



# Compliance guideline for competitions, games and other activities on licensed premises (Brisbane City Council Area)

From **April 2006**, new conditions relating to drinking practices were introduced in the Brisbane City Council area to ban drinking competitions and restrict other activities on licensed premises that may lead to rapid or excessive consumption of alcohol.

Binge drinking has been a major factor in alcohol-fuelled incidents in and around licensed premises and the new conditions aim to curb irresponsible drinking and significantly improve the safety of patrons, hospitality employees and the general public.

## Are all competitions and games banned?

In short, the conditions do not ban all competitions and games on licensed premises.

Licensees can continue to provide competitions and games as long as they:

- are conducted responsibly
- do not involve the consumption of liquor as the competition
- do not offer free or discounted liquor as a prize

*Refer to s.142AL of the Liquor Act 1992 and s.37H of the Liquor Regulation 2002 for further information.*

## Which licensees need to comply?

The conditions apply to all licensed premises in the Brisbane City Council area which are authorised to trade between 1.00am and 7.00am. This includes premises/venues trading under a permit.

## Exempt Licensees

- premises in the Brisbane City Council area which are only authorised to trade after 1.00am on New Year's Day
- detached bottle shops
- part/s of the licensed premises used principally for the residential accommodation of guests

## Definitions

For the purpose of this guideline:

**'competition'** or **'game'** includes a promotion or event in which a person:

1. competes to outdo another person's speed in drinking liquor, or the volume of liquor consumed, or
2. is provided with free drinks, or required to drink more than 4 standard drinks on one trading day), to participate in the competition or game.

but **does not include** other contests or games which are decided by other skills, talent, strength, chance or luck.

**'discount'** means where liquor is sold to a patron or class of patrons at a unit price:

1. less than the purchase price paid by the licensee (predatory pricing); or
2. which is reduced for pre-purchase (early purchase discount); or
3. which is temporarily reduced for a limited period in a trading day by more than 25% of the previous price charged for the product for the relevant part of the premises (e.g. public bar, lounge bar, restaurant, gaming room, nightclub, etc.)

**'trading day'** means the period starting from 7:00am on a day and ending at 7:00am on the following day.

## Competitions or games

It is a condition under s.142AL(a) of the Liquor Act that a licensee or permittee must not conduct on licensed premises (or premises to which a permit relates) a competition or game in which:

- contestants or players consume liquor on the premises; or
- free or discounted liquor is given as a prize for consumption on the premises.

This condition is not to be understood as a total ban on competitions and games on licensed premises.

Licensees can continue to provide competitions and games as long as these are conducted responsibly and do not require participants to consume liquor on the premises, or offer free or discounted liquor as a prize for on-premises consumption.

## Examples of acceptable and prohibited competitions or games

<u>Acceptable</u>	<u>Prohibited</u>
<ul style="list-style-type: none"> <li>• Buy product to receive 'scratch' card to win merchandise, food or take away liquor.</li> </ul>	<ul style="list-style-type: none"> <li>• Buy product to receive 'scratch' card for chance to win liquor for consumption on the premises.</li> </ul>
<ul style="list-style-type: none"> <li>• Buy 4 or less standard liquor drinks to receive an entry into a non-liquor prize draw.</li> </ul>	<ul style="list-style-type: none"> <li>• 'Last man standing', 'All you can drink', 'Skolling competition'</li> </ul>
<ul style="list-style-type: none"> <li>• Incentives for staff of licensed premises to promote brand switching.</li> </ul>	<ul style="list-style-type: none"> <li>• Incentives for staff of licensed premises to encourage patrons to drink more alcohol.</li> </ul>
<ul style="list-style-type: none"> <li>• Trivia night, Karaoke, talent quest</li> </ul>	<ul style="list-style-type: none"> <li>• Bar tabs</li> </ul>
<ul style="list-style-type: none"> <li>• Prizes of promotional products other than liquor – food, accommodation, T shirts, key rings, stubby holders etc</li> </ul>	<ul style="list-style-type: none"> <li>• Competitions involving consumption direct from a yard glass, jug or other container holding more than 2 standard drinks.</li> </ul>
<ul style="list-style-type: none"> <li>• Packaged liquor to be removed from the premises</li> </ul>	<ul style="list-style-type: none"> <li>• Vouchers/coupons offering 25% or greater discount on liquor for consumption on premises.</li> </ul>

## Prescribed activities

Section 142AL(b) of the Liquor Act, prohibits a licensee or permittee from conducting certain prescribed activities, if that activity may encourage the rapid or excessive consumption of liquor; or promote intoxication.

The following activities are prescribed for licensed premises under s.37H(1) of the Liquor Regulation:

1. Events/Occasions (s.37H(1)(a) Liquor Regs) - the holding of an event or occasion in or on which a person's membership of a group, or participation in the event or occasion, entitles the person to free or discounted liquor (e.g. a 'blondes' night', 'students' night', 'nurses' night' or other theme night).

Policy: Events and occasions such as theme nights may still be held, provided the conduct of the event or occasion does not encourage the rapid or excessive consumption of liquor or otherwise promote intoxication.

2. Rewards (s.37H(1)(b) Liquor Regulation) - a promotional or other activity that offers a person a reward of free or discounted liquor for consumption on the premises.

Policy: Reward promotions may still be held, provided it does not encourage rapid or excessive consumption of liquor or promote intoxication.

This does not restrict low risk promotions, such as, 'beer of the month', brand switching to encourage trial of a new product, or loyalty reward programs which are conducted over more than one trading day. Free sampling is permitted.

3. Multiple drinks (s.37H(1)(c) of the Regulation) - A promotional or other activity that offers a person a reward, other than free or discounted liquor, if the person would need to drink more than 4 standard drinks on any trading day to win the reward.

Policy: This prohibition does not restrict promotions requiring a patron to consume more than 4 standard drinks to obtain a reward, provided:

- the terms and conditions (and advertising) of the promotion make it clear to licensees, serving staff and patrons that a maximum of 4 standard drinks can be redeemed on any one day
- the date of each redemption can be identified
- related advertising includes a responsible consumption message.

## Examples of acceptable and prohibited activities:

Refer to the activities prescribed under s.37H of the Regulation for further information.

<u>Acceptable</u>	<u>Prohibited</u>
<ul style="list-style-type: none"> <li>• Any theme night where patrons receive services other than free or discounted liquor (e.g. free manicure, food promotions etc)</li> <li>• 'Beverage of the day/month' which is discounted for at least one trading day over the whole trading period</li> <li>• Staff discounts and incentives which do not encourage patrons to drink rapidly or excessively or promote intoxication</li> <li>• Discount for combined meal and beverage bill</li> <li>• Rewards schemes which combine food and liquor</li> <li>• A raffle in which a person wins non-liquor prizes or packaged liquor for consumption off the premises (eg a six pack or carton of beer, bottle of wine, voucher to spend at a bottle shop, etc)</li> <li>• 'Buy a round for you and your mates' for a reward provided patron <b>does not</b> need to buy more than one round for the reward.</li> </ul>	<ul style="list-style-type: none"> <li>• To win a T-shirt a person would need to drink more than 4 standard drinks on any trading day</li> <li>• 'Ten drinks for \$10' promotions which are time limited or can only be redeemed in one day</li> <li>• Staff incentives to encourage patrons to drink rapidly or excessively or promote intoxication.</li> <li>• 'Pub Crawl' group discounts</li> <li>• Reward schemes for liquor only</li> <li>• A raffle in which a person wins liquor for consumption on the premises</li> <li>• A raffle in which a person might win free or discounted liquor for a day</li> <li>• 'Buy a round for you and your mates' for a reward if the patron <b>does</b> need to buy more than one round for the reward.</li> </ul>

### "Happy Hours"

The following 'happy hour' activities are prohibited under s.37H(2) of the Liquor Regulation for licensed premises (or premises to which a permit relates):

- (a) a happy hour that is more than 2 hours between 7a.m. and 9p.m.
- (b) a happy hour that is more than 1 hour between 9p.m. and 1a.m.
- (c) having a happy hour or part of a happy hour after 1a.m.
- (d) more than 1 happy hour on a day, without at least 1 hour between the end of each happy hour and the start of the following happy hour
- (e) a happy hour that starts before 9p.m. and ends after 9p.m.

'Happy hours' include any temporary, time limited discount on a trading day for the relevant part of the premises (e.g. public bar, nightclub, etc) traditionally known as a 'happy hour', whether or not the activity is actually advertised or otherwise called a 'happy hour' ('publican's shout', 'afternoon special').

There is no limit on the number of 'happy hours' that can be conducted on any one day, provided the maximum duration, and break between 'happy hours' are complied with.

### How do I get assistance?

The Liquor Licensing Division will assist licensees to comply with the legislation. However, the Liquor Licensing Division does not pre-approve competitions, games or other activities or provide legal advice in respect of particular scenarios.

Compliance decisions taken by the Liquor Licensing Division are made on the merits of the individual case, having regard to the legislation, this guideline and the *Code of Practice for the Responsible Service, Supply and Promotion of Liquor*.

If a licensee or permittee is in doubt about their statutory obligations under the *Liquor Act 1992*, they are encouraged to seek independent legal advice before proceeding with any competition, game or other activity on licensed premises.

### For more information

Visit the Liquor Licensing Division website at [www.liquor.qld.gov.au](http://www.liquor.qld.gov.au) or call 13 13 04.

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