

LIQUOR LICENSING UPDATE

Regular News and Updates from the Liquor Licensing Division

March 2007 No. 20

Licensee first to be fined under new smoking laws

A Toowoomba hotel has been fined \$3,000 under Queensland's new anti-smoking laws for letting a patron smoke on the premises.

In a landmark case, the licensee of the Drayton Tavern was fined in the Toowoomba Magistrates Court last month for breaching the *Tobacco and Other Smoking Products Act 1998* by allowing a person to smoke in an outdoor eating or drinking area.

The case demonstrates the Queensland Government's serious stance on smoking in public places.

Licensees need to be aware that Queensland Health compliance teams are in action. Make sure all staff are aware of the laws and how they apply to your premises.

Grants to promote safe drinking

Queensland Health has funding available to support local Liquor Accords in Southern Queensland, including grants for Liquor Accords to design, develop and deliver their own patron education campaigns for the promotion of responsible drinking among men aged 20 -29 years.

The Media and Communications Manager is available to help any Liquor Accord with the design of marketing concepts for a local campaign.

If your Accord is interested, please contact the Liquor Licensing Officer responsible for your local area Accord.

Funding is also available for sporting clubs/groups to promote safe drinking messages to women aged 15–22 years. Southern Queensland sporting organisations can apply for grants of up to \$5,000 towards sporting activities involving young women.

Applications close in May 2007. For more information contact Southern Area Population Health Services on 3810 1500.

EFTPOS at Liquor Licensing head office

Licensees can now make payments for infringement notices and application fees via EFTPOS at the Liquor Licensing Division counter on the 19th floor, Mineral House, Brisbane.

The EFTPOS facilities will provide for both debit and credit transactions, but will not accommodate cash out provisions.

Office opening hours are from 8.30am to 4.30pm.

Liquor licensing legal matters

Viva Nightclub Pty Ltd

Challenged ticket for \$225
Prosecution for failure to keep premises clean and in good repair.
Penalty \$1000
Costs \$340
Plus \$65.40 Costs of Court
No conviction recorded.

Hotel Mitchell

A charge of supply liquor to unduly intoxicated patron was "heard" in Mitchell Magistrates Court on 26 February - a "guilty plea" was entered.

Convicted and fined \$1000
Plus costs of court –
No conviction recorded.

Townsville bottleshops

The Tribunal confirmed the decision of the Chief Executive to prevent pre 10.00am sales of takeaway liquor in Townsville.

The Use of Licensed Security Providers

Many licensees, particularly those premises located in late night entertainment precincts, use licensed security providers to help with crowd control, Responsible Service of Alcohol (RSA) and related patron safety and management. Some recent security provider incidents – including unlicensed security providers using a false security licence and ID, and a security provider convicted of a previous assault, who was still performing crowd control duties at licensed premises - have prompted me to offer this friendly reminder to all licensees contracting security services.

Licensees are required to thoroughly check the licence details and credentials of all security personnel performing duties at licensed premises. This may include:

- inspecting, taking and keeping a copy of the licence;
- ensuring the licence and ID is current and authentic;
- contacting the Division wherever there is a suspicion that a false license or ID has been produced;
- asking questions to check that security providers understand the licensed premises House policy and their duties in relation to RSA;
- checking that they have not been previously arrested or charged with police offences; and
- requiring security providers to complete a short questionnaire or form.

The Liquor Act requirement for complete management and control of licensed premises to rest solely in the Licensee/Nominee is a serious undertaking and effectively means that Licensees remain accountable for the conduct and actions of all people under their employ – included contracted security personnel.

Noise Complaints on Licensed Premises

Noise complaints constitute 34% of all complaints made to the Liquor Licensing Division.

Licensees and management staff should be aware of the noise restrictions on their premises, which are stated on the licence. Thorough and systematic monitoring of noise on premises should be undertaken on a regular basis.

Any licensee experiencing difficulty in noise management should contact their local Liquor Licensing office for assistance.

Our compliance staff not only perform investigations in relation to noise complaints, their services are also available to advise, assist and educate licensees and their staff about strategic noise management and control systems.

All Liquor Licensing inspectors have received expert training and skills development in noise measurement, noise monitoring and noise investigations. Officers are happy to provide advice and support to licensees on a range of matters, including noise, before a complaint is made.

Contact your local Liquor Licensing Officer for an obligation-free noise measurement testing and appraisal, which may well result in resolving the problem, before it escalates into a complaint.

Feedback

To provide feedback or comments on the Liquor Licensing Update or to change your contact details please email liquorcomms@dtftwid.qld.gov.au.

Media – for Statewide/Brisbane interviews with the Minister for Liquor Licensing contact:

Joanne Gibbons ph: (07) 3225 1005 or
mobile: 0421 611 989

Liquor Licensing Division

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Queensland Government

Department of Tourism, Fair Trading and
Wine Industry Development