

Brisbane specific Statutory licence conditions

A number of violent incidents in the CBD resulted in the release in March 2005 by the Beattie Government of a 17-point Action Plan to improve public order in Brisbane. The plan can be downloaded from www.liquor.qld.gov.au

The first stage of this plan was implemented with the introduction on 29 April 2005 of a statutory 3am lockout in the Brisbane City Council area.

The second stage will see, from 1 March 2006, the introduction of stricter statutory licence conditions on all licensees with permission to trade after 1am in the Brisbane City Council area.

The conditions include:

- the development and display of a House Policy
- a requirement that licensees must employ sufficient numbers of crowd controllers
- a requirement that all staff must complete Responsible Service of Alcohol training
- a requirement for licensees to install CCTV at each public entrance and exit points of their venues
- a ban on competitions or games that involve on-premises consumption or the giving of liquor as prizes for on-premises consumption.

The new conditions will apply to all licences that permit a premise to trade after 1am – even on nights when they do not trade after 1am. It will also apply if an extended hours permit for post 1am trading is granted at any time throughout the year.

Licensees whose current trading hours extend beyond 1am who wish to avoid the statutory conditions will be able to apply to the Division to reduce their trading hours to 1am closing.

The new conditions will not apply to:

- licensees whose licences only permit trading until 1am
- to the accommodation areas of hotels (but will apply to public areas of hotels – including but not limited to lobby bars and nightclubs within the premise)
- to detached bottle shops
- on New Years Eve/New Years Day
- on Anzac Day if an extended hours permit has been granted under section 102C of the Liquor Act or if an RSL or Services Club.

The specific conditions are detailed below:

House policy

By 1 March 2006, all licensees must develop, maintain and display a House Policy. The House Policy needs to include information on how the premise will manage:

- responsible service of alcohol
- minors
- unduly intoxicated and disorderly patrons
- security
- staff training
- promotional activities
- responsible hospitality practices
- noise management
- community and industry consultation regarding the conduct of the business
- compliance with the *Liquor Act 1992* and other laws

Licensees must ensure that all staff, including crowd controllers, are aware of and perform their duties in compliance with the House Policy.

Licensees must advise the Division that they have prepared and are displaying their House Policy by submitting an approved form - available from www.liquor.qld.gov.au.

Crowd controllers

From 1 March 2006, licensees must employ the following ratio of crowd controllers to patrons:

- 1 to 100 patrons or part thereof – 1 crowd controllers
- More than 100 patrons but not more than 200 patrons – 2 crowd controllers
- More than 200 patrons but not more than 300 patrons – 3 crowd controllers
- More than 300 patrons but not more than 400 patrons – 4 crowd controllers
- More than 400 patrons but not more than 500 patrons – 5 crowd controllers
- Plus at least 1 crowd controller for every 250 patrons (or part) thereafter.

All crowd controllers must:

- be licensed under the *Security Providers Act 1993*
- have completed Responsible Service of Alcohol training regardless of whether they are employed or contracted to the premises
- maintain surveillance from 8pm on nights when the premises trades after 1am and must remain outside the premises until at least one hour after the designated closing time

- be dressed in a way that distinguishes them from the crowd.

This condition will apply only on nights where a premise actually trades after 1am. It will not apply on nights where a premise closes by 1am.

PLEASE NOTE: Restaurants (holding an on-premises meals licence) will be exempt from the requirement to employ crowd controllers in accordance with the ratio. This is because the primary purpose of a restaurant is not the sale of alcohol and there is little evidence to suggest that restaurants significantly contribute to alcohol related violence.

Incident Register

From 1 March 2006 a licensee must keep an incident register containing information about each incident at the premise in which a person is injured or removed.

The incident register must record:

- the date and time the incident happened
- a description of the place at the premise where the incident happened
- a description of each person involved in the incident and, if known, the person's name
- details of the incident, including, for example, information about whether a patron was removed
- details of injuries sustained
- details of action taken by a crowd controller or member of staff in response to the incident.

Licensees must:

- ensure that only the licensee, nominee or person responsible for the day-to-day management can inspect the register
- ensure the incident register is signed, as correct, by each crowd controller or member of staff involved in the incident
- keep the register in a secure place and available for inspection by Liquor Licensing Compliance Officers.

Ban on competitions

From 1 April 2006 competitions or games involving the on-premises consumption of liquor by contestants or those that reward them with discounted or free liquor for consumption on the premises will be banned.

This prohibition is consistent with the recently released *Code of Practice for the Responsible Service, Supply and Promotion of Liquor*. The Code can be downloaded from www.liquor.qld.gov.au.

RSA training

On 1 July 2005, the revised Liquor Licensing Division *Responsible Service of Alcohol* (RSA) training was launched.

From 1 March 2006 all Brisbane licensees, nominees and other staff involved in the service or supply of liquor must complete Liquor Licensing Division RSA training (National Competency THHBFB09B).

This will include bartenders, glass collectors, floor hosts or hostesses, room service staff, duty managers and crowd controllers, whether employed or contracted to the premises.

All staff must have completed RSA training within one month of commencing employment at the premises and this training will be current for a period of three years.

The licensee will be required to maintain a training register containing a copy of each staff member's training certificate.

Further information about RSA training and a list of Liquor Licensing Division approved trainers is available at www.liquor.qld.gov.au.

CCTV

From 1 March 2006, Closed Circuit Television (CCTV) must be installed at each public entrance and exit. If CCTV cameras are not operational and recording, the premises must close at 1am.

As a minimum CCTV must:

- be installed at all public entrances and exits
- clearly record patrons entering and leaving the premises
- display the date and time of the recording
- record from 8pm on all trading nights
- record through to one hour after the close of trade on all trading nights.

Licensees must:

- ensure that only the licensee, nominee or person responsible for the day-to-day management of the premise operate CCTV equipment and view recordings
- ensure that there is appropriate signage to alert patrons that they are being filmed and to provide information regarding privacy laws
- keep recordings in a secure place and available for inspection by Liquor Licensing Compliance Officers
- if no incident is shown retain recordings for at least 28 days
- if an incident is shown retain recordings for at least 1 year.

Penalties for non-compliance

A breach of the statutory conditions may result in discipline or prosecution action. The maximum penalty for a breach of the statutory conditions is \$7 500 for individuals or \$37,500 for corporations.

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The laws referred to in this guide are complex and various qualifications may apply in different circumstances. You are encouraged to obtain independent legal or financial advice if you are unsure of how these laws apply to your situation.

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