



Queensland
Government

Please quote: 1391650
Contact officer: Lindsay Descovich
Contact telephone: 3224 2690

Office of Liquor and Gaming Regulation

Department of
Justice and Attorney General

Dr Richard Chadwick
General Manager
Adjudication Branch
Australian Competition & Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

Dear Dr Chadwick

Authorisations A91224 & A91225 by The State of Queensland acting through the Office of Liquor and Gaming Regulation (OLGR)

Thank you for your letter dated 10 May 2013 advising the abovementioned authorisations are due to expire on 7 October 2013.

The Office of Liquor and Gaming Regulation (OLGR) has investigated the options outlined by the ACCC and include an application for revocation of the existing authorisations and substitution with new authorisations (refer Attachment Form FC and supporting documentation). The lodgment fee has been paid by credit card (Mastercard \$2500 – 17.09.13). A copy of the receipt will be emailed to you separately.

Interim authorisation is also sought for the Townsville CBD Liquor Accord only. If granted, this will enable the continuation of price/supply control initiatives to reduce alcohol-related harm in the area.

Please note that Appendix F in Form FC contains the following letter and details claimed confidential:

[Redacted content]

I would also like to thank your officers who have provided valuable assistance in preparation of the application.

EXCLUDED FROM
PUBLIC REGISTER

If you have any queries or need assistance regarding this matter, please contact Mr Lindsay Descovich, Principal Compliance Officer, OLGR, Department of Justice and Attorney-General on (07) 3224 2690.

Yours sincerely



MICHAEL SARQUIS
Executive Director
17/9/2013

Form FC

Commonwealth of Australia

Competition and Consumer Act 2010 — subsection 91C (1)

APPLICATION FOR REVOCATION OF A NON-MERGER AUTHORISATION AND SUBSTITUTION OF A NEW AUTHORISATION

To the Australian Competition and Consumer Commission:

Application is hereby made under subsection 91C (1) of the *Competition and Consumer Act 2010* for the revocation of an authorisation and the substitution of a new authorisation for the one revoked.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of applicant:
(Refer to direction 2)

A91385

A91386

The State of Queensland

Acting through the Office of Liquor and Gaming Regulation

(on behalf of those businesses that may be, from time to time, a participant of one of the liquor accords listed in Appendix A or one that may be established in Queensland in the future).

- (b) Description of business carried on by applicant:
(Refer to direction 3)

The Office of Liquor and Gaming Regulation (OLGR) is involved in the development of local liquor accords by assisting liquor licensees and local communities to enhance and extend voluntary participation in the development and management of liquor accords. Local liquor accord meetings are regularly attended by OLGR Liquor Compliance Officers.

Liquor Accords have historically been established in Queensland within a local geographical area for the purpose of:

- Minimising anti-social behaviour, including violent incidents arising from excessive alcohol consumption and the destruction of property
- Creating effective transport strategies to move people away from a precinct
- Developing a communication network between venues to provide the opportunity to call for assistance in dealing with unruly patrons or providing warnings about incidents or troublesome patrons who may be moving between venues.

A list of current liquor accords in Queensland is contained in Appendix A.

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- (c) Address in Australia for service of documents on the applicant:

Mr Michael Sarquis

Executive Director

Office of Liquor and Gaming Regulation

Locked Bag 180

CITY EAST QLD 4002

2. Revocation of authorisation

- (a) Description of the authorisation, for which revocation is sought, including but not limited to the registration number assigned to that authorisation:

Authorisations A91224 & A91225 (Appendix B)

- (b) Provide details of the basis upon which revocation is sought:

Revocation is sought based on the expiration of these authorisations as of
7 October 2013.

3. Substitution of authorisation

- (a) Provide a description of the contract, arrangement, understanding or conduct whether proposed or actual, for which substitution of authorisation is sought:
(Refer to direction 4)

There is no identified need to amend the content of the previous authorisations other than the approved authorisation end date (previously 7 October 2013).

Authorisation is sought for the section titled "I. Responsible Service of Alcohol" of the attached pro-forma liquor accord arrangement (Appendix B). It contains strategies which may potentially constitute cartel provisions or be deemed strategies that are anti-competitive. It is anticipated that this pro-forma arrangement will be adopted by the majority of new liquor accord bodies in Queensland. Should Liquor accord participants wish to alter the pro-forma arrangement, they will be advised to seek legal advice regarding the implications of the trade practices laws and other legal requirements prior to affecting the variations.

.....

- (b) Description of the goods or services to which the contract, arrangement, understanding or conduct (whether proposed or actual) relate:

The service and supply of liquor to members of the public (who are 18 years of age or older).

- (c) The term for which substitute authorisation of the contract, arrangement or understanding (whether proposed or actual), or conduct, is being sought and grounds supporting this period of authorisation:

5 years.

This period is considered suitable for authorisation in that significant public benefit is derived through liquor accord arrangements as they are recognised as an effective and sustainable approach to minimising alcohol misuse and alcohol related issues in local areas.

4. Parties to the contract, arrangement or understanding (whether proposed or actual), or relevant conduct, for which substitution of authorisation is sought

- (a) Names, addresses and description of business carried on by those other parties to the contract, arrangement or understanding (whether proposed or actual), or the relevant conduct:

The persons proposed as parties to the pro-forma liquor accord arrangement are the liquor accords listed in Appendix A and any other liquor accords that may be established in Queensland in the future. The parties to a liquor accord are liquor licensees (i.e. venues holding a liquor licence in Queensland) who volunteer to become a member of the liquor accord within a local area.

- (b) Names, addresses and descriptions of business carried on by parties and other persons on whose behalf this application is made:
(Refer to direction 5)

As above.

- (c) Where those parties on whose behalf the application is made are not known - description of the class of business carried on by those possible parties to the contract or proposed contract, arrangement or understanding:

As above.

5. Public benefit claims

- (a) Arguments in support of application for substitution of authorisation:

Refer to supporting report.(Appendix C)

.....

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(See Direction 6 of this Form)

- (b) Facts and evidence relied upon in support of these claims:

Refer to supporting report (Appendix C)

.....

6. **Market definition**

Provide a description of the market(s) in which the goods or services described at 3 (b) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

It is submitted that the relevant market is the supply and service of alcohol to members of the public (18 years or over) within a 'destination drinking venue' which may extend to venues that supply entertainment and/or the service of meals. In this regard, it is not considered that a vendor competes with a retailer involved in take-away sales of liquor (i.e. a liquor barn, drive-through liquor retailer).

The relevant geographical market depends on an examination of whether the market extends beyond the liquor accord area. This is likely to differ depending on the locality of each liquor accord body. The geographical market for liquor licensees operating in a particular area of Brisbane, like the Valley Liquor Accord for example, may be broader than the liquor accord area in that it is likely customers would visit other venues in Brisbane if the participant liquor licensees in the accord area were to increase their prices or change the supply of liquor products. The geographical market for liquor licensees operating in a regional centre may be restricted to the liquor accord area as it is unlikely customers would drive several hundred kilometres to visit the next 'destination drinking venue' if prices or supply were to change. For example, the geographical market of relevance to the Mt Isa Liquor Accord is likely to be the service and supply of alcohol to members of the public (18 years and over) within the Mt Isa area.
(See Direction 7 of this Form)

7. **Public detriments**

- (a) Detriments to the public resulting or likely to result from the substitute authorisation, in particular the likely effect of the conduct on the prices of the goods or services described at 3 (b) above and the prices of goods or services in other affected markets:

There are no foreseen overall detriments to the public.

However, there may be complaints of the following nature from liquor licensees:

- The inability to provide discounts on liquor via drink cards or other means may be detrimental to business when other licensees are providing such discounts outside of the liquor accord geographical area (the affect of this conduct on competition would depend on whether the geographical market extends beyond the liquor accord area)
- Offering and promoting lower alcoholic beer and half nips at differential lower prices and non alcoholic beverages at differential lower prices may hamper the licensee's ability to charge whatever price they choose for such products.

These complaints however, need to be considered in the context that liquor licensees choose to voluntarily enter into liquor accord arrangements. In this regard, there are no penalties for non-compliance with the liquor accord arrangement as such arrangements operate like a voluntary code of conduct.

Another possible complaint could come from beer supplies in that promoting low strength beer may restrict their ability to supply higher alcoholic beers, particularly if the supplier only stocks mid strength and strong beers (although it is more than likely the suppliers of full strength beer are also the same suppliers of low alcoholic beer)

(See Direction 8 of this Form)

- (b) Facts and evidence relevant to these detriments:

N/A

8. Contracts, arrangements or understandings in similar terms

This application for substitute authorisation may also be expressed to be made in relation to other contracts, arrangements or understandings (whether proposed or actual) that are, or will be, in similar terms to the abovementioned contract, arrangement or understanding

- (a) Is this application to be so expressed?

No

- (b) If so, the following information is to be furnished:

N/A

- (i) description of any variations between the contract, arrangement or understanding for which substitute authorisation has been sought and those

contracts, arrangements or understandings that are stated to be in similar terms:

.....
.....

(See Direction 9 of this Form)

- (ii) Where the parties to the similar term contract, arrangement or understanding(s) are known - names, addresses and description of business carried on by those other parties:

.....
.....

(See Direction 5 of this Form)

- (iii) Where the parties to the similar term contract, arrangement or understanding(s) are not known — description of the class of business carried on by those possible parties:

.....
.....

9. Joint Ventures

- (a) Does this application deal with a matter relating to a joint venture (See section 4J of the *Competition and Consumer Act 2010*)?

No.

- (b) If so, are any other applications being made simultaneously with this application in relation to that joint venture?

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.....

- (c) If so, by whom or on whose behalf are those other applications being made?

.....
.....

10. Further information

- (a) Name, postal address and telephone contact details of the person authorised by the parties seeking revocation of authorisation and substitution of a replacement authorisation to provide additional information in relation to this application:

Lindsay Descovich
Principal Compliance Officer
Office of Liquor and Gaming Regulation
Department of Justice and Attorney-General
Level 5, 33 Charlotte Street, Brisbane Qld 4000
Locked Bag 180, City East Qld 4002
t: +61 7 3224 2690
f: +61 7 3237 9713

e: Lindsay.Descovich@justice.qld.gov.au.

Dated.....17 SEPTEMBER 2013.....

Signed by/on behalf of the applicant

.....
(Signature)

.....
(Full Name)

.....
(Organisation)

.....
(Position in Organisation)

DIRECTIONS

1. Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.
2. Where the application is made by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the application and the application is to be signed by a person authorised by the corporation to do so.
3. In item 1 (b), describe that part of the applicant's business relating to the subject matter of the contract, arrangement or understanding, or the relevant conduct, in respect of which substitute authorisation is sought.
4. In completing this form, provide details of the contract, arrangement or understanding (whether proposed or actual), or the relevant conduct, in respect of which substitute authorisation is sought.
 - (a) to the extent that the contract, arrangement or understanding, or the relevant conduct, has been reduced to writing — provide a true copy of the writing; and
 - (b) to the extent that the contract, arrangement or understanding, or the relevant conduct, has not been reduced to writing — provide a full and correct description of the particulars that have not been reduced to writing; and
 - (c) If substitute authorisation is sought for a contract, arrangement or understanding (whether proposed or actual) which may contain an exclusionary provision — provide details of that provision.
5. Where substitute authorisation is sought on behalf of other parties provide details of each of those parties including names, addresses, descriptions of the business activities engaged in relating to the subject matter of the authorisation, and evidence of the party's consent to authorisation being sought on their behalf.
6. Provide details of those public benefits claimed to result or to be likely to result from the contract, arrangement or understanding (whether proposed or actual), or the relevant conduct, including quantification of those benefits where possible.
7. Provide details of the market(s) likely to be affected by the contract, arrangement or understanding (whether proposed or actual), in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the application for substitute authorisation.
8. Provide details of the detriments to the public, including those resulting from the lessening of competition, which may result from the contract, arrangement or understanding (whether proposed or actual). Provide quantification of those detriments where possible.
9. Where the application is made also in respect of other contracts, arrangements or understandings, which are or will be in similar terms to the contract, arrangement or understanding referred to in item 2, furnish with the application details of the manner in which those contracts, arrangements or understandings vary in their terms from the contract, arrangements or understanding referred to in item 2.

Appendix A – List of Liquor Accords in Queensland (as of September 2013)

| Region | Name of Accord | Region | Name of Accord |
|----------|--|-------------|---|
| Brisbane | Bayside Licensed Venues Association | North Coast | Bundaberg and Bargara Liquor Accord |
| | Brisbane City Licensees Association | | Gayndah Liquor Accord |
| | Caboolture Corridor Liquor Industry Action Group | | Gympie Liquor Industry Action Group |
| | Caxton Street Precinct Liquor Accord | | Hervey Bay Liquor Accord |
| | Ipswich Liquor Industry Action Group | | Isis District Liquor Accord |
| | Liquor Industry Action Group Logan Corridor Inc | | Kingaroy District Liquor Accord |
| | Liquor Industry Action Group South West Brisbane Inc | | Liquor Accord Maryborough Precinct |
| | Lockyer Valley Liquor Industry Action Group | | Mundubbera Liquor Accord |
| | Pine Rivers Liquor Industry Action Group | | Nanango Liquor Accord |
| | Redcliffe Liquor Industry Action Group | | Proston/Hivesville Liquor Accord |
| | South Brisbane District Liquor Industry Action Group | | WMGTC Liquor Accord (Wondai, Murgon, Goomeri, Tingoorra & Cherbourg) |
| | Toogoolawah / Esk Licensees | | CALM Caloundra (Collaborative Approach to Liquor Management) |
| | Valley Liquor Accord | | CALM Hinterland (Collaborative Approach to Liquor Management) |
| Central | West End Liquor Industry Action Group | | CALM Maroochy North Shore (Collaborative Approach to Liquor Management) |
| | Mount Morgan Liquor Accord | | CALM Maroochydhore (Collaborative Approach to Liquor Management) |
| | Bowen Liquor Industry Action Group | Northern | CALM Mooloolaba (Collaborative Approach to Liquor Management) |
| | Clermont Liquor Industry Action Group | | CALM Nambour (Collaborative Approach to Liquor Management) |
| | Dysart Liquor Industry Action Group | | CALM Noosa (Collaborative Approach to Liquor Management) |
| | Mackay Barlink Accord | | CALM Sunshine Coast (Collaborative Approach to Liquor Management) |
| | Middlemount Liquor Industry Action Group | | Cairns City CBD Safety Summit |
| | Moranbah Liquor Industry Action Group | | Cairns City Licensee Safety Association |
| | Pioneer Valley Liquor Industry Action Group | | Cairns Northern Beaches Liquor Accord (CNBLA) |
| | Proserpine Licensees | | Cardwell Liquor Accord |
| | Sarina Liquor Industry Action Group | | Cooktown Liquor Accord |
| | Whitsunday Liquor Accord | | Edmonton Accord |
| | Biloela Liquor Industry Action Group | | Far Northern Liquor Accord Alliance |
| | Blackall Accord | | Gordonvale Liquor Accord |
| | Blackwater Liquor Industry Action Group | | Innisfail and District Liquor Accord |
| | Capricorn Coast Liquor Accord (CCLA) | | Kuranda Liquor Accord |
| | Emerald Liquor Accord | | Mareeba Liquor Accord |
| | Gladstone Liquor Industry Accord (GLIA) | | Mission Beach Liquor Accord |
| | Longreach Alcohol Management Partnership | | Mossman Liquor Accord |
| | Moura Liquor Industry Action Group | | Normanton Liquor Accord |
| | Rockhampton Liquor Industry Action Group (RLIAG) | | Northern Peninsula Accord (NPA) |

| Region | Name of Accord | Region | Name of Accord |
|----------|--|--------|---|
| | Winton Alcohol Management Partnership CBD Townsville Liquor Accord Charters Towers Liquor Industry Action Group Flinders Liquor Accord - Hughenden Licensees Forum Palm Island Liquor Accord Townsville Liquor Accord (TLA) | | Port Douglas Liquor Accord Ravenshoe Liquor Accord Southern Tablelands Liquor Accord Torres Straits Liquor Industry Action Group Tully Licensed Venues Liquor Accord Weipa Liquor Accord Karumba Liquor Accord Mount Isa Liquor Accord The Cloncurry Shire Liquor Accord |
| Southern | Beaunesert Liquor Industry Action Group Broadbeach Licensed Venues Association (BLVA) Gold Coast Liquor Industry Consultative Association Surfers Paradise Licensed Venues Association (SPLVA) Charleville Liquor Industry Action Group Chinchilla and District Liquor Accord Group Cunnamulla Liquor Accord Dalby Liquor Industry Action Group Goondiwindi Liquor Accord Jandowae and Bell Liquor Accord Pittsworth Liquor Industry Action Group Roma Liquor Industry Action Group St George Liquor Industry Action Group Stanthorpe Safety Action Group Tara District Liquor Industry Action Group Toowoomba Liquor Industry Action Group Inc. Warwick Liquor Industry Action Group | | |

Appendix B

ADOPTION OF LIQUOR ACCORD PRO-FORMA ARRANGEMENT

Information for liquor accord participants

This pro-forma arrangement has received authorisation from the Australian Competition and Consumer Commission. You are not compelled to implement all or any of the accord strategies contained in this document. You will still receive the benefit of authorisation if you choose to give effect to only some of the strategies.

If this document is adopted by your local liquor accord body and Section 1 'Responsible service of alcohol' is not amended in any material way, you will not be liable for a breach of the *Trade Practices Act 1974*. However, if your local liquor accord body wishes to vary the contents of this pro-forma liquor accord arrangement, you are advised to seek legal advice on the implications of trade practices laws and other legal requirements before adopting the amendments.

Liquor accord bodies are encouraged to tailor liquor accord arrangements to suit circumstances unique to licensees and your local community or precinct.

PRO-FORMA LIQUOR ACCORD ARRANGEMENT

Stakeholders of the [insert name of local liquor accord body] endorse and will seek to uphold the strategies as listed below in our local area as a way of:

- promoting responsible practices in relation to the sale and supply of liquor at licensed premises
- minimising harm from the misuse of alcohol
- minimising alcohol-related disturbances, or public disorder, in the locality.

DEFINITIONS

The following definitions apply to this accord:

Extreme discounts include practices such as half price drinks. This accord does not however, prohibit or restrict licensees from discounting drinks generally.

Discounts of limited duration include happy hours with a duration of less than an hour or promotions that set a short timeframe (eg. 15 minutes) in which liquor is discounted. This accord does not however, prohibit or restrict licensees from discounting or promoting happy hours generally.

Drinks that, by their method of consumption, encourage irresponsible drinking habits and are likely to result in rapid intoxication include drinks that are offered in objects or items that are non-standard glasses certified by Weights and Measures (eg. test tubes and water pistols). It also includes drinking games involving the consumption of liquor in a short period of time which can lead to rapid and/or excessive consumption of liquor (eg. skolling games and laybacks).

Very high alcohol substances – This term is intended to capture drinks that contain any more than 2 standard drinks per serve.

Accord stakeholders are encouraged to refer to the *Liquor Act 1992*, *Liquor Regulation 2002* and the Code of Practice for the Responsible Service, Supply and Promotion of Liquor for further guidance.

STRATEGIES

1. Responsible service of alcohol

No unduly intoxicated patrons

- Refuse to serve alcohol to, or allow entry of, persons who are unduly intoxicated.
- Encourage patrons to drink responsibly, and let them know they will be asked to leave if they become unduly intoxicated, disorderly, violent or quarrelsome.
- Promptly and politely ask patrons to leave when they are showing signs of being unduly intoxicated.
- Offer to call unduly intoxicated patrons a taxi and/or provide water while they wait in a safe environment.

No underage drinking

- Actively monitor all patrons to ensure they are not underage by checking proper proof of age identification (ID) at the door.
- Prominently display signage about restrictions on minors.
- Apply the following standards when checking ID:
 - The ID is removed from a wallet/purse or cardholder and held by the staff member conducting the check
 - The ID is checked to ensure it is current and is an approved form of identification - photographic driver's licence; or a proof of age card issued by a Government Department or approved entity (e.g. 18+ card, Keypass); or an Australian or foreign passport
 - The date of birth is checked to establish the age of the patron
 - The date of birth is checked for any tampering
 - The photo is checked to ensure it is the person presenting the ID
 - The photo is checked to ensure it has not been substituted or tampered with
 - The ID is checked overall for any bumps or raised areas which may indicate the identification has been tampered with.
- If staff believe that a document being presented is false, defaced or in the possession of a person who is not the owner of the ID and who is falsely claiming to be 18 years of age, the document will be confiscated and forwarded to the Office of Liquor and Gaming Regulation.

Discourage activities that encourage excessive drinking

- Ban practices and promotions that may encourage rapid or excessive consumption of liquor, for example:
 - 'drinkcards' that provide multiple of free drinks
 - extreme discounts or discounts of limited duration
 - any other promotions or gimmicks that encourage rapid intoxication.
- Provide snack food during 'happy hours' where practical.
- Avoid serving drinks that offer alcohol in non-standard measures.
- Ensure smaller serves of drinks (eg half nips) are available at differential (lower) prices.

Not promote or sell alcoholic beverages that may encourage rapid or excessive consumption of liquor

- Avoid labelling or promotions that may encourage patrons to consume liquor irresponsibly and excessively to an unduly intoxicated state.
- Avoid offering drinks that, by their method of consumption, encourages irresponsible drinking habits and are likely to result in rapid intoxication.
- Not advertise or allow promotions of very high alcohol substances such as overproof rum and high alcohol carbonated drinks.
- Not allow stockpiling of drinks.

Promote non or low alcohol beverages and food

- Offer and promote low alcohol beer at differential (lower) prices compared to full strength.
- Offer and promote a range of non alcoholic drinks at differential (lower) prices.
- Ensure bottled water is available free or for purchase at reasonable prices.
- Provide and promote reasonably priced snacks and food throughout operating hours.

2. Improve safety and security

Provide and maintain a safe environment in and around the licensed premises, for example:

Maintain proper standards of behaviour

- Have a phone available for the use of patrons in a location where patrons using the phone can be heard above noise within the premises.
- Display phone numbers for taxis, police, ambulance and fire brigade adjacent to the phone.
- Have the name of the duty manager prominently displayed at each bar in the premises.
- Do not promote activities that might encourage harassment by patrons of the staff or other patrons.
- Clearly display a list of acceptable and unacceptable behaviour on premises (house policy), such as the non acceptance of excessive consumption of alcohol or any illicit drug use.
- Assign staff to actively monitor patrons and at regular intervals move through premises to assess any potential problems (monitoring should also include toilets).
- Actively liaise with police and other licensed premises when disorderly patrons have been ejected or are moving through the area.
- Ensure internal and external security procedures are well maintained and functioning effectively.
- Encourage phased and an orderly exit of patrons from premises when closing.

Maintain safety and security

- Conduct regular risk assessments of premises and surrounding environments.
- Ensure entrances and exits of premises are well lit and that immediate surrounds are safe and allow good visibility.
- Implement appropriate surveillance systems, such as closed circuit television systems, on premises.
- Ensure staff, including security staff are clearly identifiable (for example, distinctive t-shirts, uniforms, name tags etc.).
- Serve drinks in containers which minimize potential harm to customers.
- Fully cooperate with the police and other accord members on ways to improve public safety.
- Prevent criminal activity and disorderly conduct from occurring on premises.

- Notify the police immediately if something illegal or suspicious does occur.
- Door/security or reception personnel will, in addition to restricting entry by minors or unduly intoxicated persons to the premises:
 - wear clear ID at all times
 - not harass or intimidate passers-by or potential customers
 - refuse re-entry to the premises to those who have caused a disturbance
 - immediately contact police and other premises to inform them of potential 'problem' patrons in the vicinity
 - check for the unlawful removal of alcohol from premises
 - assist patrons in accessing safe transportation out of the area
 - uphold any statutory requirements relating to security personnel and enter details of any safety incidents in the Premises Incident Register.

Maintain records of incidents and have appropriate communication with the police and other authorities

- Maintain a register of all safety and security incidents noting the time, date and nature of the incident in and around the premises and the response by staff and management (the 'incident register').
- Notify the police and other relevant authorities of any special events likely to significantly increase the number of people in the area. This should happen well in advance of the event.
- Train all staff to know help procedures and emergency numbers and when and how to fill out the incident register.
- Encourage all staff members to undertake first aid courses and, where possible, ensure one staff member with a first aid certificate is rostered on to each shift.
- Establish open communication with security at other venues via venue to venue radio and or a telephone contact listing.
- Ensure close liaison and open communication with the Office of Liquor and Gaming Regulation.

3. Commitment to being good neighbours

Improve the local amenity

- Assist patrons in accessing safe transportation out of the area (for example, door staff should volunteer information about access to a railway station, late night bus services and taxi ranks and encourage patrons to use these quickly and quietly when departing).
- Minimise noise generating from the premises.
- Educate patrons, including through signage, about the need to respect the local amenity and to arrive and depart the area in a quiet and orderly manner.
- Prevent the unlawful removal of liquor (other than packaged where permitted) from licensed premises.
- Ensure staff, specifically door and security staff are briefed on local environmental issues, including potential traffic, noise or security problems.
- Ensure police are informed of regular closing hours and any variations such as for special events or new activities.

- Respond to legitimate complaints and resident concerns and take all reasonable steps to ensure premises are functioning as a 'good neighbour'.

Patron responsibility

- Post signage that clearly explain licensee and patron responsibilities regarding the responsible service of alcohol (for example 'No More it's the Law' signage).
- Ensure staff are trained appropriately to advise patrons when they will no longer be served alcohol and will be asked to leave the premises.

Staff at licensed premises (including outsourced staff eg. security)

- Ensure all employees and applicable security staff have completed a Queensland approved Responsible Service of Alcohol course.
- Maintain a register of staff that have completed a Queensland approved Responsible Service of Alcohol course.
- Provide regular updates to new staff and training on the accord and related responsible service of alcohol and harm minimisation policies and practices.
- Ensure strict reference checks are conducted on all staff, including outsourced security staff, in the context of recruitment practices.
- Ensure all staff are familiar with the incident register and are aware of how to use it when required.
- Ensure staff have access to relevant literature on the accord, Queensland liquor laws and regulations.

Actively monitor and promote the accord

- Provide an ongoing commitment to the accord and to the continued proper management and conduct of the licensed premises.
- Notify the police, or other relevant authorities where appropriate, of any event or practice detected that may impact on the accord or any other licensing law or regulation.
- Establish and maintain effective complaints procedures.
- Promote educational and information items in the community to discourage the irresponsible service and consumption of alcohol.

Appendix C

ACCC - FORM FC (Supporting report)

5. Public benefit claims

(a) Arguments in support of application for substitution of authorisation:

(See Direction 6 of this Form)

The abuse and misuse of alcohol can cost the Queensland Government significant amounts of money each year. However, the measure of economic impact should not be restricted to tax payer dollars spent to address issues of safety. The impact extends across businesses and communities through crime, violence, road accidents and loss of productivity, including a significant burden on the Queensland health system.

Liquor accords that may include anti-competitive strategies and cartel provisions can deliver the following public benefits:

- reducing anti-social behaviour in and around licensed premises
- enhancing community health and well-being including safety and security
- reducing road trauma directly related to alcohol abuse
- enhancing community engagement in various controls and strategies that affect their community
- improving local amenity.

Authorisation of the pro-forma liquor accord arrangement will support the main purposes of the Act outlined in section 3(a) of the *Liquor Act 1992* (Qld) to minimise harm caused by alcohol abuse and misuse:

3 Main purposes of Act

The main purposes of this Act are—

(a) to regulate the liquor industry, and areas in the vicinity of licensed premises, in a way compatible with—

(i) minimising harm, and the potential for harm, from alcohol abuse and misuse and associated violence; and

Examples of harm—

- adverse effects on a person's health
 - personal injury
 - property damage
- (ii) minimising adverse effects on the health or safety of members of the public; and
- (iii) minimising adverse effects on the amenity of the community; and

(b) Facts and evidence relied upon in support of these claims:

Price and Supply Controls (under Authorisations A91224 and A91225)

Since 2010, two liquor accords in Queensland have formally advised OLGR of price or supply control initiatives. Both accords utilised the Pro-forma Liquor Accord Arrangement (PLAA), A91224 and A91225 to trial setting minimum drink prices on certain products. In addition to this, many other accords in Queensland have utilised the PLAA (in part) when establishing and formalising accord arrangements. The adoption of the PLAA is on a voluntary basis and liquor accords are not compelled to adopt all or any of the strategies contained in the proforma. Information regarding the PLAA and liquor accord arrangements was distributed to all accords in Queensland by OLGR in October 2010. Subsequently, OLGR has requested accords to provide any information on initiatives introduced under these authorisations (refer Appendix D for this documentation).

Details of the two price/supply control initiatives introduced are as follows:

1. CBD Townsville Liquor Accord - trialled price and control supply control measures to assist in harm minimisation across their precinct (refer attached documentation submitted by the accord – Appendix E). The 6 month trial commenced on 19 July 2012, and was subsequently extended a further 6 months, ceasing on 19 July 2013. The following measures were introduced:

- (i) Establish and set a lowest price for drinks containing alcohol commonly known as 'spirits' that commences at 5pm on any day immediately prior to a designated Public Holiday that requires licensed premises within the Accord area to cease trading at

12:00 midnight namely \$3.00 per individual standard nip drink and \$2.50 per individual standard half nip drink.

- (ii) Establish and set a lowest price for drinks containing alcohol commonly known as 'spirits' that commences at 8pm each Tuesday and finishes at 1am each Wednesday namely \$3.00 per individual standard nip drink and \$2.50 per individual standard half nip drink.
- (iii) Establish and set a lowest price for drinks containing alcohol commonly known as 'spirits' at all times other than those specifically mentioned above namely \$5.00 per individual standard nip drink and \$4.00 per individual standard half nip drink

The liquor accord agreed to monitor and measure the effects of the controls using comparisons of complaints lodged with OLGR, reported liquor related incidents by the police and comment and observation from industry members in the 6 month period previous to the trial and the periods during the trial.

A review of alcohol related assault type complaints lodged with OLGR and resulting OLGR investigations has proven inconclusive with only small numbers recorded over these periods. In the six months prior to the trial (Jan 2012 to July 2012) eight complaints were lodged with five requiring enforcement action. In the first six months of the trial period (July 2012 to Jan 2013) seven complaints were lodged with three requiring enforcement action. For the last six months of the trial period (Jan 2013 to July 2013) fourteen complaints were lodged with seven requiring enforcement action.

Testimonial evidence regarding the trials in Townsville has been received from numerous stakeholders and industry members. The following table is a summary of responses (copy of letters received can be found in Appendix F):

| Organisation | Name | Summary of comments |
|--|--------------------------|---|
| Queensland Police Service – Officer in Charge Townsville Police Station | Snr Sgt Tony Melrose | <i>Since setting of minimum prices in August 2012 - observed obvious decline in number of incidents but importantly a decline in severity of violence within the nightclub precinct.</i> |
| Queensland Police Service – Townsville Tactician | Snr Sgt Gary Campbell | <ul style="list-style-type: none"> - <i>Part of this role is management of the Drink Safe Precinct (DSP) funding and staffing</i> - <i>One of the factors that influence police numbers in DSP is not necessarily the number of patrons but level of violence associated with the number of patrons.</i> - <i>Prior to the minimum priced drinks would have up to 12 staff allocated on duty on any given Tuesday night. In the last 3 months, have been allocating 4 staff on any given Tuesday night. The calls for service are reduced.</i> - <i>Believe reducing access to cheap alcohol, spread cumulatively through a variety of establishments and is directly related to the reduced policing presence and requirement to respond to incidents. The amount of violence is reduced in addition to the severity of violence reduced as well.</i> - <i>Personally in favour of the minimum priced drinks staying in place</i> |
| Chair of CBD Townsville Liquor Accord, and Director Mad Cow Tavern, | Mr Mark Napier | <ul style="list-style-type: none"> - <i>Drink Safe Precinct (DSP) is much safer environment and from all reports received by stakeholders is that the level of ferocity of incidents is not there.</i> - <i>Liquor accord has proved price controls has worked in reducing alcohol related violence and set</i> |

| | | |
|--|------------------------------|---|
| Townsville | | <p><i>precedent for all other liquor accords to be able to follow.</i></p> <ul style="list-style-type: none"> - <i>Have full support of DSP Committee, local sergeants of QPS, Queensland Ambulance Service and Townsville City Council and members of the accord.</i> |
| Secretary of CBD Townsville Liquor Accord (and, Managing Director Pro Liquor Group) | Mr Greg Powell | <ul style="list-style-type: none"> - <i>General consensus of all traders that increasing number of premises offering 2 for 1 and other heavily discounted promotions of spirit-based drinks was directly responsible for the increase in anti-social behaviour. Accord members noted there was an 'aggressive' feel within the accord area on 'cheaper' nights and they would have to engage additional security staff to handle the crowds. Feedback on the rise in anti-social behaviour from Office of Liquor and Gaming, QPS, ADF and local security firms made reference to highly discounted pricing of spirit-based drinks.</i> - <i>Since pricing controls introduced to the area, Accord members have all reported a significant drop in anti-social behaviour in and around licensed premises. General consensus of all Accord members is that this reduction can be directly attributed to the introduction of pricing controls (spirit-based drinks). Also been a significant reduction in 'push & shove' style incidents that have led to violent clashes in the past.</i> |
| Townsville Street Chaplains | (Rev Dr) Rosemary Dunn | <ul style="list-style-type: none"> - <i>Townsville Street Chaplains work at the Rest and Recovery tent in the centre of Flinders Street East (centre of the liquor accord precinct)</i> - <i>We have anecdotal evidence that the safety of individuals on the street has improved markedly since the pricing arrangement</i> |

| | | |
|--|--|--|
| | | <ul style="list-style-type: none"> - <i>Strongly support the retention of price controls on alcohol for the safety of individuals and the community</i> |
| Townsville City Council – Healthy & Safe City Committee (Chair) | Cr Gary Eddiehausen APM | <ul style="list-style-type: none"> - <i>Acknowledge QPS crime statistics in relation to serious assaults and anti-social behaviour have lessened significantly, especially in relation to serious assaults.</i> - <i>Own observations conclude that price control policy adopted has resulted in members of the community being a great deal safer when visiting FSE (Flinders Street East) area.</i> - <i>Happy to speak further in order to assist continuation of the price control policy</i> |
| Secure Queensland | Mr Kevin Hobson (Owner/ Director) | <ul style="list-style-type: none"> - <i>Street security provider for liquor accord precinct</i> - <i>over last 12 months there has been quite a significant drop in incidents that Street security have attended and believe this to be a result of accords measures in trying to limit mass consumption of alcohol (looking through Street reports violence has dropped significantly)</i> - <i>no negative impact on street due to control prices</i> - <i>Never seen Flinders Street better in regard to behaviour of patrons</i> |
| Cactus Jack's Bar and Grill, Townsville | Mr Tim Alsop (Operations Manager) | - <i>support continuation of minimum pricing for high alcohol content drinks within the Townsville DSP</i> |

The Townsville Drink Safe Precinct (DSP) sits within the greater area of the CBD Townsville Liquor Accord. The DSP trials are designated precincts where a place-based management approach using the combined resources of State and local government agencies and industry and community organisations to deliver practical solutions to local

problems exists. The DSP trials commenced in December 2010 and were in operation throughout the life of the liquor accord price control trial. While police statistics have remained high due to their additional presence, in the DSP evaluation reports it is suggested the policing approach in Townsville may also be deterring or preventing more serious violent behaviour.

The Queensland State Government has just announced (September 2013) that the DSP trials, including Townsville, will be extended at least until June 2014.

2. Whitsunday Liquor Accord - implemented price control measures in November 2011. The control was implemented in response to anecdotal evidence identifying that a major cause of alcohol related incidents in the Airlie Beach/Whitsunday Region was due to liquor promotions and discount pricing. (refer Appendix G for accord documentation and signatories) Information from the industry stated that these incidents had increased specifically since the introduction of discount pricing and promotions of spirit based products. The accord established and implemented a 'lowest price' for spirit promotions and pricing for a 6 month trial period.

At the end of the trial period an assessment of the price control using the pre-agreed processes to monitor and measure the effect on the identified harm failed to provide the necessary data to support a continuation of the price control. Feedback from industry members (5 responses mostly from accord members), indicated that there had been no change in the area.

Following this assessment, it was recommended by OLGR that as the identified harm had not reduced, the accord could not meet the conditions required to receive continued ACCC protection. As there was reported poor responsible serving practices in some venues, OLGR recognised that in this circumstance the price control on its own was not sufficient to bring about the required change in patron behaviour. OLGR advised that members' efforts should be more focussed on RSA in relation to selling and supplying liquor to intoxicated or disorderly persons. Subsequently, the Whitsunday Liquor Accord decided not to continue the control.

Since the approval of ACCC authorisations in 2010, OLGR has distributed numerous communiqués to Queensland liquor accords advising of the PLAA. Also, reminders about the obligations of liquor accords if considering price/supply controls have been continually provided by OLGR at accord meetings, liquor accord newsletters and formal emails (refer OLGR March 2012 newsletter – Appendix H).

Further information about can be found in the newsletters found at www.olgr.qld.gov.au/publications/newsletters/accords/index.shtml).

The main purpose of liquor accords in Queensland is to develop strategies and implement initiatives that help prevent liquor related harm in their local communities. Although there are common liquor related issues faced by all communities, often the issue specifics are unique in nature and are influenced by the local cultural, social and operational environment. For the majority of liquor accords, to date, strategies other than controls on pricing or methods of supply have been preferred to address liquor related harm in their local communities. Some examples of harm-minimisation initiatives implemented by liquor accords which do not involve price/supply controls are:

- In Moreton Bay, the Pine Rivers, Redcliffe and Caboolture Corridor Liquor Industry Action Groups (LIAGs) joined forces to implement the Moreton Bay Designated Driver Program. The program aims to encourage designated drivers to abstain from drinking alcohol, so patrons arrive home safely (potential to reduce alcohol-related road trauma covering a large area).
- Toowoomba CBD Crew – partnership between Toowoomba Liquor Industry Action Group and METRO Care where a 6 week trial program designed to reduce alcohol-related harm. During the trial, the CREW engaged with over 2000 people, handed out 70 kilograms of red frog lollies, provided 1900 free bottles of water to patrons to support responsible consumption of alcohol.

- The Bayside Licensed Venues Accord launched a campaign informing their patrons that anti-social or violent behaviour was not tolerated via Behaviour Standard Cards. The cards carried the message that behaviour was being monitored by staff and security cameras and in the event of any incident the offenders details would be passed on to the police.

SUMMARY OF PUBLIC BENEFITS

It is considered that the overall public benefit associated with the pro-forma liquor accord arrangement is likely to outweigh any public detriment.

It is proposed that the authorisations be revoked and substituted to enable further harm minimisation controls to be trialled by current and future liquor accords. The number of established accords has been increasing over the years, with there now being over 100 Liquor Accords in Queensland (compared with 74 accords at the time of the original application in 2010).

OLGR believes the continuation of the conditional authorisation offered by the ACCC provides potential public benefit where these controls may be appropriately trialled.

Queensland Liquor Accord Arrangement

Does this arrangement apply to your liquor accord? – These arrangements only apply to liquor accords that feature price and supply controls based on those included in the pro-forma conditionally approved by the ACCC. If accords decide to adopt price or control strategies that are not listed in the pro-forma, it is recommended they seek independent legal advice.

I refer to earlier correspondence from the Office of Liquor and Gaming Regulation (OLGR) about the conditional authorisation by the ACCC of a pro-forma liquor accord arrangement in Queensland. A copy of the approved arrangement is again attached (Attachment 1).

The pro-forma liquor accord arrangement was developed for voluntary adoption in full, or in part, by liquor accord bodies in Queensland. Liquor accords are not compelled to adopt, through inclusion in their liquor accord documentation, all or any of the accord strategies contained in the pro-forma. Liquor accord bodies are encouraged to tailor liquor accord strategies to suit circumstances unique to licensees and their local community or precinct. Accords will still receive the benefit of authorisation if they choose to adopt only some of the strategies. If accords decide to adopt price or control strategies that are not listed in the pro-forma, it is recommended they seek independent legal advice.

To ensure that price and supply controls are only adopted where there are relevant identified harms, the ACCC has imposed a number of conditions on their approval of the pro-forma liquor accord document. Again, it is important to note that the conditions only apply to accords that adopt the price and supply controls included in the pro-forma document.

In summary, price and/or supply controls may only be adopted where relevant alcohol related harm in and around the licensed premises or the local area have been identified. If however, the price or supply control mirrors a prohibition or requirement of Queensland legislation, this will be considered sufficient justification for inclusion.

What is a 'mirror control'

A control that mirrors a legislative provision is called a 'mirror control'. The 'mirror controls' included in the pro-forma liquor accord arrangement and the relevant section of the *Liquor Act 1992* (the Act) and the *Liquor Regulation 2002* (the Regulation) are listed below:

| Mirror Control | Legislation | Examples |
|---|------------------------------------|--|
| Ban practices that may encourage rapid or excessive consumption of liquor | Section 41(1)(a) of the Regulation | <ul style="list-style-type: none"> ▪ 'drinkcards' that provide multiple free drinks ▪ extreme discounts or discounts of limited duration ▪ any other promotions or gimmicks that encourage rapid intoxication |
| Avoid serving drinks that offer alcohol in non-standard measures | Section 41(1)(c) of the Regulation | <ul style="list-style-type: none"> ▪ serving liquor in a yard glass for consumption in one draught ▪ serving liquor in a test tube shaped glass without providing a stand on which the glass can be placed |

Where price and supply controls do not mirror legislation, the ACCC requires the accord to record the reasons for introducing such controls. The definition and examples of these controls as they relate to liquor accords are as follows:

What is a 'price control'?

A '**price control**' means a provision requiring parties to the accord to ban drink cards, extreme discounts and discounts of limited duration, or requiring parties to the accord to charge lower prices for smaller serves of full strength beverages or for low or non alcoholic beverages as set out in the pro-forma accord agreement.

The following is a list of price controls as set out in the pro-forma liquor accord arrangement that do not mirror legislation:

- Offer and promote low alcohol beer at differential (lower) prices compared to full strength.
- Offer and promote a range of non alcoholic drinks at differential (lower) prices.
- Ensure smaller serves of drinks (eg half nips) are available at differential (lower) prices.

What is a 'supply control'?

A '**supply control**' means a provision requiring parties to the accord not to offer or advertise particular beverages as set out in the accord arrangement.

The following are a list of 'supply controls' as set out in the pro-forma liquor accord arrangement that do not mirror legislation:

- Avoid labelling or promotions that may encourage patrons to consume liquor irresponsibly or excessively to an unduly intoxicated state.
- Avoid offering drinks that, by their method of consumption, encourages irresponsible drinking habits and are likely to result in rapid intoxication.
- Not allow stockpiling of drinks.
- Not advertise or allow promotions of very high alcohol substances such as overproof rum and high alcohol carbonated drinks.

Banning of products

Where specific products are targeted by the price and supply controls, the reason for the targeting must be recorded in the accord arrangement. Specific products must not be targeted solely because more profitable alternatives are available.

What is required?

The attached flowchart might be of assistance in determining if you need to provide OLGR with further information (Attachment 2).

In summary, if your liquor accord contains price, supply and/or mirror controls as included in the pro-forma, you are requested to provide OLGR with the following by 28 February 2011:

| | |
|-----|--|
| (1) | A copy of the accord documentation |
| (2) | A list of relevant Queensland legislative provisions |
| (3) | A list of the price and supply controls including details of any specific beverages targeted for serving or advertising and promotion bans (if any) and related reasons. |
| (4) | Indicators that would measure the success of the control |
| (5) | The names of all businesses who are signatories to the accord |

Copies of the accord documents must also be retained by the accord body for the life of the accord.

Additionally, every 12 months liquor accords will be required to provide OLGR with a report about price and supply controls that are not mirror controls. This report is to include:

- The harms in or around the premises the controls are to address (eg. *'evidence has identified that a major cause of assaults was due to consumption of high alcohol products'*).
- When the controls were implemented.
- Whether identified harms are still relevant.
- Any change to the identified harms.
- An assessment of the effectiveness and appropriateness of the control.

The attached table may assist in maintaining adequate records when compiling this report in future (Attachment 3).

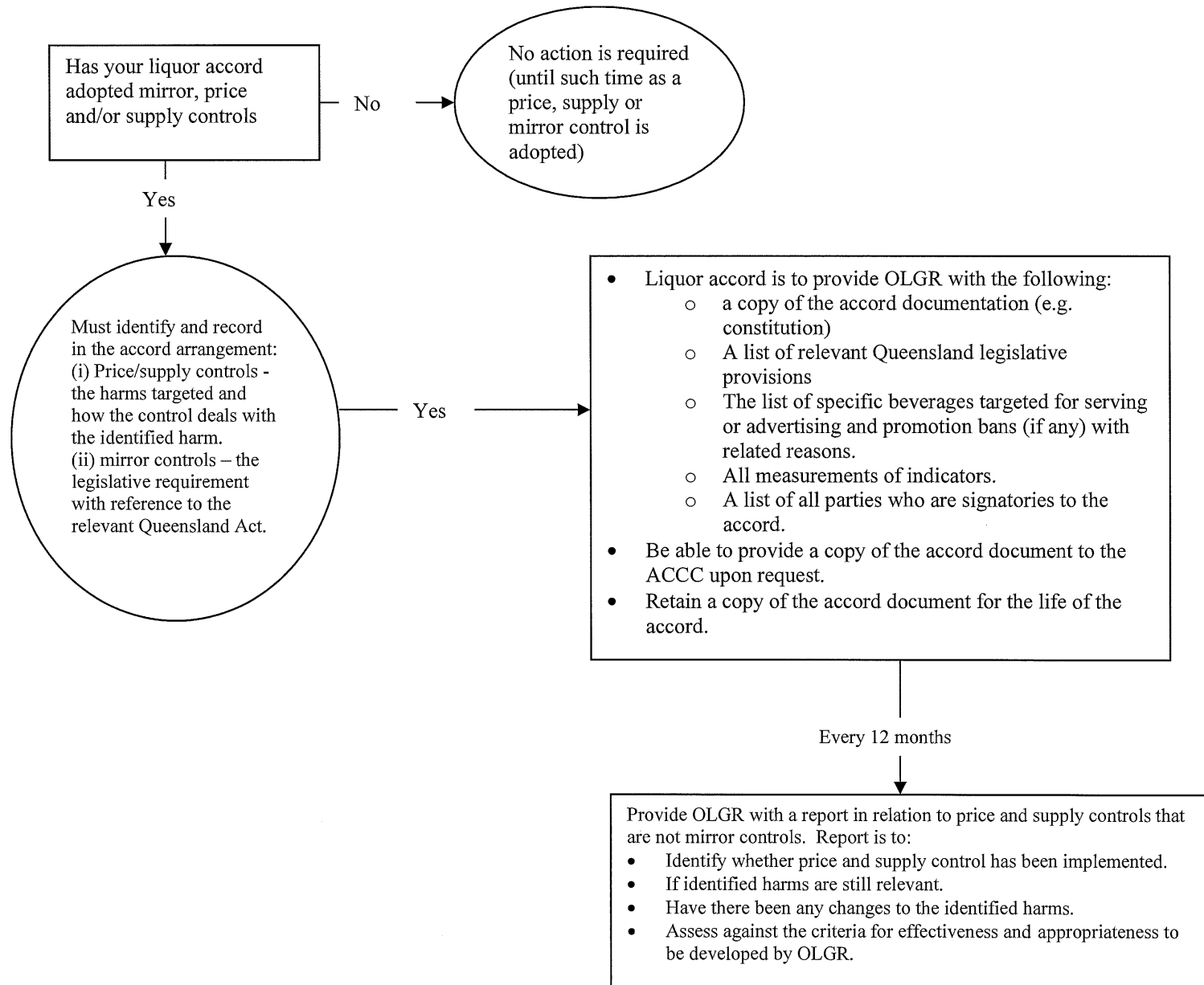
It would be appreciated if you mail the requested information to:

Attn Regional Services Branch
Office of Liquor and Gaming Regulation
Locked Bag 180
CITY EAST QLD 4002

If you have any queries about this matter please phone OLGR on 3872 0881.

[illegible]

Attachment 2 – Flowchart Reporting Requirements for Liquor Accord Bodies Which Have Price and/or Supply Controls



ADOPTION OF LIQUOR ACCORD PRO-FORMA ARRANGEMENT

Information for liquor accord participants

This pro-forma liquor accord arrangement has been developed for voluntary adoption in full or in part by liquor accord bodies in Queensland. It is current as at [insert date].

[TO INSERT ONLY ONCE ACCC AUTHORISATION HAS BEEN OBTAINED]

This pro-forma arrangement has received authorisation from the Australian Competition and Consumer Commission. You are not compelled to implement all or any of the accord strategies contained in this document. You will still receive the benefit of authorisation if you choose to give effect to only some of the strategies.

If this document is adopted by your local liquor accord body and Section 1 'Responsible service of alcohol' is not amended in any material way, you will not be liable for a breach of the *Trade Practices Act 1974*. However, if your local liquor accord body wishes to vary the contents of this pro-forma liquor accord arrangement, you are advised to seek legal advice on the implications of trade practices laws and other legal requirements before adopting the amendments.

Liquor accord bodies are encouraged to tailor liquor accord arrangements to suit circumstances unique to licensees and your local community or precinct.

PRO-FORMA LIQUOR ACCORD ARRANGEMENT

Stakeholders of the [insert name of local liquor accord body] endorse and will seek to uphold the strategies as listed below in our local area as a way of:

- promoting responsible practices in relation to the sale and supply of liquor at licensed premises
- minimising harm from the misuse of alcohol
- minimising alcohol-related disturbances, or public disorder, in the locality.

DEFINITIONS

The following definitions apply to this accord:

Extreme discounts include practices such as half price drinks. This accord does not however, prohibit or restrict licensees from discounting drinks generally.

Discounts of limited duration include happy hours with a duration of less than an hour or promotions that set a short timeframe (eg. 15 minutes) in which liquor is discounted. This accord does not however, prohibit or restrict licensees from discounting or promoting happy hours generally.

Drinks that, by their method of consumption, encourage irresponsible drinking habits and are likely to result in rapid intoxication include drinks that are offered in objects or items that are non-standard glasses certified by Weights and Measures (eg. test tubes and water pistols). It also includes drinking games involving the consumption of liquor in a short period of time which can lead to rapid and/or excessive consumption of liquor (eg. skolling games and laybacks).

Very high alcohol substances – This term is intended to capture drinks that contain any more than 2 standard drinks per serve.

Accord stakeholders are encouraged to refer to the *Liquor Act 1992*, *Liquor Regulation 2002* and the Code of Practice for the Responsible Service, Supply and Promotion of Liquor for further guidance.

STRATEGIES

1. Responsible service of alcohol

No unduly intoxicated patrons

- Refuse to serve alcohol to, or allow entry of, persons who are unduly intoxicated.
- Encourage patrons to drink responsibly, and let them know they will be asked to leave if they become unduly intoxicated, disorderly, violent or quarrelsome.
- Promptly and politely ask patrons to leave when they are showing signs of being unduly intoxicated.
- Offer to call unduly intoxicated patrons a taxi and/or provide water while they wait in a safe environment.

No underage drinking

- Actively monitor all patrons to ensure they are not underage by checking proper proof of age identification (ID) at the door.
- Prominently display signage about restrictions on minors.
- Apply the following standards when checking ID:
 - The ID is removed from a wallet/purse or cardholder and held by the staff member conducting the check
 - The ID is checked to ensure it is current and is an approved form of identification - photographic driver's licence; or a proof of age card issued by a Government Department or approved entity (e.g. 18+ card, Keypass); or an Australian or foreign passport
 - The date of birth is checked to establish the age of the patron
 - The date of birth is checked for any tampering
 - The photo is checked to ensure it is the person presenting the ID
 - The photo is checked to ensure it has not been substituted or tampered with
 - The ID is checked overall for any bumps or raised areas which may indicate the identification has been tampered with.
- If staff believe that a document being presented is false, defaced or in the possession of a person who is not the owner of the ID and who is falsely claiming to be 18 years of age, the document will be confiscated and forwarded to the Office of Liquor and Gaming Regulation.

Discourage activities that encourage excessive drinking

- Ban practices and promotions that may encourage rapid or excessive consumption of liquor, for example:
 - 'drinkcards' that provide multiple of free drinks
 - extreme discounts or discounts of limited duration
 - any other promotions or gimmicks that encourage rapid intoxication.
- Provide snack food during 'happy hours' where practical.
- Avoid serving drinks that offer alcohol in non-standard measures.
- Ensure smaller serves of drinks (eg half nips) are available at differential (lower) prices.

Not promote or sell alcoholic beverages that may encourage rapid or excessive consumption of liquor

- Avoid labelling or promotions that may encourage patrons to consume liquor irresponsibly and excessively to an unduly intoxicated state.
- Avoid offering drinks that, by their method of consumption, encourages irresponsible drinking habits and are likely to result in rapid intoxication.
- Not advertise or allow promotions of very high alcohol substances such as overproof rum and high alcohol carbonated drinks.
- Not allow stockpiling of drinks.

Promote non or low alcohol beverages and food

- Offer and promote low alcohol beer at differential (lower) prices compared to full strength.
- Offer and promote a range of non alcoholic drinks at differential (lower) prices.
- Ensure bottled water is available free or for purchase at reasonable prices.
- Provide and promote reasonably priced snacks and food throughout operating hours.

2. Improve safety and security

Provide and maintain a safe environment in and around the licensed premises, for example:

Maintain proper standards of behaviour

- Have a phone available for the use of patrons in a location where patrons using the phone can be heard above noise within the premises.
- Display phone numbers for taxis, police, ambulance and fire brigade adjacent to the phone.
- Have the name of the duty manager prominently displayed at each bar in the premises.
- Do not promote activities that might encourage harassment by patrons of the staff or other patrons.
- Clearly display a list of acceptable and unacceptable behaviour on premises (house policy), such as the non acceptance of excessive consumption of alcohol or any illicit drug use.
- Assign staff to actively monitor patrons and at regular intervals move through premises to assess any potential problems (monitoring should also include toilets).
- Actively liaise with police and other licensed premises when disorderly patrons have been ejected or are moving through the area.
- Ensure internal and external security procedures are well maintained and functioning effectively.
- Encourage phased and an orderly exit of patrons from premises when closing.

Maintain safety and security

- Conduct regular risk assessments of premises and surrounding environments.
- Ensure entrances and exits of premises are well lit and that immediate surrounds are safe and allow good visibility.
- Implement appropriate surveillance systems, such as closed circuit television systems, on premises.
- Ensure staff, including security staff are clearly identifiable (for example, distinctive t-shirts, uniforms, name tags etc.).
- Serve drinks in containers which minimize potential harm to customers.
- Fully cooperate with the police and other accord members on ways to improve public safety.
- Prevent criminal activity and disorderly conduct from occurring on premises.
- Notify the police immediately if something illegal or suspicious does occur.

- Door/security or reception personnel will, in addition to restricting entry by minors or unduly intoxicated persons to the premises:
 - wear clear ID at all times
 - not harass or intimidate passers-by or potential customers
 - refuse re-entry to the premises to those who have caused a disturbance
 - immediately contact police and other premises to inform them of potential 'problem' patrons in the vicinity
 - check for the unlawful removal of alcohol from premises
 - assist patrons in accessing safe transportation out of the area
 - uphold any statutory requirements relating to security personnel and enter details of any safety incidents in the Premises Incident Register.

Maintain records of incidents and have appropriate communication with the police and other authorities

- Maintain a register of all safety and security incidents noting the time, date and nature of the incident in and around the premises and the response by staff and management (the 'incident register').
- Notify the police and other relevant authorities of any special events likely to significantly increase the number of people in the area. This should happen well in advance of the event.
- Train all staff to know help procedures and emergency numbers and when and how to fill out the incident register.
- Encourage all staff members to undertake first aid courses and, where possible, ensure one staff member with a first aid certificate is rostered on to each shift.
- Establish open communication with security at other venues via venue to venue radio and or a telephone contact listing.
- Ensure close liaison and open communication with the Office of Liquor and Gaming Regulation.

3. Commitment to being good neighbours

Improve the local amenity

- Assist patrons in accessing safe transportation out of the area (for example, door staff should volunteer information about access to a railway station, late night bus services and taxi ranks and encourage patrons to use these quickly and quietly when departing).
- Minimise noise generating from the premises.
- Educate patrons, including through signage, about the need to respect the local amenity and to arrive and depart the area in a quiet and orderly manner.
- Prevent the unlawful removal of liquor (other than packaged where permitted) from licensed premises.
- Ensure staff, specifically door and security staff are briefed on local environmental issues, including potential traffic, noise or security problems.
- Ensure police are informed of regular closing hours and any variations such as for special events or new activities.
- Respond to legitimate complaints and resident concerns and take all reasonable steps to ensure premises are functioning as a 'good neighbour'.

Patron responsibility

- Post signage that clearly explain licensee and patron responsibilities regarding the responsible service of alcohol (for example 'No More it's the Law' signage).
- Ensure staff are trained appropriately to advise patrons when they will no longer be served alcohol and will be asked to leave the premises.

Staff at licensed premises (including outsourced staff eg. security)

- Ensure all employees and applicable security staff have completed a Queensland approved Responsible Service of Alcohol course.
- Maintain a register of staff that have completed a Queensland approved Responsible Service of Alcohol course.
- Provide regular updates to new staff and training on the accord and related responsible service of alcohol and harm minimisation policies and practices.
- Ensure strict reference checks are conducted on all staff, including outsourced security staff, in the context of recruitment practices.
- Ensure all staff are familiar with the incident register and are aware of how to use it when required.
- Ensure staff have access to relevant literature on the accord, Queensland liquor laws and regulations.

Actively monitor and promote the accord

- Provide an ongoing commitment to the accord and to the continued proper management and conduct of the licensed premises.
- Notify the police, or other relevant authorities where appropriate, of any event or practice detected that may impact on the accord or any other licensing law or regulation.
- Establish and maintain effective complaints procedures.
- Promote educational and information items in the community to discourage the irresponsible service and consumption of alcohol.

CBD TOWNSVILLE LIQUOR ACCORD

This Liquor Accord has been developed to ensure that all key stakeholders located within the CBD Townsville Liquor Accord area fully understand their obligations and responsibilities.

The CBD Townsville Liquor Accord area consists of those areas currently included within the boundaries of the Townsville Drink Safe Precinct Map (Attachment One), however it also extends to include all of Sir Leslie Thiess Drive, Entertainment Road and the Strand up to and including Landsborough Street, Townsville.

The stakeholders of the CBD Townsville Liquor Accord are responsible operators who are totally committed to ensuring that the service and supply of liquor is conducted in such a way that all relevant harm minimisation techniques are considered and that the practice of Responsible Service of Alcohol is followed at all times.

The stakeholders of the CBD Townsville Liquor Accord welcome and endorse the following strategies:

DEFINITIONS

The following definitions apply to this Accord:

EXTREME DISCOUNTS - includes practices such as half price or 2-4-1 drinks. This Accord does not however, prohibit or restrict licensees from discounting drinks generally. Note – This does not apply on Tuesday evenings as it is covered by a separate Mirror Agreement.

DISCOUNTS OF LIMITED DURATION - includes happy hours with a duration of less than an hour or promotions that set a short timeframe (eg. 15 minutes) in which liquor is discounted. This Accord does not however, prohibit or restrict licensees from discounting or promoting happy hours generally.

DRINKS THAT, BY THEIR METHOD OF CONSUMPTION, ENCOURAGE IRRESPONSIBLE DRINKING HABITS AND ARE LIKELY TO RESULT IN RAPID INTOXICATION - includes drinking games involving the consumption of liquor in a short period of time which can potentially lead to rapid and/or excessive consumption of liquor (eg. skolling games and laybacks).

VERY HIGH ALCOHOL SUBSTANCE – this term is intended to capture drinks that contain any more than 2 standard drinks per serve.

Accord stakeholders are encouraged to refer to the *Liquor Act 1992*, *Liquor Regulation 2002* and the Code of Practice for the Responsible Service, Supply and Promotion of Liquor for further guidance.

STRATEGIES

1. RESPONSIBLE SERVICE OF ALCOHOL

NO UNDULY INTOXICATED PATRONS

- Refuse to serve alcohol to, or allow entry of, persons who are deemed to be unduly intoxicated.
- Encourage patrons to drink responsibly, and let them know they will be asked to leave if they become unduly intoxicated, disorderly, violent or quarrelsome.
- Promptly and politely ask patrons to leave when they are showing signs of being unduly intoxicated.

NO UNDERAGE DRINKING

- Actively monitor all patrons to ensure they are not underage by checking proper proof of age identification (ID) at the door.
- Display signage about restrictions on minors.
- Apply the following standards when checking ID:
 - o The ID is removed from a wallet/purse or cardholder and held by the staff member conducting the check
 - o The ID is checked to ensure it is current and is an approved form of identification - photographic driver's licence; or a proof of age card issued by a Government Department or approved entity (e.g. 18+ card, Keypass); or an Australian or foreign passport
 - o The date of birth is checked to establish the age of the patron
 - o The date of birth is checked for any tampering
 - o The photo is checked to ensure it is the person presenting the ID
 - o The photo is checked to ensure it has not been substituted or tampered with
 - o The ID is checked overall for any bumps or raised areas which may indicate the identification has been tampered with
- If staff believe that a document being presented is false, defaced or in the possession of a person who is not the owner of the ID and who is falsely claiming to be 18 years of age, the document will be confiscated and forwarded as soon as possible to the Office of Liquor and Gaming Regulation.

Appendix E

DISCOURAGE ACTIVITIES THAT ENCOURAGE RAPID/EXCESSIVE CONSUMPTION OF ALCOHOL

Ban practices and promotions that may encourage rapid or excessive consumption of liquor, including:

- 'Drink Cards' that provide free drinks to one individual.
 - The handing out of vouchers, stickers, hand stamps or any other item or object that provides free or discounted drinks that are below the minimum pricing contained in the Mirror Control document to one individual.
 - Extreme discounts or discounts of limited duration.
 - Any other promotions or gimmicks that encourage rapid intoxication.
- Provide snack food during 'happy hours' where practicable.
 - Avoid serving drinks that offer alcohol in non-standard measures.
 - Ensure smaller serves of drinks (eg half nips) are available at differential (lower) prices.
 - Venue will not serve, supply or allow supply of drinks commonly known as "shooters" or "shots" at any time after 2am.

NOT PROMOTE OR SELL ALCOHOLIC BEVERAGES THAT MAY ENCOURAGE RAPID OR EXCESSIVE CONSUMPTION OF LIQUOR

- Avoid labelling or promotions that may encourage patrons to consume liquor irresponsibly and excessively to an unduly intoxicated state.
- Avoid offering drinks that, by their method of consumption, encourages irresponsible drinking habits and are likely to result in rapid intoxication.
- Not advertise or allow promotions of very high alcohol substances.
- Make all reasonable attempts to prevent the stockpiling of drinks.

PROMOTE NON OR LOW ALCOHOL BEVERAGES AND FOOD

- Offer low alcohol beer at differential (lower) prices compared to full strength.
- Offer a range of non alcoholic drinks at differential (lower) prices.
- Ensure free water is available from all bars or from any area where alcohol is sold and supplied.
- Provide and promote reasonably priced snacks and food throughout operating hours, where practicable.

2. IMPROVE SAFETY AND SECURITY

Provide and maintain a safe environment in and around the licensed premises, for example:

MAINTAIN PROPER STANDARDS OF BEHAVIOUR

- Have a phone available within the Drink Safe Precinct for the use of patrons in a location where patrons using the phone can be heard above noise.
- Display phone numbers for taxis, police, ambulance and fire brigade adjacent to the phone, within the Drink Safe Precinct.
- Do not promote activities that might encourage harassment by patrons of staff or other patrons.
- Clearly display a list of acceptable and unacceptable behaviour on premises (House Policy), such as the non acceptance of excessive consumption of alcohol or any illicit drug use.
- Take reasonable steps to ensure that staff actively monitors patrons and at regular intervals move through premises to assess any potential problems (monitoring should also include toilets).
- Actively liaise with police and/or other licensed premises when disorderly patrons have been ejected or are moving through the area.
- Ensure internal security procedures are well maintained and functioning effectively.
- Encourage phased and an orderly exit of patrons from premises when closing.

MAINTAIN SAFETY AND SECURITY

- Conduct regular risk assessments of premises and surrounding environments.
- Ensure entrances and exits of premises are well lit and that immediate surrounds are safe and allow good visibility.
- Implement appropriate surveillance systems (where appropriate) such as closed circuit television systems.
- Ensure security staff are clearly identifiable.
- Serve drinks in containers which minimize potential harm to customers, where practicable.
- Liaise regularly with the police and other accord members on ways to improve public safety within the Drink Safe Precinct.
- Take all reasonable steps to prevent criminal activity and disorderly conduct from occurring on premises.
- Notify the police as soon as possible if something illegal or suspicious does occur.
- Door/security or reception personnel will, in addition to restricting entry by minors or unduly intoxicated persons to the premises:

- o Security to wear clear ID at all times
- o Not harass or intimidate passers-by or potential customers
- o Refuse re-entry to the premises to those who have caused a disturbance at the time
- o Contact police and/or other premises as soon as possible to inform them of potential 'problem' patrons in the vicinity
- o Take all reasonable steps to prevent the unlawful removal of alcohol from premises
- o Direct patrons to the nearest safe transportation out of the area when appropriate
- o Uphold any statutory requirements relating to security personnel and enter details of any safety incidents in the Premises Incident Register.

MAINTAIN RECORDS OF INCIDENTS AND HAVE APPROPRIATE COMMUNICATION WITH THE POLICE AND OTHER AUTHORITIES

- Maintain a register of all safety and security incidents noting the time, date and nature of the incident in and around the premises and the response by staff and management (the 'incident register').
- Notify the police and other relevant authorities of any special events likely to significantly increase the number of people in the area. This should happen well in advance of the event.
- Train all staff to know help procedures and emergency numbers and when and how to fill out the incident register.
- Establish open communication with security at other venues via venue to venue radio and/or telephone contact listing
- Liaise regularly and maintain communication with the Office of Liquor and Gaming Regulation.

3. COMMITMENT TO BEING GOOD NEIGHBOURS

IMPROVE THE LOCAL AMENITY

- The banning of staff, contractors, security or any other person or agency from engaging in any practice commonly known as "touting" or "hawking" from stopping either directly in front of, or within 15 metres of any other licensed venue within the CBD Townsville Liquor Accord Area. This issue has been noted as a major concern of stakeholders and will be reviewed in 6 months.
- Direct patrons to nearest safe transportation out of the area (for example, door staff should volunteer information about late night bus services and taxi ranks and encourage patrons to use these quickly and quietly when departing).
- Take all reasonable steps to minimise noise generating from the premises.

- Educate patrons through signage, about the need to respect the local amenity and to arrive and depart the area in a quiet and orderly manner.
- Take all reasonable steps to prevent the unlawful removal of liquor (other than packaged where permitted) from licensed premises.
- Ensure staff, specifically door and security staff are briefed on local environmental issues, including potential traffic, noise or security problems.
- Ensure police are informed of regular closing hours and any variations such as for special events or new activities.
- Respond to legitimate complaints and resident concerns as soon as possible and take all reasonable steps to ensure premises are functioning as a 'good neighbour'.

PATRON RESPONSIBILITY

- Post signage that clearly explain licensee and patron responsibilities regarding the responsible service of alcohol (for example 'No More it's the Law' signage).
- Ensure staff are trained appropriately to advise patrons when they will no longer be served alcohol and will be asked to leave the premises.

STAFF AT LICENSED PREMISES (INCLUDING OUTSOURCED SECURITY)

- Ensure all employees and applicable security staff have completed a Queensland approved Responsible Service of Alcohol course within legislative requirements.
- Maintain a register of staff that have completed a Queensland approved Responsible Service of Alcohol course.
- Provide regular updates to new staff and training on the Accord and related responsible service of alcohol and harm minimisation policies and practices.
- Take all reasonable steps to ensure reference checks are conducted on all staff, including outsourced security staff, in the context of recruitment practices.
- Ensure all staff are familiar with the incident register and are aware of how to use it when required.
- Ensure staff have access to relevant literature on the accord, Queensland liquor laws and regulations.
- Ensure that any adverse incidents involving staff or security are brought to the attention of the Accord for discussion.

BANNING CONDITIONS

- Ensure security and approved managers are aware of banning conditions as per the Drink Safe Precinct requirements.

- Take all reasonable steps to ensure security and approved managers are aware of banned persons when provided by either the Drink Safe Precinct committee or CBD Townsville Liquor Accord.
- Actively follow banning conditions as per *Liquor Act 1992* for individual persons.
- Provide details of problem patrons at the CBD Townsville Liquor Accord meetings with a view to having the Accord impose bans from attending licensed premises within the CBD Townsville Liquor Accord area.
- As a general rule the following time bans will apply to persons behaving inappropriately at licensed premises within the CBD Townsville Liquor Accord area. Each and every incident will be assessed on its individual merits and different banning periods can be endorsed by the Accord should circumstances dictate -
 - Repeated disorderly behaviour – One month
 - Assault – Three months
 - GBH/Unlawful Wounding/Serious Assaults – One year

ACTIVELY MONITOR AND PROMOTE THE ACCORD

- Provide an ongoing commitment to the accord and to the continued proper management and conduct of the licensed premises.
 - Notify the police, or other relevant authorities where appropriate, of any event or practice detected that may impact on the accord or any other licensing law or regulation.
 - Establish and maintain effective complaints procedures *through its accords members at set accord meetings*.
 - Promote educational and information items in the community to discourage the irresponsible service and consumption of alcohol.
 - This Accord is ongoing management tool to minimise harm related incidents caused by alcohol within the CBD Townsville Liquor Accord area and will be reviewed every 6 months or as may be required from time to time. The Accord can be and will be modified under a voting process by its Accord members.
 - Membership of this Accord is voluntary to join by paying the membership fee and to adhere by its conditions to work together to minimise harm related incidents caused by alcohol.
 - In the event that any members of the Accord are approached by the media to make comment relating to the Accord, they are to direct such enquiries to the current President of the Accord or his/her delegate only.
-

Disclaimer: While the CBD Townsville Liquor Accord and the member constituents of the CBD Townsville Liquor Accord try to ensure the contents of this publication are correct, we do not warrant the currency, accuracy or completeness of the contents of this publication. It is a general guide only and the contents of this publication should not be relied upon as a substitute for specific professional advice.

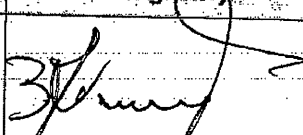
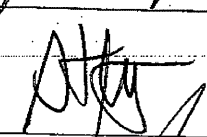
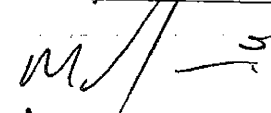
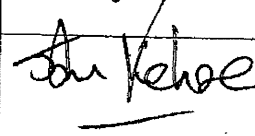

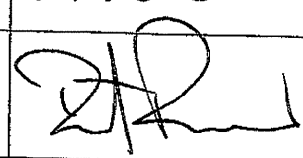
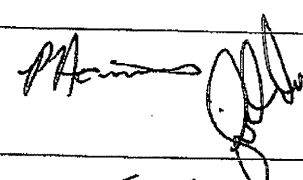
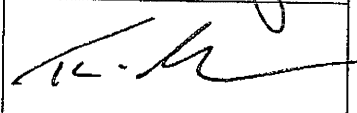
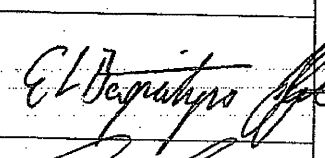
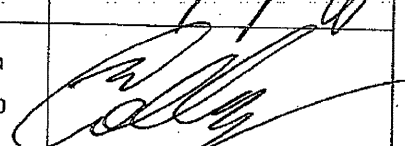
Attachment 3 - Report on Price and Supply Controls

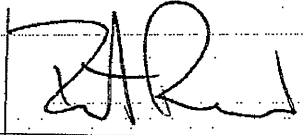
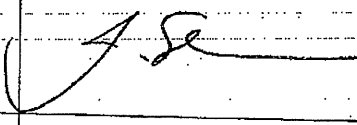
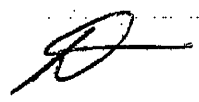

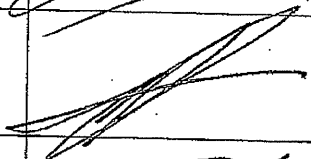

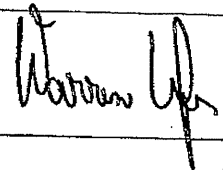
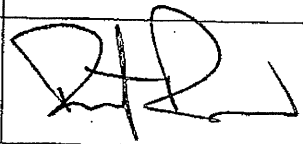
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|---|-------|---|------------|--|--|
| Establish and set a lowest price for drinks containing alcohol commonly known as 'spirits' that commences at 5.00pm on any day immediately prior to a designated Public Holiday that requires licensed premises within the Accord area to cease trading at 12.00midnight namely \$3.00 per individual standard nip drink and \$2.50 per individual standard half nip drink. | Price | Anecdotal evidence has identified that a major cause of alcohol related incidents in the CBD Townsville area is due to liquor promotions and discount pricing of spirit based products. Information provided from Industry identifies that these incidents have increased specifically since the introduction of the discount pricing and promotions of spirit based products on evenings immediately prior to, and the morning of, Public Holidays. This price control strategy is to be monitored and reviewed after a 6 month period commencing 19/07/2012. The reduction of identified harms and risks will be monitored and measured utilising three (3) processes. The first process will be the comparison of complaints lodged with the Office of Liquor & Gaming Regulation for the period 19/07/2012 to 18/01/2013 to the period 19/07/2011 to 18/01/2012. The second process will be the comparison of reported liquor related incidents by QPS for the period 19/07/2012 to 18/01/2013 to the period 19/07/2011 to 18/01/2013. The third process will be the ongoing general comment/observation from industry members responsible for the monitoring of licensed premises. | 19/07/2012 | | |
| | | | | | |

Attachment 3 - Report on Price and Supply Controls

| | | | | | |
|---|-------|---|------------|--|--|
| Establish and set a lowest price for drinks containing alcohol commonly known as 'spirits' at all times other than those specifically mentioned above namely \$5.00 per individual standard nip drink and \$4.00 per standard half nip drink. | Price | Anecdotal evidence has identified that a major cause of alcohol related incidents in the CBD Townsville area is due to liquor promotions and discount pricing of spirit based products. Information provided from Industry identifies that these incidents have increased specifically since the introduction of the discount pricing and promotions of spirit based products. This price control strategy is to be monitored and reviewed after a 6 month period commencing 19/07/2012. The reduction of identified harms and risks will be monitored and measured utilising three (3) processes. The first process will be the comparison of complaints lodged with the Office of Liquor & Gaming Regulation for the period 19/07/2012 to 18/01/2013 to the period 19/07/2011 to 18/01/2012. The second process will be the comparison of reported liquor related incidents by QPS for the period 19/07/2012 to 18/01/2013 to the period 19/07/2011 to 18/01/2012. The third process will be the ongoing general comment/observation from industry members responsible for the monitoring of licensed premises. | 19/07/2012 | | |
| | | | | | |

Signatories of the CBD Townsville Liquor Accord

| Name of Venue | Licensee & Licence Details | Trading Hours / Fee | Signatory |
|------------------------------|---|---------------------|---|
| EXCHANGE HOTEL | LICENSEE Jasmine Robson - EXCHANGE HOLDINGS PTY LTD - COMERCIAL HOTEL - LIC NO. 133628 | 5:00am \$625.00 |  |
| FLYNN'S IRISH BAR & BISTRO | LICENSEE Steve Flynn - THE IRISH ROVERS PTY LTD - COMERCIAL OTHER - LIC NO. 85157 | 5:00am \$625.00 |  |
| MAD COW TAVERN | LICENSEE Mark Napier - CAYNESTON PTY LTD - COMERCIAL HOTEL - LIC NO. 83143 | 5:00am \$625.00 |  |
| MOLLY MALONES IRISH PUB | LICENSEE Mark Hain - MOLLY MALONES PTY LTD - COMERCIAL HOTEL - LIC NO. 88087 | 5:00am \$625.00 |  |
| BULLWINKLES'S CABARET | LICENSEE Greg Pellegrini - MANPEL PTY LTD - COMERCIAL OTHER - LIC NO. 85270 | 5:00am \$625.00 | |
| THE CONSORTIUM | LICENSEE Jarrod & Michelle McCracken - CRACKERS BROADBEACH PTY LTD - COMERCIAL OTHER - LIC NO. 128492 | 5:00am \$625.00 |  |
| THE BANK | LICENSEE Gavin Thompson - THOMPSON GROUP PTY LTD - COMERCIAL OTHER - LIC NO. 82407 | 5:00am \$625.00 |  |
| THE CRITERION TOWNSVILLE | LICENSEE Tom Goldsworthy - STRAND PROPERTIES PTY LTD - COMERCIAL HOTEL - LIC NO. 104989 | 5:00am \$625.00 | |
| JUPITERS CASINO TOWNSVILLE | | 5:00am \$625.00 | |
| SOVEREIGN HOTEL (TOWNSVILLE) | LICENSEE Stephen Jebb & Peter Haines - SOVEREIGN PROPERTIES PTY LTD - COMERCIAL HOTEL - LIC NO. 93128 | 3:00am \$375.00 |  |
| CACTUS JACKS | LICENSEE Jon Van Grinsven - PIERRE PROPERTIES PTY LTD - COMERCIAL HOTEL - LIC NO. 89363 | 3:00am \$375.00 |  |
| HERITAGE BAR & GRILL | LICENSEE Emmanuel Bogiatzis - HERITAGE BAR & GRILL PTY LTD - COMERCIAL OTHER - LIC NO. 81420 | 2:00am \$250.00 |  |
| CASA LOUNGE BAR & RESTAURANT | LICENSEE Maurizio Collesel - COMERCIAL OTHER - LIC NO. 86715 | 2:00am \$250.00 |  |

| | | | |
|--|--|-------------------------|---|
| MONSOONS BAR & GRILL | LICENSEE Rob Pearson - AMELIAN PTY LTD - COMERCIAL OTHER - LIC NO. 138376 | 2:00am -\$250.00 |  |
| RHINO BAR & CAFE | LICENSEE Joel Solinas - COUGAR HOLDINGS NQ PTY LTD - COMERCIAL OTHER - LIC NO. 87010 | 2:00am -\$250.00 |  |
| MANSFIELD HOTEL (TOWNSVILLE) | | 2:00am -\$250.00 | |
| COWBOYS LEAGUES CLUB LIMITED | <i>Community Club License</i> <i>Lic No. 86552</i> | 2:00am -\$250.00 |  |
| SEAVIEW HOTEL | Gavin Cleary General Manager - Delllotes are the receivers and operators. LIC NO. 86404 | 12:00am -\$150.00 |  |
| THE VENUE | LICENSEE Shane Smith - SOS (BOMBAY) PTY LTD - COMERCIAL OTHER - LIC NO. 116189 APPROVED MGR - Tim Pellegrino | 12midnight -\$150.00 |  |
| SHAMROCK HOTEL (TOWNSVILLE) | LICENSEE Regan Anderson - R & P ANDERSON INVEST PTY LTD - COMERCIAL HOTEL - LIC NO. 81868 | 12midnight -\$150.00 |  |
| THE WATERMARK TAVERN | LICENSEE Jarrod & Michelle McCracken - DFM INSTALLATIONS PTY LTD - COMERCIAL HOTEL - LIC NO. 127375 | 12midnight -\$150.00 | |
| LONGBOARDS BAR & GRILL STRAND | LICENSEE Chris Haddad - LONGBOARDS BAR & GRILL PTY LTD - COMERCIAL OTHER - LIC NO. 141825 | 12midnight -\$150.00 | |
| GREAT NORTHERN HOTEL (TOWNSVILLE) | LICENSEE Warren Ufer - Woza Pubs Pty Ltd - LIC NO. 138419 | 12midnight -\$150.00 |  |
| HERBERT HOTEL | LICENSEE - Paul & Kim - Venturato Investments Pty Ltd - LIC NO. 81844 | 12midnight -\$150.00 | |
| NEWMARKET HOTEL (TOWNSVILLE) | | 12midnight -\$150.00 | |
| TOWNSVILLE BREWING COMPANY PTY LTD | | 12midnight -\$150.00 | |
| AUSTRALIAN HOTEL (SOUTH TOWNSVILLE) | LICENSEE Rob Pearson - THOMPSON GROUP PTY LTD - COMERCIAL HOTEL - LIC NO. 138686 | 12midnight -\$150.00 |  |

[illegible]

APPENDIX F



ABN 87 150 051 371

[REDACTED]
P.O. Box 3368
Hermit Park 4812

To whom it may concern,

I'm writing this letter in relation to the control measure in place for the CBD Townsville Liquor Accord as a stakeholder in the area I can only see benefits for the betterment of creating an environment that is trying to cut down "alcohol fuelled violence"

Over the last 12mths there has been quite a significant drop in incidents that Street security have attended I believe this to be a result of the accords measures in trying to limit the mass consumption of alcohol during peak periods an example being Friday nights of years gone past patrons could start at any number of venues that were holding 2 4 1 specials on spirits starting usually as early as 5pm in the afternoon leading to quite a number of intoxicated patrons early on in the night creating disturbances. Looking through Street reports violence has dropped quite significantly

Since the control prices have come in there has been no discounted drink specials amongst the Accord members outside of their agreements that have impacted the street in a negative way compared to the way it was before. I believe that these price controls help in curtailing the damage done by venues holding drink specials.

On a personal note I have worked down on Flinders street for the better part of 12 years and I have never seen it better in regards to the behavior of patrons everything that the accord is trying to achieve is wholeheartedly supported by members and their respective employees.

Kevin Hobson
Owner/Director
Secure Queensland Security

2 September, 2013

To Whom It May Concern,

Townsville Street Chaplains Inc work at the Rest and Recovery tent in the centre of Flinders' St East, Townsville, which is the local nightclub strip. We provide first aid, water, assistance and support to those who are left vulnerable from alcohol-fuelled incidents.

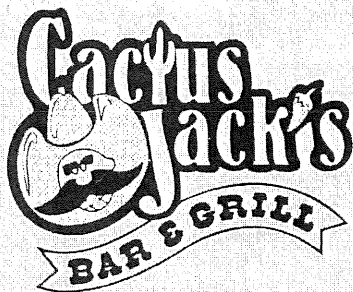
We have been in operation since December 2010 and have really only known the night scene since the nightclub owners have agreed to price controls on alcohol. We do not have comparative data to argue for the retention of the price controls, but we certainly do have anecdotal evidence that the safety of individuals on the street has improved markedly since the pricing arrangement.

The police with whom we work closely have told us of the horror days before the arrangements, and believe that they deal with far fewer serious incidences. An ambulance driver told me that they used to get 10 call outs on a weekend night, and now it is more usual to have 3-4.

We certainly still see the results of fights and binge drinking, but we have no desire to return to the previous situation about which we have heard. Townsville Street Chaplains Inc therefore strongly support the retention of price controls on alcohol for the safety of individuals and the community.

Yours sincerely

(Rev Dr) Rosemary Dunn
President
Townsville Street Chaplains



Head Office:
P.O. Box 1403
Townsville 4810
Phone (07) 4771 4511
Fax (07) 4771 4416
Pierre Properties Pty. Ltd.
A.C.N. 010 553 358
A.B.N. 29 010 553 358

04/09/2013

John Tolhurst
Office of Liquor and Gaming Regulation
Cnr Stanley & Walker St
PO Box 1885
TSV QLD 4810

To whom it may concern,

Please accept this letter of support for the continuation of minimum pricing for high alcohol content drinks within the Townsville Drink Safe Precinct, as a supply control initiative implemented by CBD Townsville Liquor Accord.

As a long term Liquor Licenced trader for more than 20 years within the CBD of Townsville it is disappointing to read that **(initially)** OLGR will not be making an application to the ACCC for the authorisations on minimum pricing on behalf of the CBD TSV Liquor accord. The opportunity to present evidence that the practice is within the best interest of the public is most welcomed by the responsible operators whom are part of the Accord.

The number of licenced venues has significantly increased over the years, so has the competition amongst the traders. Unfortunately the quickest and easiest method to attract market share is by offering heavily discounted drinks. The only alcoholic beverages that are affected by the controlled measures are high alcohol content spirits. Should the sanctioned be lifted I believe this will undermine the successful implementation of the policy and the flow on affect will be a return to the ways of irresponsible practises from disparate licensees that will tarnish the improved reputation of the precinct.

I trust the ACCC will review the evidence provided to them and make a decision that the supply control initiative is of great benefit not only to the public, but also licenced venues, OLGR, QPS and the Townsville City Council.

Sincere regards

Tim Alsop
Operations Manager
Pierre Properties (Cactus Jack's Restaurants)



COUNCILLOR
GARY EDDIEHAUSEN APM
CHAIR - HEALTHY AND SAFE CITY COMMITTEE

Date - 1 September 2013

TOWNSVILLE CITY COUNCIL

PO BOX 1268, TOWNSVILLE
QUEENSLAND 4810

TELEPHONE - 1300 878 001
FACSIMILE - 07 4727 9050

enquiries@townsville.qld.gov.au
www.townsville.qld.gov.au

Mr. Mark NAPIER
CBD Liquor Accord

Mark,

I wish to provide the Liquor Accord my thoughts and observations in support of the CBD Liquor Accord's application to maintain/continue the current ACCC sanctioned control measures - namely price control.

My comments are made as Chair of the Townsville City Council's Healthy and Safe City Committee, from my almost forty (40) years of experience as a police officer (18 years of that in Townsville, including Commander and operational duties in Flinders Street East) and as the Council representative on the CBD Liquor Accord group.

Since the introduction of the price controls adopted by the CBD Liquor Accord, I am aware that QPS crime statistics in relation to serious assaults and also anti-social behaviour have lessened significantly, especially in relation to serious assaults. My own observations also conclude that the price control 'policy' adopted has been a great innovation by the members of the Accord licensed traders group and has resulted in members of the community being a great deal safer when visiting the FSE area.

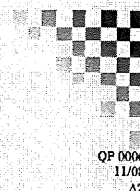
In conclusion, I will be very happy to speak further in order to assist in the continuation of the price control policy.

Cr Gary Eddiehausen APM
Chair – Healthy & Safe City Committee
Councillor, Division 7 - Townsville City Council



QUEENSLAND POLICE SERVICE

ABN: 29 409 225 509
Townsville Police Station
134 - 162 Stanley Street, TOWNSVILLE QLD
PO Box 1025 TOWNSVILLE QLD 4810
TELEPHONE (07) 4759 9777 FACSIMILE (07) 4772 1510



Our Ref.:

Your Ref.:

3rd September 2013

Mr Mark Napier
CBD Liquor Accord Townsville
TOWNSVILLE QLD 4810

Support for continuation of minimum priced drinks within Townsville DSP

Dear Mr Napier,

Thank you for the opportunity to provide comments on the success of the minimum drink pricing initiative commenced by the CBD Liquor Accord Townsville.

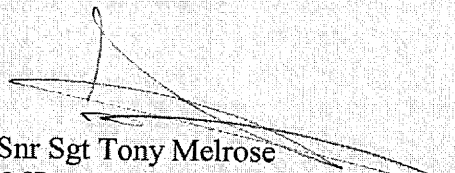
As the Officer in Charge of Townsville Police Station, and also an officer who performs supervisory duties in the Townsville Drink Safe Precinct, I am acutely aware of the issues that my officers face when policing the DSP due to the varying levels of intoxication of the crowds. The practice known as 'Cheap Tuesday' was synonymous with large numbers of young university students or other groups consuming large quantities of liquor over the course of an evening.

Although individual premises would only offer two hours of discounted drinks, patrons were able to indulge in up to eight hours of heavily discounted drinks including 'dollar drinks' and various 241 offers when they went from club to club within an easy walk. This resulted in high incidents of intoxication and associated violence within the DSP.

Since the setting of minimum prices by the CBD Liquor Accord Townsville in August 2012, I have observed an obvious decline in the number of incidents but importantly a decline in the severity of violence within the nightclub precinct.

I commend the Liquor Accord for this successful initiative which has resulted in less injuries to not only the public but also the police and other support agencies who work within the Drink Safe Precinct.

Yours faithfully


Snr Sgt Tony Melrose
Officer in Charge - Townsville Police Station

Mark Napier

129 Flinders St East

PO Box 973

Townsville, QLD 4810

04/09/2013

John Tolhurst

CC: Michael Sarquis

Office of Liquor and Gaming Regulation

Cnr Stanely & Walker St

PO Box 1885

TSV QLD 4810



RE: To continue with the current ACCC sanctioned control measures - namely price control.

To whom it may concern,

Firstly thank you for allowing me to put forward my submission in relation to ACCC and price controls that are currently in place under the CBD Townsville Liquor Accord.

I refer you to the attached stats recorded by QPS in relation to overall offences and type of offences. The stats really do speak for themselves in reducing alcohol related violence within the Townsville Drink Safe Precinct (DSP) boundaries.

My experience with the accord and working with local stakeholders such as QPS, Chaplin's, security and other licenced venues, suggests that the DSP is a much safer environment and from all reports received by stakeholders is that the level of ferocity with incidents is not there.

Personally I see removing the current ACCC sanctions of control measure of price controls will have an adverse effect within the DSP areas of the state of QLD. The Townsville liquor accord has proved this method, namely price controls, has worked in reducing alcohol related violence and has set a precedent for ALL other liquors accord to be able to follow.

We have FULL support by DSP Committee, local sergeants of QPS, QAS and Townsville City Council and the members of the accord. The members of the accord (licenced premises) have implemented the price controls on their own backs without being pushed into by government agencies and again proven successful measures that QLD government / Australia government have not succeeded, and that is to reduce alcohol fuelled violence.

I wish to see the ACCC sanctions of control measures of price controls continue in relation to liquor accords of QLD.

Regards

A handwritten signature in black ink, appearing to be "M. Napier", with a long, sweeping horizontal stroke extending to the right.

Mark Napier

Director Mad Cow Tavern – Townsville

4 September 2013

Mr John Tolhurst
Regional Manager
Office of Liquor & Gaming Regulation
Locked Bag 180
City East QLD 4002



ACCC Decision – Proforma Liquor Arrangement

Dear John,

As you are aware, after many months of meetings with relevant stakeholders and industry representatives, the CBD Townsville Liquor Accord was formed and formally commenced on the 8th of August 2012.

At the time of commencing as an incorporated association, the Accord had membership consisting of voting representatives from 25 licensed premises out of a possible 27 within the area. In addition, non-voting representatives from the Queensland Police Service (QPS), Office of Liquor & Gaming Regulation (OLGR), Townsville City Council (TCC), Australian Defence Force (ADF), Townsville Taxis and local security firms were also involved.

The first decision taken by the Accord membership was consideration of the introduction of pricing controls in relation to spirit based drinks sold within the area.

In deliberating whether to introduce pricing controls, Accord members displayed significant concerns due to the increasing levels of intoxication and associated violence in the accord area. It was the general consensus of all traders that the increasing number of premises offering 2 for 1 and other heavily discounted promotions of spirit based drinks was directly responsible for this increase in anti-social behaviour. Accord members noted that there was an 'aggressive' feel within the Accord area on these 'cheaper' nights and that they would have to engage additional security staff to handle the crowds.

Comment was also sought from OLGR, QPS, ADF and local security firms as to their thoughts why anti-social behaviour was on the rise in the area. The feedback from all parties made reference to the highly discounted pricing of spirit based drinks.

Greg Powell
SECRETARY



After consideration of all relevant factors, the Accord unanimously voted to introduce pricing controls in accordance with the decision handed down by the Australian Competition & Consumer Commission on 7 October 2010. Copies of the agreement were provided to the OLGR in accordance with the requirements of the decision.

Since being introduced, the Accord members have all reported a significant drop in anti-social behaviour in and around their licensed premises. The general consensus of all Accord members is that this reduction can be directly attributed to the introduction of pricing controls in relation to spirit based drinks. There has also been a significant reduction in "push & shove" style incidents that have led to violent clashes in the past.

The Accord meets every two months and feedback from QPS, OLGR, ADF, TCC, Townsville Taxis, security firms and the local chaplains is overwhelmingly positive and supportive of the Accords stance in relation to pricing controls. QPS and OLGR representatives have formally put on record their praise for the Accord and how there has been a direct reduction in anti-violence behaviour since this measure has been introduced. Figures provided by representatives from the QPS have confirmed that there has been a reduction in violent incidents.

We are aware that the ACCC is considering its position on whether to renew the authorisation to allow pricing controls. We are further aware that concerns have been raised that because the CBD Townsville Liquor Accord is the only Accord group in the state to introduce pricing measures, that the authorisation will be allowed to lapse.

Should this decision be taken, it is very highly likely that there will be an immediate return to extreme discounting in the Accord area as licensees' attempt to increase their crowds and subsequent profits. This can only lead to a return of high levels of public drunkenness and a measureable increase in violence and anti-social behaviour.

We call upon the ACCC to allow the renewal of the authorisation so that the residents of Townsville can enjoy a night out without running the risk of being involved in violent incidents.

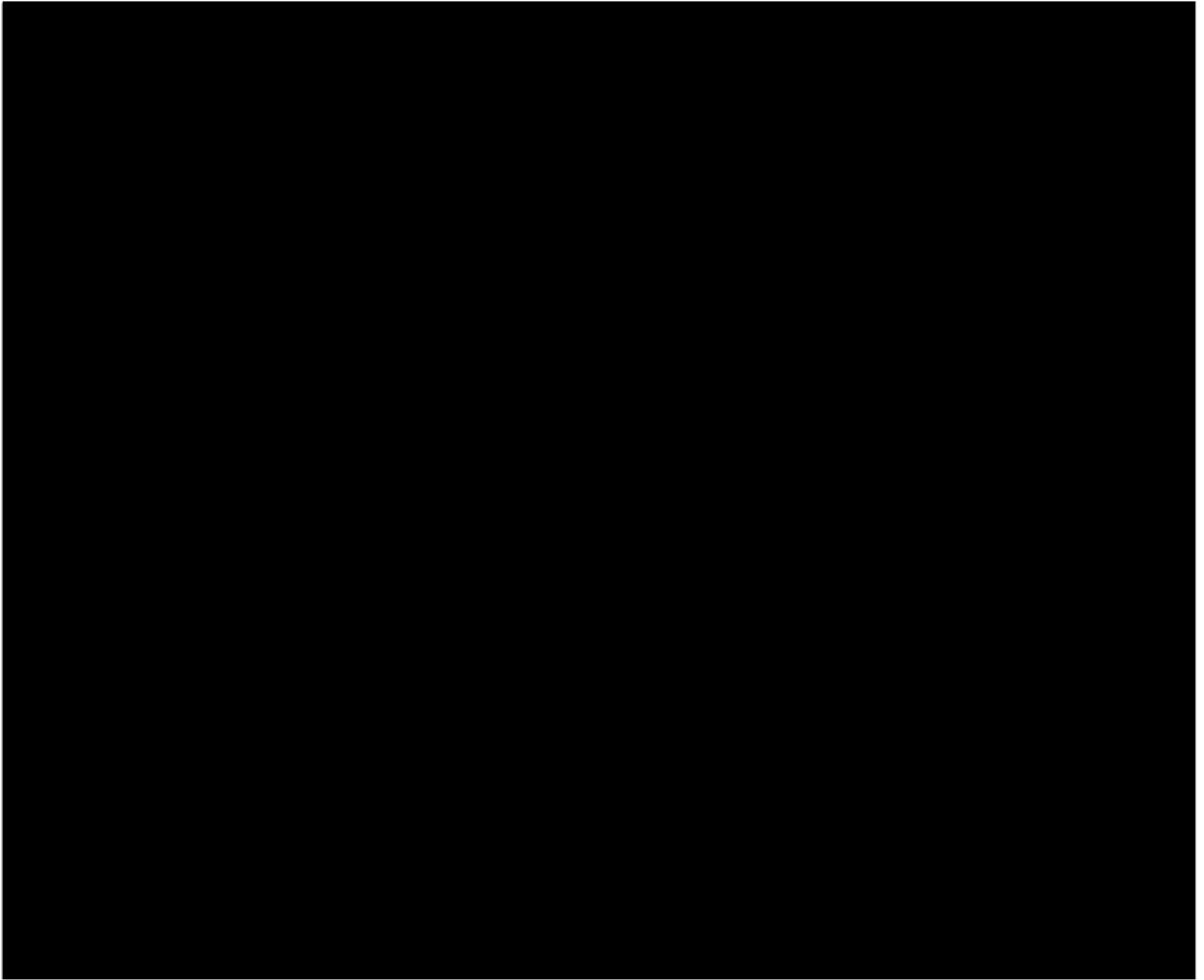


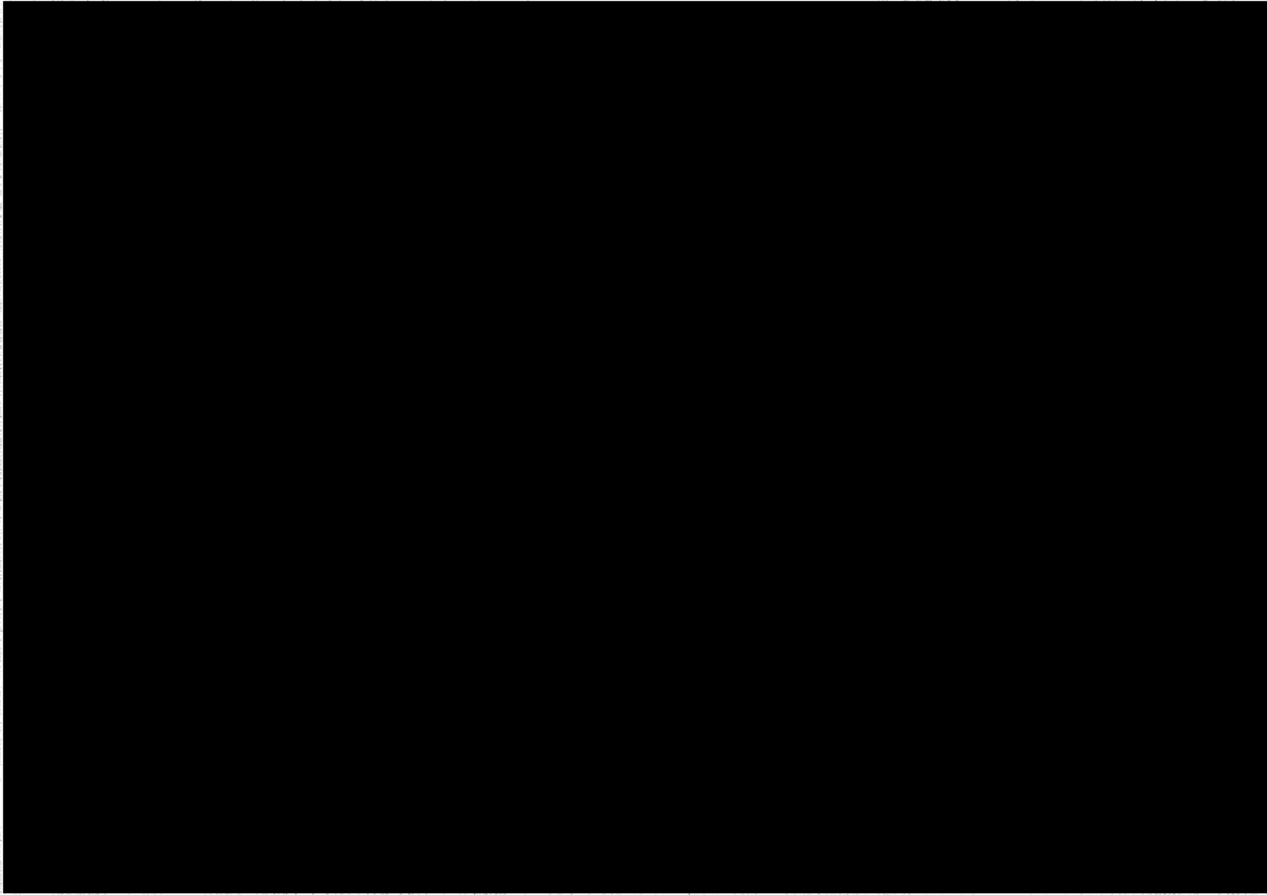
Please don't hesitate to contact me should you have any questions or wish to discuss.

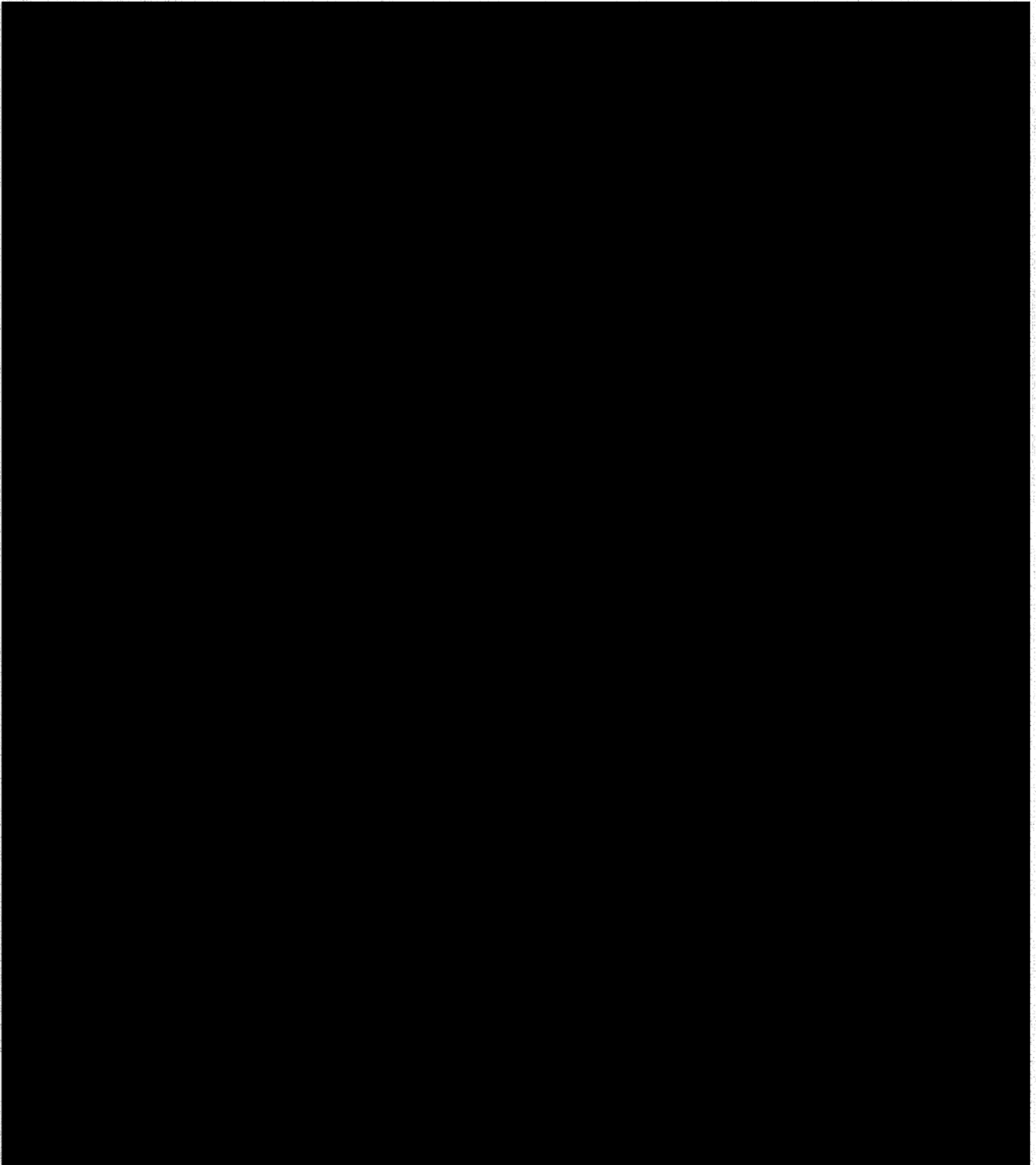
Yours faithfully,

A handwritten signature in black ink, appearing to be "GP", written in a cursive style.

Greg Powell
Secretary







WHITSUNDAY LIQUOR ACCORD

Stakeholders of the Whitsunday Liquor Accord endorse and will seek to uphold the strategies as listed below in our local area as a way of:

- promoting responsible practices in relation to the sale and supply of liquor at licensed premises
- minimising harm from the misuse of alcohol
- minimising alcohol-related disturbances, or public disorder, in the locality.

DEFINITIONS

The following definitions apply to this accord:

Extreme discounts include practices such as half price drinks. This accord does not however, prohibit or restrict licensees from discounting drinks generally.

Discounts of limited duration include happy hours with a duration of less than an hour or promotions that set a short timeframe (eg. 15 minutes) in which liquor is discounted. This accord does not however, prohibit or restrict licensees from discounting or promoting happy hours generally.

Drinks that, by their method of consumption, encourage irresponsible drinking habits and are likely to result in rapid intoxication include drinks that are offered in objects or items that are non-standard glasses certified by Weights and Measures (eg. test tubes and water pistols). It also includes drinking games involving the consumption of liquor in a short period of time which can lead to rapid and/or excessive consumption of liquor (eg. skolling games and laybacks).

Very high alcohol substances – This term is intended to capture drinks that contain any more than 2 standard drinks per serve.

Accord stakeholders are encouraged to refer to the *Liquor Act 1992*, *Liquor Regulation 2002* and the Code of Practice for the Responsible Service, Supply and Promotion of Liquor for further guidance.

STRATEGIES

1. Responsible service of alcohol

No unduly intoxicated patrons

- Refuse to serve alcohol to, or allow entry of, persons who are unduly intoxicated.
- Encourage patrons to drink responsibly, and let them know they will be asked to leave if they become unduly intoxicated, disorderly, violent or quarrelsome.
- Promptly and politely ask patrons to leave when they are showing signs of being unduly intoxicated.
- Offer to call unduly intoxicated patrons a taxi and/or provide water while they wait in a safe environment.

No underage drinking

- Actively monitor all patrons to ensure they are not underage by checking proper proof of age identification (ID) at the door.
- Prominently display signage about restrictions on minors.
- Apply the following standards when checking ID:
 - The ID is removed from a wallet/purse or cardholder and held by the staff member conducting the check
 - The ID is checked to ensure it is current and is an approved form of identification - photographic driver's licence; or a proof of age card issued by a Government Department or approved entity (e.g. 18+ card, Keypass); or an Australian or foreign passport
 - The date of birth is checked to establish the age of the patron
 - The date of birth is checked for any tampering
 - The photo is checked to ensure it is the person presenting the ID
 - The photo is checked to ensure it has not been substituted or tampered with
 - The ID is checked overall for any bumps or raised areas which may indicate the identification has been tampered with.
- If staff believe that a document being presented is false, defaced or in the possession of a person who is not the owner of the ID and who is falsely claiming to be 18 years of age, the document will be confiscated and forwarded to the Office of Liquor and Gaming Regulation.

Discourage activities that encourage excessive drinking

- Ban practices and promotions that may encourage rapid or excessive consumption of liquor, for example:
 - 'drinkcards' that provide multiple of free drinks
 - extreme discounts or discounts of limited duration
 - any other promotions or gimmicks that encourage rapid intoxication.
- Provide snack food during 'happy hours' where practical.
- Avoid serving drinks that offer alcohol in non-standard measures.
- Ensure smaller serves of drinks (eg half nips) are available at differential (lower) prices.

Not promote or sell alcoholic beverages that may encourage rapid or excessive consumption of liquor

- Avoid labelling or promotions that may encourage patrons to consume liquor irresponsibly and excessively to an unduly intoxicated state.
- Avoid offering drinks that, by their method of consumption, encourages irresponsible drinking habits and are likely to result in rapid intoxication.
- Not advertise or allow promotions of very high alcohol substances such as overproof rum and high alcohol carbonated drinks.
- Not allow stockpiling of drinks.

Promote non or low alcohol beverages and food

- Offer and promote low alcohol beer at differential (lower) prices compared to full strength.
- Offer and promote a range of non alcoholic drinks at differential (lower) prices.
- Ensure bottled water is available free or for purchase at reasonable prices.
- Provide and promote reasonably priced snacks and food throughout operating hours.

2. Improve safety and security

Provide and maintain a safe environment in and around the licensed premises, for example:

Maintain proper standards of behaviour

- Have a phone available for the use of patrons in a location where patrons using the phone can be heard above noise within the premises. **(Where applicable)**
- Display phone numbers for taxis, police, ambulance and fire brigade adjacent to the phone. **(Where applicable)**
- Have the name of the duty manager prominently displayed at each bar in the premises.
- Do not promote activities that might encourage harassment by patrons of the staff or other patrons.
- Clearly display a list of acceptable and unacceptable behaviour on premises (house policy), such as the non acceptance of excessive consumption of alcohol or any illicit drug use.
- Assign staff to actively monitor patrons and at regular intervals move through premises to assess any potential problems (monitoring should also include toilets).
- Actively liaise with police and other licensed premises when disorderly patrons have been ejected or are moving through the area.
- Ensure internal and external security procedures are well maintained and functioning effectively.
- Encourage phased and an orderly exit of patrons from premises when closing.

Maintain safety and security

- Conduct regular risk assessments of premises and surrounding environments.
- Ensure entrances and exits of premises are well lit and that immediate surrounds are safe and allow good visibility.
- Implement appropriate surveillance systems, such as closed circuit television systems, on premises.
- Ensure staff, including security staff are clearly identifiable (for example, distinctive t-shirts, uniforms, name tags etc.).
- Serve drinks in containers which minimize potential harm to customers.
- Fully cooperate with the police and other accord members on ways to improve public safety.
- Prevent criminal activity and disorderly conduct from occurring on premises.
- Notify the police immediately if something illegal or suspicious does occur.
- Door/security or reception personnel will, in addition to restricting entry by minors or unduly intoxicated persons to the premises:
 - wear clear ID at all times
 - not harass or intimidate passers-by or potential customers
 - refuse re-entry to the premises to those who have caused a disturbance
 - immediately contact police and other premises to inform them of potential 'problem' patrons in the vicinity
 - check for the unlawful removal of alcohol from premises
 - assist patrons in accessing safe transportation out of the area
 - uphold any statutory requirements relating to security personnel and enter details of any safety incidents in the Premises Incident Register.

Maintain records of incidents and have appropriate communication with the police and other authorities

- Maintain a register of all safety and security incidents noting the time, date and nature of the incident in and around the premises and the response by staff and management (the 'incident register').
- Notify the police and other relevant authorities of any special events likely to significantly increase the number of people in the area. This should happen well in advance of the event.
- Train all staff to know help procedures and emergency numbers and when and how to fill out the incident register.
- Encourage all staff members to undertake first aid courses and, where possible, ensure one staff member with a first aid certificate is rostered on to each shift.
- Establish open communication with security at other venues via venue to venue radio and or a telephone contact listing.
- Ensure close liaison and open communication with the Office of Liquor and Gaming Regulation

3. Commitment to being good neighbours

Improve the local amenity

- Assist patrons in accessing safe transportation out of the area (for example, door staff should volunteer information about access to a railway station, late night bus services and taxi ranks and encourage patrons to use these quickly and quietly when departing).
- Minimise noise generating from the premises.
- Educate patrons, including through signage, about the need to respect the local amenity and to arrive and depart the area in a quiet and orderly manner.
- Prevent the unlawful removal of liquor (other than packaged where permitted) from licensed premises.
- Ensure staff, specifically door and security staff are briefed on local environmental issues, including potential traffic, noise or security problems.
- Ensure police are informed of regular closing hours and any variations such as for special events or new activities.
- Respond to legitimate complaints and resident concerns and take all reasonable steps to ensure premises are functioning as a 'good neighbour'.

Patron responsibility

- Post signage that clearly explain licensee and patron responsibilities regarding the responsible service of alcohol (for example 'No More it's the Law' signage).
- Ensure staff are trained appropriately to advise patrons when they will no longer be served alcohol and will be asked to leave the premises.

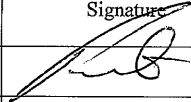



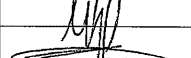
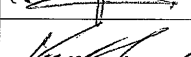
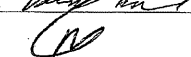
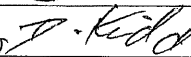



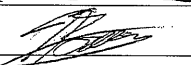
Staff at licensed premises (including outsourced staff eg. security)

- Ensure all employees and applicable security staff have completed a Queensland approved Responsible Service of Alcohol course.
- Maintain a register of staff that have completed a Queensland approved Responsible Service of Alcohol course.
- Provide regular updates to new staff and training on the accord and related responsible service of alcohol and harm minimisation policies and practices.
- Ensure strict reference checks are conducted on all staff, including outsourced security staff, in the context of recruitment practices.
- Ensure all staff are familiar with the incident register and are aware of how to use it when required.
- Ensure staff have access to relevant literature on the accord, Queensland liquor laws and regulations.

Actively monitor and promote the accord

- Provide an ongoing commitment to the accord and to the continued proper management and conduct of the licensed premises.
- Notify the police, or other relevant authorities where appropriate, of any event or practice detected that may impact on the accord or any other licensing law or regulation.
- Establish and maintain effective complaints procedures.
- Promote educational and information items in the community to discourage the irresponsible service and consumption of alcohol.

The following members of the Whitsunday Liquor Accord hereby agree to the implementation of the attached Mirror Control Measure at Airlie Beach on the said date.

| Name of Premises/Stakeholder | Name | Position | Signature | Date |
|------------------------------|---|-----------------|---|----------|
| JUBILEE TAVERN | Peter Scott | MANAGER |  | 19/10/11 |
| BEACHES BACKPACKERS | DAVID MCCARTHY | MANAGER |  | 19.10.11 |
| KC'S | CHRIS CHENBOY | MANAGER |  | 19.10.11 |
| PHOENIX BAR | PETER STONE | LIC. |  | 19/10/11 |
| Mama Africa | Abbie Kemp | manager |  | 19/10/11 |
| KEY SECURITY | LUKE BACON | OPS MANAGER |  | 19/10/11 |
| Elite Security | Vanna Kelemete | Representative. |  | 19/10/11 |
| EVOLUTION | MICHAEL HAIR | G.M |  | 19/10/11 |
| Spartan Security | Doug Kidd | owner/Director |  | 19/10/11 |
| CANNONVALE REEF-COMM | Tom Bressan | owner/manager |  | 19/10/11 |
| Whitsunday Sailing Club |  | President |  | 19/6/12 |

Attachment 3 - Report on Price and Supply Controls

Liquor Accord:- Whitsunday Liquor Accord

| At commencement | | | | To be completed at 12 month review | |
|---|--|---|-------------------------|------------------------------------|-------------------------------|
| Control | Type of Control (i.e. price, supply or mirror) | Identified harms | Date control introduced | Is harm still relevant (Y/N) | Result of introducing control |
| Establish and set a 'lowest price' for spirit promotions and pricing namely \$4 per drink | Price | Anecdotal evidence has identified that a major cause of alcohol related incidents in the Airlie Beach/Whitsunday Region is due to liquor promotions and discount pricing. Information provided from Industry state that these incidents have increased specifically since the introduction of the discount pricing and promotions of spirit based products. This price control strategy is to be monitored and reviewed after a 6 month period commencing 1/11/2011. The reduction of identified harms and risks will be monitored and measured utilising three (3) processes. The first process will be the comparison of complaints lodged with the Office of Liquor & Gaming Regulation for the period 1/11/2011 to 30/4/2012 to the period 1/11/2010 to 30/4/2011. The second process will be the comparison of reported liquor related incidents by QPS for the period 1/11/2011 to 30/4/2012 to the period 1/11/2010 to 30/4/2011. The third process will be the ongoing general comment/observation from industry members responsible for the monitoring of licensed premises. | 1-Nov-11 | | |

The following members of the Whitsunday Liquor Accord hereby agree to the implementation of the attached Mirror Control Measure at Airlie Beach on the said date.

[illegible]

The following members of the Whitsunday Liquor Accord hereby agree to the implementation of the attached Mirror Control Measure at Airlie Beach on the said date.

[illegible]

Appendix H

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Office of Liquor and Gaming Regulation

Department of Justice and Attorney-General

Qld Liquor Accords newsletter: March 2012**Message from Mike Sarquis, Executive Director, Office of Liquor and Gaming Regulation**

The Office of Liquor and Gaming Regulation (OLGR) would like to welcome the new Southern Corridor Liquor Accord to the growing list of Queensland accord groups.

This accord was formed in December 2011, after several successful meetings involving licensees from the Gordonvale area, local police and officers from Cairns OLGR. This is an extremely positive step for the Gordonvale community, including the nearby discrete Indigenous community of Yarrabah. Please join me in congratulating local industry participants on the formation of the accord. There are now a total number of 96 liquor accords in Queensland.

OLGR has become aware there is confusion amongst some licensees and liquor accords about the meaning of Section 165B of the *Liquor Act 1992* (preservation of other rights to prevent entry to premises or remove persons from premises). It is important to be aware this legislative provision does not create a power to ban a person under the *Liquor Act*.

The *Liquor Act* provides the ability for a licensee or authorised person to remove or refuse a person entry to their premises where situations arise as outlined in sections 165 and 165A. For example, a person may be removed or prevented from entering licensed premises if they are unduly intoxicated or behaving in a disorderly manner.

Section 165B serves to confirm that a licensee's rights under other laws to prevent entry and/or remove persons from premises are preserved. The section does not in itself create a right or power. For more information on accord patron banning, refer to Queensland Liquor Accords Newsletter December 2011.

Queensland liquor accord arrangement obligations

In October 2010, OLGR advised liquor accords of a conditional approval provided by the Australian Competition and Consumer Commission (ACCC) for a pro-forma liquor accord arrangement.

The arrangement provides conditional protection for liquor accords using pricing or supply controls included in the pro-forma, as harm minimisation measures. As a condition of this approval, the ACCC requested OLGR obtain information from liquor accords that have introduced these types of controls.

If you believe your liquor accord may have introduced controls of this nature and you have not advised OLGR, you are reminded of your obligation to do so as soon as possible in order to avoid contravening the *Trade Practices Act 1974*.

The pro-forma liquor accord arrangement was developed for voluntary adoption by liquor accords, either in full or in part. Accordingly, liquor accords are not compelled to adopt all or any of the accord strategies contained in the pro-forma. Liquor accords are encouraged to tailor liquor accord strategies to suit the particular circumstances of licensees and their local community or precinct. Liquor accords will still receive the benefit of authorisation if they choose to adopt only some of the strategies. If accords decide to adopt price or control strategies that are not listed in the pro-forma, it is recommended they seek independent legal advice.

To ensure price and supply controls are only adopted where there are relevant identified harms, the ACCC has imposed a number of conditions on their approval of the pro-forma liquor accord document. Again, it is important to note the conditions only apply to accords that adopt the price and supply controls included in the pro-forma document.

In summary, price and/or supply controls may only be adopted where relevant alcohol related harm in and around the licensed premises or the local area has been identified. If however, the price or supply control mirrors a prohibition or requirement under Queensland legislation, this will be considered sufficient justification for inclusion.

What is a 'mirror control'?

A control that mirrors a legislative provision is called a 'mirror control'. The mirror controls included in the pro-forma liquor accord arrangement and the relevant sections of the *Liquor Act* and the *Liquor Regulation 2002* are listed below:

| Mirror Control | Legislation | Examples |
|---|-------------------------------------|--|
| Ban practices that may encourage rapid or excessive consumption of liquor | Section 41(1) (a) of the Regulation | <ul style="list-style-type: none"> • "Drink cards" that provide multiple free drinks • Extreme discounts or discounts of limited duration • Any other promotions or gimmicks that encourage rapid intoxication. |
| Avoid serving drinks that offer alcohol in non-standard measures | Section 41(1) (c) of the Regulation | <ul style="list-style-type: none"> • Serving liquor in a yard glass for consumption in one draught • Serving liquor in a test tube shaped glass without providing a stand on which the glass can be placed. |

Where price and supply controls do not mirror legislation, the ACCC requires the accord to record the reasons for introducing such controls. For examples of these controls as they relate to liquor accords please see below.

What is a 'price control'?

A 'price control' means a provision requiring parties to the accord to:

- ban drink cards, extreme discounts, discounts of limited duration
- charge lower prices for smaller serves of full strength beverages or for low or non-

alcoholic beverages.

The following is a list of price controls as set out in the pro-forma liquor accord arrangement that do not mirror legislation:

- Offer and promote low alcohol beer at differential (lower) prices compared to full strength.
- Offer and promote a range of non-alcoholic drinks at differential (lower) prices.
- Ensure smaller serves of drinks (e.g. half nips) are available at differential (lower) prices.

What is a 'supply control'?

A 'supply control' means a provision requiring parties to the accord not to offer or advertise particular beverages as set out in the accord arrangement.

The following are a list of 'supply controls' as set out in the pro-forma liquor accord arrangement that do not mirror legislation:

- Avoid labelling or promotions that may encourage patrons to consume liquor irresponsibly or excessively to an unduly intoxicated state.
- Avoid offering drinks that, by their method of consumption, encourages irresponsible drinking habits and are likely to result in rapid intoxication.
- Do not allow stockpiling of drinks.
- Do not advertise or allow promotions of very high alcohol substances, such as overproof rum and high alcohol carbonated drinks.

Banning of products

Where specific products are targeted by the price and supply controls, the reason for the targeting must be recorded in the accord arrangement. Specific products must not be targeted solely because more profitable alternatives are available.

What is required?

If you believe your liquor accord may need to provide OLGR with further information or you have any queries about this matter please phone OLGR on 07 3872 0881.

OLGR is not a signatory to any arrangement although it will provide assistance and advice to the signatories on how to set up such arrangements and assist in their management. For more information on liquor accord arrangements visit the OLGR website at [Office of Liquor and Gaming Regulation](#) or phone 13 QGOV.

DRUG ARM assists liquor accords

DRUG ARM Australasia is a not-for-profit organisation, committed to reducing harms associated with alcohol and other drug use.

DRUG ARM provides a vital outreach of care and compassion through education, awareness, prevention, rehabilitation and support programs that assist individuals, families and communities throughout Queensland, New South Wales and South Australia.

DRUG ARM has long-standing, strong partnerships with Liquor Industry Action Groups

(LIAGs) in South-East Queensland. The DRUGS IN PUBS comprehensive training package was developed in response to the expressed need by LIAGs for alcohol and other drug (AOD) training. The training package focuses on preventing and managing AOD-affected patrons in and around licensed venues through interactive workshops tailored for managers, staff and security.

The workshop developed for delivery to licensed venue managers covers five broad topics to provide in-depth and practical information, skills development and resources. The topics include:

1. Alcohol and other drugs: signs, symptoms and effects
2. Safely managing patrons affected by alcohol and other drugs
3. Planning a response to alcohol and other drugs
4. Creating safe environments for patrons and staff
5. Policy development.

Evaluation from all LIAGs that have received this training supports the positive effects of the training package:

- 100 per cent of participants found the content of the workshop relevant.
- 100 per cent of participants found the content of the workshop provided them with future strategies to effectively deal with drugs in and around licensed venues.
- 100 per cent of participants felt confident in their ability to apply knowledge from the workshop to implement strategies in their licensed venue.
- 92 per cent of participants felt confident in their ability to identify the signs of drug use in individuals.
- 100 per cent of participants felt their knowledge about alcohol and other drug issues had increased.
- 92 per cent of participants felt the discussion on how to review and implement an effective drug policy in a licensed venue was useful.
- 100 per cent of participants would recommend the training to a friend or colleague.

For more information on DRUGS IN PUBS or any other specific training requirements for your venue, please contact DRUG ARM's Education Team on 07 3620 8854 or simply visit DRUG ARM's website [Drug Arm](http://www.drugarm.qld.gov.au).

Hervey Bay TV advertisement

The Hervey Bay Liquor Accord has produced a short advertisement raising awareness about the accord with the message that anti-social behaviour is not acceptable.

The advertisement produced with funding from the recent Liquor Accord Financial Assistance Program is being played on TV and at cinemas, clubs and hotels.

The advertisement depicts several short scenes illustrating that anti-social behaviour in a licensed environment is unacceptable. It demonstrates this type of behaviour comes with consequences and can result in a person being prevented from re-entering licensed premises. If a person is barred from entering, he or she miss out while family and friends enjoy themselves inside.

The advertisement has generated valuable positive media coverage in local newspapers serving to reinforce its message. WIN TV has given the advertisement extensive coverage beyond their paid slots including state wide coverage on their sister channels.

Feedback to the Hervey Bay Liquor Accord is the TV advertisement has been a media success and generated a lot of interest from interstate as well as Queensland accords.

New websites for Gladstone LIAG and Cairns Northern Beaches Liquor Accord

Both the Gladstone LIAG and the Cairns Northern Beaches Liquor Accord were successful in receiving assistance from the recent Liquor Accord Financial Assistance Program for the development of websites.

As Queensland liquor accords strengthen through increased membership and involvement with harm-minimisation initiatives within their local communities, many are turning to the web to share their messages.

These websites are designed to provide information to the public about the accords' specific goals and objectives. They allow the accord to highlight the harm-minimisation initiatives their member venues have put in place and let the public know what to expect when attending the accord venues. The websites provide an avenue for the public to contact the accords and also serve as a portal for their members to access secure information relating to the accords' ongoing activities.

Examples of Queensland Liquor accord websites include:

[CNBLA](#)

[Caboolture LIAG](#)

[Pine Rivers LIAG](#)

[Redcliffe LIAG](#)

[Valley Liquor Accord](#)

[Gladstone Liquor Accord](#)

[LICA](#)

[Toowoomba LIAG](#)

How to have your say on OLGR services

There is a dedicated feedback email address that allows you to have your say on services provided by OLGR.

It is supported by a feedback management process to ensure your feedback is appropriately addressed.

The email address ([feedback](#)) and feedback management process have been available since the introduction of the OLGR client service charter in 2009. To date, these facilities have proved to be a great success.

In the past two years, we have been pleased to receive positive feedback from industry

about OLGR services. We have also received numerous suggestions that have helped us improve our services.

The objective of the client service charter is to ensure clients are aware of the service standards OLGR aims to achieve. The charter also makes it known that OLGR welcomes feedback from its clients. Feedback is a valuable tool for us to identify what we do well and what we can improve upon.

The client service charter is available on OLGR's website.

More information

For more information on any of the stories featured in this newsletter or if you would like to share initiatives being undertaken by your own accord, please email Liquor Accords.
