCF's premises, TCF will operate under the direct supervision of Management.

(b) liquor consumption by all patrons is actively monitored by the licensee or staff

TCF staff are expected, for the purposes of the responsible service of liquor, to actively monitor and identify at an early-stage patrons whose behaviour may appear to be affected by liquor and patrons who are consuming liquor irresponsibly and in a manner likely to result in intoxication.

TCF strategies to prevent undue intoxication include:

- Management / staff / security will monitor tables, the bar area and stage / live entertainment areas every 30 minutes and communicate any concerns with each other regularly throughout the trading period.
- An adequate number of tables and seats will be set up inside the live entertainment area and outside which drinkers will be encouraged to return to and bar stools will not be provided at the service area.
- Water will be made available at the service area and staff will offer it regularly to encourage patrons to pace their alcohol consumption.
- The pre and post-show music noise level will be lowered to allow patrons to talk prior and post live music to encourage more talking and slow down drinking.
- Staff will assess patrons each time they are served.
- Lighting will be made bright enough and sound levels low enough to enable staff to properly monitor patrons' intoxication levels throughout the venue.
- Staff to observe groups of patrons in case a different person will come to the bar for a 'shout'.
- Appropriate signage will indicate that service will be refused.

Staff who consider that a patron is or may be nearing intoxication, suspect that a person may be intoxicated or consuming liquor irresponsibly and in a manner likely to result in intoxication should bring the matter to the attention of Management in order to confer and assess the patron's state.

(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

Where Management and staff form the view that a patron is consuming liquor irresponsibly and in a manner likely to result in intoxication they will immediately implement the steps referred to above in this Plan of Management including ceasing service of liquor to the patron.

Where a patron is identified as consuming liquor irresponsibly and in a manner likely to result in intoxication, and the steps are taken in accordance with this Plan of Management, that fact will be recorded in TCF's incident register.

(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

Where Management and staff form the view that a patron is showing signs of intoxication they will implement steps to prevent the person from consuming liquor and request the person leave the premises.

It is important that patrons who are refused service or who are asked to leave are dealt with in a professional but firm manner. The patron/s should be directed to the provisions of the Responsible Service of Alcohol House Policy in force at TCF's premises and assistance to obtain taxis should be offered.

Where a patron is identified as showing signs of intoxication, and the steps are taken in accordance with this Plan of Management, that fact will be recorded in TCF's incident register.

(e) 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.

As requested by The NSW Police Force:

1. The Licensee must maintain a closed-circuit television system on the premises in accordance with the following:

- (a) The system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times).
- (b) Recordings must be in digital format
- (c) Any recorded image must specify the time and date of the recorded image,
- (d) The system cameras must cover the following areas:
 - (i) All the exit and entry points of the premises,

- (ii) The footpath immediately adjacent to the premises,
- (iii) All publicly accessible areas (other than toilets) on the premises.
- (iv) Above any cash register and/or any money storage facilities located at the venue.

2. The licensee must also:

- (a) Keep all recordings made by the CCTV system for at least 30 days, and
- (b) Ensure that at least one member of staff is on the premises at all times the system is operating who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage and;
- (c) Provide any recording made by the system to a police officer or inspector within 24 hours of any request by a police officer

3. Immediately after the person in charge of the licensed premises becomes aware of an incident involving an act of violence causing injury to a person on the premises, the person must:

- (i) Take all practical steps to preserve and keep intact the area where the act of violence occurred, and retain all material and implements associated with the act of violence in accord with Crime Scene Preservation Guideline, issued by NSW Police, and
- (ii) Make direct and personal contact with the Local Area Commander or his/her delegate, and advise the Commander or delegate of the incident, and
- (iii) Comply with and directions given by the Commander or delegate to preserve or keep intact the area where the act of violence occurred.

4. The licensee or its representative must join, and be an active participant in the local liquor accord.

3. Implementing harm minimisation measures

(a) the availability of free drinking water is actively promoted to patrons throughout the licensed premises

TCF makes free drinking water available at all times. Jugs of water and drinking vessels are placed on the bar at TCF for self-service by patrons wishing to drink water.

Bottled still water will be available for purchase.

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

TCF promotes non-alcoholic and low strength alcoholic beverages in the licensed premises.

Drinks menus and signage throughout the service area for TCF is intended to promote non-alcoholic and low strength alcoholic beverages.

(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

TCF ensures that food is available at all times when liquor is being sold for consumption on TCF's premises.

4. Implementing prevention of offensive noise

(a) 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 prevention of offensive noise are adhered to

As per Weddin Shire Council Notice of Determination of Development Application No. 60/2020 issued on 19/02/21:

5. POEO

1) The proposed use of the premises shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

2) In this regard, the operation of TCF and its licensed area shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A). The source noise level shall be assessed an LAeq, 15 min and adjusted in accordance with the NSW Environmental Protection Authority's Industrial Noise Policy 2000 and Environmental Noise Control Manual (sleep disturbance).

Reason: to ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area.

TCF strategies to prevent offensive noise include:

- Letting our neighbours know in advance when live music is planned;
- Windows on residential side to be closed during entertainment;
- The venue has been planned with a focus on noise minimisation hence orienting the stage and PA so that noise is directed away from any noise sensitive residential use and the installation of acoustic panels
- Regular monitoring of noise by management and staff by walking outside and listening for noise from the premises and adjusting if necessary;
- Parking encouraged on the main street and away from venue when promoting events;
- Adequate security and lighting in external areas to discourage loitering when patrons leave the premises;
- Security monitoring the external areas of the premises at closing time to manage patrons as they leave;

5. Addressing safety issues regarding parking and unloading

(a) 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 safety issues regarding parking and unloading not cross into licensed area

As per Weddin Shire Council Notice of Determination of Development Application No. 60/2020 issued on 19/02/21:

6. Planning General

1) The loading and unloading of all vehicles must be done entirely within the property and not upon the road reserve or footpath.

8. Parking & Manoeuvring

2) That a minimum of one (1) space separately delineated and individually marked be provided for persons whom are access impaired. The car parking space together with continuous paths of travel to the main entry of the premises, or reasonable equivalent is to be constructed in accordance with AS 1428.

TCF strategies relating to safe parking and unloading include:

- Artists and deliveries to park at TCF-designated car park at front of the building and unload and set up via the front door (no patron access)
- Patrons encouraged to park on Main Street, Grenfell and make way to venue via foot when promoting events;
- Disabled car park available outside licensed area with adjoining pathway to venue entrance
- Adequate security and lighting in external areas to discourage loitering when patrons leave the premises;
- Security monitoring the external areas of the premises at closing time to manage patrons as they leave;

By signing this Plan of Management, I acknowledge that I have received instructions and training on the contents of this Plan and acknowledge my responsibilities in regard to the Plan and RSA procedures.

Name: _____ Signature: _____ Date: _____

Received by:

Manager: _____ Signature: _____ Date: _____

GL4003

Intoxication guidelines

These guidelines are designed to assist you to determine whether or not a person is intoxicated.

Overview

You must always have due regard to the following objectives of the liquor laws:

- ▲ Need to minimise harm associated with the misuse and abuse of liquor.
- ▲ Encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor.
- ▲ Ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.

What is the law?

Section 5 of the *Liquor Act 2007* states that a person is intoxicated if:

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

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. Fines, higher annual licence fees, and possible suspension or cancellation of a licence can apply where alcohol is served to an intoxicated person or intoxication is permitted.

Intoxication offences under the NSW liquor laws are discussed in the GL4002 'Prevention of intoxication on licensed premises March 2015' guidelines. The guidelines outline the obligations of licensees and serving staff. They provide advice on steps that can be taken by licensees and staff to manage the risk of intoxication on licensed premises.

The GL4002 'Prevention of intoxication on licensed premises March 2015' guidelines are issued by the Secretary, NSW Department of Industry, under section 73(5A) of the *Liquor Act 2007* and are available from Liquor & Gaming NSW at liquorandgaming.nsw.gov.au.

What are the noticeable signs of intoxication?

These symptoms or signs are not exhaustive, and not necessarily conclusive of intoxication.

Speech

- ▲ slurring words
- ▲ rambling or unintelligible conversation
- ▲ incoherent or muddled speech
- ▲ loss of train of thought
- ▲ not understanding normal conversation
- ▲ difficulty paying attention.

Balance

- ▲ unsteady on feet
- ▲ swaying uncontrollably
- ▲ staggering
- ▲ difficulty walking straight
- ▲ cannot stand, or falling down
- ▲ stumbling
- ▲ bumping into or knocking over furniture or people.

Coordination

- ▲ lack of coordination
- ▲ spilling drinks
- ▲ dropping drinks
- ▲ fumbling change

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- ▲ difficulty counting money or paying
- ▲ difficulty opening or closing doors
- ▲ inability to find one's mouth with a glass.

Behaviour

- ▲ rude
- ▲ aggressive
- ▲ belligerent
- ▲ argumentative
- ▲ offensive
- ▲ bad tempered
- ▲ physically violent
- ▲ loud / boisterous
- ▲ confused
- ▲ disorderly
- ▲ exuberant
- ▲ using offensive language
- ▲ annoying / pestering others
- ▲ overly friendly
- ▲ loss of inhibition
- ▲ inappropriate sexual advances
- ▲ drowsiness or sleeping at bar or table
- ▲ vomiting
- ▲ drinking rapidly.

Standard drinks

The concept of a standard drink enables people to keep track of how much alcohol they are consuming. A standard drink contains 10 grams of pure alcohol.

The [Standard drinks guide](#) can be used to help identify how many standard drinks have been consumed and is available from alcohol.gov.au.



How else to determine if someone is intoxicated

Make observations:

- ▲ Does the person smell of alcohol?
- ▲ How long has the person been drinking?

- ▲ When did the person enter the premises?
- ▲ Was the person affected by alcohol when they arrived?
- ▲ What type of alcohol has been consumed?
- ▲ How much alcohol have you seen the person drink?

Your observations will help you form a reasonable belief as to whether the person is intoxicated as a result of alcohol consumption.

Talk to the person and their friends to help determine whether the person is intoxicated or becoming intoxicated.

Reasonable belief that a person is intoxicated

The law requires you to form a reasonable belief that the person is intoxicated as a result of alcohol consumption. It is all right if you refuse service to a person on the basis of this belief, even if you are wrong.

Reasonable grounds for a belief that a person is intoxicated are what a reasonable person would believe in the circumstances, taking into account the relevant knowledge and facts presented.

You should be sure of your reasons for refusal of service and these reasons should not be discriminatory, for example due to race, sex, or disability.

A person has the right to take the matter to the Anti-Discrimination Board if they feel they have been subjected to discrimination.

Are there conditions that exhibit similar symptoms/signs to intoxication?

Some medical conditions, disabilities or the use of drugs may cause similar behaviours without the person being intoxicated as a result of alcohol consumption.

Prior to refusing service on the basis that a person is intoxicated, you should endeavour to determine whether the person has a medical condition or disability which may cause signs or symptoms similar to intoxication.

If the person has a medical condition or disability, it is likely that their friends will be able to tell you. Be sensitive to a person's right to privacy.

Examples only:

- ▲ acute infections
- ▲ acquired brain injury
- ▲ brain trauma/tumours
- ▲ delirium
- ▲ diabetes/hypoglycaemia

Intoxication guidelines

- ▲ epilepsy
- ▲ head injuries
- ▲ pneumonia
- ▲ seizures and post-seizure states
- ▲ stroke.

Even though a person has a pre-existing condition, if you have observed the person consuming alcohol and the person has been drinking for some time, then it would be reasonable to form a belief that the person is intoxicated as a result of alcohol consumption.

- ▲ Slow service down for the patron
- ▲ Wait for the patron to re-order, don't automatically top up drinks
- ▲ Do not conduct any activity or promotion that will result in patrons engaging in irresponsible, rapid, or excessive consumption of liquor.

What to do if someone is intoxicated

If there are reasonable grounds for you to form a belief that someone is intoxicated as a result of alcohol consumption, you must refuse service to that person. Under the law the person must also be asked to leave the premises.

Procedures for dealing with intoxication incidents should be in place and staff should be trained in these procedures.

When refusing service to a person:

- ▲ Introduce yourself to the person. Tell them your name and your role, and ask their name.
- ▲ Approach the person in a friendly and respectful manner. Patronising or authoritarian attitudes can often evoke anger and make the person more aggressive – this is a common response to threats to one's dignity and self-respect. Try not to speak to the person in front of others.
- ▲ When talking to the person: use their name; use slow, distinct speech; use short simple sentences; avoid emotion and involved discussions; use appropriate eye contact (limit for cultural reasons); and adjust speaking pace to match the patron's.
- ▲ Give clear, concrete statement that by law they cannot be served another drink.
- ▲ Notify the manager/licensee/supervisor or security. Also notify other bar staff that you have refused service to the person. If a shift change is nearing, notify the new staff.

- ▲ Give a clear instruction that the person must leave the premises. If necessary, guide them to the exit, ensuring that they have all their personal possessions with them.
- ▲ If the person refuses to leave then you should contact police for assistance in removing the person from the premises.
- ▲ If considered necessary, management may consider imposing a short term ban.

The Liquor & Gaming NSW website has a number of resources which provide further information on refusing entry or removing patrons from a premises.

See the FS3030 'Refusal of entry and patron bans/barring' fact sheet for further information on refusing entry or removing patrons from a premises, or search for 'refusing entry' at liquorandgaming.nsw.gov.au.

Penalties




Supplying alcohol to an intoxicated person can be very expensive. The licensee or staff can be fined up to \$11,000 or be issued with an on-the-spot fine by way of a penalty notice. It is also an offence for other patrons to supply alcohol to an intoxicated person, with a maximum fine of \$1,100 applying.

For further information

Visit liquorandgaming.nsw.gov.au for more information about the liquor laws. Subscriptions to our e-news service are also available from this site.

Access to the liquor laws – the *Liquor Act 2007* and the Liquor Regulation 2018 – is available from liquorandgaming.nsw.gov.au.

To find out more about the liquor laws, contact L&GNSW:

-  liquorandgaming.nsw.gov.au
-  1300 024 720
-  [Contact us online](#)

Publication details

These guidelines are published by the Secretary, NSW Department of Industry, under section 5 of the *Liquor Act 2007*. They are designed to assist you to determine whether or not a person is intoxicated.

These guidelines are subject to periodic review. Please go to liquorandgaming.nsw.gov.au to ensure you are using the latest guidelines.

GL4001

Liquor Promotion Guidelines

Introduction

Promotions and activities that surround the sale and supply of alcohol can have a significant influence on patrons and the way they behave.

Undesirable or poorly managed liquor promotions can encourage people to drink irresponsibly and excessively, and lead to alcohol-related violence and anti-social behaviour and adverse health impacts.

Promotions that appeal to minors, are indecent, offensive, or are generally out of step with community standards can also encourage risky drinking and may lead to behaviours which harm or offend others.

Ensuring liquor promotions are run responsibly helps to minimise the harms that can arise. It also makes good business sense, and supports the sustainability and responsible development of the industry in NSW.

The Secretary, Department of Industry, has the power to ban or restrict 'undesirable' liquor promotions run by licensed venues in NSW by issuing a notice under section 102 of the *Liquor Act 2007* (the Act).

Before the Secretary can exercise this power, publicly available guidelines must be released under section 102(4) of the Act. These Guidelines fulfil this requirement and indicate the kinds of promotions or activities that the Secretary would consider being the subject of a notice.

The Secretary is also able to ban or restrict any activities at licensed venues that are likely to encourage the misuse and abuse of liquor under section 102A of the Act. This does not require guidelines and can be relevant for promotional activities as well as broader activities run on licensed premises.

The Secretary may also ban or restrict licensees from selling or supplying specific liquor products where they are considered 'undesirable' under section 101 of the Act.

Running promotions responsibly in NSW - The Law

What are my obligations as a licensee?

All licensees and staff have obligations under the *Liquor Act 2007* (the Act) to maintain responsible attitudes and practices towards promoting and selling alcohol.

These Guidelines convey principles for running promotions responsibly in NSW, and help to set standards for licensees to follow by providing examples of unacceptable practices.

If a licensee runs a promotion that is inconsistent with any of the principles or related standards set out in the Guidelines, they may be subject to regulatory scrutiny and intervention.

Liquor & Gaming NSW actively monitors liquor promotions run by licensed venues and also assesses complaints raised by the public.

What makes a promotion undesirable?

A promotional activity can be 'undesirable' and subject to a ban or restriction if the Secretary considers it contravenes one of seven principles in section 102 of the Act. These include that a promotion:

1. Must not have a special appeal to minors, because of the design, names, motifs or characters in the promotion that are, or are likely to be, attractive to minors, or for any other reason.
2. Must not be indecent or offensive.
3. Must not involve the use of non-standard measures that encourage irresponsible drinking and is likely to result in intoxication.
4. Should not use emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication.
5. Should not involve 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.

6. Should not otherwise encourage irresponsible, rapid or excessive consumption of liquor.
7. Should not otherwise be considered to not be in the public interest.

What can I do to ensure a promotion complies?

When running promotions licensees should always consider how the principles apply, as well as what actions they can take to minimise any risk of harm.

Examples of unacceptable promotions that are clearly inconsistent with the principles and must not be undertaken are provided in these Guidelines to help demonstrate relevant standards in relation to each principle. However, they are not intended to be a definitive list of what can and cannot be done.

The Guidelines also include information about some of the practical steps that can be taken by licensees to help manage any associated risks.

What happens if my promotion doesn't comply?

If a licensee runs a liquor promotion that may be considered 'undesirable' it can be actively investigated by Liquor & Gaming NSW.

Typically, Liquor & Gaming NSW will first contact the licensee to seek an explanation when there are concerns that standards are not being met, and may request changes or withdrawal of the promotion.

If any concerns are not addressed then the Secretary, or a Liquor & Gaming NSW delegate, can ban or restrict any promotion considered to be undesirable by issuing a written notice under section 102 of the Act.

Section 102A can also be used to restrict or prohibit any activities likely to encourage the misuse or abuse of liquor.

If a licensee does not comply with a ban or restriction, they face fines of up to \$5,500.

What promotions do the Guidelines apply to?

All NSW licensees should be mindful that the Guidelines apply to all types of promotional activities - whether they are run using more traditional channels like flyers or posters or over the Internet, social media or SMS.

They extend to promotions that use social media influencers or other third parties, including any promoters engaged by a licensee.

The Guidelines also apply across different licensed environments where risks can differ and alcohol is being promoted:

- ▲ for consumption on premises; and
- ▲ for take-away or home delivery.

Past examples of promotions investigated by Liquor & Gaming NSW are included in the Guidelines to help demonstrate how each of the principles apply in these different contexts.

Principle 1 - Appeal to Minors

Promotions must not have a special appeal to minors, because of the design, 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.

Promotions that hold particular appeal to minors can pose a significant risk as they may lead to increased levels of alcohol-related harm in a vulnerable group.

The National Health and Medical Research Council Guidelines refer to the increased risks of harm from alcohol for minors. Early drinking is related to increased alcohol consumption in adolescence and young adulthood. These drinking patterns are also related to the possibility of damage to the developing brain and development of alcohol-related harms in adulthood.

Examples of unacceptable promotions

- ▲ Using characters, imagery, motifs, naming or designs that would appeal to minors.
- ▲ Including merchandise that primarily appeals to minors.
- ▲ Using interactive games or technology that would appeal to minors.
- ▲ Using images of people that look under 18 years of age that suggests they are or have been consuming liquor or may be about to.

Managing related risks

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

Licensees should also exercise extra caution if running any promotions in environments where young people are more likely to be present.

For example, minors can readily be exposed to promotional material published over digital and social media platforms.

Placing promotional material at or close to primary or secondary schools, or other areas mostly used by minors, is likely to be 'unacceptable' in all cases.

Minors can also access most licensed premises in the company of a responsible adult, so licensees also need to be aware of their presence when running any promotions on-site.

Past examples of promotions that have been investigated

On-premises environment

- ▲ Cartoon animal characters that would appeal to minors were depicted on a hotel's Facebook page promoting a liquor activity.

Take-away environment

- ▲ A take-away liquor store packaged bottles of vodka with a box of Skittles and included instruction on how to mix Skittle bombs.
- ▲ Images on a licensee's Facebook page depicted young people in a heavily drunken state.
- ▲ An image on a licensee's Facebook and Instagram account paired an image of a large crowd of young people at a concert with a large-sized bottle of liquor on stage with the provocative title 'Raise your hand if you have been personally victimized by vodka'.

Principle 2 – Indecent or Offensive

Promotions must not be indecent or offensive.

Explanation

The use of indecent or offensive material in a liquor promotion is of poor taste and is against general community standards.

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

Indecent and offensive promotions may be a catalyst for crime or violence, including sexual crime against women.

Examples of unacceptable promotions

- ▲ Using images, including of human bodies, that may be considered offensive to a reasonable adult.
- ▲ Offering free or discounted drinks for participating in an activity that may be offensive to a reasonable adult present on the premises, for example, encouraging participants to remove items of clothing.
- ▲ Using insulting or offensive language.
- ▲ Using any form of discriminatory, demeaning or vilifying language or imagery.
- ▲ Using sexual, degrading or sexist images, symbols, figures or innuendo.

Managing related risks

Some drink brands and cocktails have provocative language in their names. While the sale of these products is largely accepted in society, care should be taken not to use language that may be insulting or offensive as a key part of the branding of any related liquor promotions. Branding a promotion with this language is likely to be considered 'undesirable'.

Caution should be exercised in promoting these products within or externally to a venue to limit the potential to cause offence.

Past examples of promotions that have been investigated

On-premises environment

- ▲ A hotel's Facebook post promoted ANZAC Day celebrations using sexual imagery with the title 'Let's re-enact Gallipoli,' 'Screw battle, we're getting drunk,' and 'Terrible shape for Dawn Service.'

Take-away environment

- ▲ A producer/wholesaler posted a promotion for a liquor product on its Facebook and Instagram pages depicting the consumption of liquor with sexual acts.
- ▲ A producer/wholesaler shared a video on its Facebook page created by another account user which promoted cheap liquor and excessive drinking using obscene language. The video was tagged 'Like watch and share'.

Principle 3 – Non-Standard Measures

Promotions must not involve the use of non-standard measures that encourage 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 patrons to make informed decisions about their alcohol intake. In Australia, a standard measure contains 10 grams of pure alcohol. Licensees may refer to the National Guidelines for Alcohol Consumption on the Australian Department of Health website for further details on standard measures.

Where standard measures aren't used the likelihood of irresponsible drinking is increased as the alcohol content of the drink is unknown.

This principle, and the use of standard measures, is most relevant for promotions that offer liquor for consumption on licensed premises.

Separate requirements apply to packaged liquor sales to ensure standard drink information is clearly stated on liquor products (Food Standards Australia New Zealand) and to restrict the sale or supply of undesirable liquor products that may encourage irresponsible drinking (section 101 of the Act).

Examples of unacceptable promotions

- ▲ Encouraging the consumption of liquor in a yard glass for skolling.
- ▲ Encouraging the consumption of laybacks, slammers, blasters, bombs or consumption from a water pistol or test tubes with no stand.
- ▲ Encouraging 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).
- ▲ Encouraging the consumption of multiple shooters or shots by an individual.

Managing related risks

Care needs to be taken where liquor is being served in vessels that are not well recognised (e.g. schooner or wine glass) to ensure patrons have the ability to judge how much they consume.

If a promotion is being undertaken where an alcoholic drink is being sold in a large volume (such as jugs) or 'novelty' drinkware (such as teapots or jam jars) the following approach should be taken:

- ▲ Accurate standard measures should be used to pour the drink into the vessel.
- ▲ If the drink is meant to be shared, standard sized drinking vessels should be provided.
- ▲ Patrons should be made clearly aware of the alcohol content of the drink. For example, details of the number of standard drinks should be available on the drinks menu or on other suitable promotional material for the drink such as posters.

Past examples of promotions that have been investigated

On-premises environment

- ▲ A hotel supplied liquor in three litre cocktail balloons and two litre towers. Large vessels such as these can make it difficult for patrons to monitor their rate of alcohol consumption.
- ▲ A registered club promoted 'Mid-week Fishbowl Cravings' offering cocktails served in fishbowls with a straw.
- ▲ A hotel promoted \$10 cocktail buckets where patrons consumed the cocktail directly from the bucket with straws.

Principle 4 – Emotive Description or Advertising

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

Explanation

The use of emotive descriptions in a liquor promotion can encourage irresponsible drinking.

A promotion that focuses on drinking irresponsibly or uses emotive descriptions to encourage excessive or rapid drinking can influence the actions of consumers and increase the likelihood of drinking to excess, intoxication and other alcohol related-harm.

Examples of unacceptable promotions

- ▲ Promoting events which focus primarily on the excessive consumption of alcohol e.g. 'Mad Monday'.
- ▲ Using language, labelling or titling that suggest irresponsible or excessive consumption of alcohol (e.g. 'Drink like a fish', 'beat the clock' and challenges to drink within certain timeframes).
- ▲ Engaging a person who, as part of the promotion, enthusiastically talks up excessive consumption of alcoholic beverages, encourages intoxication or irresponsible or illegal behaviour.
- ▲ Encouraging consumers to get drunk. This may involve the use of language images or slogans such as 'drink till you drop' or 'drink your money's worth'.
- ▲ Encouraging patrons to post pictures on social media of themselves in an intoxicated state.

Managing related risks

Licensees should take particular care in determining whether the name of a promotion or any promotional material used contains descriptions that may encourage irresponsible drinking.

Past examples of promotions that have been investigated

On-premises environment

- ▲ A hotel promoted a challenge to drink 30 tequila shots in 10 minutes. The challenge encouraged excessive drinking and posed significant risk to patron health and safety.
- ▲ A restaurant promoted a five-litre beer stein challenge for Oktoberfest.
- ▲ A bar promoted frozen cocktails with the tag line 'let's get slushie sloshed.' Emotive tag lines may encourage people to drink irresponsibly.
- ▲ A hotel challenged patrons to drink six beers in 60 minutes.

Take-away environment

- ▲ A takeaway liquor store promotion used the words 'stock up, party and don't risk running out of drinks.'

Principle 5 - Extreme Discounts

Promotions should not involve the provision of free drinks or extreme discounts, or discounts for a limited duration that create 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 business. However, discounts should not be excessive to the point where the promotion could encourage irresponsible drinking and intoxication.

Examples of unacceptable promotions

- ▲ Providing free drinks which encourage rapid consumption of alcohol (e.g. all you can drink in a limited time frame).
- ▲ Using drink cards, promotional cards, vouchers or shopper dockets which encourage rapid consumption of alcohol over a short period of time (e.g. \$50 voucher redeemable between 9pm and 10pm).
- ▲ Promoting happy hours encouraging or facilitating the rapid consumption of alcohol.
- ▲ Promotions that link the consumption of alcohol to unpredictable events (e.g. free drinks until the first points scored).

Managing related risks

It is important for licensees to consider implementing harm minimisation measures to reduce any risk of irresponsible drinking and intoxication that can arise from discounting practices. Licensees need to be aware that some discount promotions pose higher risks and are likely to be 'unacceptable' unless these risks are managed appropriately.

Examples of promotions likely to be 'unacceptable' without appropriate measures include those that:

- ▲ Encourage the purchase of large amounts of alcohol with rewards of free or discounted drinks (e.g. buy six drinks and get two free drinks) to be redeemed within the same trading period.
- ▲ Offer 'buy one, get one free' deals through discount vouchers, cards or 'shopper docket' offers without purchase limits or other suitable controls in place.
- ▲ Run for very short periods, creating incentive for patrons to stockpile or consume liquor rapidly.

- ▲ Run for extended periods over two hours, where patrons may drink more than they otherwise would.
- ▲ Offer 'all you can drink' for a set price or long periods of free drinks (e.g. \$50 entry and free drinks all night).
- ▲ Involve discounts of greater than 50% off the normal retail price.

There are a range of measures licensees can adopt to reduce the risk from discount liquor promotions, such as controls on the timing, drinks limits, promoting lower strength drinks, and close monitoring of patron behaviour on the premises during and after discount promotions.

Licensees should be cautious in offering discounts on drinks associated with rapid alcohol consumption (e.g. shots). Extreme discounting of any product designed for rapid consumption, whether for consumption on-premises or for take-away, is likely to be unacceptable.

Additional Information

Across the hospitality industry, there are a range of businesses that offer functions packages inclusive of all drinks for a set price (such as wedding packages, corporate events, etc). The Guidelines do not seek to prevent this type of activity. However, it is the responsibility of licensees to ensure the function is run safely and alcohol is served responsibly.

Past examples of promotions that have been investigated

On-premises environment

- ▲ A hotel promoted \$2 beers, this being at significant discount from the hotel's regular sale price.
- ▲ A restaurant promoted unlimited sake for two hours for \$17.90 per person.
- ▲ A night club promoted a \$30 door charge which included free house spirits, beer, wine and cider from 9pm till 3am.
- ▲ A hotel State of Origin promotion offered free middies until the first points scored.

Take-away environment

- ▲ A takeaway liquor store promoted packaged single shots for 50c each. Extreme discounts on products designed for rapid consumption are likely to encourage irresponsible consumption.

Principle 6 – Irresponsible, Rapid or Excessive Consumption

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

Explanation

Licensees should always be mindful that liquor promotions they run do not encourage people to drink irresponsibly, rapidly or excessively.

It is important to consider how and when any alcohol will be consumed as a result of any promotion, and what related measures could help manage the risk of people drinking irresponsibly.

While promotions such as happy hours, competitions and games can enliven the environment on licensed premises, if not well managed they may incentivise irresponsible or excessive consumption.

Licensees should take care to ensure these types of promotions do not encourage people to drink in greater amounts or faster than they otherwise would.

Examples of unacceptable promotions

- ▲ Using drinkware which encourages rapid consumption, such as test tubes, water pistols or yard glasses.
- ▲ Drinking games, competitions, challenges, dares, scoreboards, lotteries or games of chance that involve the rapid or excessive consumption of liquor (e.g. beer pong, skolling games, flip and win, 'around the world', '60 shots in 60 minutes', pub golf).
- ▲ Challenging or daring patrons to drink a particular drink because of its higher alcohol content.
- ▲ Happy hours occurring late into the trading period or early hours of the morning.
- ▲ Encourage the stockpiling of drinks.

Managing related risks

While some competitions and games involving alcohol consumption are 'unacceptable', others can help to create enjoyable and safe environments in venues if run responsibly. Licensees should ensure that consuming alcohol is not required to take part in any competition or game. If there is a prize on offer, licensees are also encouraged to offer prizes other than liquor, such as meals, movie tickets or other products.

It is common for licensees to run happy hours to promote their business. When run responsibly, with suitable limits on duration, timing and frequency, this poses limited risk of irresponsible drinking.

There are many different harm minimisation measures licensees can adopt to manage risks relating to irresponsible, rapid or excessive consumption of alcohol from broader liquor promotions. A detailed summary of practical steps licensees can take is included at page 10 of these Guidelines.

Past examples of promotions that have been investigated

On-premises environment

- ▲ A restaurant promoted a Soju Bomb challenge on its Facebook page encouraging diners to create a new record for the number of bombs consumed in a sitting.
- ▲ A hotel promoted drinking games linked to scissor, paper, rock and toss the boss on its Facebook page. These and similar games, are unacceptable as they encourage patrons to drink more and in a shorter timeframe than they otherwise would.
- ▲ A karaoke venue's house policy instructed staff to 'make customers drink more.' Staff should never encourage patrons to drink more. This is an unacceptable practice.

Take-away environment

- ▲ A hotel promotion offered the chance to win 100 cans of beer when patrons download a mobile phone app.
- ▲ A hotel promoted a competition to win your height in a canned premixed alcoholic drink.

Principle 7 – Not in Public Interest

Promotions should not otherwise be 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 the other principles in the Guidelines, but may be considered undesirable as they are not in the public interest.

Generally, if something is not in the public interest it goes against principles of fairness, equity, decency or lawfulness in society. Public interest is linked to the wellbeing of the community or risk of detriment to the community at large.

Licensees need to ensure promotions do not contain discriminatory or demeaning content, or promote unlawfulness.

Examples of unacceptable promotions

- ▲ Using images or messages that could be seen to be encouraging or condoning breaking the law or other anti-social behaviour.
- ▲ Using images or messages which link the promotion of alcohol with illicit drugs or allude to drug taking behaviour.
- ▲ Associating liquor consumption with aggressive or violent behaviour towards other people.
- ▲ Including discriminatory elements into a promotion such as a gender-based free drinks or discounts (e.g. 'women drink free').

Past examples of promotions that have been investigated

On-premises environment

- ▲ A hotel promoted a jelly wrestling event to raise money for a charity. VIP tickets were on sale that included unlimited drinks for three hours. The event schedule also included boat race drinking games. The promotion was not consistent with a number of Principles in the Guidelines. It was therefore considered to not be in the public interest.
- ▲ A club promotion alluded to drug usage with the consumption of shots. The promotion was titled 'Shots or Lines'.

Take-away environment

- ▲ A social media account associated with a producer/wholesaler shared a video of two males jumping off letter boxes with the caption 'Sink a couple and you too will become a gymnastics gold medalist #undertheinfluence.' Promoting any inappropriate activity while under the influence of alcohol is against the public interest.

Harm Minimisation Measures

What additional steps can licensees take to ensure their promotions are run responsibly?

Licensees should never run promotions identified in these Guidelines as being 'unacceptable'.

Beyond that, licensees also need to actively consider the risk of harm from any other liquor promotion activities.

There can often be risks that need to be managed through appropriate harm minimisation measures. It's up to individual licensees to manage and minimise these risks within their own business environment.

Adopting harm minimisation measures can help ensure liquor is consumed responsibly, and allows patrons to enjoy safer environments together with the benefits of a promotion. This makes good sense for the business and supports responsible industry development. It also reduces the potential for serious liquor law breaches.

On-premises environment

For venues selling liquor for consumption on the premises, it is particularly important to plan for, control and monitor how promotions could impact patrons and ensure it does not encourage excessive drinking and intoxication on the premises. Some suggested steps licensees can take to reduce risk with running liquor promotions include, but are not limited to:

▲ Consider the timing of a promotion

Time of day – Licensees should be mindful of the times they run promotions and consider doing so at a time that poses lower risk. Running a promotion during certain times of the day can pose higher risks of irresponsible consumption. Promotions run before 10pm typically pose less risk than during the later trading period, as patrons are less likely to have consumed as much and more likely to have eaten.

Duration – Where the duration of a promotion is either too short or too long it can elevate the risk. Short promotions may encourage patrons to consume alcohol rapidly (e.g. discounted drinks for the first 10 minutes of each hour). Promotions that run for too long can pose a risk of patrons drinking excessively over an extended period, especially where they have been at the same venue for a number of hours. Licensees should appropriately time the duration of promotions to reduce the risk of irresponsible drinking. For example, happy hours should not exceed one to two hours.

Frequency – Running multiple promotions during a single trading period can increase the likelihood of patrons drinking excessively, especially if patrons have been at a particular venue for a long time, and can take advantage of multiple promotions. Licensees should consider restricting the number of promotions run over a single trading period.

▲ Consider placing limits on volume and strength

Drink limits – A drink limit on the number of drinks a person can purchase during a promotion, or each visit to the bar, provides an opportunity for patrons to enjoy the benefit of a promotion while facilitating responsible service of alcohol. For example, maximum two drinks per person.

Liquor strength – Drinks containing high alcohol content can lead to patrons to become intoxicated quickly. Offering drinks containing lower alcohol content in a promotion is an easy way to reduce the likelihood of intoxication.

▲ Monitor and manage patrons during promotions

Drink stockpiling – Bar staff should always keep a look out for patrons who try to stockpile several unconsumed drinks. Stockpiling drinks poses a significant risk of excessive or rapid intoxication. Where bar staff see a patron attempting to do so, they should cease any further service.

RSA marshals – Employing RSA marshals during the course of a promotion can help venues monitor consumption of alcohol. It also makes it easier to identify and respond early to patrons who may be at risk of becoming intoxicated.

Take-away environment

For venues selling liquor for take-away it is important to consider and apply appropriate harm minimisation measures that are suitable for the take-away business environment.

▲ Consider placing limits on coupons

Discount promotions such as discount vouchers, cards or 'shopper docket' without purchase limits or other suitable controls in place can pose a risk of irresponsible drinking. If using coupons, licensees should consider applying limits on the volume of alcohol that can be purchased and/or restricting their use to one per person.

All licensed environments

▲ Apply common sense in discounting liquor

Discounts on alcohol designed for rapid consumption, such as shots, may pose significant risk of irresponsible drinking. Licensees should limit discounts on these products to ensure they are not excessive. It is also important to consider the normal retail price in determining the discount size. A 75% discount on an expensive bottle of wine may have a different effect to 75% off pre-packaged shots or cask wine.

▲ Apply strict controls on what promoters do for you

When a licensee engages any third party to run a promotion on their behalf, it is important to ensure it still complies with principles and standards set by the Guidelines. A notice may be issued to the licensee where a third party runs a promotion on their behalf that is considered undesirable.

▲ Be cautious in offering liquor as a prize

Licensees are encouraged to consider offering prizes other than liquor, particularly where the liquor can only be consumed on the licensed premises and there is increased risk of patrons consuming more than they otherwise would. If liquor is being offered as a prize in a trade promotion lottery, restrictions apply on how much liquor can be included. Licensees should refer to the NSW Fair Trading website for more details.

▲ Consider broader national advertising standards

Licensees should understand how their promotions operate within the broader national regulatory frameworks for alcohol advertising. This includes available national codes and guidelines relating to responsible advertising and marketing of alcohol. Codes such as the ABAC Responsible Alcohol Marketing Code and Outdoor Media Association Policies include standards relating to content and placement that span state and territory boundaries and are relevant for liquor promotions and broader forms of advertising.

For further information

For more information about liquor promotions contact us:

 liquorandgaming.nsw.gov.au

 1300 024 720

 [Contact us online](#)

To make a complaint about liquor promotions please contact the Compliance Unit:

 02 9995 0837

 [Contact us online](#)

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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Incident Register

CONTACT NUMBERS

Local Police 02 6343 1222 or 000

Fire Brigade 02 6343 1054 or 000

Security

Local Council 02 6343 1212

Accord Coordinator Carol Logan at carol_logan@bigpond.com

LIQUOR & GAMING NSW

Switchboard - 1300 024 720

Publications and signage - 1300 024 720

Complaints about licensed venues -1300 024 720 (online complaints form at www.liquorandgaming.nsw.gov.au)

Website: www.liquorandgaming.nsw.gov.au

Email: contact.us@liquorandgaming.nsw.gov.au

HOW TO USE THIS REGISTER

As a matter of best practice, all licensed venues should maintain an incident register. The law requires the following premises to maintain an incident register:

1. Any premises situated within the CBD Entertainment Precinct or the Kings Cross Precinct.
2. Any premises that is authorised to trade past midnight at least once a week on a regular basis.
3. Any premises that is listed as a Level 1 or Level 2 Declared Premises under schedule 4 of the Act.

The incident register now comes in 2 parts: Part A - Incident Log and Part B - Incident Report. All incidents must be recorded in Part A, and a more detailed account filled out in Part B for serious incidents - described below.

PART A – INCIDENT LOG

All incidents must be recorded within this log as soon as practicable (within 1 hour) after the event

This should include such things as:

- refusal/removal for intoxication
- insufficient ID
- injury to staff or patron
- assaults/fights
- malicious damage
- requests for self exclusion
- complaints
- injuries/first aid
- compliance issues e.g. missing RSA certificate, faulty gaming machine
- disturbance complaints.

PART B - INCIDENT REPORT

In addition to the Incident Log, the Incident Report must be filled out as soon as practicable (within 6 hours), for any incident:

- involving violence or anti-social behaviour occurring on the licensed premises
- that involves violence or anti-social behaviour occurring in the immediate vicinity of the licensed premises and involves a person who has recently left, or has been refused admission to, the premises
- that results in a person being turned out of the licensed premises
- that results in a patron of the licensed premises requiring medical assistance
- deemed serious. If in doubt, the Incident Report should be filled out.

PART A - INCIDENT LOG

Date	Time	Location	Reported by
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Incident details (please tick appropriate boxes)

<input type="checkbox"/> Violence/aggression	<input type="checkbox"/> Intoxication	<input type="checkbox"/> Injury	<input type="checkbox"/> Theft	<input type="checkbox"/> Complaint
<input type="checkbox"/> Fail to quit	<input type="checkbox"/> Refuse entry	<input type="checkbox"/> Illicit drugs	<input type="checkbox"/> Minors	<input type="checkbox"/> Inappropriate conduct
<input type="checkbox"/> Self exclusion	<input type="checkbox"/> Refuse service	<input type="checkbox"/> Gaming	<input type="checkbox"/> Other _____	

Person description

Incident summary

Full report?	<input type="checkbox"/> No	<input type="checkbox"/> Yes	If yes, incident report # (Part B)	Signature	Date
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PART A - INCIDENT LOG

Date	Time	Location	Reported by
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Incident details (please tick appropriate boxes)

<input type="checkbox"/> Violence/aggression	<input type="checkbox"/> Intoxication	<input type="checkbox"/> Injury	<input type="checkbox"/> Theft	<input type="checkbox"/> Complaint
<input type="checkbox"/> Fail to quit	<input type="checkbox"/> Refuse entry	<input type="checkbox"/> Illicit drugs	<input type="checkbox"/> Minors	<input type="checkbox"/> Inappropriate conduct
<input type="checkbox"/> Self exclusion	<input type="checkbox"/> Refuse service	<input type="checkbox"/> Gaming	<input type="checkbox"/> Other _____	

Person description

Incident summary

Full report?	<input type="checkbox"/> No	<input type="checkbox"/> Yes	If yes, incident report # (Part B)	Signature	Date
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PART A - INCIDENT LOG

Date	Time	Location	Reported by
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Incident details (please tick appropriate boxes)

<input type="checkbox"/> Violence/aggression	<input type="checkbox"/> Intoxication	<input type="checkbox"/> Injury	<input type="checkbox"/> Theft	<input type="checkbox"/> Complaint
<input type="checkbox"/> Fail to quit	<input type="checkbox"/> Refuse entry	<input type="checkbox"/> Illicit drugs	<input type="checkbox"/> Minors	<input type="checkbox"/> Inappropriate conduct
<input type="checkbox"/> Self exclusion	<input type="checkbox"/> Refuse service	<input type="checkbox"/> Gaming	<input type="checkbox"/> Other _____	

Person description

Incident summary

Full report?	<input type="checkbox"/> No	<input type="checkbox"/> Yes	If yes, incident report # (Part B)	Signature	Date
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PART B - INCIDENT REPORT

Incident log # (from Part A) _____ Date of incident _____ Time of incident _____

Location of incident _____ Reported by _____

Witnesses _____ Phone _____

Incident details (please tick appropriate boxes)

☐ Violence/aggression ☐ Intoxication ☐ Injury ☐ Theft ☐ Complaint
☐ Fail to quit ☐ Refuse entry ☐ Illicit drugs ☐ Minors ☐ Inappropriate conduct
☐ Self exclusion ☐ Refuse service ☐ Gaming ☐ Other _____

Details (if known)	Person 1 (P1)	Person 2 (P2)	Person 3 (P3)	Person 4 (P4)
Name				
Phone				
Age & sex				
Build/height				
Hair				
Clothing - top				
Clothing - bottom				
Shoes				
Other eg tattoos, piercings				
Weapon				
Injury				

Additional persons should be described in incident report below

Incident report

Action taken

THIS SECTION MUST BE COMPLETED FOR ALL REPORTS

Police notified? ☐ No ☐ Yes Date _____ Time _____ Event # _____
 Staff signature _____ Date _____
 Licensee/approved manager signature _____ Date _____

