



HOSPITALITY | CLUBS | Issue No. 8 | *Unacceptable liquor practices and promotions*

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The Commissioner has recently released new Guideline 60: Unacceptable liquor practices and promotions in licensed venues. This new Guideline is a response to the recent addition of section 142ZZ of the *Liquor Act 1992* (Qld) earlier this year.

Position before the recent amendments

Licensees will be aware that prior to the recent legislative amendments the *Liquor Act 1992* (Qld) already imposed restrictions on practices which encouraged the rapid or excessive consumption of liquor. The *Liquor Regulation 2002* (Qld) and Guideline 12 set out examples of prohibited promotions.

Liquor Act – recent amendments

The recent amendments to the *Liquor Act 1992* (Qld) replace the concept of rapid or excessive consumption of liquor with the concept of irresponsible consumption and the new section 142ZZ(2) of the *Liquor Act 1992* (Qld) provides the following list of unacceptable practices or promotions:

- those that may encourage the irresponsible consumption of liquor;
- those that may discourage a patron from monitoring or controlling the patron's consumption of liquor;
- those likely to have a special appeal to children (for example, because of the use of designs, names, motifs or characters that are likely to be attractive to children);
- those that are indecent or offensive;
- those using emotive descriptions that are likely to encourage irresponsible consumption of liquor;
- those that involve providing free drinks, or providing drinks at discounts, in a way that encourages patrons to consume liquor more rapidly than they would otherwise do; and

- those prescribed by the *Liquor Regulation 2002* (Qld) as an unacceptable practice or promotion.

The new section 142ZZ(1) of the *Liquor Act 1992* (Qld) provides that licensees are responsible for assessing practices and promotions to ensure they are not unacceptable. If a licensee engages in or allows a person to engage in an unacceptable practice or promotion in the conduct of a business on the relevant premises, they could face penalties of up to \$11,780 for each offence. Also, the Commissioner may issue compliance notices requiring the licensee to cease a practice or promotion or to take further action to prevent further contravention of the *Liquor Act 1992* (Qld).

Guideline

The new Guideline has been issued to help inform licensees about the attitude the Commissioner is likely to adopt when considering if a practice or promotion is unacceptable by expanding on the above categories in the *Liquor Act 1992* (Qld) with examples of unacceptable and prohibited practices and promotions.

The examples are not exhaustive. Practices and promotions may be considered unacceptable:

- A. regardless of how they are managed and controlled, due to their characteristics and associated potential harm; or
- B. unless they are conducted in line with a documented management plan that includes harm minimisation measures to ensure stated negative outcomes (e.g. rapid or excessive consumption) do not occur and all staff are aware of such measures.

Licensees must be vigilant to ensure compliance. You should obtain a copy of the new Guideline from the OLGR's website and carefully familiarise yourself with its terms.

You should be mindful that the examples are intended to be a guide and are not exhaustive of the conduct which could be unlawful. Licensees should not seek to circumvent these examples on technicalities as it is likely the purpose of the *Liquor Act 1992* (Qld), as expanded in the new Guideline, will be relied upon by the Commissioner.

It may be appropriate for your business to document a new management plan that includes harm minimisation measures and to include a module regarding the implications of this new Guideline in your training program.

If you have any queries or particular concerns about how the amendments or Guideline may affect your business and its practices and promotions, please do not hesitate to call us.



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