

Liquor Licensing Act 1997

Code Of Practice

December 2011

Part 1—Preliminary

1—Mandatory nature of code

- (1) Under section 42 of the *Liquor Licensing Act 1997* it is a condition of every licence that the licensee comply with this code of practice.
- (2) This code of practice is in addition to, and does not derogate from, specific licence conditions imposed by the licensing authority.

2—Object of code

The object of this code of practice is—

- (a) to minimise the harmful and hazardous use of liquor; and
- (b) to promote responsible attitudes in relation to the promotion, sale, supply and consumption of liquor.

3—Interpretation

- (1) In this code of practice—
standard drink means a drink that does not contain more than 10 grams of ethanol.
- (2) Expressions defined in the *Liquor Licensing Act 1997* have the same meanings in this code of practice.

Part 2—Required practices

4—Practices relating to minors

- (1) A licensee must establish and maintain appropriate practices to guard against—
 - (a) minors unlawfully consuming or being supplied with liquor on the licensed premises; and
 - (b) minors unlawfully entering or remaining in the licensed premises or any part of the licensed premises out of bounds to minors.
- (2) In particular—
 - (a) a licensee must ensure that the responsible person for the licensed premises and persons engaged in supplying liquor to customers have a detailed knowledge of the provisions of the *Liquor Licensing Act 1997* relating to minors, including—
 - (i) section 110—making it an offence to sell or supply liquor to a minor on licensed premises except in certain circumstances; and
 - (ii) sections 111 and 112—making certain areas of the licensed premises out of bounds to minors; and



- (iii) section 115—empowering employees and certain other persons to ask a person suspected of being a minor to produce evidence of age; and
- (iv) section 116—empowering an authorised person to require a minor on licensed premises for the purpose of consuming liquor in contravention of the Act to leave the licensed premises; and
- (b) a licensee must ensure that the responsible person for the licensed premises and persons engaged in supplying liquor to customers have a detailed knowledge of which areas of the licensed premises are out of bounds to minors and the circumstances in which the areas are out of bounds; and
- (c) a licensee must establish and maintain appropriate practices designed to promote the effective use of the powers provided by the Act to ensure compliance with Part 7 of the Act; and
- (d) a licensee must not promote, advertise or operate the licensee’s business in a way that tends to encourage minors to consume liquor.

5—Practices promoting responsible attitude to consumption of liquor on licensed premises

- (1) A licensee must, if the licence authorises the sale of liquor for consumption on the licensed premises, establish and maintain appropriate practices to encourage customers to have a responsible attitude to the consumption of liquor.
- (2) In particular, the business of a licensee must not be promoted, advertised or operated in a way that tends to encourage the rapid or excessive consumption of alcohol by customers.
- (3) Particular care must be taken to ensure compliance with this clause if a promotion involves the supply of liquor free of charge, or at a discounted price, at the licensed premises.
- (4) The following are examples of practices that might be established and maintained by a licensee for the purposes of this clause:
 - (a) providing water free of charge to customers;
 - (b) providing breath analysis equipment for the use of customers;
 - (c) displaying information about taxi and public transport services;
 - (d) displaying information about the intoxicating effect of standard drinks or the harmful and hazardous use of liquor;
 - (e) making low alcohol liquor or nonalcoholic drinks available at reasonable prices;
 - (f) making food available for consumption with liquor;
 - (g) only providing standard drinks in order to assist customers to accurately assess their consumption of alcohol;
 - (h) limiting the volume of samples of liquor to no greater than is reasonably required for the purpose of sampling the liquor;
 - (i) limiting complimentary liquor offered in celebration of a particular occasion to one standard drink per customer, preferably comprised of low alcohol liquor;
 - (j) during a promotion that involves the supply of liquor free of charge or at a discounted price—
 - (i) limiting the amount of liquor provided to each customer;
 - (ii) supplying low alcohol liquor and non-alcoholic drinks on a similar basis;

- (k) avoiding using names for drinks commonly associated with rapid or excessive consumption of alcohol (such as laybacks, shooters, slammers, test-tubes, blasters or syringes).

6—Practices relating to intoxication and disorderly or offensive behaviour

- (1) A licensee must establish and maintain appropriate practices—
- (a) to guard against the unlawful supply of liquor to intoxicated customers; and
 - (b) to deal with incidents of intoxication or disorderly or offensive behaviour of customers.
- (2) In particular—
- (a) a licensee must ensure that the responsible person for the licensed premises and persons engaged in supplying liquor to customers have a detailed knowledge of the provisions of the *Liquor Licensing Act 1997* relating to intoxicated persons or persons behaving in an offensive or disorderly manner, including—
 - (i) section 108—making it an offence to sell or supply liquor on licensed premises to a person who is intoxicated or in circumstances in which the person's speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor; and
 - (ii) section 124—empowering an authorised person, if necessary, to use reasonable force to—
 - remove from licensed premises any person who is intoxicated or behaving in an offensive or disorderly manner or whose speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor; 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 another person on the licensed premises in circumstances in which that other person is intoxicated or that other person's speech, balance, coordination or behaviour is noticeably impaired and it is reasonable to believe that the impairment is the result of the consumption of liquor; and
 - (iii) section 125—empowering 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 alcohol 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; and
 - (b) a licensee must establish and maintain appropriate practices designed to—
 - (i) ensure persons engaged in supplying liquor to customers are alert to the signs of intoxication and the potential for offensive or disorderly behaviour; and

- (ii) ensure early intervention in incidents of intoxication or offensive or disorderly behaviour of customers with due regard to the safety of staff and customers; and
- (iii) promote the effective use of the powers provided by the Act to deal with incidents of intoxication or disorderly or offensive behaviour of customers.

7—Practices relating to disturbances

- (1) A licensee must, if the licence authorises the sale of liquor for consumption on the licensed premises, establish and maintain appropriate practices to—
- (a) minimise undue offence, annoyance, disturbance, noise or inconvenience to people who reside, work or worship in the vicinity of the licensed premises resulting from activities on the licensed premises or the conduct of people making their way to or from the licensed premises; and
 - (b) protect the safety, health or welfare of customers and staff; and
 - (c) ensure public order and safety at events on the licensed premises expected to attract large crowds; and
 - (d) guard against the licensed premises being used for the purposes of illicit drug dealing.
- (2) The following are examples of practices that might be established and maintained by a licensee for the purposes of this clause:
- (a) providing public telephones;
 - (b) displaying information about taxi and public transport services and emergency phone numbers;
 - (c) ensuring that entrance and exit areas, and parking areas, have adequate lighting and are free of hazards and obstructions;
 - (d) encouraging customers to limit noise and behave appropriately in making their way to or from the licensed premises;
 - (e) providing effective measures for crowd control;
 - (f) cooperating with police in the investigation of illicit drug dealing;
 - (g) discouraging the consumption of liquor by staff while carrying out duties at licensed premises.

8—Practices promoting responsible attitude to advertisement or promotion of liquor

- (1) A licensee who displays or publishes advertisements for liquor, or otherwise promotes liquor, must establish and maintain appropriate practices to promote a responsible attitude in relation to such advertisements or promotions.
- (2) In particular, a licensee must not display or publish an advertisement for liquor or promote liquor in a way that—
- (a) tends to encourage minors to consume liquor; or
 - (b) tends to encourage rapid or excessive consumption of alcohol.