

Liquor Act 1992, Section 42A
Wine Industry Act 1994

GUIDELINES

The chief executive may issue guidelines to inform persons about—

- (a) the attitude the chief executive is likely to adopt on a particular matter or
- (b) how the chief executive administers this Act.

A guideline may be replaced or amended by a later guideline issued under this section.

Issued by the Chief Executive effective 22 May 2009
Department of Employment, Economic Development & Innovation

CONTENTS			
SECTION	GUIDELINE NO	GUIDELINE	PAGE
44/58	1	Register of licences and permits	4
77	4A	Clubs- club activity	5
77	4B	- Visitor reciprocity	5
77	4C	- Visitors registers (signing requirements)	5
77	4D	- Visitors registers (retention requirements)	5
67	5	Commercial other licence – ancillary aspect	6
103E 32	6	Community liquor, restricted liquor and wine permits - defined area	7
107/107E - LA 9 - WIA	7	Fit and proper or suitable person	8
	8	Definition of “regular basis”	10
118	9	Advertising - display of notice	11
152	10	Conduct of other business	12
155(4)(e)	11	Underage events and all ages events	13
143	14	Particulars to be displayed on licensed premises	16
	16	Control of entertainment noise	18
184(1)(c)	19	Patrons on premises at times other than when liquor may be sold or consumed	19
19	20	Wine licence trading hours on special days	20
	23	Food courts	21
	24	Refunds	23
	25	Trading names for licensed premises	24
107(4)	26	Standards of premises	25
15(3)	29	Requirements for application for satellite cellar door	26
	30	Conditions for “funny money nights” under community liquor permits	27
148	31	Gratuitous supply of liquor	28
103C, 101, 155AD & 107B & C	32	Community liquor & commercial public event permits – approvals for public events	29
3, 101 to 103F& 107C	33	High Risk Community and Commercial Public Events	31
15(3)–WIA 95-LA	34	Satellite cellar doors	34

	35	Licensed areas	35
Reg 6H	36	Relocation of detached bottle shops	36
	37	Sale of liquor at premises that also sell petrol	37
116	38	Community Impact Statement (separate document)	39
77(2)	39	“Other premises” for community club licences	40
154	40	Applications to alter, rebuild, change or increase the area of the licensed premises	41
152	41	Sale of complementary goods at bottle shops and liquor barns	42
	42	Risk-assessed management plan (RAMP)	43
104A, 155AE, 155AF	43	Approved managers	45
86	46	Demonstrated community need for pre-10am trading	49
202(1)	47	Self-assessment of licence fee	50
155AF	48	Allowable absences	52
153A	49	Use of car park	53
	50	Acoustic consultants (separate document)	54
Reg 36C	54	Provision of Prepared Food Fee – Self-Assessment Table	55

1. REGISTER OF LICENCES AND PERMITS

LIQUOR ACT 1992 – SECTION 44 WINE INDUSTRY ACT 1994 – SECTION 58

Certain details from the Registers of Licences and Permits under both Acts are available to the public. These may be obtained by requesting a list of details or conducting a search of individual premises. Payment of a fee may be required.

Details from the register that may be released to the public are:

- (a) particulars of licences and permits:
 - trading name
 - licence / permit type
 - description of the permitted area for the sale of liquor
 - trading conditions
- (b) particulars of licensees, permittees, nominees (for Wine Industry Act licences only) and interested persons:
 - name of licensee, permittee and interested persons whose interest is current and details of the nature of their interest
 - contact address where it is different to the licensed premises
- (c) address of the licensed premises or permit premises:
 - street address
 - real property description (if available)
- (d) trading hours of licences and permits
 - the hours and days of permitted trading in various approved areas and
- (e) particulars of advertised applications
 - type of application, address and proposed hours of operation
 - name of applicant, trading name of business (if available)
 - contact details for applicant
 - details of conditions to be changed (if a variation)
 - details of any proposed entertainment
 - advertising period and closing date for objections.

4. CLUBS

LIQUOR ACT 1992

A. CLUB ACTIVITY

Community club
Community other
Restricted liquor permit

Liquor may be sold to a person attending a function or club activity, other than the purpose of the club, on the premises for consumption on the premises, only for the duration of that activity.

For example, a club activity may include a football club conducting:

- (a) a stage show or concert
- (b) a Melbourne Cup party or
- (c) bingo (conducted by the club).

These activities do not relate to the main business of the club which is the promotion of the game of football.

B. CLUB RECIPROCITY

Reciprocity must be formalised by:

- (a) a written offer and acceptance between associations or
- (b) formally joining an Industry Reciprocity Group managed by a lead industry association which has been approved by the chief executive.

Reciprocity arrangements do not extend to honorary or temporary members.

C. VISITORS REGISTER (Signing requirements)

In addition to those visitors exempted by the Act, persons attending a private function at the club, e.g. wedding, 21st birthday, are not required to sign the club visitors register, while they continue to attend the function and remain in that area.

D. VISITORS REGISTERS (Retention requirements)

Subject to the requirements of any other legislation, visitors registers will be required to be kept on the premises for a period of three (3) financial years, being the current and two (2) previous years.

5. COMMERCIAL OTHER LICENCE – ANCILLARY ASPECT

LIQUOR ACT 1992 – Section 67

A Commercial other licence may only be granted for a business where the sale of liquor is ancillary to another activity, matter or service (except for the commercial other bar licence). This activity, matter or service must be, in the chief executive's opinion, sufficient to ensure the sale of liquor is not the principal activity of the business.

Specifically in the Act the following businesses are not considered appropriate for licensing:

- Vehicles used to transport patrons between licensed premises (“party buses”)
- Business which are primarily used for the hiring out of party equipment only
- Premises which may be used primarily as a supermarket.

6. COMMUNITY LIQUOR, RESTRICTED LIQUOR AND WINE PERMITS – DEFINED AREA

LIQUOR ACT 1992 – SECTION 103E WINE INDUSTRY ACT 1994 – SECTION 32

The permit will specify the area within which liquor may be sold, supplied and consumed.

Community liquor permits and restricted liquor permits

The following are examples of what would constitute a defined area:

- (a) public hall - if the whole hall was being used for the event - the whole of the hall will be the defined area. No further means of delineation is required
- (b) function room or place within particular premises - the whole of the room used for the event will be the defined area. No further means of delineation is required
- (c) open air venue, e.g. football match, race meeting - the appropriate area must be marked out and defined. The application form must state the proposed dimensions and the method of delineation. The area must be defined so as to clearly indicate to the general public, police officers and liquor licensing investigators the extent of the consumption area. Definition by line marking is generally not acceptable or
- (d) the whole of the club house.

Wine permits

The following are examples of what would constitute a defined area:

- (a) function room or place within particular premises - the whole of the room used for the event will be the defined area, unless the event is a trade show or similar function involving individual booth areas. In that case, the area must be defined so as to clearly indicate to the general public, police officers and liquor licensing investigators the extent of the consumption area for the permit or
- (b) open air venue, e.g. festival - the appropriate area must be marked out and defined. The application form must state the proposed dimensions and the method of delineation. The area must be defined so as to clearly indicate to the general public, police officers and liquor licensing investigators the extent of the consumption area. Definition by line marking is generally not acceptable.

7. FIT AND PROPER OR SUITABLE PERSON

LIQUOR ACT 1992 – SECTION 107 WINE INDUSTRY ACT 1994 – SECTION 9

In assessing whether someone is a fit and proper person under the Liquor Act, or a suitable person under the Wine Industry Act, to hold a licence, the chief executive will consider whether the person:

- (a) is not a declared bankrupt, (except in the case of a nominee who has no financial or vested interest in the licence or premises for a Wine Industry licence)
- (b) has had no major convictions within the last five (5) years
- (c) has had no substantial convictions against the provisions of the Liquor Act
- (d) can demonstrate a knowledge and understanding of the obligations of a licensee or permittee in respect to the particular type of licence or permit referred to
- (e) is of good repute who does not have a history of behaviour that would render the person unsuitable to hold a licence or permit. This will be determined by police report or referees check and
- (f) can demonstrate a responsible attitude to the management and discharge of their financial obligations.

ADULT ENTERTAINMENT PERMIT – SECTION 107E

In deciding whether an applicant for an adult entertainment permit is a suitable person to provide adult entertainment, the chief executive must consider all relevant matters including the following:

- (a) the applicant's reputation, having regard to character, honesty and integrity
- (b) whether the applicant has been convicted of—
 - (i) an indictable offence or
 - (ii) an offence against the *Prostitution Act 1999*
- (c) whether the applicant is an associate of a person who has been convicted of—
 - (i) an indictable offence or
 - (ii) an offence against the *Prostitution Act 1999*
- (d) whether the applicant is an associate of a corporation, an executive officer of which has been convicted of—
 - (i) an indictable offence or
 - (ii) an offence against the *Prostitution Act 1999*

(e) whether the applicant has been charged with any offence of a sexual nature that involves violence, intimidation, threats or children, including the circumstances surrounding the laying of the charge and whether proceedings in relation to the charge are continuing or have been discontinued

(f) whether the applicant's business structure is sufficiently transparent to enable all associates of the applicant, whether individuals or bodies corporate, to be readily identified

(g) whether the applicant has the ability to control the noise and behaviour of the number of persons that could reasonably be expected to be on and in the vicinity of the premises if the permit were granted and

(h) any other matters prescribed under a regulation.

8. DEFINITION OF "REGULAR BASIS"

LIQUOR ACT 1992

The term "regular basis" will be deemed to mean recurring uniformly in time or manner relating to functions occurring weekly, fortnightly, etc. It would apply to a permit which, in the chief executive's opinion, is being used to take the place of a licence or permanent extension of hours, such as the regular use of a permit on Saturday nights or Sunday afternoons.

A community club licensee applying to licence 'other premises' on an infrequent basis should consult Guideline 39.

9. ADVERTISING – DISPLAY OF NOTICE

LIQUOR ACT 1992 - SECTION 118 WINE INDUSTRY REGULATION 1995 – SECTION 6(1)(b)

When applications under the Liquor and Wine Industry Acts are to be advertised to the general public, the following requirements apply:

- the lettering on the sign must not be less than 15 mm in height for the body of the text and not less than 50 mm in height for the heading
- the heading must be of a bold style
- the overall dimensions of the sign must be at least 900 mm x 600 mm
- if displayed outdoors, the sign must be constructed of weather proof material
- the applicant is to be responsible for maintaining the notice from the date of its erection until the close of the last day for lodgement of objections
- the applicant should use the Notice of Application template available from the OLGR website unless the Chief Executive has provided approval for an alternative version.

10. CONDUCT OF OTHER BUSINESS

LIQUOR ACT 1992 - SECTION 152

A licensee is required to apply in writing providing full details of the type of other business proposed to be conducted on the licensed premises in conjunction with the licensed business.

Approval may be given in circumstances where it can be demonstrated that the business will complement the licensed activity or is not a service otherwise provided in the local area. The chief executive may consider other special circumstances.

Auctions, trade fairs and similar events which are conducted in a part of the licensed premises on a particular occasion do not require approval under Section 152, unless the activity becomes a permanent business arrangement. In cases of more permanent arrangements, the chief executive must also consider the suitability of the establishment.

The use of automatic vending machines (for non-alcoholic drinks, cigarettes, and snack food) or automatic teller machines do not require formal approval.

11. UNDERAGE EVENTS & ALL AGES EVENTS

LIQUOR ACT 1992 - SECTION 155

Underage events

The Office of Liquor and Gaming Regulation (OLGR) in consultation with the Commission for Children and Young People, the Child Guardian and the Queensland Police Service applies strict requirements to the consideration of “underage” and “all ages” events on premises subject to a licence or permit. OLGR acknowledges the demand for alternative entertainment options for the youth market however this must be balanced by appropriate measures to address child safety in and around licensed premises.

Consideration of these applications will have regard to local police comments, the compliance history of the premises and will require a detailed submission by applicants demonstrating compliance with conditions detailed below prior to approval. Submissions should describe the “purpose” of the event and demonstrate that alternative venues in the locality (eg: unlicensed venues, community halls etc) have been considered and are unsuitable or unavailable.

This guideline applies to all “underage” and “all ages” events on premises subject to a licence or permit where:

- the event or occasion is publicly advertised or
- the event is open to the public or casual attendance or
- admission to the event involves paying a fee for admission, or for entertainment or services provided at the event.

All ages events

High levels of scrutiny will be applied to “all ages” events on licensed premises. Licensees should be conscious of the problems that may occur if they conduct functions that cater for patrons both under and over 18. Whilst it is recognised that a total restriction on attendance to those patrons under 18 may be impractical, licensees and organisers should be mindful of upper age limits for functions primarily held for minors. It is considered best practice to ensure only adults attending in company with a minor (eg: family and friends) are permitted entry and entry for unaccompanied adults be restricted.

Conditions on approved events

The Chief Executive may consider amending some of the requirements detailed below for major events (eg: Big Day Out), school based events (eg: formals), community based events (eg: blue light discos) or for major sports, convention or entertainment facilities or for genuine one off events at the Chief Executive’s discretion.

An application fee for a Temporary Variation of Licence (currently \$50.00) is to apply to all applications for underage events. Any minor detected on licensed premises at unapproved “underage” or “all ages” events is likely to be a non-exempt minor. Licensees, management and staff may be liable for prosecution for permitting non-exempt minors on licensed premises regardless of whether or not liquor is consumed.

Applications must be lodged a minimum of 21 days prior to the event to be considered.

If permission is granted under Section 155(4)(e) of the Liquor Act, the approval will be subject to the following conditions:

- The licensee, approved manager and person in control of the premises must ensure crowd controllers licensed under the *Security Providers Act 1993* are employed in the following ratios at all times during the Under Age Event:
 - 1 to 200 patrons or part thereof – 2 crowd controllers
 - More than 200 patrons but not more than 300 patrons – 3 crowd controllers
 - More than 300 patrons but not more than 400 patrons – 4 crowd controllers
 - More than 400 patrons but not more than 500 patrons – 5 crowd controllers
 - Plus at least 1 crowd controller for every 250 patrons (or part) thereafter.
- The licensee must develop and implement a risk management strategy to promote the well being of children and protect them from harm as required under the *Commission for Children and Young People and Child Guardian Act 2000*.
- Unless otherwise exempt, each of the following persons involved in the conduct of the under age event must be a current holder of a blue card issued under the *Commission for Children and Young People and Child Guardian Act 2000*:
 - All directors and executive officers of the Licensee Company, and
 - The permittee, and
 - The approved manager, and
 - All paid employees and management of the licensee, event promoter or other service provider (eg: crowd controllers) whether employed directly or indirectly by the licensee or permittee, and
 - All volunteers involved in the promotion or conduct of the underage event.
- The licensee, approved manager and person in control of the premises must ensure all liquor is removed from the underage event area.
- The licensee, approved manager and person in control of the premises must ensure all cigarette machines are removed from the underage event area.
- The licensee, approved manager and person in control of the premises must ensure public telephone facilities are available in the underage event area at all times.
- The licensee, approved manager and person in control of the premises must ensure direct paging facilities are available to enable messages to be broadcast to patrons.
- The licensee, approved manager and person in control of the premises must ensure no liquor is sold, supplied or consumed in the underage event area.
- The licensee, approved manager and person in control of the premises must ensure access to the underage event area is not available from any area where liquor is being sold, supplied or consumed.
- The licensee, approved manager and person in control of the premises must ensure pass outs are not available unless minors are supervised by the current holder of a blue card issued under the *Commission for Children and Young People and Child Guardian Act 2000*.
- The licensee, approved manager and person in control of the premises must ensure the event concludes no later than 12 midnight for all ages events and 10pm for underage events, and does not conclude prior to its approved finishing time.
- The licensee, approved manager and person in control of the premises must ensure a one (1) hour interval is enforced between the conclusion of the underage function and the resumption of normal trading in the underage event area.

The following additional conditions should be considered for high risk events.

- The licensee, approved manager and person in control of the premises must ensure a minimum of two (2) special duties or rostered police officers are organised to be on duty at the premises for the duration of the underage event.

- A minimum of one (1) crowd controller licensed under the *Security Providers Act 1993* is to be on duty at each entry/exit to the underage event area for the duration of the event.
- A minimum of one (1) crowd controller licensed under the *Security Providers Act 1993* must maintain surveillance outside the underage area for a period of one (1) hour after the event concludes or until all patrons have vacated the vicinity of the premises.
- The licensee, approved manager and person in control of the premises must ensure closed-circuit television equipment is operating and recording all patrons entering and leaving via each entrance and exit of the licensed premises that provides access for patrons of the premises at all times during the underage event and for one hour after all patrons have left the premises.
- The licensee, approved manager and person in control of the premises must ensure closed-circuit television recordings required by the conditions of this approval are kept in a secure place for a minimum period of 28 days and must be produced immediately on request by an investigator or police officer.

14. PARTICULARS TO BE DISPLAYED ON LICENSED PREMISES

LIQUOR ACT 1992 – SECTION 143

WINE INDUSTRY ACT 1994 – SECTION 25

In addition to the name of the licensee and premises, premises licensed under the Liquor Act are required to display particulars dealing with the nature of the business. Premises licensed under either the Liquor Act or the Wine Industry Act are required to display the permitted trading hours conspicuously.

Liquor licences - nature of business

Where the name of the premises indicates the principal activity of the business, e.g. "restaurant", "niteclub", "hotel", "club", "motel", "guest house", the licensee does not need to indicate separately the nature of the business. Otherwise, details of the nature of the business must also be displayed. This will generally coincide with the "principal activity" indicated on the licence document, and some examples, including acceptable abbreviations, follow:

LICENCE TYPE	PRINCIPAL ACTIVITY TO BE DISPLAYED
Commercial Other Licence (subsidiary on-premises)	e.g.: Nightclub Provision of Meals Functions Residential Accommodation
Commercial Other Licence (subsidiary off-premises)	e.g. Caterer Florist Gift baskets
Commercial Other Licence (Producer/wholesaler)	Wholesaler of liquor Producer of liquor
Community Club Community Other	Business of a club
Commercial Hotel - Main premises	Sale of liquor for consumption on or off the premises
Commercial Hotel - Bottle shop	Sale of takeaway liquor only

All licences - trading hours

The hours displayed must be the **actual permitted** hours of trade, including any permanent approved extended hours. These are shown on the licence document.

It is also permissible to display signage such as “Actual trading hours may vary”.

Detached bottle shops and satellite cellar doors

Detached bottle shops operating under commercial hotel licences and satellite cellar doors operating under wine producer licences must also display, in addition to the name of the controlling premises, the **actual permitted** hours of the bottle shop. These may vary from the main premises, and again the licence document should be consulted.

Commercial special facility licences

All liquor outlets operating under commercial special facility licences must also display, in addition to the name of the special facility licence, the actual permitted hours of the liquor outlet. These may vary from outlet to outlet and the licence document should be consulted.

16. CONTROL OF ENTERTAINMENT NOISE

When granting an application for, or variation to, a liquor licence, the chief executive may impose conditions or make a decision based on the sound retention qualities of the subject premises.

The following conditions may be used in these instances, with the exception of applications relating to a commercial other (subsidiary on-premises) licence where the principal activity is the provision of entertainment.

1. If the applicant does not intend to conduct amplified entertainment on the premises or is not prepared to obtain an acoustic report from a qualified acoustic consultant, the following conditions will be imposed:
 - 1.1 *" Noise emanating from the premises including amplified or non-amplified noise and patron noise must not exceed 75dB(C), fast response, when measured approximately 3 metres from the primary source of the noise. "*
 - 1.2 *" Entertainers or speakers used to amplify noise must not be located in any outdoor, verandah, patio, footpath or beer garden area of the premises."*
2. If the applicant submits an appropriate acoustic report, as outlined in Guideline 50, the following condition will be imposed:
 - 2.1 *" Noise emanating from the premises including amplified or non-amplified noise and patron noise must not exceed (level to be determined based on acoustic report recommendations)dB(C), fast response, when measured approximately 3 metres from the primary source of the noise."*

If the report includes a recommendation for outdoor amplification Condition 2.1 will also be imposed and amended to include outdoor speakers. If no recommendation is included, Condition 1.2 above will be imposed.

If the report does not carry recommendations for all public parts of the premises, Conditions 1.1 and 1.2 will be imposed on those public areas not covered by the report, and Condition 2.1 will be imposed on those areas that are covered by the report.

If the report also includes provisos relating to issues such as windows or doors being closed during the conduct of entertainment, an appropriate condition/s will be imposed.

For applications relating to a commercial other (subsidiary on-premises) licence where the principal activity is the provision of entertainment (nightclub), or for any other licence type in which the provision of entertainment is a major part of trade, an acoustic report must be submitted. If the report shows that the premises cannot contain noise with a source level of 120dB(Lin) or greater, a noise limiter must be installed prior to the licence or variation being granted.

Conditions relating to the noise limiter will be determined depending on the type of limiter installed. Additional conditions may also be imposed having regard to some of the matters outlined in (2) above.

19. PATRONS ON PREMISES AT TIMES OTHER THAN WHEN LIQUOR MAY BE SOLD OR CONSUMED

LIQUOR ACT 1992 - SECTION 184(1)(c)

This section empowers investigators to remove persons who are found on licensed premises at any time other than when liquor may be sold, consumed or removed from the premises.

In certain circumstances the chief executive may not require investigators to take action under this section. These circumstances include:

1. where the chief executive has granted an approval under Section 148
2. if patrons are eating a meal, in part of the premises ordinarily set aside for dining *
3. at a community club or community other licence with the principal activity of the conduct of a sporting activity (eg. a bowls or golf club) if patrons are playing the sport or
4. on Anzac Day, at commercial hotel or community club licences, from 12 noon for patrons wishing to use the PubTAB or ClubTAB facilities.
5. at any licensed premises between the hours of 7am and 10am, where a service is being provided to those patrons in attendance eg. use of function rooms, provision of meals (for use of premises prior to 7am separate application should be sought, apart from the use of relevant premises on ANZAC Day).

This guideline does not permit the after hours sale of liquor by the licensee to patrons in these circumstances, but recognises that some businesses choose to provide non-liquor related services for periods other than those approved for the sale of liquor under the Liquor Act.

Should the Office of Liquor and Gaming Regulation receive and substantiate any noise or adverse patron behaviour complaints in relation to the operation of the premises during the above stated period, the Chief Executive reserves the right to cancel this approval.

- * For commercial hotel licences and commercial other (subsidiary on-premises) licences where the principal activity is the provision of entertainment, a minimum period of two hours must elapse between the cessation of permitted trading hours and the re-commencement of the service of meals. Outside of permitted trading hours noise emanating from entertainment, music or related activities at the premises must not exceed 75dB(C), fast response, when measured approximately 3 metres from the source of the noise.

20. WINE LICENCE TRADING HOURS ON SPECIAL DAYS

WINE INDUSTRY ACT 1994 – SECTION 19

If the chief executive grants extended trading hours to allow the sale of wine on Christmas Day, Good Friday and prior to 1pm on Anzac Day, the following requirements must be met.

Wine may only be sold and supplied:

- for consumption on the premises and
- to persons partaking of a meal for 1 hour before the meal, during the meal, and for 1 hour after completion of the meal.

23. FOOD COURTS

LICENSING OF FOOD COURTS

For the licensing of food courts a commercial other (subsidiary on-premises) licence is appropriate.

Criteria for licensing:

1. The licensee must meet the principal activity required under the licence - that is, the provision of meals prepared and served to be eaten on the licensed premises. The licensee may not rely solely on the preparation of meals by another outlet operator to meet the basic criteria for licensing.
2. A licence may not be granted where the licensee is the head lessor and each of the food outlets is sub-leased. This would be a breach of Section 153 of the Liquor Act.
3. The operator of other food outlets in the food court may formalise an arrangement with the licensee to enable other patrons to consume liquor in the food court. The minimum arrangement required would be a catering agreement between the licensee and the other food outlet operator/s. All outlets covered by the contract will be included as part of the approved licensed premises. Any catering agreement must include:
 - the maintenance of food hygiene standards and
 - that the outlet will form part of the licensed premises and that the operator authorises access to investigators of the Office of Liquor and Gaming Regulation in pursuit of their duties under the Liquor Act including access to records of food sales as part of any investigation relating to the provision of meals to meet the principal activity of the licence.

Entertainment

Prior to any approval for the conduct of entertainment within the licensed area by the licensee, the approval in writing from the centre management and each of the other food outlets in the food court must be provided. Written agreement by each of these parties to the provision of entertainment must detail the nature and style of entertainment which may be provided.

Licensed Area

The licensed area must include the liquor service outlet, food preparation area/s and liquor consumption area. It must not include any public thoroughfares. Where a catering agreement has been formalised with other food outlets, each other outlet will become part of the licensed premises.

- The licensee must provide evidence of the approval of centre management to the on-going use and segregation of any area proposed to be incorporated as part of the licensed area.

The licensed seating area must be delineated by a permanent fixed structure of at least one metre in height and signposted so as to make it clearly apparent to the public where liquor is to be consumed.

Trading Hours

Approved hours of trading will be directly linked to the food court trading hours as specified by centre management. The chief executive will not approve trading hours exceeding the ordinary hours for a commercial other (subsidiary on-premises) licence specified under Section 9 of the Liquor Act.

Functions Approval

Prior to considering any approval for the use of the licensed area for functions and the subsequent potential for the provision of liquor to non-diners, the licensee must submit to the chief executive, the approval in writing from the centre management and each of the other food outlets in the food court, whether they form part of the licence or not.

The chief executive will also consider any submissions received from the operators of any of the food outlets within the food court in relation to the application. In considering the application, the chief executive will have regard to the mix of other businesses adjoining the food court and any associated impact or foreseeable repercussions in relation to those businesses.

24. REFUNDS

TYPE	OVERPAYMENT	REFUSED	WITHDRAWN	MISCELLANEOUS CIRCUMSTANCES
Community Liquor Permit	Under \$20 no refund unless requested	No refund	Automatic refund	<ul style="list-style-type: none"> • Event cancelled - transfer to another day if within 30 days or automatic refund • Office of Liquor and Gaming Regulation cancellation - refund only future events on same permit
Restricted Liquor Permit	Under \$20 no refund unless requested	No refund	Pro-rata automatic refund	<ul style="list-style-type: none"> • Office of Liquor and Gaming Regulation cancellation - refund only future months on same permit • Withdrawn after partial permit usage - refund future months only
Major Applications All advertised applications	Under \$20 no refund unless requested	No refund	<ol style="list-style-type: none"> 1. Advised no appropriate licence type - Full refund 2. Withdrawn prior to advertising - 80% refund 3. Withdrawn after advertising and prior to decision - 20% <p>Application changed to another licence type - (a) upon Office of Liquor and Gaming Regulation 's advice of inappropriate licence type full transfer of fee to the new licence type (b) applicant's decision - the amount transferred to the new application will depend on 2 and 3 above.</p>	
Minor Applications Non-advertised applications	Under \$20 no refund unless requested	No refund	Automatic refund	<ul style="list-style-type: none"> • Temporary increase in licensed area - function cancelled - Full refund • Extended hours permit - function cancelled - transfer to another day if within 30 days or automatic refund • Office of Liquor and Gaming Regulation cancellation of an extended hours permit - refund only future dates on same permit
Trainer approvals	Under \$20 no refund unless requested	No refund	<ol style="list-style-type: none"> 1. Withdrawn prior to any activity – full refund 2. Withdrawn post interview - no refund 	

25. TRADING NAMES FOR LICENSED PREMISES

The trading name of licensed premises must be in accordance with the principal activity of the relevant licence type. No premises shall be named as to indicate that the premises are licensed under a different licence to that actually issued in respect of the premises.

Restaurants/Cafes - commercial other (subsidiary on-premises) licence with a principal activity of the provision of meals

Acceptable

Jack's Bar & Grill
Clive's Restaurant & Bar
Noodle Bar

Unacceptable

Jack's Bar on the River
Bluesbar

The use of the word "bar" is permissible, provided that dining is also intimated.

One word incorporating "bar" is not acceptable except in circumstances where the word has meaning beyond that of a drinking bar, eg, the name of a place or person.

Nightclubs - commercial other (subsidiary on-premises) licence with a principal activity of the provision of entertainment

The use of the word "bar" in any context is permissible at premises trading under authority of this licence, eg, Helgas Wine Bar.

Community club and community other licence

If a club uses a trading name that is not the club's incorporated name, the trading name must be in accordance with the principal activity of the licence, that is, it should indicate trading as a club licence. When using the trading name for club signage, advertising or on other promotional materials, the signage or document:

- (a) must not misrepresent the entity which is operating the club and
- (b) contain the name of the licensee association.

26. STANDARD OF PREMISES

LIQUOR ACT - SECTION 107(4)

The chief executive, in making a determination of the suitability of premises under Section 107(4) of the Liquor Act, will take into consideration the availability of and access to facilities such as toilets and other amenities required by patrons using the licensed premises.

In relation to toilet facilities, calculation of the number of facilities required will be done in accordance with the Building Code of Australia, and the floor space must include any outdoor or footpath areas, less a 1200mm wide provision for public access along the footpath.

In relation to commercial hotel and nightclubs (commercial other (subsidiary on-premises) licences with a principal activity of the provision of entertainment), toilets must be located within the dining and/or bar areas of the premises.

In relation to all other licence types, toilets should be located within the dining and/or bar areas of the premises. The chief executive may consider applications for premises where toilets cannot be accessed directly from within the dining or bar area. In these cases, the toilets must be accessible without leaving the property, and within 50 metres of travel from the entrance to the dining or bar area.

Where access to toilets is to be gained external to the building, the route must provide covered overhead protection and adequate lighting for the safety of patrons. Each case will be considered on its own merit.

29. REQUIREMENTS FOR APPLICATION FOR SATELLITE CELLAR DOOR

WINE INDUSTRY ACT 1994 - SECTION 15(3)

The following items must be included in any application for approval for “other premises” (satellite cellar door) under the *Wine Industry Act 1994*:

- (a) a plan of the premises to which the application relates, drawn to 1:100 scale, showing the general layout of the premises
- (b) a food and hygiene licence issued by the local authority
- (c) evidence that the intended use of the premises is a permitted use under the relevant town plan
- (d) details of the tenure held by the licensee over the proposed area, e.g. lease, sub-lease
- (e) details of any other liquor or wine licences in the same complex, including existing or proposed satellite cellar doors
- (f) details of any other business operating in the same complex, e.g. café, gift shop.

30. CONDITIONS FOR "FUNNY MONEY NIGHTS" UNDER COMMUNITY LIQUOR PERMITS

"Funny money nights" are functions at which gambling activities occur, involving the use of pretend money, such as that used in Monopoly. At the end of the night, patrons may bid for prizes offered at auction, using their "funny money" winnings.

An application for a community liquor permit for a "funny money night" must clearly define:

- (a) the nature of the activities to be undertaken at the function
- (b) the equipment, apparatus or devices to be used in conducting these activities and
- (c) the value and type/s of prizes to be offered at auction.

Where the legality of a particular proposed activity is in doubt, the application must also include written approval or advice from the relevant body responsible for the regulation of such an activity (eg, advice from the local Queensland Police Service station).

When issuing a community liquor permit for a "funny money night", the chief executive will impose the following conditions on the permit:

1. Where gambling activities will involve the use of equipment, device or apparatus generally used in the conduct of such activities, machine like apparatus must not be used.
2. Patrons who have made a bet with, or purchased lottery tickets with, or in any way expended, "funny money" must not receive payment or reimbursement in the way of real money.
3. Prizes, gifts or commodities offered for purchase or auction during or at the end of the function must not include liquor other than:
 - (a) liquor to be consumed on the premises or
 - (b) liquor to be taken away from the premises in quantities that do not exceed 2 litres.
4. The funny money used for gambling and bidding at auction must remain at all times the property of the organisation conducting the function.
5. Prizes, gifts or commodities must not be given or offered for auction if patrons have paid an entry fee to attend the "funny money night".

31. GRATUITOUS SUPPLY OF LIQUOR

LIQUOR ACT 1992 - SECTION 148

The chief executive may approve a part or parts of the licensed premises, which are ordinarily used for the business of the licence, as an area in which gratuitous supply may be allowed to take place after approved trading hours.

The types of circumstances which would be considered for approval on specific occasions are when the licensee can demonstrate that a special event such as a staff party is planned or the licensee is hosting a private function with friends or family.

32. COMMUNITY LIQUOR PERMITS AND COMMERCIAL PUBLIC EVENT PERMITS – APPROVALS FOR HIGH RISK PUBLIC EVENTS

LIQUOR ACT 1992 - SECTION 103C

A community liquor permit authorises the sale of liquor:

- at the event or occasion and
- at times on the day or days and
- subject to the conditions

specified in the permit and subject to the Act.

LIQUOR ACT 1992 – SECTION 101

A commercial public event permit authorises the permittee to sell or supply liquor –

- at the public event stated in the permit and
- at the times on the day or days stated in the permit and
- subject to the conditions stated in the permit

specified in the permit and subject to the Act.

Applicants for community liquor permits will be required to submit an event management plan in a form prescribed by the chief executive for a “public event” which is considered to be of “high risk”.

Applicants for a commercial public event permit will be required to submit an event management plan in a form prescribed by the chief executive for any “public event”. However, discretion may be applied in certain cases, e.g. a small school fete.

A “public event” for the purposes of this guideline is defined as an event or occasion that –

- (a) is open to the public or casual attendance or
- (b) is not restricted by personal invitation of the host of the function or
- (c) involves the payment of a fee for admission to the function, or for entertainment or services provided at the function or
- (d) is publicly advertised.

A “high risk” event for the purposes of this guideline is defined as an event or occasion that –

- (a) permits the consumption of liquor in an area or areas totalling more than 200 square metres or
- (b) has an anticipated attendance throughout any particular day exceeding 2000 persons or
- (c) permits the supply of liquor between midnight and 10:00am or
- (d) is being undertaken at a venue, which has been the subject of complaints made to the Office of Liquor and Gaming Regulation within the previous five years or
- (e) includes a form of entertainment that may cause a noise disturbance in the locality such as a ball, rock concert, dance party or rave party or
- (f) involves an applicant who has conducted an event or occasion that has been a cause of concern to the Office of Liquor and Gaming Regulation or
- (g) for any other reason is considered to have the potential to cause concern to the Office of Liquor and Gaming Regulation.

If the required management plan is not submitted or is not acceptable to the chief executive, the application for a community liquor permit and or commercial public event permit may be refused.

LIQUOR ACT 1992 – SECTION 155AD

In relation to a commercial public event permit application made by a corporation licensee/permittee, the licensee must take reasonable steps to ensure than an approved manager:

- i. is present or reasonably available during ordinary trading hours at the premises to which the permit relates and
- ii. present during extended trading hours at the premises to which the permit relates.

LIQUOR ACT 1992 – SECTION 107B & C

In relation to a community liquor permit application for a ‘high risk’ event, the Chief Executive may require the applicant to undertake the licensee’s course and the approved training course or either course prior to the permit being granted.

Further, the Chief Executive may impose conditions to minimise the harm caused by alcohol abuse and misuse and associated violence and/or to minimise alcohol related disturbances, or public disorder, in a locality. Such conditions may be that all persons involved in the sale and supply of liquor must have a current Responsible Service of Alcohol training certificate.

33. HIGH RISK COMMUNITY AND COMMERCIAL PUBLIC EVENTS

LIQUOR ACT 1992 - SECTIONS 3, 101 to 103F, 107C

This guideline is issued in accordance with s42A of the *Liquor Act 1992*.

From 1 January 2009 the first object of the *Liquor Act 1992* is 'to regulate the liquor industry in a way compatible with minimising harm caused by alcohol abuse and misuse'. The exercise of this obligation by the chief executive is rarely more relevant than when considering the implications of potential alcohol related harm at major events, especially those targeted at a youth demographic.

Application of the Guideline

This guideline applies to all community liquor permits, commercial public event permits as well as temporary increases, temporary changes of conditions and similar applications for existing licensed premises. For example a race track whose principal activity is related to racing activities that changes their normal activities for an event to conduct a music festival or similar event.

In making decisions about the conduct of high risk community and commercial public events lodged after the implementation of the guideline, the chief executive will not only consider the proposed conduct of the actual event but must also consider the wider implications of the irresponsible supply and consumption of liquor and its impact on public safety and the wider community.

For commercial public event permits the chief executive must also have regard to the considerations detailed in section 103(1) of the *Liquor Act 1992*

Risk Factors

In considering whether an event is to be deemed high risk, the chief executive will have regard to a range of factors which may include:

<p>The length and time of the event</p> <ul style="list-style-type: none"> • Events with liquor sales over 5 hours • Events outside of ordinary trading hours (pre 10.00am or post 12 midnight) 	<p>Age demographic</p> <ul style="list-style-type: none"> • Where the expected age demographic includes a high percentage of 18 to 25 year old patrons
<p>The type and nature of the event</p> <ul style="list-style-type: none"> • Some concerts • Some sporting events • Music festivals • Whether the event is a community or commercial event 	<p>Patron numbers</p> <ul style="list-style-type: none"> • Events where overall attendance at the event is expected to exceed 2,000 persons on any day • Events where greater than 50% of patrons are expected to consume liquor
<p>Compliance history of the event, event promoter, licensee or similar event</p> <ul style="list-style-type: none"> • Where significant breaches, safety, health, noise or patron behaviour issues have been identified in or around previous similar events or previous events conducted by related parties 	<p>All ages or under age events</p> <ul style="list-style-type: none"> • Whether the event organiser allows entry to unaccompanied minors • Whether the event is 18+ only • Whether the licensee intends to restrict liquor consumption to a defined 18+ area only • Does granting a liquor permit for the event increase the risk of secondary supply of liquor to minors within the event site?
<p>Consumption areas</p> <ul style="list-style-type: none"> • Total consumption areas exceeding 2000 square metres • The number of separate consumption areas • How consumption areas are defined 	<p>Noise and amenity</p> <ul style="list-style-type: none"> • Whether the granting of a liquor permit for the event is likely to create unreasonable noise or amenity impact in and around the event site

The chief executive may also have regard to other factors in addition to those listed above being guided and informed by the stakeholder consultation, event planning and risk assessment process.

Conditions for High Risk Events

If permission is granted under sections 101 to 103F and 107C of the Liquor Act the chief executive may impose standard conditions for high risk events as well as any event or site specific conditions considered necessary during the event planning process.

The following list of conditions is not exhaustive and does not mean that each of the conditions will be imposed. Each event will be considered on its merits and consideration will be given to the imposition of those conditions from the list considered most appropriate to the circumstances of the event on a case by case basis.

Event planning

- Where the licensee or permittee is not the event organiser, the licensee or permittee must ensure the event organiser attends and participates in any briefing arranged by the Office of Liquor and Gaming Regulation (OLGR) or Queensland Police Services (QPS) prior to the event.
- Where the licensee or permittee is not the event organiser, the licensee or permittee must ensure the event organiser attends and participates in any debriefing arranged by OLGR or the police following the event.
- The licensee or permittee must attend and participate in any debriefing arranged by OLGR or the police following the event.

Event management

- The licensee must ensure an approved manager, as defined under the Liquor Act is present at the licensed premises at all times during the event.
- The nominated approved manager for the event is <name> and is contactable on telephone number < number >.
- The licensee, permittee and approved manager must ensure an appropriate system of lighting is implemented and remains in place for the duration of the event.

Harm Minimisation

- The licensee, permittee and approved managers must ensure that liquor for sale at the premises is restricted to the following products:
 - liquor other than wine (including medium and low strength beer, cider and pre-mixed spirits) where the alcohol content by volume is 4 percent or less; and
 - wine with a maximum single serve of 100ml in a glass or plastic receptacle or 200ml in a piccolo
- Disposable drink containers only are to be used in any public area of the permitted premises.
- No glass is permitted in any public area of the licensed premises. Exemptions may be considered where a fine dining area or corporate facilities are offered within the event area.
- The licensee, permittee and approved manager must ensure tap or drinking water is readily available and provided at no cost to patrons within the permitted area. The availability of such water is to be promoted.
- The restriction on the sale and supply of liquor to a certain number of drinks per person will be assessed on each individual application. In proposing such a condition, a graduated reduction in the number of drinks supplied to a person may be endorsed. For example:

- The licensee, permittee and approved manager must ensure the sale and supply of liquor is restricted to four alcoholic beverages only per person between the trading hours of <nominated trading hours will be endorsed>.
- The licensee, permittee and approved manager must ensure the sale and supply of liquor is restricted to two alcoholic beverages only per person from <nominated trading hour> to cessation of trade.
- The licensee, permittee and approved manager must ensure 100 percent of staff involved in the sale or supply of liquor have a current RSA training course certificate.

Minors

Events that target or allow for under age or all age groups are considered as higher risk and, as such, specific conditions may be imposed, including:

- The licensee, permittee and approved manager must ensure the licensed areas of the event are adequately defined to ensure minors cannot obtain entry to permitted bar and consumption areas and that liquor is not removed from the permitted areas.
- Minors are not allowed in the permitted areas of the event under any circumstances.
- All persons over the age of 18 attending the event, must wear a coloured wristband supplied by the permittee which is to be worn at all times.

Crowd Controllers

- The licensee, permittee and approved manager must ensure crowd controllers licensed under the *Security Providers Act 1993* are employed in the following ratios at all times:
 - 1 to 1000 patrons or part thereof – seven crowd controllers
 - Also at least one crowd controller for every 250 patrons (or part) thereafter, or as otherwise determined
- A minimum of two crowd controllers licensed under the Security Providers Act must maintain surveillance outside the event area for a period of one hour after the event concludes or until all patrons have vacated the vicinity of the premises.
- The licensee, permittee and approved manager must ensure an incident register is maintained where written details of all incidents that occur at the premises involving a patron being removed or a person being injured are recorded.
- For the purpose of this condition the details must include the date and time of the incident, where the incident occurred, full description of persons involved (including names where obtainable) and reasons for the removal and any details of injuries incurred by any person. All removals are to be recorded regardless of the reason for removal. Where closed-circuit television recordings are made of such incidents in any part of the event area they must be kept for a minimum period of 28 days and must be produced immediately on request by an investigator or police officer.

34. SATELLITE CELLAR DOORS

WINE INDUSTRY ACT 1994 – SECTION 15(3)

1. In considering whether to grant an approval under Section 15(3) for a satellite cellar door, the chief executive must consider whether:
 - The sale of the wine product is for the genuine promotion of the Queensland wine industry. The display of signage and/or brochures promoting the Queensland winery, and information about the relevant wine region (if available), would constitute genuine promotion of the industry for the purposes of this guideline.
 - Any business operated in conjunction with the sale of wine would not be more appropriately licensed under a different category of licence, for example satellite cellar doors operated in conjunction with a restaurant.
 - If the operation of the satellite cellar door is in conjunction with another business, the display and promotion of the wine products is to be from a position allocated to the licensee of the winery.
 - Where self serve type business is conducted, the whole of the retail area and pay points may be licensed, however sampling of wine on the premises is prohibited except by way of condition. For example, a condition may only allow sampling in conjunction with a food tasting promotion at the premises or when a representative of the winery is present.
2. Where a number of satellite cellar doors are intended to operate within one establishment, the chief executive may consider that the premises would be more appropriately licensed under the Liquor Act, unless the purpose of the premises is solely to promote Queensland wines, and no other business is operating from the premises.
3. A satellite cellar door operation may not be established in conjunction with a supermarket, general store or other convenience shopping store however the fact a business does carry some convenience lines would not necessarily preclude a satellite cellar door from being established with that business.
4. As a condition of the licence/approval, the licensee must seek the approval of the chief executive if there is an associated business at the premises and the nature of the associated business is to change.

35. LICENSED AREAS

The Liquor Act does not contemplate the licensing of separate or detached premises under one licence with the exception of bottle shops which are specifically provided for under Section 60(1)(d).

In considering whether to grant an application for a licence under the Act or an application to change a licensed area, the Chief Executive must ensure that the licensed premises are able to be appropriately defined and form one set of premises.

Appropriate premises include:

- (a) a building or part of a building or
- (b) a set of buildings with an identifiable connection (physical or visual). If on separate pieces of land the land must be contiguous and
- (c) which plainly appear to form one set of premises, constitute one place of business and do not give the impression of separate business operations.

Examples of (b) and (c) include:

- a resort style facility where multiple accommodation blocks are located on the different parcels of land forming one complex under the complete control of the licensee
- special facilities and tourist attractions such as South Bank and Sea World where liquor and non-liquor related businesses within a defined area of land collectively form the primary purpose for the licence
- a half-way house on a golf course.

An exception to this general rule of contiguity is made in relation to producer/wholesaler licences which, by virtue of their wholesaling nature require an office and a warehouse. These two facilities which must form the licensed area may be non-contiguous.

36. RELOCATION OF DETACHED BOTTLE SHOPS

LIQUOR REGULATION 12

In considering applications for the relocation of a detached bottle shop within the “same shopping precinct”, the Chief Executive must be satisfied that the bottle shop will:

- (a) service the same customer base as the existing shop and
- (b) continue to be within the existing local government zoning boundary for that category of development.

Examples of acceptable relocation include:

- within the same regional shopping centre complex, under the same roof
- within a strip of retail shops facing the same road on the same block
- across an easement or car park.

The Chief Executive will require an application to be advertised under Section 118 of the Act if it is considered that a new group of people, residents, or businesses who were not previously affected by the operation of the bottle shop could potentially be affected.

The Chief Executive may determine that an application for relocation is more appropriately considered as an application for a new detached bottle shop if:

- (a) the bottle shop will service a predominantly new or different customer base or
- (b) the Chief Executive determines that the application is for a substantially new site or catchment area and should be examined in relation to public interest.

37. SALE OF LIQUOR FROM PREMISES THAT ALSO SELL PETROL

On receiving an application that would allow the sale of liquor within the same complex as the sale of petrol, or in an adjoining complex, the chief executive should immediately request the applicant to fill out the Site Questionnaire (Form 31). This will help establish the correlation between the sale of liquor and petrol, and determine if special consideration must be given to the application in light of Queensland Transport's concerns about drinking and driving.

Licence applications for premises selling petrol must fundamentally be considered on their own merits, in accordance with the guidelines set out below.

1. Categories of premises that are considered unsuitable to hold a liquor licence

The chief executive is likely refuse applications if any of the following criteria is met:

- A. the sale of liquor and petrol is from the same point of sale or in the same business, other than in a remote part of the State or
- B. consumption on the premises is proposed, and the travelling public or truck drivers are the major customers or
- C. the travelling public are the major customers and there are other liquor outlets in the locality or
- D. the premises is a dedicated truck stop, providing facilities such as heavy vehicle parking areas, showers and change rooms or
- E. there are concrete statistics available for the locality on alcohol related road crashes/deaths which establish that the granting of the licence would encourage drink driving or other liquor-related harm.

2. Applications that require close scrutiny and may be referred to Queensland Transport for consultation

The chief executive will give careful consideration to applications which meet the following criteria:

- A. the petrol and liquor outlets are in the same or adjoining buildings or
- B. the petrol and liquor outlets have direct line of sight to each other or are otherwise linked or
- C. the premises is in a remote location and there are no liquor outlets in the locality from the proposed premises or
- D. the premises is in an urban location, and its primary patrons would be people who work and live in the surrounding suburbs, and resort to the locality for shopping and other services or
- E. the sale of petrol is only a minor part of the business, providing a service to patrons visiting the premises for other purposes, rather than visiting the premises with the specific intent of purchasing petrol.

The chief executive may choose to consult Queensland Transport for comment, or determine that the imposition of certain conditions relating to advertising and demarcation would sufficiently address concerns. In considering what conditions may be appropriate at such premises, the chief executive will have regard to:

- restricting advertising on the service station tarmac
- screening the entrance to the liquor outlet from the view of the service station patrons or
- ensuring appropriate demarcation between the two businesses.

3. Applications that do not need any special consideration under this guideline

Where the application is for any type of licence in a large complex, where:

- A. the liquor outlet and petrol outlet are well separated by other buildings, car parks etc and
- B. (i) there is no direct line of sight or
(ii) there is no other link between the outlets and
- C. sale of liquor is proposed for take away only

the chief executive should consider such an application as it would any other application.

38. COMMUNITY IMPACT STATEMENT

LIQUOR ACT 1992 - SECTION 116

Guideline 38 is available as a separate document.

39. "OTHER PREMISES" FOR COMMUNITY CLUB LICENCES

LIQUOR ACT 1992 - SECTION 77(2)

In determining applications for the approval of 'other premises' for a community club, the following issues will be considered:

1. the events or activities to be licensed should be infrequent. Infrequent is defined as 'happening or occurring at long intervals or not often; not constant or habitual' (Macquarie Dictionary). Home games on a weekly or fortnightly basis during the sporting season are considered to be infrequent for the purposes of this guideline and
2. whether the licensee club has a team for a sport or game to be played at the 'other premises'. Where teams are formed under a different corporate or club structure to the licensee association, the licensee club is still eligible for the approval only where the sport or game being conducted is consistent with that for which the club has been established.

For example, the licensee is the Northern Districts Leagues Club Inc, and this club operates the licensed premises fostering and promoting the sport of rugby league and, in particular, the interests of the Northern Districts Football Club. The 'Northern Districts Football Club' is operated by a separate board of directors reporting to members of that separate club and uses the field adjacent to the licensed club. As the licensee club has been established to promote the sport of rugby league, the approval under Section 85(1A) is available.

However, another team 'Northern Districts Cricket Club' is operated by a separate board of directors reporting to members of that separate club and uses the field adjacent to the licensed club. As the licensee club, Northern Districts Leagues Club Inc, promotes the sport of rugby league, the approval under Section 85(1A) is **not** available.

Use of an approval

If an approval is granted, it may be used only for the purpose stated on the licence. Otherwise a community liquor permit will be required to sell liquor at the event or activity. However, in cases where the approval covers home games the approval may also cover other games on that day during the approved hours.

Example 1 - Norths Football Club has approval for home games on a Saturday and may sell liquor between 10 am and 6 pm. A double header has been scheduled for Norths v Wynnum and Wests v Easts at the Norths field. The approval will cover all football games scheduled at this field on this day between the approved hours. A separate community liquor permit is not required.

Example 2 – Norths are hosting activities at the field including:

- district representative games (several Norths players have been selected for the district team)
- demonstration matches
- finals (not including the home team Norths).

These are examples of when the approval does not apply as the games are not home games of Norths Football Club. A community liquor permit will be required.

40. APPLICATIONS TO ALTER, REBUILD, CHANGE OR INCREASE THE AREA OF THE LICENSED PREMISES

LIQUOR ACT 1992 - SECTION 154 LIQUOR REGULATION 1992 – REGULATION 18

Alter, rebuild or change the premises

An application to alter, rebuild or change the premises is required when the licensee proposes to alter, change the layout of the premises or rebuild without any change to the licensed area description, for example:

- removal of a wall
- lengthening of a bar or
- reconfiguration of existing rooms or areas.

No application is required if the licensee makes cosmetic changes only to the licensed premises, for example:

- installing new shelves
- removing and/or replacing carpet
- repainting walls or
- replacing furniture.

Change the licensed area

An application to change the licensed area is required when the licensee proposes to increase or decrease the licensed area and/or alters or rebuilds in a way that will affect the licensed area description, for example:

- adding a footpath dining area or
- adding an adjoining piece of land.

Applications to increase the licensed area must only include contiguous areas that already exist. For further information in relation to licensing contiguous areas, see Guideline 35.

In accordance with Section 154 of the *Liquor Act 1992*, all applications must be lodged and approved by the chief executive prior to the renovations or additions taking place.

41. SALE OF COMPLEMENTARY GOODS AT BOTTLESHOPS AND LIQUOR BARNES

LIQUOR ACT 1992 – SECTION 152 – PROHIBITION ON OTHER USE OF PREMISES.

152(1) A licensee must not, without the chief executive's prior approval –

- (a) conduct or permit to be conducted, or advertise or represent himself or herself as conducting, on the licensed premises, a business other than –
 - (i) that authorised by the licence.

For the purposes of enforcement and administration of the *Liquor Act 1992* (the Act), licensees are permitted to provide non-liquor items that complement off the premises liquor consumption without a requirement of an application for approval to “conduct another business” on the premises – provided that:

1. the provision of such items within bottleshops is restricted to the following:
 - (a) **detached bottleshops** – a total floor space of no more than 5% of the total floor space available of the detached bottleshop
 - (b) **attached bottleshops or liquor barns** – a total floor space of no more than 2% of the total floor space available of the attached bottleshop or liquor barn.
2. Space provided for the sale of complementary goods must be
 - delineated from the main area of the bottle shop and
 - a contiguous percentage of the floor space. (that is, the delineated area must be in one area).
3. the provision of non-liquor items is restricted to goods that complement off the premises consumption of liquor – for example:
 - (a) cheese, crackers, potato chips and nuts.
4. the provision of non-liquor items that do not complement off the premises consumption of liquor are not permitted for sale, for example:
 - (a) fire starters, heat beads, plastic cutlery, ice-creams, frozen goods (pizzas, burgers, pies and TV dinners) and deli meats.

NOTE - Where a Licensee intends to provide services outside this guideline – an application to the Chief Executive is required to be made to conduct another business on the premises.

42. RISK-ASSESSED MANAGEMENT PLAN (RAMP)

LIQUOR ACT 1992 – SECTION 51

A risk-assessed management plan (RAMP) is a document containing information about the procedures and practices, prescribed under section 38A of the Liquor Regulation 2002, for the conduct of business at the premises.

A RAMP is required for:

- new licence applications
- extended trading hours approvals
- permanent variation of licence applications
- permanent changes in licensed area
- transfers of existing licence
- restricted liquor permits.

The following matters are to be addressed in a RAMP:

- a) Responsible service of alcohol (RSA)– description of practices, training for staff employed to ensure RSA
- b) Liquor Accord – details of membership if applicable, matters addressed by the liquor accord
- c) Arrangements at the premises with respect to:
 - i. Lighting – describe lighting within & outside premises for security purposes
 - ii. Noise mitigation – describe how the licensee monitors noise levels, structural devices within the premises & management practices to reduce noise levels, processes in response to noise complaints
 - iii. Security – detail the numbers employed throughout a ‘standard’ week, specifying where security providers are to be assigned to different areas of the premises. Describe employment of security with respect to private & public functions held on the premises and how the licensee would cater to changes to number of patrons; provide details of closed circuit television.
 - iv. Transport services – describe transport services available to patrons leaving the premises e.g. local transport, taxi ranks, access to phone to call for transport.
- d) Provision of meals - describe available catering services for the provision of meals to patrons. Specify types of service e.g bistro/bar dining, al a carte menu, buffet, BBQ availability of these services (e.g hours for meals, lunch or dinner only).
- e) Training of staff – detail training processes for staff. Include relevant liquor licensing matters that the licensee trains staff to deal with; how regularly the licensee conducts training; how the licensee keeps staff updated with liquor licensing legislation.
- f) Dealing with minors on the premises – describe management practices with respect to preventing minors on premises where appropriate and dealing with minors found on the premises.
- g) Dealing with unduly intoxicated and disorderly patrons on the premises – describe the methods employed by staff to deal with unduly intoxicated and disorderly patrons
- h) How the impact of the business on the amenity of the community will be limited – provide detail on how the premises will mitigate noise from emptying bins, generators etc, patron behaviour in and around the licensed premises particularly leaving the premises at closing time, litter from premises, parking or any other issue that may commonly arise.
- i) Consultation with community and liquor industry groups – describe matters on which the licensee has consulted with any community or liquor industry groups and outcomes.
- j) Ensuring the conduct of business at the premises complies with the Act and other laws – outline strategies/practices employed to manage the following in accordance with the relevant legislation including the Liquor Act:

- Footpath dining
- Designated outdoor smoking area
- Advertising of events
- Number of patrons on premises e.g. building regulations or bar licence (limited to 60 patrons)
- Adult Entertainment
- Functions on premises
- Catering off site.

The responses to each of the above matters must be of sufficient detail to satisfy the Chief Executive and to provide the basis for conditioning the operation of the liquor licence.

43. APPROVED MANAGERS

LIQUOR ACT 1992 – SECTION 104A, 155AE, 155AF

As of 1 January 2009, the position of nominee no longer exists. The new position of approved manager partly replaces the nominee but has distinct and different obligations.

All licensed premises are now required to have an individual licensee or approved manager present or reasonably available during ordinary trading hours of 10am-12midnight.

The only exceptions to the requirement to have an individual licensee or approved manager present or reasonably available during ordinary trading hours are as follows:

- at licensed premises to which a community club licence or community other licence relates if liquor is served or supplied at the premises by volunteers only.
- at premises to which a community liquor permit or restricted liquor permit relates if liquor is served or supplied at the premises by volunteers only.

“Reasonably available” is defined in the Act as:

- readily contactable by each person involved in the service or supply of liquor at the premises and
- the time reasonably needed for the licensee, permittee or approved manager to travel from any place at which the licensee, permittee or approved manager may be present to the premises is not more than 1 hour.

This means:

1. A separate approved manager (or individual licensee) for a premises must be present or reasonably available for duty for each day the premises is open for trade and
2. An approved manager should be present for the majority of the time during the operational hours of a licensed premises, with particular regard to high-risk periods of operation which occur during ordinary trading hours.
3. The approved manager (or individual licensee) must attend the premises to sign on for duty at the commencement of their shift.

During approved extended trading hours between 7am-10am and 12midnight-5am an individual licensee or approved manager must be present at the licensed premises at all times.

For periods of both ordinary and extended hours trading, only one approved manager needs to be signed in to the approved managers register for each licensed premises.

During ordinary trading hours only, the Chief Executive will allow some variation in the requirement for an approved manager to be rostered on at a premises.

The requirement for a licensee or approved manager to be reasonably available is not changed.

Provided the relevant licensee does not have an adverse compliance history, the following licence and business types are not required to have an approved manager rostered on at the premises during ordinary trading hours:

- Producer/wholesalers
- Florists and gift basket providers
- Community clubs with less than 2000 members
- Community other licences
- Restaurants
- Motels
- Indoor sports centres
- Vessels

The Chief Executive reserves the right to withdraw this exemption in response to any breaches of the Act committed by a licensee.

Subject to the foregoing all other licensees must have an approved manager available for the majority of their ordinary trading hours.

The Chief Executive may consider an application from any licensee or permittee for an exemption from the requirement to have an approved manager rostered on for work at the premises during ordinary trading hours. The application will only be considered if the business employs ten full-time (or equivalent) employees or less who are involved in the sale or supply of liquor. For example, accommodation cleaning staff would not count towards the employee count, but glass collectors would.

The following criteria must also be considered:

- the geographical location of the business
- the licensee's compliance history
- the principal activity, size and nature of the business
- the proximity, principal activity and nature of any other licensed premises.

In all circumstances, these premises would still be required to have an individual licensee or approved manager who was reasonably available even if not rostered on in the managers register. Approved managers not required to be rostered on at a premises will not need to fulfil the sign-on and sign-off requirements under the Act.

However, approved managers who fulfil the reasonably available requirement should be listed in the register as the approved manager on duty.

The Chief Executive reserves the right to withdraw this exemption in response to any breaches of the Act committed by a licensee.

An exemption may be granted for all or part of the ordinary trading hours for a licensed premises.

In the case of commercial special facility licences, an approved manager must be present or reasonably available between 10am and 12 midnight for each discrete "outlet" within the licensed area. Where an "outlet" is trading between midnight and 10am the approved manager must be present at the "outlet". This applies regardless of whether all the outlets are managed by the licensee or whether the outlets are subleased to other persons.

In the case of commercial hotel licences the requirement to have an approved manager present only applies to the main premises and not to any detached bottle shops or bottle shops which may be attached to the premises. This applies in the situation where a bottle shop may be open for trade prior to the commencement of trading in the main premises. The bottle shop should have a register which shows the responsible approved manager for all times it is open.

In the case of commercial other (producer/wholesaler) licences an approved manager is only required at the main licensed premises, not the storage facility.

Reasonable steps

The Act specifies that licensees must make "reasonable steps" towards having approved managers available during ordinary trading hours or present during extended trading hours. Therefore, licensees will need to have an approved manager present or reasonably available for each premises during all trading hours to supervise the responsible service of alcohol and the management of the premises.

Sign on requirement and approved managers register

The Act requires that a licensee must keep on the premises a register stating the name, date of duty and shift starting time and finishing time for each approved manager rostered on duty.

The register must be accompanied by copies of the current training course certificates held by any approved managers rostered on duty for the premises. Copies of the course certificates must be made available for inspection to an investigator at the premises.

For each shift for which an approved manager is rostered on, the register must be signed by the approved manager and record the date, start and finish times for each shift. At any time the previous 12 month record of the register should be available.

There is no prescribed form under the legislation for an approved managers register. However, to assist all licensees the Office of Liquor and Gaming Regulation has developed the attached template as part of this guideline and for use by licensees as required. It should be noted that while the template may be used by the licensee to meet their obligations under section 155AE of the Act, this register is merely a guide and a licensee may incorporate their own design providing it meets the minimum requirements as outlined in section 155AE (1)(a) of the Act.

Exemption from requirement for approved managers to be present (for individual licensees only)

The Act allows that an individual licensee may apply to the Chief Executive for an exemption from the obligation to be present or reasonably available or to take “reasonable steps” to ensure that an approved manager is present or reasonably available. The application may only be made where the licensee wishes to be absent for a continuous period of not longer than three months.

The exemption may only be granted when the licensee can demonstrate they have made reasonable efforts to engage one or more approved managers for duty at the licensed premises and been unsuccessful.

The Chief Executive must be satisfied that the premises will continue to be operated in accordance with the Act, including the risk-assessed management plan for the premises, during the licensee’s absence.

For example, a licensee in a remote or rural location regularly travels to a nearby town for business reasons during the premises trading hours. No approved manager is able to be present, but in an application to the Chief Executive the licensee nominates a person trained in the Responsible Service of Alcohol to be the person in control of the premises during the licensee’s absences.

An individual licensee with a low-risk premises with no compliance issues may apply for an ongoing exemption from the approved manager requirement for periods of absence such as an annual leave.

46. DEMONSTRATED COMMUNITY NEED FOR PRE-10AM TRADING

LIQUOR ACT 1992 – SECTION 86

All liquor licence types, apart from community other licences, can apply for some form of pre-10am trading.

Community clubs

The requirements for demonstrated community need outlined below do not apply to community club licences which relate to golf or bowls clubs.

- On application by a community club licence for permanent approved trading hours of 7am-9am, the applicant must satisfy the chief executive the “demonstrated community need” has been met and the proposed hours are necessary to meet the requirements of the community. The chief executive will consider issues such as:
 - the membership which the premises services
 - whether the sport conducted by the club will be in operation during the extended hours of 7am-9am
 - details of the number of shift workers who are members of the club
 - the location of the premises in relation to the services to be provided during the extended hours of 7am-9am
 - whether the proposed activities will specifically meet the needs of members and are related to the principal activity of the club.

Note: If community club licences can demonstrate a community need for 7am-9am trading, this is taken to also have proven the need for 9am-10am trading. For community clubs it is intended both periods can be applied for in the same application for one fee.

Golf and bowls clubs approved to trade during the hours of 7am-9am are expected to conduct their designated sports while open for general trade.

All licences except community other licences

- On application by a relevant licensee for permanent approved trading hours of 9am-10am, the applicant must satisfy the chief executive the “demonstrated need” has been met and the proposed hours are necessary to meet the requirements of the locality. Extended trading approvals for conducting trade from 9am-10am will be the exception rather than the rule. The chief executive will consider issues such as:
 - the details of the locality which the premises services
 - the presence of other premises within the locality which provide similar services
 - the principal activity of the premises and whether the services to be offered during the extended hours are appropriate to be provided prior to 10am
 - the reasonable requirements of the residents and visitors to the locality
 - whether there is a population of shift workers in the locality who may reasonably require the extended hours.

For a premises with approved pre-10am trading hours prior to 1 January 2009, the Chief Executive may consider that the process undertaken to obtain their current trading hours including the submission of a public interest assessment may be considered sufficient demonstration of need. All pre-10am trading hours approved prior to 1 January 2009 lapsed on that date.

47. SELF-ASSESSMENT OF LICENCE FEE

LIQUOR ACT 1992 – SECTION 202(1) LIQUOR REGULATION 2002 SECTIONS 36, 36F, 36G *Also refer to Guideline 54*

A licence fee for a licence period must be self-assessed by the licensee. An example of the self-assessment form which licensees must submit with their payment is provided below.

A licence fee is comprised of the relevant licence type base fee and the fee for each risk criteria applicable to the licence. The following will explain the circumstances under which the fee for each risk criterion is payable.

Risk Criterion – Trading Hours

Section 86 of the Liquor Act details the hours and circumstances under which an application for extended trading hours approval may be made. Licensees who obtain extended trading hours approval to trade before 10am or after midnight for weekends only will only have to pay the relevant proportional fee. Weekend-only trade prior to 10am includes Saturday and Sunday mornings. Weekend only trade post midnight relates to Friday night into early Saturday morning and Saturday night into early Sunday morning

7am to 9am (clubs by exception – functions allowed)

Only the holder of a community club licence may apply to trade between 7am and 9am on a regular basis. An applicant must satisfy the chief executive that there is ‘demonstrated community need’ for the application to be granted or the applicant must be a sporting club for a sport prescribed under a regulation (i.e. golf or lawn bowls).

For a definition of ‘demonstrated community need’ refer to guideline 43.

7am to 9am (functions only)

A licensee other than the holder of a community other licence may apply to trade between 7am and 9am for the purpose of conducting functions on an annual basis. Section 4A of the Liquor Act defines a function as an event or occasion to which persons are invited by, or for, the organiser of the event or occasion.

A function does not include an event or occasion organised by the owner or licensee if the event is for the owner or licensee’s own benefit, or by someone else if the owner or licensee is entitled to receive a benefit other than a charge for using the premises and providing catering facilities.

9am to 10am (general trade)

A licensee other than the holder of a community other licence may apply to trade between 9am and 10am on a regular basis. An applicant must satisfy the chief executive that there is ‘demonstrated need’ for the application to be granted.

12am-3am (general trade)

The applicable fee is payable by licensees authorised to trade at any time during this period. The amount payable will depend on whether a licensee opts for 7 day or weekend-only trade. The fee for this period is the same if trading to 1am or trading to 3am.

3am to 5am (general trade)

The applicable fee is payable by licensees authorised to trade at any time during this period. The amount payable will depend on whether a licensee opts for 7-day or weekend-only trade.

Risk Criterion – Provision of Meals

For the definition of a meal refer to section 4 of the Liquor Act.

Not applicable

The meals criteria does not apply to businesses where the general public would not ordinarily expect liquor to be available and therefore would also not expect meals to be available to patrons - for example, cinemas, florists, gift basket businesses, hospitals, TAFE institutions.

Meals (available up to 2 hours prior to closing)

Meals must be provided up to 2 hours before closing. The closing time does not have to be the endorsed time on the licence. For example, the licensee of a premises which has 10am to 12am trading hours, may choose to close at 9pm. Therefore, if closing at 9pm, meals will need to be provided until 7pm, if this criterion is to be met.

No meals

If meals are not provided up to 2 hours prior to closing (refer explanation above) or not at all, then this risk level and associated fee applies.

Risk criterion – compliance history

The fee for compliance history is retrospective i.e. for the previous financial year. The first payment of the annual fee for compliance history will be due by 31 July 2010 and will be for the period from 1 July 2009 to 30 June 2010. The fee for compliance history for the relevant financial period is payable only once. For example, the fee for any compliance breaches during the period from 1 July 2009 to 30 June 2010 will only be payable as part of the annual fees due by 31 July 2010. Licensees will not have to continue to pay for their history from this period in the following year providing further compliance breaches are not committed.

Fees payable in relation to compliance history only apply to the licence period in which the action against the licensee is proven and finalised.

Exemptions for completion of self-assessment table

If they operate within ordinary trading hours, the following licence and business types are only required to complete the 'Base Fee' criteria on the self-assessment table.

- Community Other
- Commercial Other (producer/wholesaler) licence
- Gift baskets & florists (with a Commercial other (subsidiary off premises) licence
- Retirement villages (with a Commercial other (subsidiary on premises) licence
- Hospitals.

If the licensed premises develops a compliance history then this section of the self-assessment table will need to be completed in conjunction with the 'Base fee' criteria. No premises is exempt from the compliance history criteria.

48. ALLOWABLE ABSENCES

LIQUOR ACT 1992 – SECTION 155AF

This section applies to an individual licensee or permittee wishing to be absent from the management and supervision of the licensed premises for a continuous period of not more than 3 months.

Under section 155AD(3), if an individual licensee is unable to be present or reasonably available during ordinary trading hours and present during extended trading hours, the licensee must take reasonable steps to ensure that an approved manager is present or reasonably available during ordinary trading hours and present during extended trading hours.

An application can be made to the chief executive by an individual licensee for a temporary exemption from their obligation to comply with this section.

This application may be granted only if the chief executive is satisfied –

- (a) the licensee has made reasonable efforts but has been unsuccessful, in engaging one or more approved managers to comply with section 155AD(3) and
- (b) that liquor will be supplied or possessed on the premises only in accordance with the authority conferred by the licence or permit and the risk-assessed management plan for the premises will be complied with.

Each application for a leave of absence will be considered with respect to the licensee's individual circumstances. Matters for consideration will include:

- reason for the leave of absence
- period of absence
- efforts made by the licensee to employ an approved manager
- type of liquor licence/business and trading hours
- locality of the licensed premises
- management history
- level of training for staff who will be selling and supplying liquor during licensee's absence.

If the leave of absence is planned (e.g. a holiday), for the purpose of this section the term 'reasonable efforts' will be deemed to mean –

- advertising for an approved manager in local and significant regional newspapers, or internet job vacancy websites
- contact with other licensed premises in area which may have more than one approved manager
- any other avenue the licensee has used to search for an approved manager.

If the leave of absence is due to sudden/emergency circumstances (e.g. illness of licensee or family member) and the period of absence becomes prolonged, the chief executive may require the licensee to increase their efforts to employ an approved manager.

49. USE OF CAR PARK

LIQUOR ACT 1992 – SECTION 153A

This section applies if a licensed premises includes a car park.

The car park of a licensed premises is not an area to be utilised for the general sale, supply or consumption of liquor.

If a licensee wishes to sell, supply or allow consumption of liquor in the car park for a special occasion, they must seek approval from the chief executive. Permanent approval for use of the car park will not be granted.

In making a decision with respect to the use of the car park, the chief executive will have regard to the following:

- the impact on the amenity of the community in which the car park is located
- the ability of the licensee to control behaviour within the car park area
- the nature of the event to be held in the car park
- the time period proposed to use the car park
- management of previous events in the car park.

The Licensee will be required to forward a written request to seek approval, which must detail the circumstances for using the car park. Further, a fee will be payable for this approval for each day the car park is to be used.

A car park that is part of licensed premises remains part of the licensed area regardless of whether or not the car park is temporarily authorised for the sale, supply or consumption of liquor.

The licensee continues to exercise control over a car park that is part of the licensed premises as per the main premises eg for the purpose of controlling patron behaviour in a car park.

50. ACOUSTIC CONSULTANTS

Guideline 50 is available as a separate document.

54. PROVISION OF PREPARED FOOD FEE – SELF-ASSESSMENT TABLE**LIQUOR REGULATION 2002 – Section 36C**

As a harm minimisation tool, a requirement that all relevant licensed premises provide “prepared food” has replaced the provision of meals risk criterion in the annual licence fee self-assessment table for licensees. The application of this requirement is restricted to annual licence fee calculations.

In no way does the “provision of prepared food” criterion alter the existing principal activity requirements under the Liquor Act. Licensees are expected to continue to fully meet their obligations to carry out the principal activity of their business as stated on their licence.

This risk criterion will not be applicable to licensees where the principal activity of their licence is the provision of meals prepared, and served to be eaten, on the licensed premises (restaurants), as they are required to comply with their principal activity at all times the licensed premises is open.

This risk criterion applies to licensees if on any day business is conducted on the licensed premises after 7 pm and prepared food is not available to patrons during all hours of trading other than the last two hours of trading at the premises. A definition of “prepared food” has been inserted in the Liquor Regulation to provide a clear understanding of how this risk criterion will be applied and that snacks such as confectionary, potato crisps and fruit and nuts, where there is no preparation undertaken by the licensee, are not considered to be prepared food.

Prepared food means

- (a) a meal or
- (b) other food usually needing preparation before it can be eaten, but not including snacks, or liquor or other beverages.

Examples of prepared food include burgers, falafels, hot potato chips and sandwiches.

The fee for not meeting the risk criterion remains \$1,031.