



Course Handbook

Advanced Licensee Course

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Introduction

Welcome to the Liquor & Gaming NSW Advanced Licensee training

This course handbook includes an introduction, four detailed modules, and an explanation of the next steps you need to take to finalise your licence after completing this training.

Introduction

Module 1: Overview of liquor regulation in higher-risk environments in NSW

Module 2: Leading a culture of compliance

Module 3: NSW Government and industry approaches to minimise alcohol-related harms

Module 4: Minimising risk of alcohol-related harms in your business

PART A: Risk management

PART B: Best practice strategies to control risk

PART C: Leading a compliant business

Next steps

Purpose of the training

Managing a licensed premises is an important job with a lot of responsibility attached to it. As the licensee or manager of a venue operating in a higher-risk environment, you need to be across additional obligations and responsibilities.

Research shows that assaults at licensed premises are much more likely to occur between midnight and 3am¹. Running a large and complex event, such as a music festival, also carries increased risk.

There is a lot you can do to prevent alcohol-related harms from occurring as a result of your business activities. You can take a risk-based approach, lead your staff, and engage with your local and broader community to both reduce the harm associated with alcohol and contribute to creating a sustainable and vibrant industry.

Non-compliance with the NSW liquor laws can result in the suspension or cancellation of your licence. As the licensee or manager, you could be banned from holding a liquor licence or having a financial interest in a licence for a significant period of time if you continually or wilfully breach the liquor laws.

This course will give you the skills and tools to operate in a higher-risk environment and remain compliant with the liquor laws. It is designed to help you:

- understand and carry out your legal responsibilities as a licensee operating in a higher-risk environment
- analyse and minimise the risks relevant to your liquor licence
- manage, operate and lead a successful licensed business.

We want you to be a great risk manager and leader for your business.

Pre-requisites

Before you complete this training, you will need to hold a valid NSW competency card or interim certificate issued by a Liquor & Gaming NSW-approved training provider for the following courses:

- Licensee training, and
- if completed prior to 1 July 2018 – NSW responsible service of alcohol (RSA), or
- if completed on or after 1 July 2018 – National RSA qualification SITHFAB002 along with the NSW-specific modules.

Completing these courses will have provided you with a sound understanding of the following:

- responsible service of alcohol provisions, including:
 - key provisions of liquor laws and regulations
 - understanding public interest reasons for responsible service practices
 - effects of alcohol and the factors that affect individual responses
 - customers to whom sale or service must be refused and those who are at heightened risk – minors, intoxicated persons etc.

¹ Jochelson, R. (1997), *Crime and place: An analysis of assaults and robberies in inner Sydney*, NSW Bureau of Crime Statistics and Research, Sydney; Briscoe, S. & Donnelly, N. (2001), Temporal and regional aspects of alcohol-related violence and disorder, *Alcohol Studies Bulletin*, no. 1, NSW Bureau of Crime Statistics and Research, Sydney.

- responsible service practices for selling and serving alcohol
- standard drinks for different beverage types and acceptable measures of alcohol
- indicators of erratic drinking and ways of assessing intoxication – including assessing customers affected by the consumption of illicit and other drugs
- practical strategies to refuse service and refuse entry.
- licensee requirements, including:
 - understanding the relevant liquor laws and regulations that impact you as a licensee
 - knowing your responsibilities in managing your NSW liquor licence
 - understanding your responsibilities as a licensee to manage alcohol-related harms in your business
 - how to implement strategies for your business to improve operations
 - understanding the consequences of non-compliance and what that means for you as a licensee

Why do I need to complete Advanced Licensee training?

You are required to meet complex legislative requirements in relation to the sale, service and supply of liquor in your business. While your RSA and Licensee training will have provided you with a strong foundational understanding, your alcohol-related risks are greater as a licensee of a Tier 2 business. You may be operating a business trading after midnight, running a large and complex event, or are located in a prescribed precinct – whatever the case, you carry added responsibilities that require further training.

The NSW Government committed to the introduction of a Tiered Industry Training Framework to strengthen and enhance liquor industry training standards. Liquor & Gaming NSW has worked closely with industry peak bodies, NSW Police and select registered training organisations approved to deliver RSA training to design this new training framework to ensure it meets your needs.

The Tiered Industry Training Framework introduced via the Liquor Regulation 2018 includes two levels of training for licensees. These are designed to support you in meeting your compliance obligations and improve your business operations while providing safe and vibrant environments for your customers. These are:

- Licensee training: designed for licensees, approved managers and club secretaries
- Advanced Licensee training: an additional course for licensees, approved managers and club secretaries operating businesses in higher-risk environments.

Who is mandated to complete Advanced Licensee training?

The Liquor Regulation 2018 requires all licence types classified as Tier 2 to complete Advanced Licensee training.

Broadly, Tier 2 licences are for:

- those authorised to trade after midnight or otherwise have extended late-night trading hours authorisation on more than 12 occasions in any 12-month period
- certain on-premises business types, such as nightclubs, adult relaxation entertainment venues and karaoke bars
- licensees or businesses subject to a regulatory scheme
- those nominated by Liquor & Gaming NSW or the Independent Liquor and Gaming Authority (the Authority).

Information guides

As you progress through the course content, you will see boxes that provide extra information, tips, discussion points, or highlight a key point to remember.

Recap sections

As licensees who have already completed the Licensee training, you might need a quick recap of the content that was covered in the Licensee training to fully understand your obligations when operating in a Tier 2 environment.

To avoid the need to cross-reference the Licensee training course handbook we have included short Licensee Recap sections where necessary. These sections are highlighted in blue and are here for your information only; they won't be covered by the facilitator or within the presentation slides.

Let's work together

This course is designed to assist you to become a leader and to address the range of challenges and behaviours that your business might encounter operating in a higher-risk environment. You will be able to meet and network with peers across a range of sectors in the liquor industry and share experiences on how you and others have handled situations and problems in these environments. You will be offered a range of tools and resources in this training that you will be able to apply in your venues.

A brief overview of information has been provided to guide our discussions, but the main focus of today is participation and engagement to foster learning and new ideas.

You are also encouraged to participate with the facilitation of information during this session. If you have any ideas or examples of best practice that you have used and have experienced good results with, share them – particularly if they help with harm minimisation.

Module 1: Overview of liquor regulation in higher-risk environments in NSW

1.1 Introduction

Licensees have an important role to play in the community in ensuring that their licensed venue or event provides a safe and responsible environment for people to enjoy alcohol.

Licensed premises are popular venues for entertainment, the consumption of alcohol and socialising. They play an important part of the social fabric of the Australian society. However, they are also environments with a higher risk of alcohol-related violence and injury for both patrons and staff.²

Although the majority of people consume alcohol in a responsible manner, harmful levels of consumption leave a significant burden on individuals, the healthcare system and the criminal justice system.³ Harmful alcohol use is a leading cause of burden amongst young people in Australia.⁴

The National Alcohol Indicators (NAI) project conducted by the National Drug Research Institute (NDRI) at Curtin University found that an estimated 5,821 Australians aged 15 and over, died from alcohol-attributable causes in 2019.⁵ HealthStats NSW data on impacts of alcohol consumption in NSW showed that in 2018 - 2019, there were 45,005 alcohol attributable hospitalisations, 2,955 presentations at emergency departments and 1,938 deaths attributed to alcohol consumption.⁶

In addition, studies in NSW found that trading after midnight may correlate with an increase in alcohol-related violence and injury.⁷ Understanding the environment in which you operate and your legal responsibilities as a licensee to sell, serve and supply alcohol responsibly is critical.

At the end of Module 1: Overview of liquor regulation in higher-risk environments in NSW, you will be able to:

- outline the factors that could increase risk in a Tier 2 venue
- understand what makes a Tier 2 venue
- outline possible conditions that may be imposed on Tier 2 licences
- outline the relevant laws that impacts Tier 2 licensees and licensed venues, including:
 - NSW liquor laws
 - common law duty of care and key court decisions that outline responsibilities for licensees
 - other relevant legislation
 - disciplinary decisions by the Authority.

² Australian Bureau of Statistics, Deaths due to harmful alcohol consumption in Australia, 2017 available at: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/3303.0~2017~Main%20Features~Deaths%20due%20to%20harmful%20alcohol%20consumption%20in%20Australia~4> [accessed 14 August 2020].

³ Ibid.

⁴ Ibid.

⁵ National Drug Research Institute: National Alcohol Indicators, 2004-2015, Estimated alcohol-attributable deaths and hospitalisations in Australia, 2004-2015 at: <https://ndri.curtin.edu.au/ndri/media/documents/naip/naip016.pdf> [Accessed 8 Sept 2021]

⁶ HealthStats NSW data available at <http://www.healthstats.NSW.gov.au/indicatorgroup/alcoholtopic> [accessed 8 Sept 2021]

⁷ Menéndez, P., Tusell, F., & Weatherburn, D. (2015) The effects of liquor licensing restriction on alcohol-related violence in NSW 2008–13, *Addiction*, October 110(10), 1574-1582; Fulde, G. W., Smith, M., & Forster, S. L. (2015) Presentations with alcohol-related serious injury to a major Sydney trauma hospital after 2014 changes to liquor laws, *The Medical Journal of Australia*, 203(9), 366.

1.2 Understanding alcohol-related harms in higher-risk environments

As the licensee, approved manager or club secretary of a Tier 2 venue, you have additional obligations and responsibilities associated with the more complex or higher-risk environment in which you operate.

The potential impact on the local community can be affected by a range of factors, such as:

- the trading hours – especially midnight onwards
- the age and number of customers
- the type or business model of the premises, e.g. nightclub or music festival
- the sensitivity of the locality in which the premises is located.

There are four primary reasons why a business is classified as a Tier 2 licence:

1. authorised to trade after midnight or extended late-night trading hours on more than 12 occasions in any 12-month period
2. being a specified business type
3. subject to a regulatory scheme
4. determined as such by Liquor & Gaming NSW or the Independent Liquor & Gaming Authority.

3.1.1 Understanding your Tier 2 licence

Authorised to trade after midnight

The laws, requirements and obligations that must be met by licensees able to trade after midnight reflect the increased risk posed to the community. These have been identified through comprehensive research that highlights alcohol-related violence increasing after midnight.

Studies show that trading after midnight correlates with an increase in alcohol-related violence and injury⁸. Studies in NSW found that assaults at licensed premises were more likely to occur, and occur more frequently, between midnight and 3am.⁹ Another study conducted by the City of Sydney into violence in Oxford Street found that most of the crime occurred between 11pm and 4am Friday to Sunday.¹⁰

Recent BOCSAR statistics on alcohol-related (non-domestic) assaults attributed to licensed premises by hour and by day of week between 2010 to 2020 reflect an increase in incidents between 9pm and 3am, and on Friday and Saturday nights.

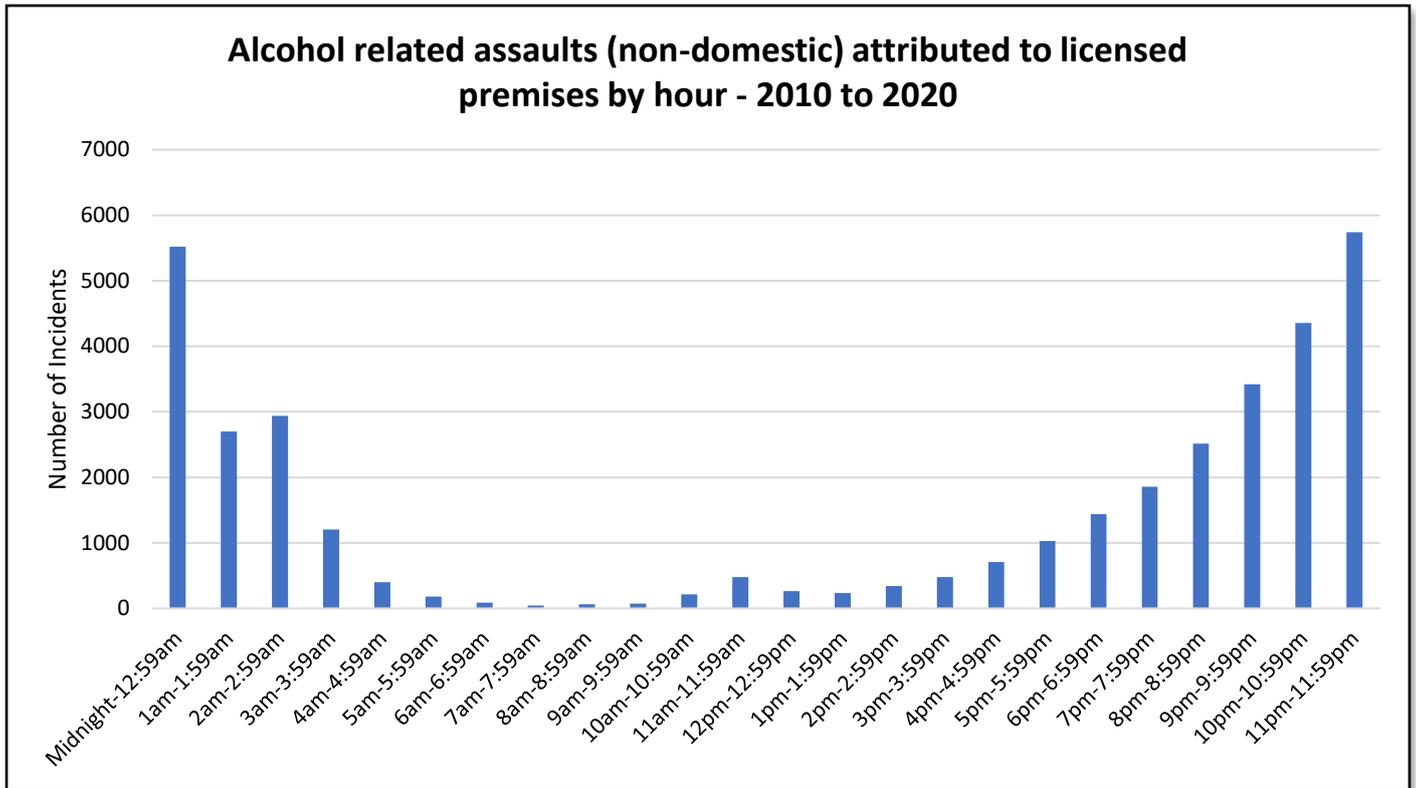
These findings align with a 2001 study by Briscoe & Donnelly which found that alcohol-related assaults most commonly occur between 9pm and 3am on Friday and Saturday nights.¹¹

⁸ Menéndez, P., Tusell, F. & Weatherburn, D. (2015). *ibid*; Fulde, G. W., Smith, M., & Forster, S. L. (2015). *ibid*.

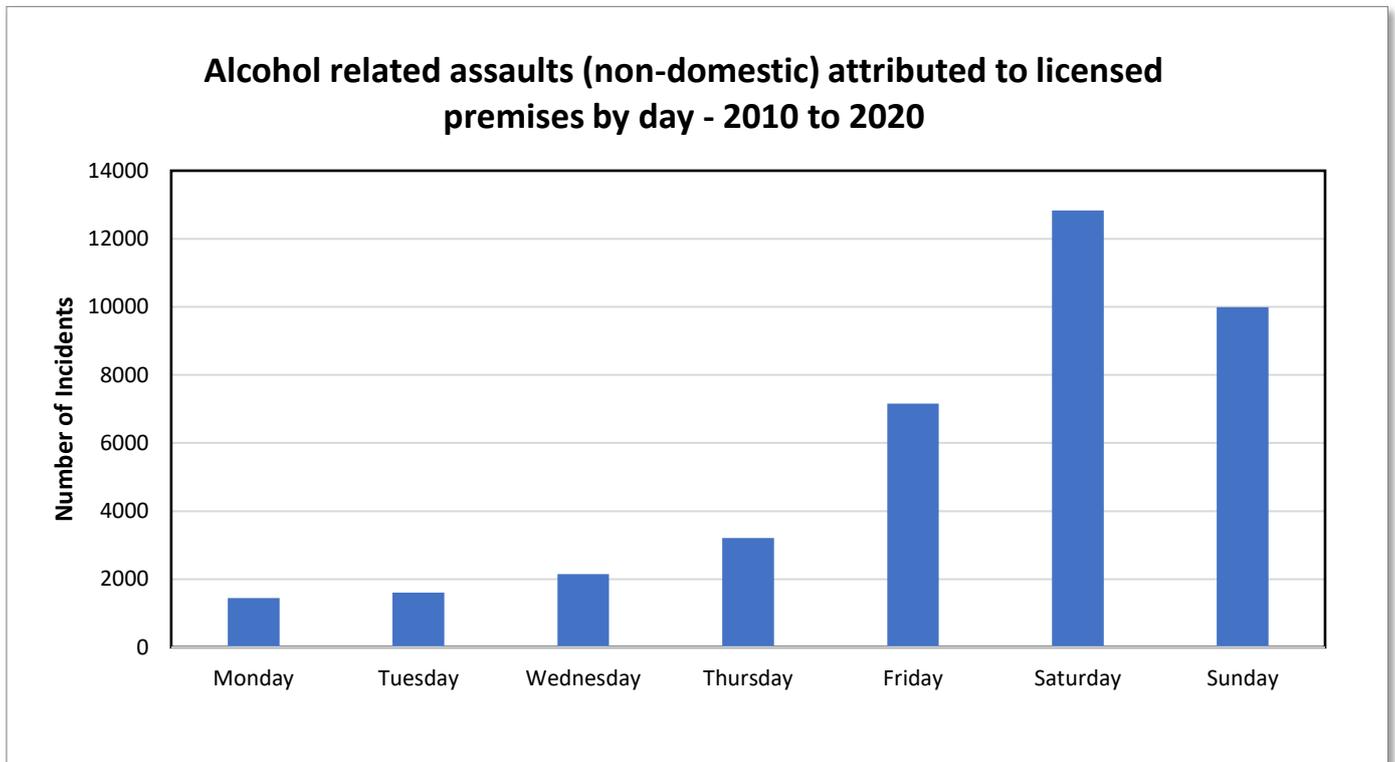
⁹ Jochelson 1997; Briscoe & Donnelly (2001), *ibid*.

¹⁰ City of Sydney Oxford Street Safety Strategy 2007-2010 available at <http://pandora.nla.gov.au/pan/121431/20100720-1342/oxford.pdf> [accessed 14 August 2020].

¹¹ Jochelson (1997) *ibid*; Briscoe & Donnelly (2001) *ibid*.



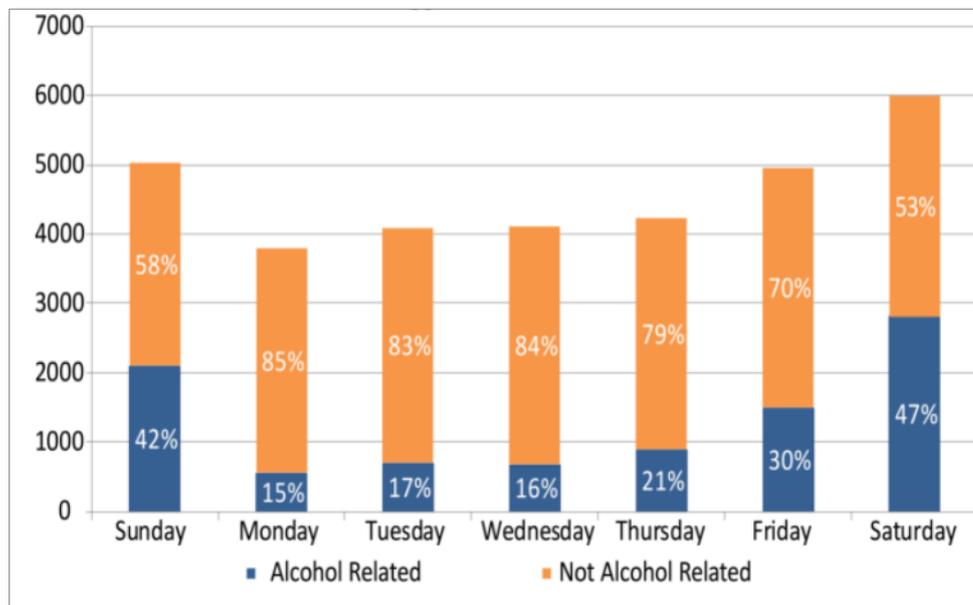
Source: Bureau of Crime Statistics and Research, 2021



Source: Bureau of Crime Statistics and Research, 2021

A 2019 study by BOCSAR on the number of non-domestic assault incidents recorded by NSW Police by the day of the week and time of day.¹²

The study indicated that overall, around a third of both non-domestic and domestic assaults recorded by NSW Police are alcohol related. This proportion varies considerably depending on the day of the week that the assault occurs.

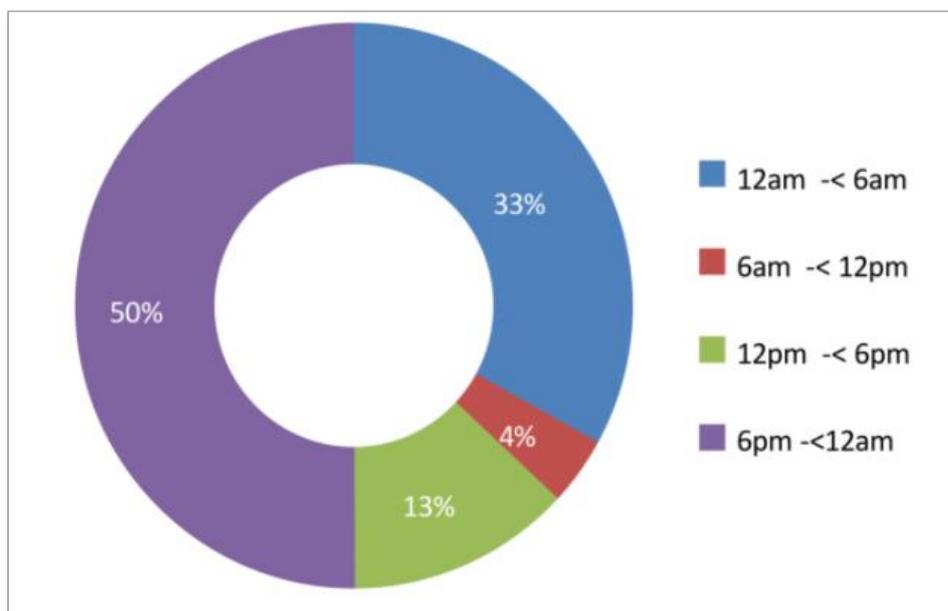


During the week (Monday to Thursday) almost 20% of non-domestic assault incidents involve alcohol.

This rises to 30% of incidents on Fridays, then peaks at almost half of all assaults on the weekend (45%).

Non-domestic assault incidents recorded by the NSW Police by day of the week and whether flagged as alcohol-related or not, 2019

When considering the time of day, half of *alcohol related non-domestic assault* incidents recorded by NSW Police occur at night between 6pm and midnight. A further 33% of incidents occur between midnight and 6am



By comparison, approximately one-quarter of *non-alcohol related assaults* occur between 6pm and midnight with a further 8% between midnight and 6am.

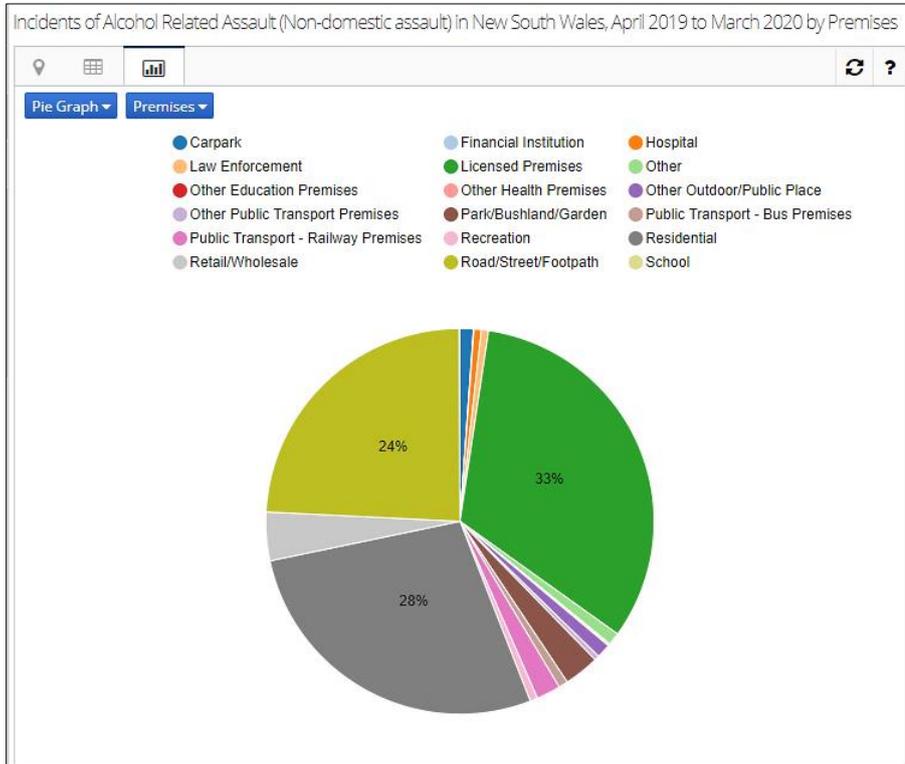
Nearly half of *non-alcohol related* assaults occur between midday and 6pm (45%).

Non-domestic alcohol related assault incidents recorded by NSW Police by time of day, 2019

¹² BOCSAR: Alcohol related violence statistics_2019 available at https://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Alcohol_Related_Violence.aspx [accessed 24 August 2021]

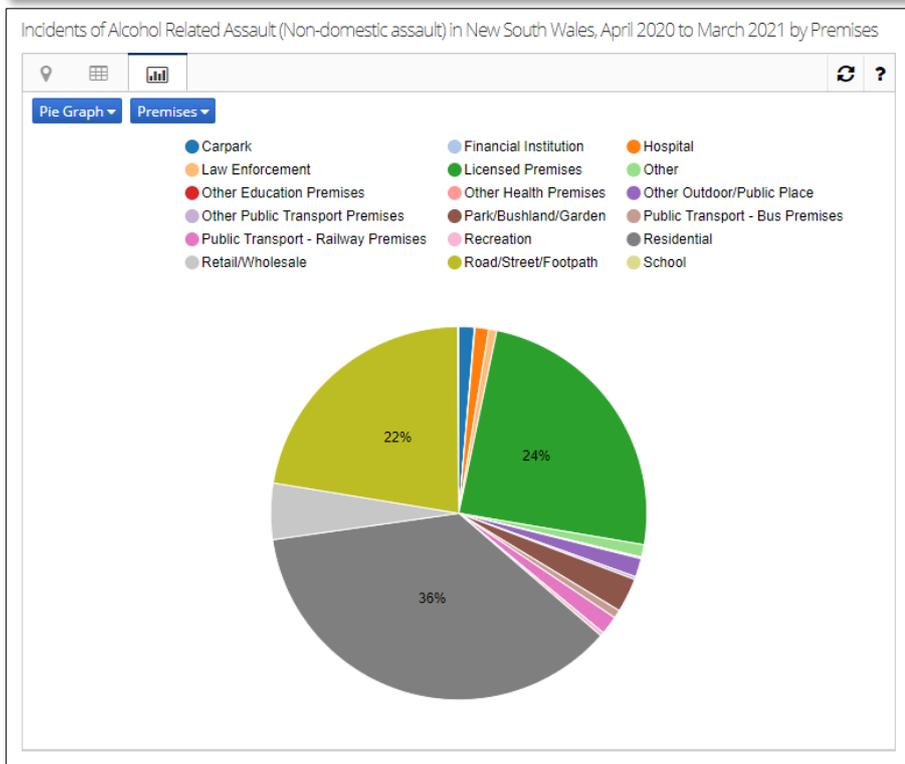
Analysis of alcohol-related non-domestic assault incidents by premises between April 2019 and March 2021¹³ reflects a shift in the percentage of incidents occurring in licensed and residential premises under the Public Health Orders¹⁴ and various restrictions introduced to deal with public health risk of the COVID-19 pandemic during this period.

Note, this reflects data captured during the COVID-19 pandemic which may vary over time as the circumstances around the pandemic and activities at licensed premises change.



Source: Bureau of Crime Statistics and Research, 2021

Alcohol-related non-domestic assaults in NSW, April 2019 to March 2020 by premises



Source: Bureau of Crime Statistics and Research, 2021

Alcohol-related non-domestic assaults in NSW, April 2020 to March 2021 by premises

¹³ BOCSAR: Alcohol related non-domestic assault in NSW 2019-2020 and 2020-2021 available at:

<http://crimetool.bocsar.nsw.gov.au/bocsar/>

¹⁴ NSW Legislation – COVID-related legislation available at: <https://www.legislation.nsw.gov.au/information/covid19-legislation>

Evidence suggests a potential direct link between policies that regulate alcohol trading times and the prevention of injuries, alcohol-related hospitalisations, homicides and crime. The impact of these liquor trading policies in assault/violence and motor vehicle crashes/fatalities is less compelling.¹⁵

An agent-based simulation model suggests that restricting trading hours of licensed venues reduces rates of alcohol-related harm and extending trading hours of bottle shops increases rates of alcohol-related harm.¹⁶

Australian studies demonstrate that reducing the hours during which on-premises alcohol outlets can sell alcohol late at night can substantially reduce rates of violence. Increasing trading hours tends to result in higher rates of harm and restricting trading hours tends to reduce harm.¹⁷

A 2016 study on the effects of lockout and last drinks on non-domestic assaults in Sydney shows that the restrictions on the availability of alcohol appear to have reduced non-domestic assault in the target precincts¹⁸.

Evidence tells us that it is vitally important to continue monitoring controls and harm minimisation strategies within licensed premises that operate after midnight so that businesses continue to contribute positively to the community and to the night life economy.

Which businesses are classified as Tier 2 licences?

Tier 2 licences include:

- businesses with any of the following licences that are authorised to trade after midnight or authorised to have extended late-night trading hours on more than 12 occasions in any 12-month period:
 - hotel licences
 - general bar licences
 - club licences
 - producer/wholesaler licences endorsed with a drink on-premises authorisation
 - on-premises licences that relate to any of the following:
 - public entertainment venues - other than a cinema
 - restaurants or cafés with a primary service authorisation
 - tertiary institutions that regularly trade after midnight
 - vessels
 - catering services with sale on other premises authorisation
 - public arenas
 - racing or sport facilities
- small bar licence – with extended trading authorisation that allows the sale or supply of liquor between 2am - 5am on a regular basis
- the following business types irrespective of whether they operate after midnight:

¹⁵ Sanchez-Ramirez, D. C., & Voaklander, D. (2018) The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review, *Injury prevention*, 24(1), 94-100 [Accessed 9 Sept 2021]

¹⁶ Atkinson, J. A., Prodan, A., Livingston, M., Knowles, D., O'Donnell, E., Room, R. & Wiggers, J. (2018), Impacts of licensed premises trading hour policies on alcohol-related harms, *Addiction*, Jul, 113(7), 1244–1251

¹⁷ Hobday M, Chikritzhs T, Liang W, Meuleners L (2015) The effect of alcohol outlets, sales and trading hours on alcohol-related injuries presenting at emergency departments in Perth, Australia, from 2002 to 2010, *Addiction*, 110(12),1901-9; Kypri K, McElduff P, Miller P (2014) Restrictions in pub closing times and lockouts in Newcastle, Australia five years on, *Drug and Alcohol Review*, 33(3), 323-6 [Accessed 9 Sept 2021]

¹⁸ Donnelly, N., Poynton, S., & Weatherburn, D. (2017) The effect of lockout and last drinks laws on non-domestic assaults in Sydney: An update to September 2016, *BOCSAR NSW Crime and Justice Bulletins*, 12. [Accessed 9 Sept 2021]

- any facility that is regularly used for adult relaxation entertainment (including adult entertainment of a sexual nature)
- karaoke bars
- any licensee, approved manager or venue subject to a regulatory scheme
- any licensee or approved manager directed by Liquor & Gaming NSW or the Authority.

These licence types are classified as Tier 2 licences. Licensees, approved managers, and club secretaries of these licence types are mandated to complete the Advanced Licensee training in addition to the Licensee training.

The following provides further information on these licence types:

Hotel licence

A hotel licence enables alcohol to be sold to the public for consumption on, and off, the premises. Subject to separate approval, it also enables gaming machines to be operated. It operates at all times under the primary purpose of selling alcohol to the public.

A limited type of hotel licence, known as a general bar licence, is also available. This allows alcohol to be sold for consumption on the premises but does not allow take-away sales or gaming machines to be operated.

Club licence

A club licence allows registered clubs to sell alcohol to their members and guests for consumption on and off the premises/venue. Gaming machines may also be operated, subject to separate approval. Types of businesses that use this licence include:

- RSL and services clubs
- bowling clubs
- leagues clubs
- golf clubs.

Although a Registered Club may contain a nightclub, a standalone nightclub is a separate licence and should not be confused.

Producer/wholesaler licence

A producer/wholesaler licence is classified as a Tier 2 licence if authorised to trade after midnight and with a drink-on-premises authorisation. This licence enables the producer to:

- sell the 'licensee's product' to other licensees on the licensed premises
- sell the 'licensee's product' to the public on the licensed premises
- conduct tastings of the 'licensee's product' on the licensed premises, with or without charge
- operate multiple premises under the one licence in the same wine region
- sell any liquor made from fruit grown on the licensee's premises or a related vineyard.

On-premises licence

An on-premises licence allows the sale of alcohol for consumption on the premises/venue when another product or service (such as food or entertainment) is sold, supplied or provided to customers. In most circumstances, an on-premises licence does not permit takeaway alcohol sales. Alcohol sold under this licence must be consumed on the licensed premises.

If the primary purpose of the business or activity is the sale or supply of alcohol, you are ineligible for an on-premises licence. There are some exemptions relating to an airport or tertiary institution.

Types of businesses that use this licence and are classified as a Tier 2 licence include:

- public entertainment venues other than cinemas
- restaurants or cafés with a primary service authorisation
- tertiary institutions
- vessels
- caterers
- public arenas
- racing and sporting facilities.

Other businesses with on-premises licences that are considered to be operating in a higher-risk environment and classified as Tier 2 licences regardless of their trading hours include:

- adult relaxation entertainment venues - including adult entertainment of a sexual nature
- karaoke bars.

Limited licence

Certain applications for limited licences, including special events and trade fairs authorised to trade after midnight, may include the requirement to complete Advanced Licensee training depending on patron capacity, nature of activity and location.

Small bars licence

A small bar licence allows the sale of alcohol for consumption on the premises/venue but does not allow gaming machines. This licence allows for a maximum of 120 customers in your venue during trading hours. Minors are permitted in a small bars that regularly provide meals, with a responsible adult up until 10pm. A small bar that is authorised to trade between 2am - 5am is classified as a Tier 2 licence.

Certain business types

Some on-premises licences are automatically classified as Tier 2 licenses regardless of whether they trade after midnight. This is because their business model is considered more likely to have an increased impact on the community.

Adult entertainment

Adult entertainment venues operate with the primary provision of live adult entertainment. This includes nightclubs, which are considered a higher-risk environment due to the type and style of entertainment offered and the extended trading hours available. By their nature, these clubs generally operate after midnight.

Karaoke bars

Karaoke bars operate with the primary purpose of providing entertainment by offering music systems that allow customers to sing on small stages or in private rooms. They often see peak trade after midnight.

Karaoke bars may also provide customers with bottles of spirits and allow them to serve themselves, which increases the risk of intoxication.

Subject to the incentives and demerit point system

All licensees regardless of Tier, are subject to the incentives and demerit point system that is regulated by Liquor & Gaming NSW or the Independent Liquor & Gaming Authority (the Authority). The system aims to reward well-managed venues with reductions on annual licence fees whilst imposing tougher penalties on operators who are breach compliance.

However, some Tier 1 licence holders are who have been in breach of compliance may need to undertake this Advanced Licensee training course.

An example is a packaged liquor licence. It is not classified as a Tier 2 licence under the previous two categories, but licensees and managers of this licence type may be required by Liquor & Gaming NSW or the Authority to undertake this course if they have had demerits imposed on their licence.

Packaged liquor licence

A packaged liquor licence allows alcohol to be sold through a bottle shop, home delivery, mail order, or the internet. The liquor is intended for consumption off the licensed premises. Tastings may be conducted at the venue, with or without charge.

Types of businesses that use this licence include:

- bottle shops
- liquor stores
- supermarkets
- general stores selling packaged liquor
- online shops with home delivery alcohol sales.

Directed by Liquor & Gaming NSW or the Independent Liquor & Gaming Authority

Under section 58 of the *Liquor Act 2007*, the Authority and Liquor & Gaming NSW may direct a licensee, or an employee or agent of a licensee to complete the Licensee or Advanced Licensee training.

1.3 NSW liquor laws offences and defences

As a licensee, you are required to comply with the laws that apply to your licence. This involves knowing what those laws are and what could happen if you do not comply. This section goes into more detail about the common offences and the penalties that apply for breaches, and also provides information on the defences that could apply.

Note that penalty amounts outlined in this section are based on a system of 'penalty units' – a set amount of money used for each fine. Unit values are reviewed annually.



More information

The current penalty unit value in NSW for breaches of the NSW liquor laws can be found at www.liquorandgaming.nsw.gov.au, or at:

<https://www.legislation.nsw.gov.au/#/view/act/1999/92/part2/div4/sec17>



Key sections of *Liquor Act 2007* that cover your responsibilities and liabilities as a licensee

Section 91 – You are responsible for the conduct of your business

As the licensee or approved manager, you are in charge of your business and therefore responsible at all times. You are responsible for the personal supervision and management of the conduct of the business of the licensed premises under section 91 of the *Liquor Act 2007*.

This is a broad responsibility that requires you to undertake your business operations seriously and to not cause harm to patrons or the local community.

Section 149 – You are vicariously liable for your employees

As the licensee or approved manager, you are liable for the acts of your employees or any person acting on your behalf when selling and serving alcohol in your business.

Employees include a person engaged under a contract for services. This will include any security personnel, crowd controllers, or RSA marshals that you have engaged for your business.

This means that if any of your employees commits a breach of the *Liquor Act 2007* or the *Liquor Regulation 2018* while they are on duty, you could be found liable for the offence.

What this means for you as a licensee

This means that you will be monitored in the operation of your business to ensure that you and your staff comply with the law and work to minimise the harms associated with alcohol consumption.

3.1.2 Liquor Act 2007

You will already have sound knowledge of the *Liquor Act 2007* through your industry experience and the coursework covered in Licensee training.

This section provides a recap on the key liquor laws that affect you as a licensee, as well as providing more detail on those laws most relevant to Tier 2 licence holders.

Remember that ignorance is no excuse for breaking the law and there are consequences of not operating your business within the parameters of the *Liquor Act 2007*. The Act lists penalties that could cost your business money, reputation, patronage or even lead to enforced closure. Listed below are common offences.

Licence

There are several offences that apply to your licence and trading conditions.

Section 9 Sale or supply of liquor contrary to licence

1. A licensee or an employee or agent of a licensee must not sell or supply liquor, or cause or permit liquor to be sold or supplied:
 - a. in contravention of the conditions to which the licence is subject
 - b. otherwise than in accordance with the Authority conferred on the licensee by, or under the Act.
2. Without limiting subsection (1), a licensee must not:
 - a) keep licensed premises open for the sale or supply of liquor
 - b) sell or supply liquor, at a time when the licensee is not authorised under the Act to sell or supply liquor
3. a licensee must not sell, or employ or permit another person to sell, liquor on premises other than premises on which the licensee is authorised by the licence or the *Liquor Act 2007* to sell the liquor.

Maximum penalty:

- 100 penalty units
- 12 months imprisonment
- or both.

Section 104 Person in bar area or certain other areas of hotel outside trading hours

- A person must not be in a bar area of a hotel, or any other part of the hotel in which liquor is sold or supplied to the public, at a time that is:
 - a) later than 30 minutes after the commencement of any period on that day when the bar area, or other part of the hotel, is not authorised to be open for the sale of liquor or is not permitted by the regulations to be used solely for purposes other than the sale or supply of alcoholic drinks at that time
 - b) earlier than the end of that period.

Defence:

- A person does not commit an offence under subsection (1) if the person was at the relevant time:

- a) a resident of the hotel or an employee or agent of, or a person acting on behalf of, the hotelier
 - a. present in the bar area or other part of the hotel for a lawful purpose
 - b. a NSW Police officer.

Maximum penalty:

- 20 penalty units.

Section 105 Carrying liquor away from licensed premises outside trading hours

If liquor is authorised to be sold or supplied on licensed premises for consumption away from the premises, a person must not carry liquor away from the premises at a time when the licensee is not authorised to sell or supply liquor for consumption away from the premises.

Defence:

A person does not commit an offence under subsection (1) if:

- the person has purchased the liquor from licensed premises at a time when the liquor was authorised to be sold for consumption away from the licensed premises, and
- is carrying the liquor away from the licensed premises not later than 30 minutes after the licensee last ceased to be authorised to sell or supply liquor for consumption away from the premises, or
- the person is:
 - a) licensee or an employee of a licensee
 - a. a resident of any licensed premises on which liquor may be sold or supplied for consumption away from the premises and is carrying away from the licensed premises liquor that is reasonably required for consumption by the licensee, employee or resident on the day on which it is carried away.

Maximum penalty:

- 5 penalty units.

Section 113 Carrying liquor for sale

- A person must not:
 - a) carry liquor about for the purpose of sale
 - b) offer or expose liquor for sale at or on any place other than a place at or on which liquor may lawfully be sold
 - c) carry liquor, for the purpose of sale, to a place other than a place at or on which liquor may lawfully be sold.

If liquor is carried, offered, or exposed by a person in contravention of subsection (1) and is so carried, offered or exposed on behalf of another person, that other person is taken to have contravened that subsection.

Defence:

It is a defence to a prosecution for a contravention of subsection (1) or (2) if it is proved that the liquor was carried, offered or exposed for the purpose of a sale that may lawfully be made

in the prosecution for an offence under this section, the burden of proving that liquor that has been carried about, or carried to any place, was not so carried for the purpose of sale is on the person charged.

Maximum penalty:

- 20 penalty units.

Minors

There are several offences that apply to minors.

Section 117 It is an offence to sell or supply liquor to a minor on licensed premises

Defence:

The person to whom the liquor was sold or supplied was of or above the age of 14 years. Before the liquor was sold or supplied to the person, the defendant was provided with an evidence of age document that may reasonably be accepted as applying to the person, and as proving that the person was of or above the age of 18 years.

Maximum penalty:

- 100 penalty units
- 12 months imprisonment
- or both.

Section 124 Licensee not to allow minors to enter or remain in certain licensed premises.

The licensee is guilty of an offence if a minor:

1. enters a bar area of a hotel or club premises
 - enters a part of a hotel to which a minors area authorisation is in force, but is not in the company of a responsible adult
2. enters a small bar between 10am and 10pm, and
 - a. there is no minors authorisation in force, and the minor is not accompanied by a responsible adult and meals are not regularly provided between approved trading times, or
 - b. there is a minors authorisation, but the minor is present outside approved trading hours or purposes or, enters a small bar between 10pm and midnight, and
 - c. there is no minors authorisation in force, or
 - d. there is a minors authorisation, but the minor is present outside approved trading hours or purposes or, enters a small bar during between midnight and 5am on any day of the week, or during a time prohibited by the Authority.
3. enters a licensed public entertainment venue but is not in the company of a responsible adult.

Defence:

The licensee does not commit an offence if the minor that enters or remains in certain licensed premises:

1. is at least 14 years of age and produces to the licensee (or an employee or agent of the licensee) an evidence of age document that may reasonably be accepted as applying to the minor and proving that the minor is 18 years or above
2. is an apprentice or trainee (within the meaning of the *Apprenticeship and Traineeship Act 2001*) who has entered, or is on, the licensed premises concerned for the purpose only of receiving trade training (not being training in the sale, supply or service of liquor) as such an apprentice or trainee
3. has entered, or is on, the licensed premises concerned for such purposes, or in such circumstances, as may be approved by the Authority and are specified in the licence concerned.
4. is present in the bar area only for so long as is reasonable to pass through the area to get to another area of the hotel or club premises that the minor may enter without contravening the Act and is in the company of a responsible adult while in the bar area.
5. a reception is being held in the area for the wedding of a member of the club or a child or parent of a member of the club, or for whose maintenance a member of the club is/has been responsible, and the minor is invited to the reception by an authorised person.
6. in relation to a minor in a licensed public entertainment venue if a function is being held in the venue in accordance with a minors functions authorisation.

In the prosecution of an offence under this section, the defendant has the burden of proof that a particular person was the responsible adult in relation to a minor at the time.

Maximum penalty:

- 50 penalty units.

Intoxication

There are several offences that apply to intoxication.

Section 73 Prevention of excessive consumption of alcohol on licensed premises

A licensee must not permit intoxication.

Defence:

The licensee does not commit an offence if the licensee, and the licensee's employees or agents, took the steps set out below:

- a) asked the intoxicated person to leave the premises
- b) contacted, or attempted to contact, a NSW Police officer for assistance in removing the person from the premises
- c) refused to serve the person any alcohol after becoming aware that the person was intoxicated
- d) that the intoxicated person did not consume alcohol on the licensed premises.

Maximum penalty:

- 100 penalty units.

What this means for you as licensee

There are consequences if you fail to operate your business in a way that is compliant with the law.

It's important to remember that licensees are liable for offences committed by staff or contractors – this is called statutory vicarious liability.

There are two key sections under the Act that you should be aware of and be mindful of in terms of running your venue:

Section 149 Licensees and managers liable for act of employees etc.

If, in contravention of the Act or the regulations:

- an employee or agent of a licensee
- an employee or agent of the manager of licensed premises, or
- a person acting, or purporting to act, on behalf of a licensee or the manager of licensed premises
- sells or supplies liquor on the licensed premises, the licensee or manager (as the case requires) is guilty of an offence and liable to the punishment specified for the contravention.

Section 149A General defence available to managers of club premises

- It is a sufficient defence to a prosecution of a manager of club premises for an offence under the Act or the regulations (including any offence for which the manager is liable because of section 91 or 149) if it is proved that:
 - a) the manager had taken all reasonable precautions to avoid commission of the alleged offence
 - b) at the time of the alleged offence the manager did not know, and could not reasonably be expected to have known, that the alleged offence had been committed
 - however, subsection (1) does not apply in relation to any of the following offences:
 - a) an offence under section 73 (1) (a) (permitting intoxication on licensed premises)
 - b) an offence under section 75 (3) (failure to comply with direction by Secretary)
 - c) any offence under the Act or the regulations in respect of which a defence is specifically available to the manager of club premises
 - d) any other offence under the Act or the regulations that is prescribed by the regulations for the purposes of this subsection.

Section 91 Responsibilities and liabilities in relation to licensed premises

- The following persons are, subject to the Act, responsible at all times for the personal supervision and management of the conduct of the business of the licensed premises under the licence:
 - a) if the licensee is an individual – the licensee
 - b) if the licensee is a corporation – the manager of the licensed premises
- 1A. an approved manager (as referred to in section 116I (2) (i)) is responsible for the personal supervision and management of the conduct of the business of the licensed premises under the licence at the times the manager is required to be present on the licensed premises.
- if an element of an offence under the Act or the regulations is an act or omission by a licensee, the manager of the licensed premises is, while responsible under subsection (1)

or (1A), responsible for the offence as though that person were also the licensee and is liable for the offence accordingly

- this section does not affect any liability of a licensee for a contravention by the licensee of a provision of the Act or the regulations.

When you develop or review your plan of management, ensure it contains policies and procedures to ensure compliance with the *Liquor Act 2007* and minimises the risk of breaches occurring in your venue and ensure best practices operations are in place for management and staff.

Same day delivery of alcohol

(Sections 114E – 114R)

Licensee recap – obligations for same day delivery

<i>Liquor Act 2007</i>	Obligations for same day delivery	Maximum penalty for breaches
Obligations of same day delivery persons <u>and</u> providers		
Section 114I	At the time of delivery, your same day delivery persons must ensure that the identity and age of the purchaser, and any adult nominated to accept delivery is verified prior to delivery.	50 penalty units
Section 114J	Liquor must not be supplied to an intoxicated person Defence: If it can be proved that the delivery person who delivered the alcohol could not be reasonably expected to know that they were delivering alcohol.	100 penalty units 12 months imprisonment, or both
Section 117	Liquor not to be sold or supplied to a minor Defence: If it can be proven that the minor was over 14, and before the alcohol was sold or supplied the defendant was provided with an evidence of age document that could be reasonably accepted as being genuine and proving that the person was an adult, or if the delivery person did not know the package contained alcohol at the time of the alleged offence.	100 penalty units 12 months imprisonment, or both
Section 114K	Liquor must not be supplied in alcohol-free zones, alcohol prohibited areas or restricted alcohol areas	30 penalty units
Section 114L	Liquor must not be delivered by same day delivery between: <ul style="list-style-type: none"> • 11pm on Sunday or 12pm on weekdays, and 9am the following day 	100 penalty units
Section 114M(1)	You must keep a record of refusals to deliver by same day delivery where the person proposing to accept delivery is: <ul style="list-style-type: none"> • a minor, or • an intoxicated person, or • the delivery person was unable to verify that they were the person specified in the written delivery instructions 	30 penalty units

<i>Liquor Act 2007</i>	Obligations for same day delivery	Maximum penalty for breaches
Additional obligations for same day delivery <u>providers only</u>		
Section 114H	You must hold a licence to supply alcohol under a same day delivery arrangement where the products are stored in NSW	100 penalty units
Section 114HA	At the time of recording a same day alcohol sale ¹⁹ , you must ensure that the identity and age of the purchaser, and any	50 penalty units

¹⁹ The requirement to verify the identity and age of a customer purchasing alcohol by same day delivery at the time of sale applies from 1 June 2022

	adult nominated to accept delivery is verified using an accredited identity service provider. For subsequent occasions, an alternative form of authentication as provided by the liquor regulation may be used.	50 penalty units
Section 114I	At the time of delivery, your same day deliver persons must ensure that the identity and age of the purchaser, and any adult nominated to accept delivery is verified prior to delivery.	50 penalty units
Section 114(3)(b)	You must provide written instructions to deliver the alcohol to the adult who purchased the alcohol, or another adult nominated by the purchaser to accept delivery of the alcohol at the delivery location.	50 penalty units
Section 114M(1)	You must keep a record of refusals to deliver by same day delivery where the person proposing to accept delivery is: <ul style="list-style-type: none"> • a minor, or • an intoxicated person, or • the delivery person was unable to verify that they were the person specified in the written delivery instructions 	30 penalty units
Section 114M(2)	Records of non-delivery must be made available to a police officer or Liquor & Gaming Inspector, if requested.	30 penalty units
Section 114M(3)	Such records must be kept for at least 1 year from the date the refusal occurred.	30 penalty units
Section 114N*	You must ensure that your delivery person is not financially penalised for refusals to deliver in the circumstances detailed in Section 114M(1) *Note: A financial penalty includes any action that has a financial impact to a delivery agent or employee, including, for example, withholding or delaying payment or a loss of hours of employment.	50 penalty units
Section 114O	Should a delivery recipient ask to enter into a self-exclusion agreement with you, you must provide a process to do so. Where alcohol is sold online for same day delivery, you must ensure your delivery recipients are provided this service on your business' website.	30 penalty units 30 penalty units
Section 114P	You must not allow a delivery person to make same day deliveries unless they have successfully completed this Responsible Supply of Alcohol training (RSAT) and the Liquor & Gaming NSW online RSAT test.	50 penalty units
Section 114Q	As a same day delivery provider, you are liable for the acts of your employees involved in same day sale and delivery of alcohol, including any penalty for associated breaches under the liquor laws. Defence: where you can provide records to prove that the delivery person has successfully completed the RSAT and the L&GNSW online RSAT knowledge test.	

3.1.3 Liquor Regulation 2018

As per the *Liquor Act 2007*, there are consequences of not operating your business within the parameters of the Liquor Regulation 2018. The Regulation contains penalties that could cost your business money, reputation, patronage and even lead to enforced closure.

RSA requirements to sell, supply or serve liquor by retail on licensed premises

As a licensee or approved manager of a Tier 2 licensed premises, Clauses 63(3) and 63(4) require you to hold a recognised competency card. Your competency card must show a current licensee endorsement and a current advanced licensee endorsement in order to sell, supply or serve liquor by retail on the premises, or cause or permit liquor to be sold, supplied or served by retail on the premises.

Maximum penalty:

- 50 penalty units.

In addition, Clause 66 (2) requires you to hold a recognised competency card with a current licensee endorsement and a current advanced licensee endorsement in order for the Authority to:

- grant the person a Tier 2 licence
- grant an application for a drink-on-premises authorisation, or an extended trading authorisation, that would, if granted, make the licence a Tier 2 licence
- approve an application by the person to remove a Tier 2 licence to premises other than those specified in the licence
- approve the transfer of a Tier 2 licence to the person.

Or under Division 4 of Part 4 of the Act, for the Authority to approve the person as a manager of Tier 2 licensed premises.

What this means for you as licensee

It means there are consequences for you as a licensee or manager if you fail to operate your business in accordance with the Liquor Regulations 2018. When you develop or review your plan of management, ensure it contains policies and procedures to ensure compliance with the regulations and to minimise the risk of breaches occurring in your venue.

1.4 Common law

Licensee recap – common law

As a licensee, you need to be aware that you also have common law duties. Importantly, you have a common law duty of care to people on your premises.

Duty of care

A duty of care is a legal duty to take reasonable care not to cause harm that could be reasonably foreseen to another person. The duty of care exists where there is a relationship or proximity between two parties. The test for a duty of care is one of reasonable foreseeability.

So, a person owes a duty of care if it is reasonably foreseeable that an act or omission on their part might injure or harm another person.

What this means for you as a licensee is that you owe a duty of care to any person – staff, contractors or customers – on your premises at any time.

Vicarious liability

In addition to section 91 of the Liquor Act 2007, which outlines your vicarious liability under statute, you can also be held vicariously liable at common law. This liability is broader as it is not restricted to a contravention of the Act when selling or supplying alcohol.

In the context of employment, vicarious liability at common law means the employer (licensee) is accountable for the harm caused to a third person by an employee who is under the actual or assumed authorisation of the employer. The legal term for the harm caused to a third person is called a 'tortious act'.

This means you as the licensee can be held responsible for the actions of staff and contractors where they are working for you and/or in your business. In order to minimise your liability, you need to demonstrate that you have taken all reasonable steps to prevent harm and unlawful conduct and/or that you have responded appropriately to resolve incidents of harm or non-compliance with the law.

There is not a clear-cut definition of 'all reasonable steps' because what may be 'reasonable' for a large venue may not be 'reasonable' for a small business. Instead, it is worked out on a case-by-case basis.

Other relevant case law that can guide you in your obligations as a licensee of your premises towards third parties are outlined below:

- Orcher v Bowcliff Pty Ltd [2013]: Patrons beyond the boundary of the licensed premises
- Indigo Mist v Palmer [2012]: Patrons on the licensed premises – premises design
- Cregan Hotel Management Pty Ltd and Anor v Hadaway [2011]: Obligation to eject unruly patrons and duty of care for the patron after they leave the licensed premises
- Day v Ocean Beach Hotel [2013]: Liability for patron's injury when ejected by security contractor for intoxication
- South Tweed Heads Rugby Club v Cole [2004]: Liability for patron's excess consumption on licensed premises
- C.A.L No 14 Pty t/as Tandra Motor Inn & Anor v Motor Accident Insurance [2009]: Duty of care for patrons refused service and have left the premises
- Adeels Palace Pty Ltd v Moubarak [2009]: Protecting patrons from criminal conduct of third parties
- North Sydney Leagues Club v Berecny & 2 Ors [2002]: Whether duty of care be delegated to security staff.

Orcher v Bowcliff Pty Ltd [2013]

NSW Court of Criminal Appeal

Issue: Licensees' responsibility or duty of care for patrons beyond the boundary of their licensed premises.

Key facts:

On 25 November 2007, Orcher (the plaintiff) sustained serious head injuries after being punched by the hotel's employee, Mr Paseka, a glass collector (the second defendant) employed by Bowcliff Pty Ltd (Bridge Hotel – the first defendant). The incident took place opposite the Bridge Hotel, Rozelle. Three qualified security guards were present, one employed by the hotel, and two, including Mr Paea, who was employed by DSSS Cousins Pty Ltd (DSSS) on behalf of the hotel, were on duty. Orcher had an altercation with Izzy, a patron at the hotel earlier that day. Mr Paseka was not trained to assist in altercations between patrons.

Orcher's argument were that:

- the hotel and security company owed a duty of care to avoid the foreseeable risk of harm of an unqualified employee intervening in an altercation between patrons, whether inside or outside of licensed premises
- that duty was breached when the DSSS employee, Mr Paea, failed to prevent Mr Paseka from intervening in what appeared to be an altercation between patrons
- that the licensee, Mr Keough (the third defendant) was vicariously liable for the actions of his employee and that he had breached his statutory obligations as a licensee.

Original decision:

The trial judge took the view that the duty of care owed to patrons can extend beyond the boundaries of the occupier's property and found in favour of Orcher and apportioned 30% of the responsibility to DSSS and 70% to the hotel. He found the hotel did not take any reasonable steps to prevent the attack on Orcher, and the assault, unprovoked yet predictable, should have been prevented by the security staff.

Decision on appeal:

The Court of Appeal found that there was insufficient evidence to justify the trial judge's finding that DSSS employee, Mr Paea, breached his duty of care by failing to infer that the altercation between Orcher and Izzy was potentially violent and intervene. When Mr Paea believed the situation might be escalating, he reported to the security guard inside the hotel in accordance with the hotel's security protocol. However, as the assault took place without warning, the conclusion that Mr Paea's failure to intervene at any earlier point of time constituted a breach of duty could only be made with the benefit of hindsight.

This case highlights the fact that a duty of care owed to patrons by the owners and occupiers of pubs and clubs may extend beyond the hotel boundary when the owner/occupier is aware that a patron is at risk of *foreseeable injury* and is able to react to prevent or otherwise deal with that risk.



Consider this...

Given the scenario above, consider what duty of care means in your business:

- as licensee, how do you ensure you meet your duty of care for patrons in and outside your licensed premises?
- what are ways in which staff can predict/foresee harm or injury?

You should consider whether a reasonable person would take precautions against the risk of harm, the probability of that harm occurring, the likely seriousness of the harm, the burden of taking precautions to avoid the risk and the underlying activity that created that risk.

Indigo Mist v Palmer [2012]

NSW Court of Appeal

Issue: Licensees' responsibility, or duty of care for patrons on their licensed premises.

Key facts:

On 30 May 2008, Ms Palmer (the plaintiff) suffered injuries when she fell down some stairs at the Oxford Hotel, Darlinghurst (the Hotel). The plaintiff alleged that she fell after slipping on a puddle of liquid on a poorly lit glass block of stairs connecting the first and second floors of the premises. Patrons used the stairs to carry drinks between floors, and access the toilets located on the second floor. In 2006, the Hotel was refurbished by the second respondent Paul Kelly Design Pty Ltd (PKD) responsible for the design and installation of the glass stairs. The plaintiff commenced negligence proceedings against three defendants: the owner, the occupier/manager of the Hotel (Indigo Mist) and the architect (PKD).

Original decision:

The trial judge found based on expert evidence that the said stairs were inherently, but obviously, dangerous. A hotel occupier has a duty to provide a safe premises by exercising reasonable care to avoid exposing patrons to a foreseeable risk of harm. The trial judge concluded that given the nature of the premises, the design of the stairs ought to have taken into account the likely spillages when patrons carry drinks up and down these stairs. Ms Palmer was awarded \$113,321.90 at first instance. The trial judge apportioned liability equally between the occupier and PKD and found in favour of the owner on the basis that it had completely delegated its duties to the occupier and PKD.

Decision on appeal:

The Court of Appeal dismissed the appeal and upheld the trial judge's decision. The Court held PKD negligent in recommending and designing the staircase, and the hotel negligent by failing to respond to the risks posed by the staircase.



Consider this...

- If you were the licensee, what could you have done to prevent an accident – both during the design of the stairs or after the refurbishment?
- would the result be different if the patron was intoxicated?

Cregan Hotel Management Pty Ltd and Anor v Hadaway [2011]

NSW Court of Appeals

Issue: Licensees' obligation to eject patrons for unruly behaviour and the licensee's duty of care for the patron after they leave the licensed premises.

Key facts:

On 17 September 2004, Mr Hadaway (plaintiff) attended the Park Beach Hoey Moey Hotel in Coffs Harbour drinking from the late afternoon into the evening. Mr Robinson was also at the hotel. The plaintiff and Mr Robinson had previously lived together but had a falling out that left a considerable degree of ill will between them. As a result, there were three altercations over the night. The first two verbal altercations (which occurred at approximately 5pm and then 5.30pm) were diffused by security and hotel staff. Neither man was ejected, rather, the hotel staff opted to separate them in two different areas of the hotel to avoid further altercations. After the second altercation, they were not involved in any further incidents.

At approximately 9:30pm, Mr Hadaway left the hotel intending to walk to a nearby pizza shop. Mr Hadaway was approximately 200m away from the hotel when Mr Robinson assaulted Mr Hadaway, resulting in significant injury including a broken leg.

Original decision:

The District Court Judge found the hotel negligent. Mr Robinson was liable to damages of \$1,161,368 for assault and battery, and the Hotel was also held liable to damages of \$922,394, with 70% contribution by Mr Robinson.

Decision on appeal:

The hotel appealed the decision. Orders upholding the appeal were unanimously agreed. Giles and Basten JJA held that the hotel did have the discretion to allow them both to remain in the hotel when adequately separated. The separation did not constitute a breach of the hotel's duty of care, nor did it give rise to a continuing duty of care to monitor the behaviour of Mr Hadaway and Mr Robinson whilst they were in the hotel or at the time of their departure. Basten JA concluded that without a continuing duty and subsequent breach, it is unlikely that Mr Hadaway could establish that the failure to eject Mr Robinson at an earlier time was the cause of the later assault.

The court's decision highlights that the circumstances of the patrons and the judgment of the staff involved in managing an altercation is critical to determine liability. The reasonableness of such judgement depends on the circumstances of a situation, rather than an industry standard.



Consider this...

- if you were the licensee, could you have done anything more to prevent the incident?
- should the patrons have been ejected for unruly behaviour?
- what would the licensee's liability be if the assault had happened on the licensed premises?
- what would the licensee's liability be if either of the patrons had been ejected for unruly behaviour?
- what would you have done differently?

Day v Ocean Beach Hotel [2013]

NSW Court of Appeal

Issue: Licensees' vicarious liability for the patron's injury when the security contractor ejected the patron from the venue for intoxication.

Key facts:

Julia Day, the appellant, was a patron at the Ocean Beach Hotel (hotel) on the night of 4 July 2008. The manager on duty that night was of the opinion that Ms Day was intoxicated. After speaking with the licensee, the manager instructed a security guard (employed by Checkmate Security) to remove Ms Day from the premises. The security guard did this by pulling the bar stool on which Ms Day was seated out from underneath her. Ms Day fell to the floor which caused her to suffer injury to her lower back.

Original decision:

The trial judge found that the security guard had committed an assault and battery on Ms Day and his employer (Checkmate) was held to be vicariously liable. Checkmate was ordered to pay \$10,000 for general, aggravated and exemplary damages. Ms Day had also claimed against the hotel (first defendant) and the licensee (second defendant); however, both these claims were dismissed.

Decision on appeal:

Ms Day appealed on the basis that the hotel and licensee were also vicariously liable for the security guard's conduct. She also challenged the assessment of damages ordered against Checkmate. Checkmate had been deregistered shortly after the hearing at first instance. The Court of Appeal was unanimous in upholding the primary judge's decision and dismissed the appeal with costs.



Consider this...

- if you were the licensee/manager in this situation, could you have done anything to prevent the incident?
- what if you had been on the premises when the security contractor had used excessive force to eject the patron? Would that have made you liable?
- what about your liability under section 91 of the Liquor Act 2007 where the licensee is responsible at all times for the personal supervision and management of the conduct of the business?
- what if the security officer had been engaged by you personally? Would that have changed your liability?

Further Information on the Court of Appeal's decision:

The Court determined four issues in regard to whether the hotel and licensee were vicariously liable for the actions of the security guard. These issues were:

- whether the security guard was expressly authorised to commit the tortious act of assault and battery
- whether the security guard was an agent to either the hotel or licensee
- whether the licensee was directly liable under section 91 of the Liquor Act 2007 (statutory vicarious liability)
- whether Australian law admits a theory of dual vicarious liability.

Security guard expressly authorised by the hotel or licensee

The Court held the primary judge's finding that the only action that was authorised was the removal of Ms Day, not the manner of removal adopted by the security guard. This decision was reached on the basis that neither the licensee nor the manager of the hotel were present at the time, nor did they expressly or impliedly direct him to pull the chair from beneath the appellant, which went beyond the reasonable degree of force necessary to remove her from the premises.

Agent of the hotel or licensee

The Court held that the security guard was not acting as a true agent of either the hotel or the licensee and therefore had no authority to bind either respondent. The security guard was employed by Checkmate, an independent contractor retained by the hotel. Security staff were permitted to turn out patrons without the authorisation of the hotel's (or licensee's) management.

Section 91 of the *Liquor Act 2007*

On the facts of the case, the Court held that the licensee was not directly liable under section 91 of the *Liquor Act 2007*. The Court followed the reasoning in *Starks v RSM Security Pty Ltd* [2004] NSWCA 351 whereby, in order for the hotel to be liable for the acts committed by the security guard, *it must be under the principles of general law*. Furthermore, section 91 does not address the liability the hotel may have had when the security guard, not directly employed by it, uses excessive force in carrying out a task otherwise authorised by section 103.

Dual vicarious liability

The final ground of appeal raised by the appellant was whether there could be dual vicarious liability. The law is based on the decision of *Laugher v Pointer* (1826) 5 B & C 547 at 558 which states: "*He is the servant of one or the other, but not the servant of one and the other; the law does not recognise a several liability in two principals who are unconnected.*"

Leeming JA also relied on *Oceanic Crest Shipping Company v Pilbara Harbour Services Pty Ltd* (1986) 160 CLR 626. His Honour stated that the proposition of law is that once one person was vicariously liable, no other person could be.

The decision affirms the proposition that once there is a well-established basis for vicarious liability (generally employer and employee) there is no sound basis for imputing vicarious liability to a third party. The decision states that if a security company has been found vicariously liable for the tortious conduct of its employed security guards, then the hotel/licensee will usually be precluded from a finding of vicarious liability unless it is found that the security officer was a 'true agent' of the hotel/licensee.

South Tweed Heads Rugby Club v Cole [2004]

High Court

Issue: Licensees' liability for patron's excessive consumption of alcohol on licensed premises.

Key facts:

Ms Cole, a 45 year-old woman, attended the club at 9am for a champagne breakfast. She allegedly drank copious amounts of alcohol, being considered drunk (by a witness friend) at 12pm and inebriated at around 2:20pm. She attempted to purchase another drink at 3pm but was refused on the basis that she was intoxicated. At 5:30pm, the club manager had returned to the premises. He saw Ms Cole was grabbing men she was with inappropriately, with one of them having to hold her up. He asked her to leave and offered her the use of the courtesy bus or a cab which the club would call, both of which she declined. One of the men stated that they would look after her, and the group left shortly afterwards. The men appeared to be sober.

At 6:20pm, Ms Cole was hit by a car up the road from the club driven by the second defendant (Mrs Lawrence), who was driving her vehicle about 70km/h in an 80km/h zone. At hospital, Ms Cole's blood alcohol content was measured at 0.238 (16 standard drinks).

Original decision:

The trial judge stated that because the club had continued to serve her when she was clearly intoxicated, it had breached its duty of care to the plaintiff. This breach was causative of her injuries despite the club manager offering her the courtesy bus or taxi.

Decision on appeal:

The NSW Court of Appeal overturned the trial judge's decision. The Court of Appeal in particular noted:

- the principle that adults must assume responsibility for their own actions. Intoxication was not relevant to a criminal prosecution unless the accused was so intoxicated as to have no capacity. Intoxication should also not absolve one's responsibility for one's own safety
- save in extraordinary cases, there is no duty to protect persons who deliberately drink to excess. There should be no duty to assume responsibility for an intoxicated patron, except for extreme intoxication, where the capacity to form an intent was destroyed, e.g. the patron was so drunk as to be unconscious
- personal responsibility overrides foreseeability and vulnerability.

The decision was appealed to the High Court and the appeal was dismissed 4:2. Gleeson CJ and Callinan J believed that there was no duty of care to protect a person from risk of injury resulting from self-induced intoxication. Gummow and Hayne JJ, whilst appearing to sympathise with this view, believed that there could be a duty of care – although the facts of the case did not go so far as to establish a duty of care in this instance. McHugh and Kirby JJ (the dissenting opinion) believed that there was a duty of care to monitor the behaviour and condition of patrons.

The effect of the High Court decision is not as clear cut as it first appears due to the split in the judgements. If a case can be distinguished from Cole, whereby the facts show a *greater knowledge of a particular patron's activities*, then the reasoning of Gummow and Hayne JJ may have established a duty of care. Examples may include smaller bars or areas where all patrons

are visible by the staff. Nevertheless, the club did not owe Ms Cole a duty of care as it discharged that duty at 5:30pm when offering the safe transport home.



Consider this...

- If you were the licensee, could you have done anything further to prevent the accident?
- would Liquor & Gaming NSW inspectors or NSW Police have found the club in breach of permitting intoxication by failing to find the patron intoxicated and eject her earlier during the day?
- what if the patron had driven a car and had a serious accident, injuring someone else? Would the club be held liable under section 91 of the *Liquor Act 2007*?
- what would you have done differently?

C.A.L No 14 Pty Ltd t/as Tandara Motor Inn & Anor v Motor Accident Insurance Board [2009]

High Court

Issue: Licensees' duty of care for patrons after they are refused service for intoxication and leave the premises.

Key facts:

On 24 January 2002, Mr Scott went to the Tandara Motor Inn (Hotel) where he consumed alcohol with a friend. To avoid a police breathalyser believed to be in operation near his home, Mr Scott entered into an arrangement with the licensee to store his motorcycle overnight. The licensee believed Mr Scott would telephone his wife to pick him up and that they would collect the motorcycle the next day.

Mr Scott was refused service at around 8pm that night. Mr Scott swore and refused to provide the licensee with his wife's number when requested.

Mr Scott briefly left, then returned to ask the licensee for his motorcycle. The licensee on three occasions enquired whether he was okay to ride, to which Mr Scott responded he was fine. Mr Scott rode his motorcycle from the Hotel around 8:30pm. Shortly thereafter, he had a fatal accident.

Mrs Scott and the Motor Accidents Insurance Board of Tasmania (MAIB) alleged that the proprietor of the Hotel and the licensee both owed duties of care to Mr Scott to call Mrs Scott when Mr Scott had decided he wanted to go home, which they had breached.

Original Decision:

The trial judge held that neither owed any duty of care to Mr Scott. However, the Supreme Court of Tasmania, by a majority, held that both the proprietor and the licensee owed a duty of care to Mr Scott and that their breach of that duty had caused his death.

Decision on appeal:

In the High Court, the MAIB and Mrs Scott (the respondents) argued that the licensee had a duty to comply with the agreement made with Mr Scott to ring Mrs Scott when Mr Scott decided he wanted to go home. In failing to make the call, the licensee breached that duty of care, thereby causing Mr Scott's death. The High Court rejected this argument.

The High Court found that even if the licensee had owed such a duty to Mr Scott, it was impossible to conclude on the basis of the evidence either that he could have made such a call or, if he had made such a call, that it would have prevented Mr Scott's death. The Court also considered that, if the licensee had owed such a duty to Mr Scott, he had complied with the duty when he offered to call Mrs Scott at around 8:15pm – an offer which was rejected.

The High Court found in favour of the proprietor and the licensee on the basis that Mrs Scott and the MAIB had failed to establish the existence of a duty, secondly that even if there was a duty there was no breach of this duty, and finally that even if there was a breach of the duty which was owed, that the breach was not causative of Mr Scott's injuries.

The case affirmed the decision of Cole in that for liability to attach to a licensee for the consequence of service of alcohol, a plaintiff must establish the existence of exceptional circumstances (i.e. near unconscious).

A licensee owes no general duty of care at common law which requires them to monitor and minimise the service of alcohol or to protect customers from the consequences of the alcohol they choose to consume.

A duty to safeguard an intoxicated person by not permitting the person to drive or traverse busy roads is inconsistent with the licensee's statutory obligation to eject intoxicated patrons. If such a duty was imposed, a licensee would be placed in the paradoxical position of committing the tort of false imprisonment or committing the tort of negligence.

The individual freedom and personal responsibility are overriding factors in placing limits on the duty of care owed by licensees to their customers. In other words, the amount of alcohol consumed is a matter for personal decision and individual responsibility.

Licensees should however, remain aware that there is a duty to take reasonable care for patrons on their premises. This duty may give rise to a duty to refuse to serve intoxicated patrons incapable of independent judgement and to ensure the safeguarding of such persons.



Consider this...

- If you were the licensee, could you have done anything further to prevent the accident?
- would Compliance Inspectors or NSW Police have found the licensee in breach of permitting intoxication by failing to find the patron intoxicated and eject them earlier in the day?
- if the patron had driven a car and had a serious accident, injuring someone else?
- what would you have done differently?

Adeels Palace Pty Limited v Moubarak [2009]

High Court

Issue: Licensees' duty to protect patrons from the criminal conduct of third parties.

Key facts:

In this case, the plaintiff Mr Moubarak attended a New Year's Eve function at Adeels Palace on 31 December 2002. During the night, a dispute arose on the dance floor which quickly escalated into a fight between Mr Moubarak and Mr Abbas, as well as approximately 20 other males. Shortly after the altercation, Mr Abbas left the premises, only to return again later, producing a gun and shooting Mr Moubarak and Mr Bou Najem.

Original decision:

The trial judge held Adeels Palace liable in negligence to Mr Moubarak and Mr Bou Najem, and rejected that Mr Moubarak had been contributorily negligent. Damages were agreed at \$170,000 for Mr Bou Najem and \$1,026,682.98 for Mr Moubarak.

Decision on appeal:

Adeels Palace appealed to the NSW Court of Appeal. The Court of Appeal held that the duty of care owed by a proprietor of licensed premises to protect its patrons from the tortious or criminal conduct of a fellow patron can extend to: taking reasonable care to guard against injury from the behaviour of other patrons. Therefore, the Court of Appeal upheld the trial judge's findings and accordingly dismissed the appeal.

Adeels Palace appealed to the High Court. The High Court found in favour of Adeels Palace. The Court focused on section 5 of the *Civil Liability Act 2002* to determine whether the Adeels Palace owed a duty of care to Mr Moubarak and Mr Bou Najem, whether that duty was breached, and if so, whether that breach was causative of the harm suffered.

Duty of care:

The Court distinguished the case from *Madbury Triangle Shopping Centre Pty Ltd v Anzil* [2000] HCA 61 where the appellant had failed to control access by assailants to the land that it occupied. The Court also relied on the duties imposed by the *Liquor Act 2007* upon licensees to take reasonable care to prevent injury from the violent, quarrelsome or disorderly conduct of other persons. The Court found the duty was capable of performance and therefore Adeels Palace did owe a duty to take reasonable care to prevent injury to patrons.

Breach of duty:

The High Court considered whether Adeels Palace ought to have known the risk of potential violent, quarrelsome or disorderly conduct at the event and taken precautions by providing for security personnel in the restaurant.

To determine whether a reasonable person would have taken those precautions, the Court stated that a number of factors need to be considered *before* the function began, including the number of patrons expected to attend, the atmosphere that could reasonably be expected to exist during the function, and any suggestion of violence at similar events held in comparable circumstances, either at this restaurant or elsewhere.

Causation

Causation is determined by the ‘*but for*’ test: but for the negligent act or omission, would the harm have occurred?

The Court held that the ‘*but for*’ test was not established in this case. It was not shown to be more probable than not that, *but for* the absence of security personnel at Adeels Palace, the shootings would not have taken place or that security would have prevented the injuries.

There was no basis in the evidence for concluding that security staff at the entrance to the restaurant would have deterred or prevented the re-entry to the premises of an irrational man armed with a gun.

Even if the presence of security personnel at the door had deterred or prevented the person who shot the plaintiffs from returning, and even if security personnel in the restaurant had been able to intervene in the incident to prevent injury, neither is reason enough to conclude that this is an ‘exceptional case’ where responsibility for the harm suffered by the plaintiffs should be imposed on Adeels Palace.

The decision is the leading case on causation and demonstrates there is a duty of care imposed on licensed premises. The liability of licensees in licensed premises will depend upon establishing that they ought to have known facts requiring a direct action or intervention that would have safeguarded the injured person from a foreseeable risk of harm.



Consider this...

- What are the key considerations to ensure you meet your duty of care to protect patrons at licensed venues?
- imagine you were in this position – should you have ejected the patrons at the earlier point when the brawl broke out on the dance floor?
- is there anything else that the licensee could have done when Mr Abbas returned with a gun in the absence of security staff in the venue?
- when would you consider the need for security personnel in your licensed premises? How would you go about engaging security personnel?

North Sydney Leagues Club Ltd v Berecny & 2 Ors [2002]

NSW Court of Appeal

Issue: Licensees' duty of care and whether the duty of care can be delegated to security staff.

Key facts:

On 6 October 1995, Mr Berecny was injured while on the premises of North Sydney Leagues Club Ltd (the club). He sustained head injuries and resultant brain damage after being struck by a blow from Mr Lambeth, a security officer.

Mr Berecny brought proceedings in the District Court against the club, Mr Lambeth, and Venue Security (NSW) Pty Ltd (Venue), Mr Lambeth's employer.

Original decision:

McGuire DCJ entered a verdict in the sum of \$376,923 in favour of Mr Berecny. His Honour also found that the club was entitled to contribution from Mr Lambeth and Venue each as to 25% respectively of the verdict.

Decision on appeal:

The club appealed on three grounds: whether the club delegated its duty of care by delegating to Venue the tasks of security and control of patrons; whether the club was in breach of its duty of care; and it challenged the quantum of the damages.

Mr Lambeth also brought a cross-appeal in which he claimed that he was not liable in negligence to Mr Berecny because the blow he delivered was struck in self-defence or in defence of another security officer.

The Court found there was no evidence of a delegation to an independent contractor of the club's duty of care.

The club could, but did not, intervene in what was a potentially dangerous situation. It was reasonably foreseeable that injury might occur to Mr Berecny but despite ample and observable warning, the club's officials took no action to prevent that injury and, accordingly, the trial judge's finding of breach of duty of care should not be disturbed.

The appeal and cross-appeal were dismissed.

Key learnings from this case:

- the case highlighted the need for licensees to have contracts with security providers to ensure your licensed premises is best protected
- it is very difficult to delegate such a duty of care to contracted security companies
- when you identify hostility between patrons, your duty of care obligation is to intervene and take as much reasonable precaution as possible to ensure the safety of the hostile parties involved or risk civil litigation when patrons are injured
- another key learning point is the need to manage your security contractors and give them instructions as required from time-to-time.

1.5 Other relevant legislation

Remember, you must have knowledge of a range of laws which affect your business. While the sheer volume of rules and regulations may be daunting to keep up with, an understanding of your compliance obligations will help you to reduce risk and potentially improve your bottom line.

Licensee recap – other relevant legislation

You can refer to Licensee learner guide that you have been provided with for an in-depth overview of the other Acts and Regulations that could impact you and your licenses venue including:

- Gaming Machines Act 2001
- Gaming and Liquor Administration Act 2007
- Security Industry Act 1997
- Anti-Discrimination Act 1977
- Commonwealth Privacy Act 1988 and Australian Privacy Principles
- Australian Consumer Law
- Registered Clubs Act 1976
- Industrial Relations Act 1996
- Smoke-free Environment Act 2000
- Surveillance Devices Act 2007 and Workplace Surveillance Act 2005
- *Work Health and Safety Act 2011* and Work Health and Safety Regulation 2017
- Environment Planning and Assessment Act 1979
- Local Government Act 1993
- Disability Inclusion Act 2014
- Music Festivals Act 2019

1.6 Independent Liquor & Gaming Authority (the Authority) disciplinary decisions

The Authority is a statutory decision-maker responsible for a range of liquor, gaming, casino and clubs regulatory functions. The Authority determines disciplinary matters under the gaming and liquor legislation.



More information:

View the disciplinary decisions determined by the Authority:

<https://www.liquorandgaming.nsw.gov.au/independent-liquor-and-gaming-authority/ilga-and-l-and-qnsw-decisions/disciplinary-decisions>

Module summary

Congratulations. You have completed Module 1: Overview of liquor regulation in higher-risk environments in NSW. You should now be able to:

- outline the factors that could increase risk in a Tier 2 venue
- understand what makes a Tier 2 venue
- possible conditions that may be imposed on Tier 2 licences
- outline the relevant laws that impacts Tier 2 licensees and licensed venues, including:
 - NSW liquor laws
 - common law duty of care and key court decisions that outline responsibilities for licensees
 - other relevant legislation
 - disciplinary decisions by the Authority.

Module 2: Leading a culture of compliance

2.1 Introduction

As licensee, you want to create a successful, safe and sustainable business. Creating a culture of compliance in your team will give you an advantage in achieving this goal. It will help you to create an environment where staff want to work for you and a place where customers want to return.

Having a vision and a plan to implement your vision is key in changing the culture of your business. Your strategy needs to include the means to monitor, review and continually improve the way you build this culture and lead your staff.

Licensees who show great leadership qualities have the power to not only obtain and maintain compliance, but also to inspire and empower their teams to accomplish great things, resulting in a great work environment and a prosperous business.

By creating a culture of compliance in the workplace, you bring out the best in your staff and motivate them to work together towards achieving a shared goal. It is critical that everyone knows what they need to do and how they can be supported.

These skills will help you to transform your organisation from 'just compliant' into a productive and successful licensed business.

At the end of Module 2: Leading a culture of compliance, you will be able to:

- understand the steps required to build a culture of compliance in your business
 - the value of strategic thinking and having a clear vision for your business
 - leading change by motivating staff and setting a powerful example
 - maintaining that change through effective monitoring and implementing continuous business improvement strategies
- understand how to lead and maintain a culture of compliance to the point where compliance becomes second nature

2.2 Leading a culture of compliance

Licensee recap – building a culture of compliance

We all know what can happen if you slip up on compliance, so let's think about what it means to have a 'culture of compliance' and how you, as a leader, can build that environment within your business.

Creating a culture means it becomes second nature; it is no longer a behaviour that takes conscious effort.

When you create a culture of compliance, it means that you as a business are subconsciously compliant in everything you do because that's your way of doing things.

Developing a culture of compliance goes beyond conducting mandatory training once a year. It includes:

- having a clear vision for your business, with clear goals and objectives and inspiring your team to achieve these goals in an environment of compliance
- developing policies and practices that embed compliance into your everyday work
- inspiring staff to take ownership and being accountable for their decisions and actions
- setting the foundation and expectation for individual behaviour within the business from the word go – we do things the right way.

Creating a culture of compliance might not solve all of your problems, but you should be able to show that you have done all that is reasonably possible to ensure you are running a safe and compliant business.

Why leadership is important for a licensee

Running a business is a challenging undertaking. Beyond managing the operations of your business, you will also be leading staff and most likely other managers.

Even experienced managers who run a tight ship when it comes to the day-to-day operations of their business can find leading change to be a challenge. This module acknowledges your position as a business leader and steers your existing people and management skills towards creating and instilling a culture of compliance.

Leading change starts with a willingness to do things differently. Having a clear vision and setting a powerful example will help inspire your staff to follow your lead. With this starting point, you will be ready to create and lead a culture of compliance in your business.

A culture of compliance

By its very definition, a culture is not something that can be created overnight. It takes ongoing effort and strong leadership to create a new workplace culture and, as the licensee, this responsibility is yours. While building a culture requires work, it has many benefits including higher job satisfaction among your staff, better staff retention, reduced risk of alcohol-related harms in your business and a vibrant, safe workplace and consequently a safer environment for patrons and the local community.

Leading a culture of compliance is about working together with your team towards a shared goal and promoting cooperation, communication and success within your workplace. Leading a successful strategy to fruition requires planning. This is about creating a vision for your business and then developing a detailed action plan with goals and objectives that will help you work towards the vision you have set.

The very essence of leadership is that you have to have a vision. It's got to be a vision you articulate clearly and forcefully on every occasion.

- Theodore Hesburgh, President of the University of Notre Dame

The single biggest way to impact an organisation is to focus on leadership development. There is almost no limit to the potential of an organisation that recruits good people, raises them up as leaders and continually develops them.

- John Maxwell, author of over 70 books on leadership

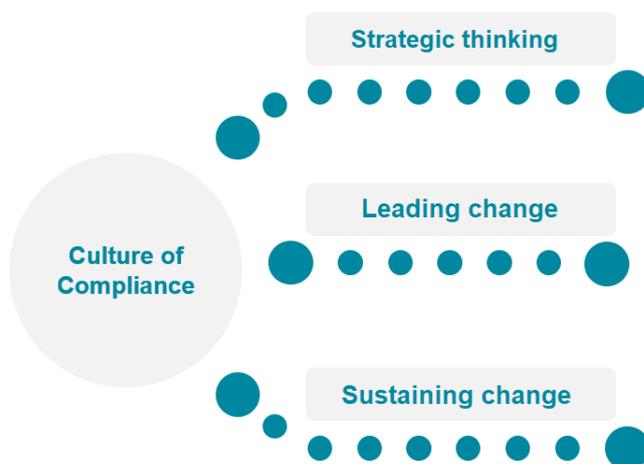
Susan M Heathfield explains: "Leaders have vision. They share a dream and direction that other people want to share and follow... The vision of leadership permeates the workplace and is manifested in the actions, beliefs, values, and goals of your organisation's leaders. This vision attracts and affects every employee who is engaged in living this set of actions, beliefs, values, and goals. They want to share your vision."²⁰

Building a culture of compliance in your business

While each business has its own challenges and obligations, the following steps form a strong framework for any business to improve its culture of compliance. Using your leadership skills, these steps can be applied alongside strategies that suit your particular business type:

- **strategic thinking:** creating a vision for your business and an action plan to help you get there
- **leading change:** keeping your finger on the pulse of trends in the industry and your local area, training and motivating your staff, leading by example, implementing change and effectively using technology
- **sustaining change:** ensuring that your strategies have succeeded in creating a culture of compliance and that they adapt to change so they remain effective into the future.

We will now outline these steps in more detail.



²⁰ Heathfield, Susan M, Leadership vision: You Can't be a Real Leader Who People Want to Follow Without Vision, available at: <https://www.thebalancecareers.com/leadership-vision-1918616> [accessed 14 August 2020].

2.2.1 Strategic thinking

In order to achieve your vision for your business whilst instilling a culture of compliance amongst your staff, the most important skill you will need as an advanced licensee is the ability to think strategically. In simple terms, this means:

- having an idea or vision of where you want to be
- knowing what the relevant liquor and gaming laws mean for your business
- developing a strategic plan that aligns with your vision and helps you bring it to life
- motivating your team to work with you to deliver your vision

The following subheadings cover different elements of strategic thinking.

Defining your vision and creating a strategic action plan

Being able to see the bigger picture rather than just focusing on the here and now plays a huge role in achieving ongoing compliance and success.

Consider what you are striving for, then clearly define your vision or long-term goal – the key outcome you are working towards achieving.

Once you have a clearly defined vision, you need a plan to get there from where you are today. Therefore, the next step is to develop a strategic action plan in which you define goals, objectives and tasks that support your strategic decisions. Creating a series of short-term goals and projects will help you achieve that longer-term goal. Making evidence-based decisions and evaluating the success of each project you implement is key to ensuring those steps are taking you towards the culture you are aiming to build.

For example, let's say your business's vision is to build not only a compliant business, but a vibrant and safe premises where patrons enjoy themselves and want to keep coming back, and staff want to work for you.

You identify a long-term goal: prevent intoxication in your licensed premises. This enables you to come up with a short-term goal or objective.

To illustrate this chapter, we will use the following short-term objective that represents an important step towards achieving a culture of compliance:

Reduce by half the number of incidents where a customer is asked to leave your venue due to intoxication, compared with the previous month.

Achieving this strategic objective will help you achieve your long-term goal of preventing intoxication in your licensed premises.

Building awareness

In order to be compliant, you need to know what is required of you, so the first step is to ensure you fully understand your responsibilities under the current liquor and gaming laws, and that of your staff and your business as a whole. Keeping your finger on the pulse allows you to stay prepared for changes as they arise.

There are a number of ways to keep abreast of information that may impact your business:

- attending this training
- subscribing to Liquor & Gaming NSW e-news
- joining a liquor accord
- signing up to receive industry alerts relevant to your business type
- maintaining positive relationships with the community – local police, local council, neighbours and other businesses in the area.

Networking and making positive connections

Reach out to other licensees, managers, frontline staff, customers and the local community. This will give you a deeper insight into current industry trends and the expectations of your stakeholders. You can then consider how this information could be applied to inform your strategies and business practices to help you achieve your long-term goal of a compliant venue free from intoxication.

Building these relationships is invaluable to better learn from the expertise held by various parties and to develop a shared understanding of ideas and strategies to help you comply with regulatory requirements.

Joining a local liquor accord is an excellent way to build relationships with key industry players in your local area.

Observing and seeking trends

Researching a range of internal and external data sources can help you understand trends in your area and in the wider industry.

While considering external data such as the statistics around alcohol-related harm is important, do not undervalue the information sourced from within your business. No one will understand the day-to-day concerns of your organisation better than your bar staff and floor supervisors. Feedback from your customers and community and observations from the local industry will give you a more rounded picture of how your business is performing and inform the most appropriate strategies to achieve your business goals.

Asking the tough questions

Don't shy away from the real issues or root causes of a problem – things can't be fixed if they aren't first acknowledged.

If there is a problem with your business operations, recognising and accepting the problem is the first step towards resolving it. It can be confronting to uncover issues in your business, especially if you are proud of how you are operating, but keep in mind that the solution may be simple and easy once the root cause has been identified. Something as simple as additional training, coaching or resources might be required.

A compliant culture cannot be achieved if problems are not identified and addressed.

Developing an action plan

Having completed your research and evidence gathering, you'll need to work with your team to use the data most effectively to map out the steps your business must take to meet your short-term objective, i.e. reduce by half the number of incidents where a customer is asked to leave your venue due to intoxication, compared with the previous month.

In order to meet this objective, your action plan could include:

- increasing staff training:
 - develop and run appropriate training for any skillset deficits
 - increase frequency of training to weekly instead of fortnightly
 - run training sessions before busy periods i.e. ahead of special events, or simply on Friday morning before things kick off instead of Sunday afternoons when the rush is already over
 - book training sessions in advance and make staff aware that they are taking place
- increasing the number of bar staff and employing a security person to monitor the doors and the bar area during busy periods:
 - do you need to hire extra bar or security staff?
 - which staff have the right amount of training, knowledge, skills and experience to assist in the monitoring and prevention of intoxication levels, such as knowing an effective protocol for exchanging glass for plastic on a busy Friday or Saturday night
 - how can you use your staff more effectively?
 - which staff should be based in the busiest sections?
 - should you place less experienced staff in quieter sections or in a position where they can observe and shadow more practised staff members?
- increasing food advertisements in the bar area and information posters about responsible drinking and non-alcoholic options:
 - who will create and print the food advertisements and additional posters and signage?
 - where will you place them so that they are prominent and easy-to-read?
- increasing use of technology:
 - can increased use of cameras or ID scanners allow you to better monitor the venue for the warning signs of intoxication?
 - could you improve communication between staff with better use of radios or group messaging apps?

These strategies will assist your venue in remaining compliant, as well as helping you meet your short-term objective.

What other strategies could you use to reduce the numbers of instances of intoxication within your venue? Make the most of the data you've collected and seek additional ideas from your staff.

2.2.2 Leading change

Creating a culture of compliance may not be the only reason why you may want to introduce changes to the way your business operates. Some other common reasons include:

- legislative changes – perhaps a new government initiative, regulation or piece of legislation
- economic circumstances – the state of financial markets, how well the business is doing, competition from other businesses, a recession in which fewer people are spending money, etc.
- social issues – for example, the popularity of a night out in a licensed venue as a social activity, or a shift in social attitudes towards certain types of behaviours
- shifts in markets – technological advances and market shifts can disrupt the liquor industry, such as online delivery services being utilised more in favour of traditional bottle shops.

There are obviously many ways to introduce change. Some approaches will work for some people or in certain situations, while others will fit in other circumstances.

While some changes are easier to make than others, changing a culture takes more than coming up with ideas and directing staff to implement it. It is easy for things to revert to old ways; hence it is critical to have your staff buy-in and systems in place to ensure the changes are not temporary.

Training your staff and setting an example through your own actions, implementing the tasks from your strategic action plan with effective use of resources and technology are necessary to ensure the planned changes actually take place.

Staff training and professional development

A change in culture is not possible without changes in the attitudes and actions of your staff.

Once you've outlined your vision, set your goals, and developed a strategic action plan, you'll need to communicate the new direction to your staff. Communicating effectively and being able to persuade and influence others is essential in order to achieve desired outcomes.

Let's return to the example objective we used: to reduce by half the number of incidents where a customer is asked to leave your venue due to intoxication compared with the previous month.

Think about what you would need to do to lead your team into action. This could include:

- incorporating your vision and goals in an induction program so all new starters will be on board from day one
- running training sessions for all existing staff so that everyone is fully aware of the requirements and procedures for Friday and Saturday evenings
- incorporating the new procedures into your house policy and communicating this to your staff. This reinforces the message and staff know where to find it
- being present to lead by example and backing your staff during busy times so that they are confident in enforcing the strategies when required.



Tip

Have team members run meetings with a focus on particular topics of RSA.

Your employees, contractors and anyone else who works in your business also need to be aware of what is expected in order to achieve your goal.

In addition, you can use a range of techniques to ensure your message is received, understood by everyone and reinforced. Some techniques may include regular meetings, one-on-one discussions, posters, social media groups and memos.

Staff training should also include regular refreshers on what the law requires, any changes in legislation, industry best practice, and risk management strategies that are in place in your business. Ongoing training is vital to ensure proactive and ongoing compliance, both for your staff and for yourself.

Your attitude and the emphasis you place on training and development is critical to the success of your staff's professional development. Improving the attitudes and capabilities of your staff will contribute to proactive compliance and increased customer satisfaction.

Leading by example and motivating staff

What you do with your vision once you've defined it will determine your success. You need to communicate it frequently and powerfully to your staff and embed it in everything you do.

Modelling behaviour from the top down is vital to seeing a permanent behaviour change in others and thus an evolution of your culture. All the training in the world won't change a thing if your staff see you (and other managers or supervisors) engaging in behaviour that is contrary to the training, such as serving a person who appears to be intoxicated.

Make it clear that you're all working towards the same goal by demonstrating appropriate behaviour and being responsible. This allows you to lead and instil a culture of compliance.

Whilst training and professional development is vital to build staff knowledge and skills, appreciating staff when they're doing a great job and reinforcing good behaviour encourages it to be repeated. At the same time, ensure bad practices or negligence is nipped in the bud to stop staff from considering this acceptable. Remember: unmotivated staff who don't receive recognition may be inclined to think 'why should I bother?'

It is critical to back your staff in tough situations. This will make them feel valued and appreciated and more likely to keep doing the right thing when it matters. For example, if a customer who is approaching intoxication is refused service and demands to speak to a manager, you should demonstrate a united front and simply reinforce the message that your staff member gave in the first place. This shows your staff they are supported when they make a sincere effort to reduce intoxication.

Employing and promoting open and effective communication and creating an environment of honesty and transparency will also encourage staff to report potential breaches and areas for concern.

Implementing change

A great leader does not force people to follow. Instead, they motivate and encourage them to do so. Staff might be resistant to change, or their way of doing things might be so ingrained they find change difficult even if they are willing. As the leader, you will need to find ways to overcome this resistance and bring people along on the journey.

For change to happen, it helps if everyone is on board. One of the first things you will need to do is persuade everyone that the proposed change is a good thing and inspire them to get things moving.

Open an honest and convincing conversation about what's happening in the business; if everyone gets involved and starts talking about the change you propose, engagement and momentum will drive the change. When you first start thinking about change, there will probably be many great ideas and solutions proposed. Link these ideas to your overall vision so that people can see the relationship between smaller actions and the wider goal.

You will need to communicate your vision frequently and embed it within everything that you do. Drive the changes forward and make them 'stick' so that practices within the business don't revert back to old ways. You can find effective change leaders throughout your business, and they don't necessarily need to be your managers. Your change leaders might be able to influence other staff through their role, status, expertise or likability.

Determining your resources

Certain changes cannot be made without the required tools. With a strategic action plan ready and your staff on board, you will need to determine what resources are required to help you effectively implement changes.

Thinking about your strategic action plan to help you meet your objective of reducing the number of incidents of intoxication by half, some resources you might need include:

- more staff, such as security or bar staff
- suppliers, such as photographers and graphic designers for food advertisements
- tools such as an improved security camera system
- technologies, which may, or may not have an associated financial cost, such as new software or messaging apps.

Technology, when used effectively, can be one of the most powerful ways of improving your business systems and creating efficiencies and is an effective tool in creating a culture of compliance in your business.

Using effective technology

Technology can be used to support training and education, improve your business systems and enhance communication.

Some areas of training, like a walk-through of the venue, might require your physical presence, but other areas could be done via an online tool (e-learning, apps, videos) which can be rolled out to many staff with minimal effort. These training tools ensure consistency in your messaging and allow your staff to undertake training at their convenience. High-quality audio-visual content can greatly assist with engagement and when used in training can help drive the message home.

Returning to our overarching? objective – technology can be used effectively to reduce intoxication such as:

- ID scanning or security surveillance to deter crime localised strategies such as the *barred from one – barred from all* campaign which uses group messaging apps to deter potentially troublesome customers.

A great example of the effective use of communication technology is in Sydney's Inner West, where the Newtown Liquor Accord uses messaging app WhatsApp to communicate between venues and the local police. If a customer or group are refused service, refused entry or removed from a venue, a quick group message ensures that all other licensees in the accord are aware of the situation. This prevents a problem from moving next door and will make your objective of reducing intoxication much easier to achieve.

You need to think about what technology could work for you based on your specific business need; there isn't a one-size-fits-all when it comes to making technology work effectively for you.

Making your changes stick

Once your staff are on board with making changes, your resources are in place and you have implemented the tasks from your strategic action plan, you will begin to see positive changes to the culture of compliance within your organisation.

But the work does not finish after change has been successfully implemented. Your improved culture of compliance needs to be actively sustained to prevent things from returning to the old ways.

2.2.3 Sustaining change

In building a culture of compliance, remember that initiatives which are short-lived will not lead to the permanent change you are trying to achieve.

Once change has been introduced, you need to do two key things: monitor and review your changes to ensure they are helping you achieve the desired effect and optimise your processes to ensure the change is long lasting.

Monitor and review

You need to know something is wrong in order to fix it. Having a clear procedure to monitor and review your processes, practices and strategies is essential to determine how effective they are in achieving your desired outcomes.

Once you have implemented a strategy, you need to check that it's working as you expected.

Let's return to the example short term objective we have been using throughout this module: to reduce by half the number of incidents where a customer is asked to leave your venue due to intoxication, compared with the previous month. How could you check if your strategies are managing the risks you initially identified?

You could:

- review the incident register at the end of the month to see if the number of incidents of violence and intoxication were reduced from the previous month
- call a staff meeting to discuss what they think worked well and where improvements can be made. Frontline staff will often have great ideas on how to manage risks.

If you discover new risks, or something that has not been working so well, consider what additional corrective actions you could implement.

For example: your staff explain that they don't really feel like the food on offer is suitable to the venue. It was too busy for people to sit down and eat a full meal. Perhaps a street food style offering would be more popular as that could be eaten while customers stand and watched the footy. Using this feedback, you decide to change the afternoon and evening menu for next weekend.

When changing a culture, it is easy for things to revert back to how they were if you are not vigilant in ensuring that changes continue to have the desired outcome. Therefore, if a strategy is working well, remember that you should still review it at regular intervals. Things can change that render an effective strategy ineffective, so it's important to be mindful of continuous business improvement.

Continuous business improvement

An idea that worked well at first does not necessarily continue working indefinitely, or a plan that that sounded great in theory might not work as well as you'd hoped when you try to execute it. Whether it's changing your culture or updating your processes, you need to strive for continual improvement to ensure changes are effective and ongoing.

Adoption

One issue might be adoption. Let's say you implement the use of a group messaging app so your staff can report a customer who is approaching intoxication to all of their colleagues with ease. Your issue is, only half the staff check their phones often enough for this to be effective.

You might therefore need to put some strategies in place to increase the uptake of the new strategy. For the example of using a group messaging app, strategies could include:

- making sure staff know that checking the messaging app is not optional – it is part of their job
- appointing a champion who takes on the role of reminding staff to check the app until it becomes a habit for everyone
- having a phone or tablet where staff will see it constantly, so they don't miss messages when it becomes too busy to take out their phones, e.g. secured to the bar next to a central till
- change the idea – if it isn't working despite sustained effort, you might need a different strategy altogether!

Establishing a continual feedback loop

If one of your strategies isn't working as planned, it does not necessarily need to be abandoned altogether. Sometimes a tweak or two is all it takes to change an unsuccessful process to a successful one.

Providing a means for ongoing feedback is key in ensuring the changes you make to your workplace stick. As part of leading a culture of compliance, you should set up continual feedback loops so you can continue to drive change and improvement in your business.

One way to do this is to set a recurring reminder to review the effectiveness of your strategies. For example, review your food sales figures once a month to check if your advertising is having the desired effect. If not, can you make any adjustments to get better results? Could you try different images or messaging, or put the advertisements in a different location such as on coasters?

Another option is to create a standing agenda item in staff meetings where you ask for feedback on how things are going. Not only does this give everyone an opportunity to share their ideas, which can help you improve your business, it shows that you value their opinion and will make them feel like an important part of the team. Praising and rewarding staff who have gone above and beyond to build a culture of compliance can be a good incentive that works to instil new behaviours.

Sometimes staff might not be comfortable providing feedback in meetings or even one on one. It could be worth setting up an anonymous feedback form or a good old-fashioned feedback box so they can share their ideas and concerns in a manner they will find less confronting.

2.3 Building proactive compliance

Changing behaviour is not an immediate process. When leading your staff towards a culture of compliance and beyond, it is worth being mindful of the four stages of competence.

This learning model outlines four stages in learning new skills:

- **unconsciously incompetent:** at first, you are not aware that you are lacking a skill. Without knowing a skill is missing and without the impetus to learn, you are likely to remain at this stage indefinitely
- **consciously incompetent:** you recognise that you are lacking a skill, though you are still unable to perform it
- **consciously competent:** you have acquired the skill, but it takes a conscious effort to perform it. It takes effort and does not come naturally
- **unconsciously competent:** you have the skill and can perform it without difficulty – it has become second nature.

When it comes to skills you want your staff to acquire, this process of going from unconscious incompetence to unconscious competence takes time and effort. Developing a culture of compliance among your staff is no different – it needs to be ingrained in their thinking, behaviour and actions. It is your role as leader to guide and support them through this process.

In the long run, your sustained efforts will take your staff from where they are today to a point where compliance is so embedded in everything they do, that it is an automatic process that requires no conscious effort. This is a true culture of compliance.

Bear in mind that staff may progress at different rates and will have varying degrees of ability at different tasks. Consider the following quote:

A good objective of leadership is to help those who are doing poorly to do well and to help those who are doing well to do even better.

- Jim Rohn, motivational speaker and executive coach

2.4 Licensee as an advanced leader

As a leader, you steer your business towards success and empower your staff to build a culture of compliance. As an advanced leader, you take ownership of your business's vision, direction, approach and management. You inspire and motivate your team to do the same.

You do not expect change to be easy or automatic. Instead, you:

- commit to a rigorous process that requires ongoing effort and commitment
- use strategic thinking to understand the issues and create your vision to help you build a culture of compliance
- train and motivate your staff to share ownership of your vision and get their buy-in to help you make it a reality, and
- sustain the new culture by monitoring and tweaking the various strategies and coming up with new ideas when circumstances change or when things no longer prove as effective.

Over time, all of this becomes so ingrained in your processes and behaviours that compliance is second nature.

Benefits from achieving a culture of compliance in your workplace include a vibrant, safe premises for patrons to enjoy and staff who enjoy working for you. This in turn contributes to building a safer community.

In the following modules, we will cover the NSW Government's and industry's approach to reducing alcohol-related harm in the community. As advanced leaders you will also adopt a risk-management approach to address the negative impacts of alcohol misuse and abuse in your venue and the community.

Module Summary

Congratulations. You have completed Module 2: Leading a culture of compliance. You should now be able to:

- understand the steps required to build a culture of compliance in your business
 - the value of strategic thinking and having a clear vision for your business
 - leading change through motivating staff and setting a powerful example
 - maintaining that change through effective monitoring and implementing continuous business improvement strategies
- understand how to lead and maintain a culture of compliance to the point where compliance becomes second nature

Module 3: NSW Government and industry approaches to minimise alcohol-related harms

3.1 Introduction

The responsible service of alcohol has been a cornerstone of the NSW's liquor laws for more than 100 years. Governments recognise the negative impact that alcohol can have on the community – as a result, the sale and supply of alcohol is regulated.

Over the last 20 years, there have been significant amendments made to the liquor laws in response to changing community attitudes regarding the sale and supply of alcohol. Some of the most significant changes occurred in 1996 when the liquor laws were changed to introduce 'harm minimisation' (i.e, minimising the harm associated with the misuse and abuse of alcohol) as one of the key purposes of the liquor laws. The move to a harm minimisation approach followed increasing concern about the extent of alcohol-related crime and violence, particularly in and around licensed premises.

Since the introduction of harm minimisation, the Government has been working with industry to reduce the harmful impacts of alcohol misuse and abuse throughout NSW. Collaboration between Government regulatory authorities, local communities, the NSW Police and the liquor industry has facilitated many large-scale projects with a view to minimising alcohol-related harm.

Measures have been introduced to tackle alcohol-related violence across the whole of NSW and in targeted locations. This module outlines some of the ways in which the Government and industry have aimed to reduce alcohol-related harms in licensed premises, including:

- licence conditions
- incentive and sanctions system
- location-based approaches including restrictions in Newcastle CBD, Sydney CBD and Kings Cross precincts
- successful liquor accord case studies where industry has collaborated to reduce alcohol-related harms in their local areas.

At the end of Module 3: NSW Government and industry approaches to minimise alcohol-related harms, you will be able to:

- understand a risk-based approach to licensing
- understand the purpose of the regulatory schemes and what they have achieved
- outline the restrictions applied in Newcastle CBD and the outcomes achieved
- outline the purpose and impact of prescribed precincts
- understand the proactive measures adopted by industry to address alcohol-related harms through liquor accords
- outline the success of these measures in reducing alcohol-related violence in NSW.

3.2 Licence conditions

Placing conditions on licences is one of the keyways the NSW Government addresses the risk of alcohol-related harms in licensed premises.

A risk-based approach is adopted – the greater the risk of alcohol-related harm from the business type or operation, the greater the likelihood conditions will be imposed.

Conditions may be applied when a licence application is granted. Some of these are statutory licence conditions that relate to the type of business you operate. Additional conditions may be added either when you are granted a liquor licence or following a serious complaint or incident involving your venue. These conditions are decided on a case-by-case basis to manage the risks that are specific to that venue.

Licensee recap - Statutory licence conditions

Every liquor licence in NSW is subject to licence conditions that must be complied with. Some conditions are imposed automatically by the NSW liquor laws. These are known as statutory licence conditions and may differ depending on the type of licence.

For example, for all licence types, you need to ensure the primary purpose of your business is aligned with your liquor licence conditions, i.e. if you hold a hotel licence, the venue's principal activity must be the sale or supply of liquor not the use of gambling machines.

The following liquor licences are available in NSW:

- Hotel licence
- Club licence
- On-premises licence – restaurant
- On-premises licence – public entertainment venue (not cinema or theatre)
- On-premises licence – cinema or theatre public entertainment venue
- On-premises licence – catering services
- On-premises licence – commercial tour operator
- On-premises licence – local product promotion
- On-premises licence – airport
- On-premises licence – tertiary institution
- On-premises licence – accommodation premises
- On-premises licence – vessel
- On-premises licence – food court
- On-premises licence (others)
- Packaged liquor licence
- Producer/wholesaler – beer/spirits
- Producer/wholesaler – not beer/wine/spirits producer
- Producer/wholesaler – wine/cider/perry/mead products
- Limited licence – surf club
- Limited licence – not a surf club
- Pop-up licence – bars and events
- Small bars licence

Review the statutory licence conditions for each of the licence types:

<https://www.liquorandgaming.nsw.gov.au/resources/licence-conditions>

As a licensee, you need to understand the conditions on your licence when developing or reviewing the plan of management for your venue. The policies and procedures you develop for the conduct of the licensed premises must be compliant with your licence conditions.

Let's take a more detailed look at conditions that could be imposed on a licence.

Prohibited drinks

Certain drinks may not be allowed during late trading. These generally include:

- any drink that is designed to be consumed rapidly, such as a shot, shooter or bomb
- any drink containing more than 50% spirits or liqueur
- any ready to drink beverage - an alcoholic mixed beverage that is prepared by the manufacturer containing more than 5% alcohol
- any drink prepared on the premises that contains more than 30mls of spirits or liqueur.

These drinks must not be sold or supplied on the licensed premises on any night of the week between midnight and closing or, for premises that trade 24 hours, between midnight and 7am. In addition, the following drink quantity restrictions apply between midnight and closing or 7am:

- between midnight and 2am:
 - no more than four alcoholic drinks or one bottle of wine can be sold or supplied to the same person at a time
- additionally, between 2am and 7am:
 - no more than two alcoholic drinks can be sold or supplied to the same person at a time
 - if the venue is subject to the cease service (last drinks) condition, then no alcohol may be sold or supplied between 3am and 5am.

Restrictions relating to the above generally do not apply to cocktails, provided that certain restrictions are met regarding the sale of cocktails, specifically:

- a cocktail must be included on a publicly displayed cocktail list prepared by the licensee, which itemises the cocktail and the price
- between midnight and 3am, cocktails must not be discounted below the amount payable on the cocktail list
- cocktails must not be designed to be consumed rapidly.

Some licensed premises may choose to prohibit or restrict cocktail service after a certain time as a measure of best practice to prevent intoxication or as a liquor accord term.

Prohibited glassware

The licensed premises may be required to serve, sell or supply drinks (whether or not they contain liquor) for consumption on the premises in a container that is not made of glass, e.g. hard plastic. This condition is applied between midnight and closing on any day of the week. For 24-hour trading premises, it applies between midnight and 7am on any day of the week.

A "glass" includes a drinking vessel, or a container (such as a bottle or jug) from which drinks can be poured, that is made wholly or principally of glass.

During these periods, all glass must also be removed from customers and from public areas of the premises.

It has been noted that assaults on licensed premises have greater harm associated with them than assaults elsewhere.²¹ This may be due to the fact that the persons involved would have easier access to weapons such as beer glasses and bottles.

Food must be made available

Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be available whenever liquor is sold or supplied under certain licence types or if added as a condition to a licence. What is considered acceptable may vary depending on the context but, as a general rule, snacks like crisps, nuts or chocolate would not be considered substantial food and thus would not be acceptable where food is required. Bulkier food like frozen meals or pies are far more likely to be considered acceptable.

Special provisions relating to licensed vessels

A condition may apply to a vessel licence stating that liquor may only be sold to passengers on board a vessel for consumption:

- from one hour before the vessel starts any voyage or passage and until 30 minutes after the voyage or passage is completed
- at such other times, or in such other circumstances, as the Authority authorises.

Wholesale sales, sales to employees and tastings

A condition may be imposed on the licence to only sell liquor by wholesale:

- at any time on the licensed premises
- to other liquor licensees (and other persons authorised to sell liquor)
- at any time on the licensed premises to:
 - employees of the licensee or of a related corporation of the licensee
 - customers and potential customers for tasting purposes.

RSA marshals

You may be required to engage RSA marshals during certain trading periods.

An RSA marshal is defined as a person employed to conduct RSA supervisory duties, including:

- monitoring responsible service of alcohol practices by staff
- engaging with staff and customers to encourage responsible attitudes and practices in relation to the promotion, sale, supply, service and consumption of liquor
- monitoring alcohol consumption and customer behaviour for signs of irresponsible, rapid or excessive consumption of alcohol and for signs of intoxication
- intervening at an early stage to assist in preventing intoxication and anti-social behaviour. Intervention may include suggesting that customers moderate their alcohol consumption by consuming food or non-alcoholic beverages.

²¹ Briscoe, S., & Donnelly, N. (2001). Assaults on licensed premises in inner-urban areas, *BOCSAR NSW Alcohol Studies Bulletins*, 16.

https://popcenter.asu.edu/sites/default/files/problems/assaultsinbars/PDFs/Briscoe&Donnelly_2001b.pdf [accessed 20 August 2020]

You must ensure your RSA marshals wear clothing that identifies them as an RSA marshal.

Security

Conditions may be imposed on a liquor licence relating to security. These can be specific to trading hours, location or general operations. Security conditions could include:

- adequate security to be present to ensure patrons do not disturb the quiet and good order of the neighbourhood whilst at the premises or when leaving the premises
- where the patron capacity exceeds 100, employ fully licensed security guards at the rate 1 security guard per 100 patrons
- all security guards employed during functions are to have their security licence clearly displayed at all times
- engaging static and mobile security guards between certain hours on certain days
- maintain and provide a Security Management Plan.

Prohibited promotional activity

A condition may be imposed on the licence to not promote or publicise:

- any free or discounted drinks that are designed to be consumed rapidly on the licensed premises, such as a shot, shooter or bomb
- any enticement, such as a prize or free giveaway or similar incentive, to purchase any drink designed to be consumed rapidly on the licensed premises.

This includes promotion by way of drink cards, flyers, vouchers, social media, website, print media or spruiking. Alcohol promotion – mainly through advertising – and drinking outcomes in adolescents are correlated.²²

CCTV systems to be maintained on the premises

As the licensee, you may be required to maintain a closed-circuit television (CCTV) system on the premises. You must comply with strict requirements in relation to CCTV systems as outlined in Module 4 Part B: Best practice strategies to control risk.

Approved managers

A condition on your licence might mandate that your venue be under the supervision and management of an approved manager if the licensee is absent during specified times. It's worth noting that while a licensee can hold multiple licenses, approved managers can only be appointed to one liquor licence at any given time.

Corporate licensee

A corporation may hold a liquor licence just as an individual licensee can. However, the corporate licensee must appoint an approved manager to the licensed premises. An approved manager is personally responsible for supervising and managing the licensed premises at any time they are required to be present.

²² Scott, S., Muirhead, C., Shucksmith, J., Tyrrell, R., & Kaner, E. (2016), Does industry-driven alcohol marketing influence adolescent drinking behaviour? A systematic review. *Alcohol and Alcoholism*, 52(1), 84-94.

There is a two-step process of approval and appointment with Liquor & Gaming NSW, who accept all corporate licence applications on behalf of the Authority:

- step 1 - approval of manager to determine that the proposed approved manager is a fit and proper person for the role
- step 2 - submit a notification form for an approved person to be appointed manager of a licensed premises held under a corporate licence.

Registered clubs

Registered clubs with two or more premises will be required to appoint an approved manager at each of those premises where the club secretary is not present. An approved manager must be appointed by a club within two months. However, the law allows a person to act as an approved manager while their application to the Authority is pending.

Exemptions:

An additional approved manager, at a second premises, is not required when the club has only two premises:

- the main premises are in a metropolitan area and both premises are located within 10 kilometres of each other
- the main premises are outside a metropolitan area and both premises are located within 50 kilometres of each other

A metropolitan area includes Sydney, Newcastle and Wollongong. **Changes to live music and entertainment conditions**

NSW liquor laws have changed to support more live music, performance, arts and cultural events at licensed venues. The reforms aim to remove outdated conditions on entertainment and incentivise liquor businesses to hold live music and arts events, to support a vibrant and safe 24-hour economy and improve industry regulation.

The following live entertainment conditions are no longer in effect and cannot be imposed on licenses in the future, and include conditions that:

- restrict the types of genres that can be played or performed at licensed venues
- restrict certain musical instruments being played
- restrict the number of musicians or acts that may be performed
- restrict the performance of original music
- restrict a stage/performer from facing a particular direction
- restrict decorations
- prohibits:
 - live music, entertainment, or
 - amplification of musical instrument
 - at all times across the entire premises
- prohibits or restricts a presence of a dance floor.

Incentives for live music, arts and performance venues

- 30-minute trading extension on performance nights
 - City of Sydney LGA or Special Entertainment Precinct established by local council
- 80% reduction in licence fees
 - Applies to the base fee and trading hours risk loading.

Special entertainment precincts

Councils have the option to establish 'Special Entertainment Precincts' (Precincts) following changes to local government laws.

These Precincts are areas where councils can decide requirements for amplified music and adopt their own plans to encourage more live music and performance. They can include a single premise, or a precinct, streetscape or otherwise defined locality in the council's area.

Any requirements on amplified music that would normally be in place under the *Liquor Act 2007* will not apply in these precincts, including any licence conditions on amplified music.

Two key benefits for councils and their local communities include:

- more readily adopt comprehensive approaches to encourage and regulate amplified music at key live music and performance venues or across a broader area
- dedicated live music and performance venues in these Precincts can access 30-minute liquor trading extensions to recognise their contribution and support their viability.



More information:

Read more about corporate licences and the appointment and approval of managers here:

<https://www.liquorandgaming.nsw.gov.au/operating-a-business/liquor-licences/applying-for-and-managing-your-liquor-licence/manage-your-licence>

Read more about clubs here:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/getting-trained/working-in-a-club>

Read more about the automatic removal of live entertainment conditions from liquor licenses here:

<https://www.liquorandgaming.nsw.gov.au/resources/live-music-and-entertainment>, and <https://www.liquorandgaming.nsw.gov.au/news-and-media/24-hour-economy-liquor-reforms-whats-changing>.

3.3 Regulatory schemes

The Liquor Amendment (Night-time Economy) legislation enacted in 2020 introduced an approach that consolidates the Three Strikes, Violent Venues and Minor Sanctions schemes into an integrated incentives and demerit point system. One consolidated system makes it easier for venues to understand and comply with their obligations.

Demerit points scheme

The Incentives and Demerit Point System has been covered in detail in the Licensee Training Course Handbook.

Licensee recap – Incentives and Demerit Point System

The new system aims to reward well-managed venues with reductions on annual licence fees whilst imposing tougher penalties on operators who breach compliance.

Under this system licensees, managers and clubs incur demerit points for committing demerit offences or via a prescribed complaint. Demerit points expire after 3 years.

A demerit offence is a serious breach of liquor regulation. Most demerit offences result in the automatic application of 1 demerit point, however offences involving the sale or supply of liquor to minors result in 2 demerit points.

Liquor & Gaming NSW or NSW Police can make a prescribed complaint to the Independent Liquor & Gaming Authority (the Authority) in relation to a licensee or manager of a venue who fails to provide a safe environment for their patrons. After considering the circumstances, the Authority may decide to impose 1 or 2 demerit points.

Incentives

Well-managed venues are rewarded with annual liquor licence fee discounts on the base fee and trading hours risk loading, after maintaining a clear record with no demerits for:

- three consecutive calendar years (5%)
- five consecutive calendar years (10%)

Demerits are applied points for:

- serious liquor law breaches - such as permitting violence or intoxication or selling liquor to a minor.
- serious or ongoing issues with violence, intoxication, risky drinking and incidents posing a serious risk to the health or safety of person - such as drink spiking or where serious indictable offences involving violence have been committed, where a prescribed complaint is made out by the Authority

Double demerits are applied due to seriousness of these offences such as:

- sale or supply of liquor to a minor, or
- where complaints are made out for multiple incidents involving serious violence or risks to public health and safety on or near a venue in a single 24-hour period.

Licensees and managers (except for registered clubs)

- sale or supply of liquor outside of trading hours

- permitting customers to enter a licensed premises after a lockout where imposed in the Sydney CBD and Kings Cross precincts or under the Three Strikes or Violent Venues schemes
- permitting intoxication or indecent, quarrelsome conduct
- selling or supplying liquor to an intoxicated person
- permitting the sale, possession or use of any substance that the licensee suspects of being a prohibited plant or drug
- failure to comply with a direction given by the Secretary, Department of Customer Service
- failure to comply with a short-term closure order
- failure to comply with a long-term closure order
- failure to comply with a notice issued by the Secretary restricting or prohibiting activities that encourage misuse or abuse of liquor
- selling or supplying liquor to a minor or allowing such sale or supply.

Demerit penalties

Venues where demerit points are incurred pay more licence fees as part of annual compliance loadings (compliance history risk loading increases from:

- \$3,300 for one offence committed
- \$4,000 for each demerit point incurred
- Patron capacity risk and location risk loading also remain payable).

These additional loadings are payable in the year after the demerit point is incurred.

Removing demerit points

There are two ways to remove demerit points:

1. demerit points automatically expire after 3 years
2. the Authority approves earlier removal – a licensee or manager may apply for early removal if they can show:
 - a. they meet certain criteria including a good prior record of behaviour over ten years with no other serious breaches, and the demerit point was not obtained for selling liquor to a minor or for an act or circumstance that caused serious harm to another person
 - b. that after at least 12 months they have implemented changes to address all related risks.

The Authority must give local police and council reasonable opportunity to make submissions on any applications to remove demerit points.

Visit the Liquor & Gaming NSW website for more information at:

<https://www.liquorandgaming.nsw.gov.au/resources/incentives-and-demerit-point-system>

3.4 Location-based approaches

The NSW Government has also adopted some specific place-based approaches to managing alcohol-related harms where it has been concerned about escalating levels of alcohol-related assault and other violent behaviours. These approaches have taken place in Newcastle, then Kings Cross and Sydney CBD.

3.4.1 Restrictions in Newcastle (2008)

In Newcastle, concerns were raised relating to violence and anti-social behaviour, particularly during late night trading periods. There were problems caused by patrons moving between venues and congregating in streets. The complaints focused on four venues, with a further 11 under examination.

In response to these concerns, the regulator at the time – the Liquor Administration Board (LAB) – imposed special licence conditions on 14 venues in Newcastle's CBD in March 2008.

The LAB found that for the conditions to be effective at the four venues, they would need to be applied more broadly to other late trading venues. The LAB excluded one venue and determined that 14 venues in Newcastle would be subject to conditions.

Conditions imposed on venues in 2008

The main conditions were lockouts and closure times. Venues were subjected to lockout times of 1am or 1:30am and closing times of 3am or 3:30am.

In addition, the LAB imposed the following conditions on the 14 venues:

- licensees provide a Plan of Management to the LAB within six weeks
- licensees must ensure that at least every three months a compliance audit of the premises is carried out by a person who is not employed by or in an ongoing financial arrangement with the hotel, so as to ensure continuous compliance with the Plan of Management.
- from 11pm until closure, licensees must retain an employee whose sole function is to supervise responsible service of alcohol practices at the bar and to observe the responsible consumption of alcohol throughout the premises
- the following restrictions and conditions were applied upon the sale of alcohol after 10pm:
 - no shots
 - no mixed drinks with more than 30mls of alcohol
 - no RTD drinks with an alcohol by volume greater than 5%
 - not more than four drinks may be served to any patron at the one time
- free water stations be placed at every bar
- sale and supply of alcohol must cease 30 minutes prior to closing time
- licensees must ensure, through adequate supervision of the premises, that no patron is stockpiling drinks. Stockpiling refers to any one patron having more than two unconsumed drinks at a time
- within 3 months, the licensee must have entered into an agreement with all of the other licensees subject to the conditions; an arrangement for the sharing of a radio network to be used by management and security for communicating with the other premises.

Outcomes in Newcastle

These conditions brought about a reduction in alcohol-related violence in the Newcastle CBD without noticeable displacement of assaults to other areas.²³ The conditions helped prevent assaults and reduced the frequency of people presenting to hospital emergency departments late at night and in the early hours of the morning.²⁴ They also created an environment in which more licensed venues appeared without an increase in violence.²⁵

In a 2010 evaluation, the number of alcohol-related assaults in the seven years prior to the introduction of restrictions was compared against the number of alcohol-related assaults in the 18 months after they came into force.²⁶ Data on assaults in the Newcastle CBD was also compared with data in Hamilton, a suburb located about 4km from the CBD. The study found:

...there was a 34% reduction in assault incidence in the intervention area and a non-significant increase of 2% in the control area [Hamilton] in the same period. The relative effect, i.e. the effect of the intervention adjusting for the assault incidence in Hamilton, is given by the ratio of incidence rate ratios in the two study sites, i.e. a 37% relative reduction which equates to 33 assaults prevented per quarter...

When the data were analysed separately by time of incident, effect estimates were markedly larger for assaults occurring between 3am and 6am (67% relative reduction) than for those occurring between 10pm and 2:59am (26% relative reduction). For the earlier period (6pm to 9:59pm) there was a non-significant increase in assault incidence in the CBD and no change in Hamilton.²⁷

In other words, it is estimated that the restrictions in Newcastle resulted in over 130 fewer alcohol-related assaults per year.

Review of conditions in 2018

In 2018, the Authority requested an independent review of the 2008 conditions. Dr Jonathan Horton QC undertook the review in consultation with key stakeholders.

Following the review, the Authority determined that there was a strong case for maintaining the restrictions that currently apply to the 14 hotels.

Some changes that were made as a result of the review include:

- no longer requiring a shared radio network
- varying the conditions in respect of:
 - Plan of Management
 - supervision of alcohol service and consumption after 11pm
 - drinks restrictions after 10pm
 - notification of conditions to staff.

²³ Horton, Dr Jonathan QC, Review of liquor licence conditions in the Newcastle Central Business District and surrounding areas: Advice to the Independent Liquor and Gaming Authority, 2018, p 2.

²⁴ Ibid.

²⁵ Ibid.

²⁶ K Kypri et al, Effects of restricting pub closing times on night-time assaults in an Australian city (2010), *Addiction*, 106 (2), 303-310.

²⁷ Ibid, p 306-307.

Liquor Licence trial in 2020-22

In 2020, the NSW Government recognised that the conditions originally implemented to high-risk venues were routinely being placed on a range of lower-risk venues such as restaurants and small bars, and that the levels of violence had since declined significantly.

Stage 1

In October 2020, a joint trial was undertaken by Liquor & Gaming NSW, the Authority, the Department of Planning, Industries and Environment, the City of Newcastle, and NSW Police to assess the ongoing need for the restrictions on lower-risk venues.

Stage one of the trial that ran from 1 October 2020 to 31 March 2021, included relaxation of certain licensing conditions for the 24 restaurants and small bars that opted in.

Conditions were relaxed for the participating venues in relation to:

- standard trading hours extended for:
 - small bars until 2am, and
 - restaurants until midnight from Monday to Saturday, and 10pm on Sundays
- restrictions lifted on certain types of drinks and times when they can be served, allowing higher strength cocktails, neat spirits and shooters. Other drinks-related restrictions (such as the number of drinks that can be purchased at one time) were not subject to the relaxed compliance approach)

Outcomes of the stage 1 trial indicated that the extended standard trading hours for small bars and restaurants improved trade significantly, helped create local jobs in Newcastle and led to a livelier city centre after dark.

Stage 2

Based on the success of stage one of the Newcastle trial, stage two commenced for a 12-month period from 9 July 2021 to 8 July 2022.

Stage two of the trial relaxed certain liquor licence conditions for the 22 participating hotels, general bars and public entertainment venues in:

- Newcastle (including Honeysuckle)
- Newcastle East
- Newcastle West
- Hamilton (including venues on the Hamilton boundary in Islington).

Conditions were relaxed for the participating venues in relation to:

- lockout conditions, so patrons can enter pubs after 1am until closing time
- liquor trading hours to be extended from 3am to 3.30am, provided development consent is in place to allow the venue to stay open, and
- restrictions lifted on the types of drinks that may be served, allowing higher strength cocktails, neat spirits and shooters.

A comprehensive evaluation of stage two of the trial to examine the impacts of Newcastle's night-time economy and the community will be completed by September 2022.



More information

Learn more about the Newcastle restrictions:

<https://www.liquorandgaming.nsw.gov.au/documents/ilga/public-consultations/ilga5268-newcastle-conditions-background.pdf>

Read more about the Newcastle Liquor Licence Trials here:

<https://www.liquorandgaming.nsw.gov.au/resources/statement-of-regulatory-intent-liquor-licence-trial-in-newcastle>

<https://liquorandgaming.squiz.cloud/resources/statement-of-regulatory-intent-stage-two-liquor-licence-trial-in-newcastle>

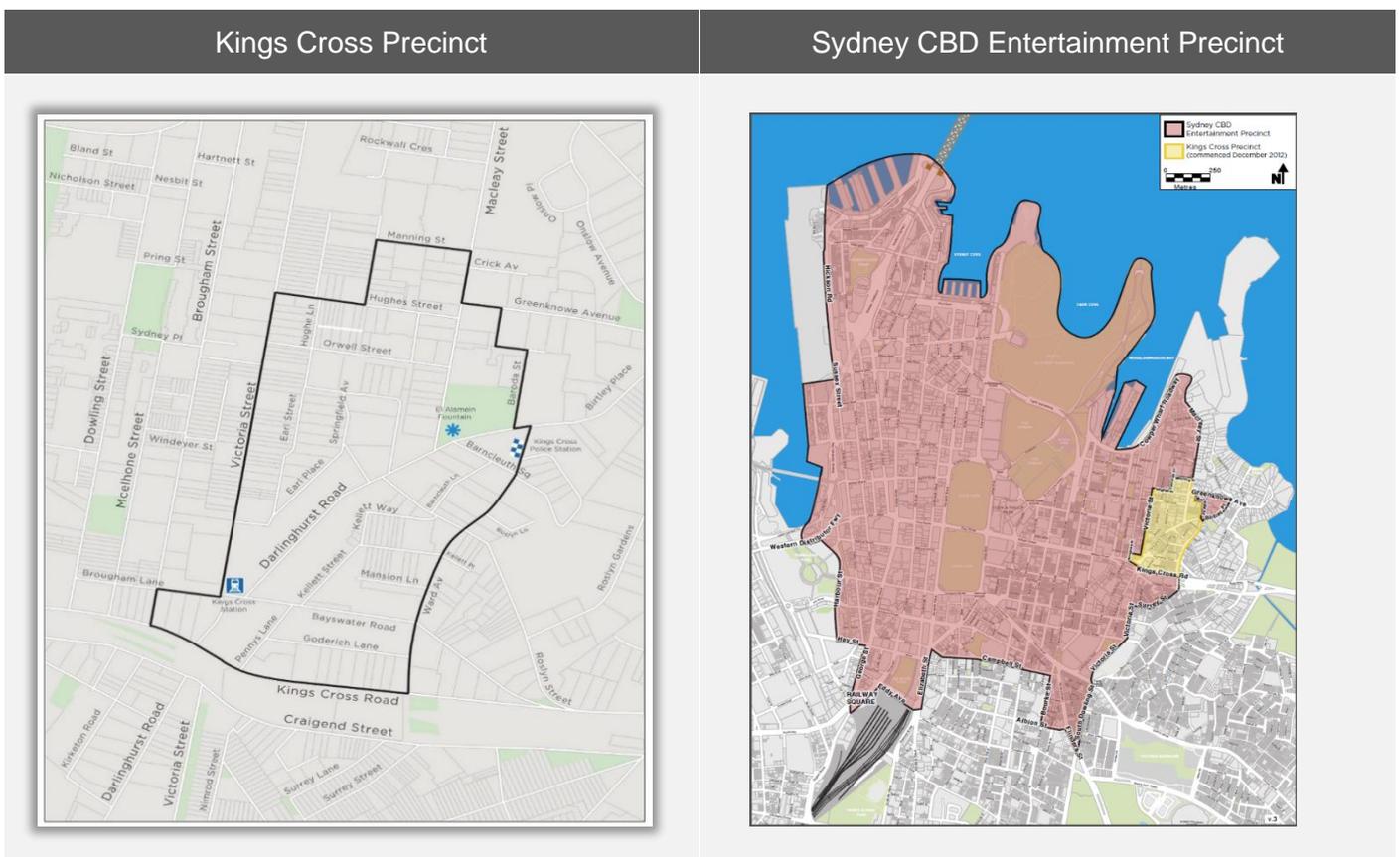
3.4.2 Kings Cross and Sydney CBD precincts

In 2012, in response to rising alcohol-related violence in Kings Cross, the NSW Government introduced a range of special licensing conditions on licensed premises in the area.

Two years later in 2014, in response to concerns at the number of serious, alcohol-fuelled, violent assaults in Sydney CBD and surrounding areas, the NSW Government introduced a package of reforms, including:

- liquor licensing restrictions
- 'one punch' fatal assault laws
- mandatory minimum sentencing for one-punch and other serious assaults
- community education.

The areas targeted for intervention are known as the 'prescribed precincts'. The NSW Government saw there were heightened risks and community concern and introduced measures to address and reduce alcohol-related violence.



All venues in the Kings Cross precinct and Sydney CBD Entertainment precinct have special licence conditions to help reduce alcohol-related violence and anti-social behaviour in those areas.

Licensee recap – prescribed precincts special conditions

The special conditions apply to higher-risk licence types only, whereas others apply to all venues in the precincts. Some special conditions apply to both Kings Cross and Sydney CBD Entertainment precincts.

Other conditions are specific to the Sydney CBD prescribed precinct, such as:

- exclusion of people approaching a venue in the Sydney CBD precinct if seen drinking or with open alcohol containers in an alcohol-free zone or an alcohol prohibited area.
- licensed vessels are not permitted to drop off or pick up people from the Sydney CBD Entertainment precinct between midnight and 7am.

Condition specific to the Kings Cross prescribed precinct:

- mandatory patron ID scanners and refusal of entry to customers who fail to produce a photo ID for scanning, with related staff privacy training for licensees and staff operating ID scanners – higher risk only.



More information

For more information on special licence conditions for premises in Kings Cross or Sydney CBD entertainment precincts, visit:

<https://www.liquorandgaming.nsw.gov.au/operating-a-business/liquor-licences/liquor-licence-conditions-and-precincts/sydney-cbd-and-kings-cross-precincts>

You can also visit the NSW legislation website to review part 7 of Liquor Regulation 2018 here:

<https://www.legislation.nsw.gov.au/#/view/regulation/2018/473/part7>

Outcomes in prescribed precincts

The alcohol reforms in the precincts have been successful in minimising harm to patrons and the community, with a significant reduction in the instances of alcohol-related non-domestic assaults.

Analysis of the long-term effects of the 2014 alcohol reforms indicates statistically significant reductions in non-domestic assault incidents in the precincts as a whole (down 13.3%) by 2019.

By September 2016, non-domestic assaults in:

- Kings Cross Precinct reduced by 49%
- Sydney CBD Entertainment Precinct reduced by 13%.²⁸

Further analyses of the longer-term effects by March 2019 reflected a decline in non-domestic assaults in:

- Kings Cross Precinct reduced by 53%
- Sydney CBD Entertainment Precinct reduced by 4%.²⁹

²⁸ Donnelly, N, Poynton, S and Weatherburn, D (2017) The effect of lockout and last drinks on non-domestic assaults in Sydney: An update to September 2016, *Contemporary Issues in Crime and Justice*, no. 201, p 1.

²⁹ Donnelly, N and Poynton, S (2019) The effect of lockout and last drinks on non-domestic assaults in Sydney: An update to March 2019, *Bureau Brief No. 142*, p 1.

The BOCSAR brief reflected that over time, the size of the assault reduction in the lockout locations declined with an increase in assaults in the displacement sites adjoining (proximal displacement areas (PDA) and distal displacement areas (DDA)) the precincts. Despite this, the reforms delivered an overall reduction in non-domestic assaults with an estimated net benefit of 395 fewer non-domestic violence incidents in these areas between February 2014 and March 2019.³⁰

Alcohol-related non-domestic assaults in the Kings Cross and Sydney CBD precincts July 2012 to June 2019.³¹

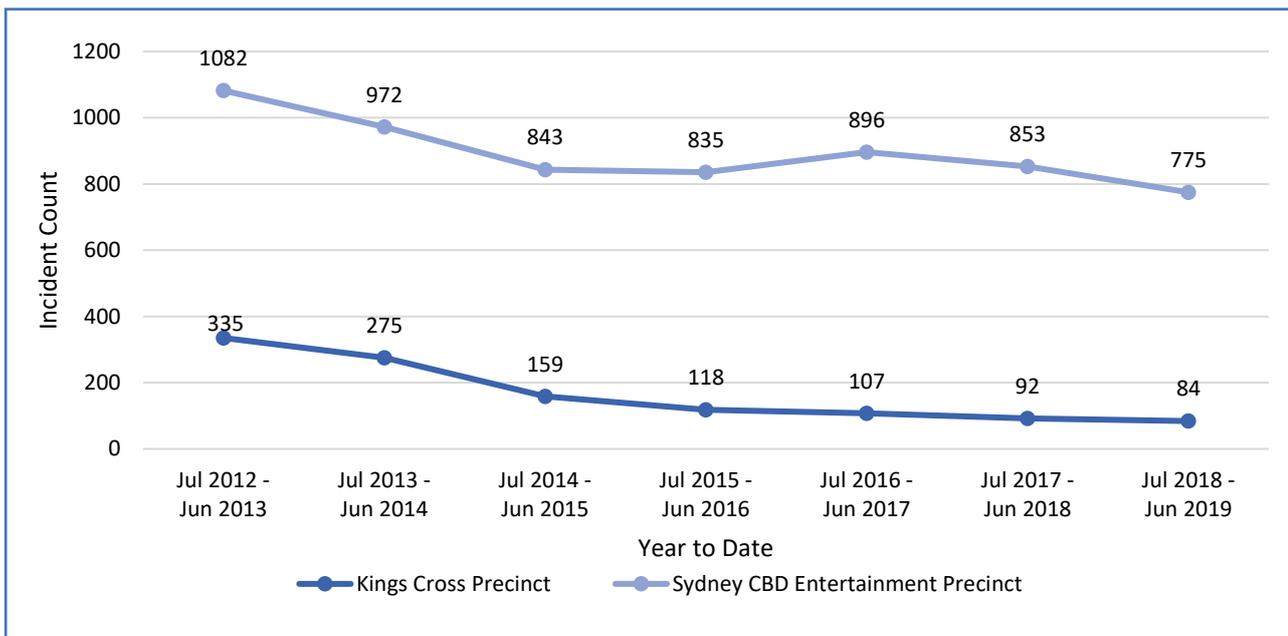
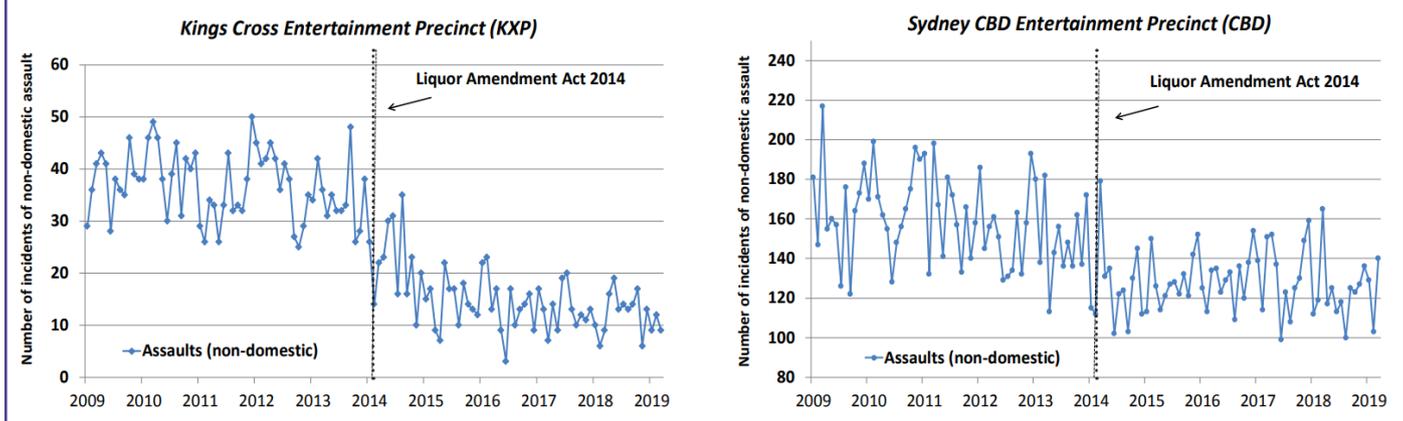


Figure 1. Time series of the number of non-domestic assaults for Kings Cross Precinct, Sydney Entertainment Precinct, proximal and distal displacement areas and the rest of NSW: January 2009 - March 2019



These statistics indicate that the conditions in the precincts were effective in reducing alcohol-related assaults. An independent review undertaken by the Hon. Ian Callinan AC in 2016 found that the objectives of the reforms were successful in transforming the precincts into much safer, quieter and cleaner areas.

³⁰ Ibid.

³¹ Source: Data file supplied by NSW Bureau of Crime Statistics and Research (not publicly available).

Following the review, and under the Sydney's 24-hour economy to revitalise and boost Sydney's nightlife, the Government made some changes to relax licence conditions, including exemptions on small bars and live music venues to extend their operating hours and removing the freeze on new liquor licences in the precincts

The application of these risk-based approaches to the precincts demonstrate a willingness to work with industry to reward outcomes and businesses that are able to exhibit a commitment to best practice RSA and community safety.

Changes introduced on 14 January 2020 for licensed venues in Sydney CBD Entertainment precinct included:

- removal of 1:30am last entry for all licensed venues in Sydney CBD including Oxford street
- extending last drinks by 30 mins at venues with 'good records'
- removing blanket restrictions on serving cocktails, shots and drinks in glass after midnight.

On 8 March 2021, the Government brought the restrictions in Kings Cross in line with the Sydney CBD precinct with the introduction of the following changes:

- 1:30am last entry removed for venues like pubs, bars and nightclubs
- standard 3am last drinks time increased to 3:30am
- blanket restrictions on certain drinks, shots, cocktails and use of glass after midnight lifted
- blanket requirements for RSA marshals and CCTV removed.

What does this mean for you?

Your venue may not be in a prescribed precinct however, the conditions of the precinct could form the basis of voluntary strategies to address potential risk when trading after midnight in your plan of management.

For example, several Newtown bars implemented a range of voluntary measures including:

- refusing to serve shots after midnight
- no admission to new customers after 3am
- approved managers on duty at specified times.



More information

Review the specific details of special conditions for venues in the prescribed precincts:
<https://www.liquorandgaming.nsw.gov.au/operating-a-business/liquor-licences/liquor-licence-conditions-and-precincts/prescribed-precincts>

Refer to the Liquor Plan of Management guidance at
https://www.liquorandgaming.nsw.gov.au/data/assets/pdf_file/0019/1007029/fs3164-liquor-plan-of-management-guidance.pdf

3.4.3 Cumulative Impact Assessment Framework

The Cumulative Impact Assessment Framework provides an evidence-based approach using sophisticated mapping tools and geo-spatial data³² to manage the density and impact of licensed premises in areas with high levels of alcohol-related harm.

The framework applies to potentially high-risk licence types in the City of Sydney LGA, including hotels, registered clubs, nightclubs and bottle shops. It does not apply to venues with dedicated live music and entertainment like music, concert or dance halls that also provide significant employment for musicians, performers or artists.

Large numbers of licensed premises in a local area may see an increase in crime and disorder, antisocial behaviour and the demand on services in a local community. There can also be positive impacts, such as greater choice of local options, a more appealing neighbourhood, increased employment and more business opportunities. Cumulative impacts include the shared impact, both positive and negative, that results from the clustering of licensed premises.

With the lifting of the licence freeze in the Sydney CBD Entertainment and Kings Cross precincts in April 2021, this framework allows the Authority to take a balanced approach in the licensing application process to manage risks specific to the precincts. It also allows the Authority to continually review and manage higher risk areas in the precincts that are hotspots for alcohol-related harm.

Licensee recap – Cumulative impact assessment

Under the framework, the Independent Liquor & Gaming Authority (the Authority) issued a Cumulative Impact Assessment (the Assessment) that included both positive and negative impacts that result from the clustering of licensed premises in the precincts.

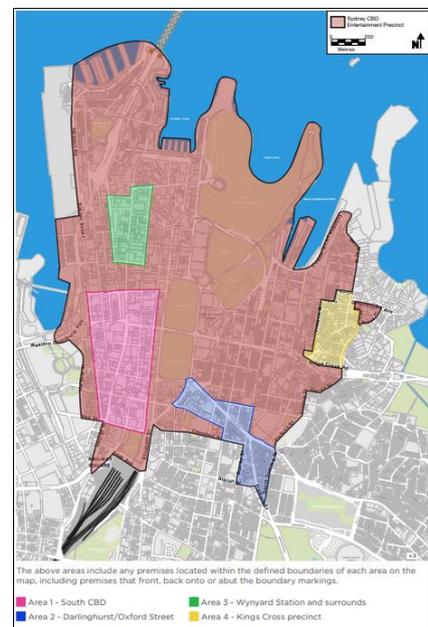
The Authority consults with relevant stakeholders, including peak industry bodies, local consent authority, NSW Police, NSW Health and local residents and businesses before issuing an assessment. The Authority considers the information on the number of licensed premises in the precincts and their impacts, as well as opinions of stakeholders. The Assessment is published on the Liquor & Gaming NSW website.

Based on the evidence, the Assessment undertaken in April 2021 assigns four geographical areas in the precincts as 'Cumulative Impact Areas'. This Assessment will remain in place unless withdrawn by the Authority.

The four key areas are South CBD, Darlinghurst/Oxford Street, Wynyard Station and surrounds and Kings Cross.

These are areas where additional measures need to be considered before certain licence types, authorisations and approvals can be granted as they could have a negative overall social impact on the well-being of the local or broader community.

This approach aims to ensure that the risk of alcohol related harm continues to be carefully managed in these high-risk areas.



³² Alcohol-related crime data sourced from the Bureau of Crime statistics and Research (BOCSAR);

What does this mean for you?

This framework provides more clarity for new licence applicants to consider the suitability of their proposed venue in either precinct. In publishing this Assessment, the Authority is stating how it intends to approach certain licensing applications in the Cumulative Impact Areas.

The Assessment includes specific factors the Authority may consider when determining licensing applications in these areas such as applications for extended trading hours, increases in patron capacity or scale of existing licence premises, and new licences. This provides more certainty for industry, community and government by providing clear and transparent guidelines for how any issues will be managed.

The framework provides far more scope for the Authority to approve new licences in the precincts for unique or innovative licensed businesses that can positively impact on a community.

Examples of offerings that may be able to demonstrate an overall positive impact

For venues that allow the sale of alcohol for consumption on the premises:

- strong ongoing support for live music or the arts, tourism or community cultural sectors
- community and cultural facilities where alcohol service is not a central focus
- highly unique and beneficial community offerings
- Alfresco dining for existing venues.

For venues that allow sale of alcohol for off-premises consumption:

- take-away ancillary to another primary purpose
- market orientation towards selling craft and boutique liquor products
- small increase in floor space of the licensed area as part of a refurbishment.

In determining a higher risk application, the Authority will approve such application when they are satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community. The Authority considers each application on its own merits and individual circumstances.



More information

Visit the L&GNSW website for more information on the Cumulative Impact Assessment at:

<https://www.liquorandgaming.nsw.gov.au/operating-a-business/liquor-licences/applying-for-and-managing-your-liquor-licence/cumulative-impact-assessment>

Refer to the Authority's Guidelines 18 on Cumulative Impact Assessment for the Sydney CBD Entertainment and Kings Cross precincts here:

https://www.liquorandgaming.nsw.gov.au/_data/assets/pdf_file/0010/980389/gl4028-cumulative-impact-assessment-sydney-cbd-and-kingscross-precincts.pdf

For more information about understanding BOCSAR crime hotspot maps see:

<https://www.bocsar.nsw.gov.au/Publications/BB/bb60.pdf>

3.5 Liquor accords

Industry has also been proactive in addressing alcohol-related harms. One of the primary ways in which industry collaborates is through liquor accords.

Licensee recap – liquor accords

A liquor accord is a voluntary, industry-based partnership reached between local stakeholders who are committed to minimising harm associated with alcohol abuse, including improving safety and reducing alcohol-related violence and antisocial behaviour.

Liquor accords meet regularly and provide their stakeholders with a forum to discuss their views, concerns and expectations and work towards solutions.

The main benefits of having a liquor accord in your local area include:

- reduced antisocial behaviour in and around licensed premises in your community
- reduced crime and alcohol-related violence
- reduced underage drinking and prevention of minors entering premises
- reduced alcohol-related road trauma
- increased staff awareness and practice of responsible service of alcohol
- improved understanding of and compliance with legislative obligations for licensees, approved managers and staff
- enhanced reputation as a compliant venue
- enhanced community understanding of the roles of government agencies
- collaborative and supportive relationships between licensees, local councils, patrons and police
- strengthened relationships with patrons and local residents
- encourage participation from the community in strategies planned for their benefit
- improved standard of customers in and around licensed premises
- access to customised materials and resources relevant to industry issues
- access to the latest news, industry updates and information on regulatory changes
- support to members during times of disruption to the industry due to unforeseen events and/or significant changes to business operations e.g. COVID-19.

Strategies that liquor accords have adopted to support a responsible and safe liquor industry include:

- creating effective transport options to move people away from a precinct
- developing a communication network between licenced premises to help them provide notifications of incidents or warnings about troublesome customers who may be moving between venues
- ensuring venues provide a safe and secure environment for customers and staff
- supporting initiatives that assist personal safety of vulnerable patrons minimising antisocial behaviour, including destruction of property and violence, arising from excessive alcohol consumption
- developing effective promotional materials to encourage patron behaviour in line with changing restrictions.

3.5.1 Case studies

The following section details some case studies of effective liquor accord initiatives. Local liquor accords identified issues or emerging trends in their area then worked proactively to address them.

Eastern Suburbs Liquor Accord – Enjoy@Home campaign

The Enjoy@Home campaign was launched in August 2021, designed to reduce the number of patrons gathering near venues, posing a risk under the COVID-19 Public Health Orders. In collaboration with NSW Police, the Accord developed a series of custom sticker designs to be placed on take-away vessels sold to patrons, to remind them to consume their beverage at home. 5,000 stickers and associated posters were given to businesses providing takeaway liquor in the Bondi Beach area.

As a result of the campaign, Police observed a significant reduction in street drinking and people breaching the Public Health Orders.

The campaign was a great example of how local issues can be addressed through collaboration between the Accord and local police, to help minimise alcohol related harms. It was also an example of how quickly Accords can respond to a changing industry environment.

The campaign materials were then adapted and promoted by Liquor & Gaming NSW to be used across the state by venues offering take-away liquor to patrons.

Byron Bay Liquor Accord

In 2012 and 2013, census data showed that Byron Bay was ranked the third highest suburb in NSW for alcohol-related assaults. Byron Bay also historically experienced a much higher percentage of non-domestic, alcohol-related assaults when compared with the rest of NSW. It was during this time that the Byron Bay Liquor Accord worked closely with their local Police Area Command, local council and youth services to voluntarily implement strategies to address alcohol-related issues.

As a result of this collaboration, the Byron Bay Liquor Accord introduced a number of strategies, including:

- no double spirits
- no shots for all member venues
- no cocktails after midnight
- no outlaw motorcycle gang (OMCG) colours
- prohibiting the sale of energy drinks and cask wine over two litres in bottle shops.

By taking a collaborative approach to addressing local issues, the voluntary strategies implemented by the Accord contributed to a 60% decrease in alcohol-related incidents between 2012 and 2016.

Ask for Angela Campaign

Ask for Angela is a patron safety campaign aimed at addressing sexual violence. Originating in the English County of Lincolnshire in 2016, the campaign encouraged patrons to approach bar staff and ask for 'Angela' if they needed help to leave an unsafe situation.

Licensed venues worked closely with the council and the local police to implement the campaign in bars and pubs across the region. Ask for Angela quickly went viral on social media and gained international attention. The campaign has since been adopted by licensed venues across the United Kingdom, United States and Australia.

In May 2017, the Wagga Wagga Liquor Accord became the first in NSW to launch the initiative, followed by the Orange and Albury Liquor Accords. Ten more NSW accords rolled out the campaign in 2018.

In July 2018, the City North, City Central and Darling Harbour Liquor Accord (now the Sydney City Liquor Accord) collaborated to launch the campaign in over 1,000 member venues. In conjunction with NSW Police, City of Sydney Council and the Australian Hotels Association, the initiative promotes a safe and positive environment for patrons to enjoy and demonstrates the proactive work that Liquor Accords do for their communities.

Implementing a campaign that addresses a local issue or prevents one from arising can improve the amenity of the community and raise the public image of the venues who participate.

City Central Liquor Accord – resources for non-English speaking bar patrons

Members of the City Central Liquor Accord (now part of the Sydney City Liquor Accord) identified a need to communicate the fail to quit legislation to their diverse, non-English speaking patrons which include international visitors, students and backpackers. The fail to quit legislation outlines that it is an offence for a patron to remain in the vicinity of the venue after being asked to leave.

Resources with the fail to quit messaging were already available in English. The accord took the initiative to fund the production of posters, cards and screen images in Spanish, Portuguese, Malay, Thai, Korean and Chinese.

These materials were then made available to all member venues to assist when asking a non-English speaking patron to leave a venue. Liquor Accord members report that these have proven to be extremely useful and a worthwhile use of accord funds.

Eastwood Gladesville Liquor Accord – drink driving education for young people

Collaborating with City of Ryde Council, the local Police Area Command, Northern Sydney Health Promotion, the Epping Club and the Community Drug Action Team, the Eastwood Gladesville Liquor Accord came up with a novel and interactive approach to reducing drink driving by investing in a Mobile Education Resource Centre (MERC).

The MERC features interactive computer driver safety games. Students participate in the games and use drink driving goggles that simulate the effects of drink driving to help them understand how alcohol can impair their judgement and hinder their normal reaction times. Local Police noted that young people were more responsive to learning about the risks of drink driving through experiencing these drink driving goggles rather than simply being told about the risks. The

initiative has been successful in changing young people's perceptions of the consequences of drink driving.

Since it launched in November 2015, the MERC has been in high demand, used at local events and by local high schools to educate students.

This also demonstrates that liquor accords provide you as a licensee with access to a number of stakeholders, such as the Police, local health districts, Councils and community groups.

Newtown Liquor Accord – voluntary measures to reduce alcohol-related harm

Building upon the Sydney CBD lockout laws and in response to the number of new patrons visiting the Newtown area, in November 2018 the Newtown Liquor Accord agreed to be proactive and address any potential alcohol-related harms by implementing a range of voluntary measures.

Voluntary measures included:

- no new patrons admitted to venues after 3am - pass out system applies
- restrictions of certain drink types, including shots, after 12am
- cease service of alcohol 30 minutes prior to close
- establishing a code of conduct for patrons, promoting respect and tolerance.

It took cooperation from all late-trading member venues and support from the local Police to undertake the self-imposed measures. This is an excellent example of Liquor Accord members working together and self-regulating.

The Newtown Liquor Accord continues to meet regularly, discussing potential risks and adopting measures to maintain a safe and vibrant night-time economy. Most recently, the accord identified that patrons 'pre-loading' on party buses was a potential issue for the area and member venues agreed to refuse entry to party bus passengers.

The accord started a WhatsApp group for major pubs, late traders and the local Police Area Command to maintain 24-hour communication to notify one another when problem patrons or large groups have been refused entry.

Liquor accord forums provide an opportunity for licensees to better understand local issues and adopt proactive voluntary measures which promote self-regulation.

3.5.2 Multi-venue strategies

Multi-venue strategies are also effective in addressing local issues and are more likely to be successful if adopted through your local liquor accord. The accord provides a platform to work closely with other licensees, licensing police and relevant stakeholders in your local area, and to manage and monitor its successful application.

There are two types of multi-venue strategies:

- multi-venue exclusion, where a customer is immediately barred from multiple venues for 24 hours
- multi-venue barring, where a longer-term barring is put in place.

Multi-venue exclusion

Multi-venue exclusion may occur when a person is refused entry or removed for being intoxicated, violent, quarrelsome or disorderly in or near a venue. The licensee may then immediately notify all the surrounding venues to also refuse entry to that person.

This strategy aims to deal with the immediate risk posed by the customer and only applies for the trading period in which it occurs, i.e. no more than 24 hours.

Any barring that extends beyond the immediate trading period should be considered under a multi-venue barring policy.

In previous years, many accords adopted electronic pagers, radios or linked ID scanners as an instant communication method to the group.

Now accords can use sites such as Facebook, WhatsApp and Viber to instantly share information. Each local area should decide on the communication system that works best in their area.

Multi-venue barring

Through multi-venue barring strategies, venues are better prepared to protect the safety and wellbeing of their staff and customers, eliminate or reduce violent and anti-social behaviour and promote the industry's responsible image in the community.

Venues can unite to bar a person from all venues when they have:

- engaged in several serious acts of violence or anti-social behaviour
- been repeatedly troublesome, either in the same venue, other venues, or in the vicinity of venues

Accords in collaboration with police can also enact a multi-venue barring policy specifically for members of Outlaw Motor Cycle Gangs (OMCG).

A multi-venue barring is intended to assist licensees to protect their staff and customers from the behaviour of the person concerned.

Multi-venue barring is an example of where a licensee uses their common law right to exclude a person from their venue. Where an accord bars a person from all accord venues, they are informing the person that each licensee will exercise their right of refusal if an attempt is made to enter the venue.

In order to enact multi-venue barring some policies and procedures need to be in place. This will generally require:

- an agreement or constitution detailing membership and voting rights
- an executive or governing body
- regular meetings
- established communication channels.

Local liquor accords are the most appropriate mechanism to implement a multi-venue barring strategy due to their existing governance

It is strongly recommended that you and your local liquor accord seek independent legal advice before implementing a barring system. It is also crucial that a review system is in place to ensure complaints are handled appropriately.

Privacy obligations with multi-venue strategies

Many people have concerns about the possible misuse of personal information. They worry that stored personal information could be hacked, stolen, inappropriately accessed or misused, causing harm through credit card or identity fraud.

Both state and federal laws exist to deal with these concerns. You should ensure that you only collect information that is necessary to implement the multi-venue barring policy. Different legislation may apply to each different type of accord member and each licensee.

Regardless of whether there is binding legislation, it is good practice for all venues to take steps to protect the privacy of customers and lower the risk of privacy complaints being lodged against you. This is particularly the case when collecting and sharing information about a person who has been barred.



More information:

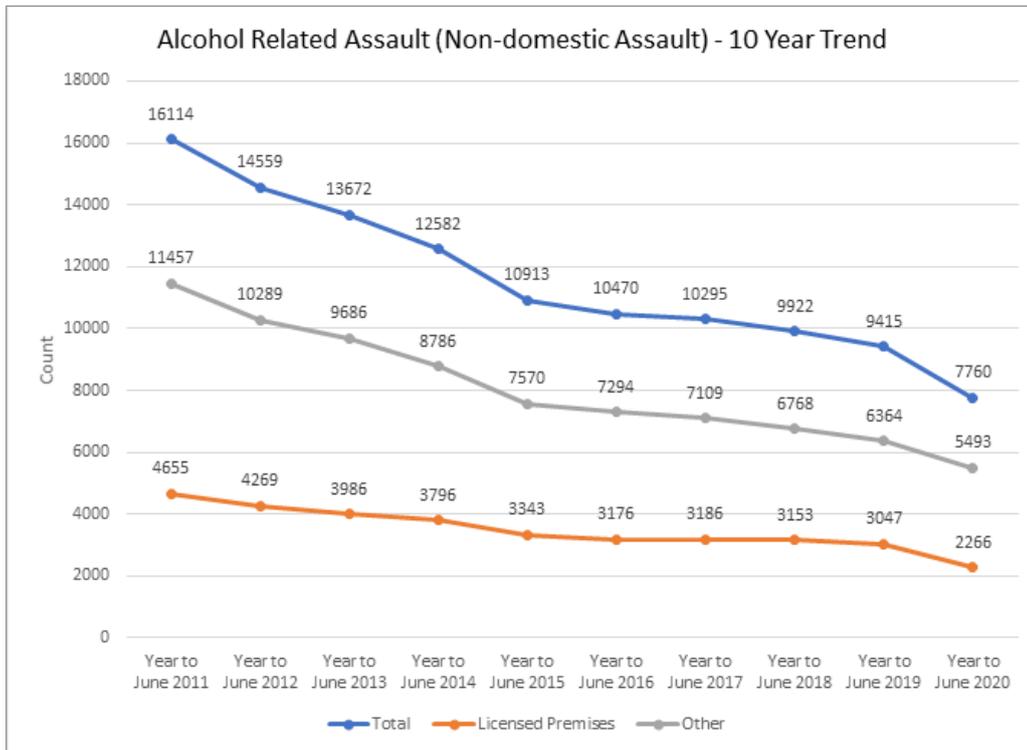
For more information on the Privacy laws, refer to section 4.5.7 Privacy considerations.

For more information on excluding patrons from venues, refer to section 77 of the *Liquor Act 2007*.

3.5.3 Outcomes from Government and industry initiatives

Through the use of these strategies, the NSW Government and industry have been successful in reducing alcohol-related harms in NSW.

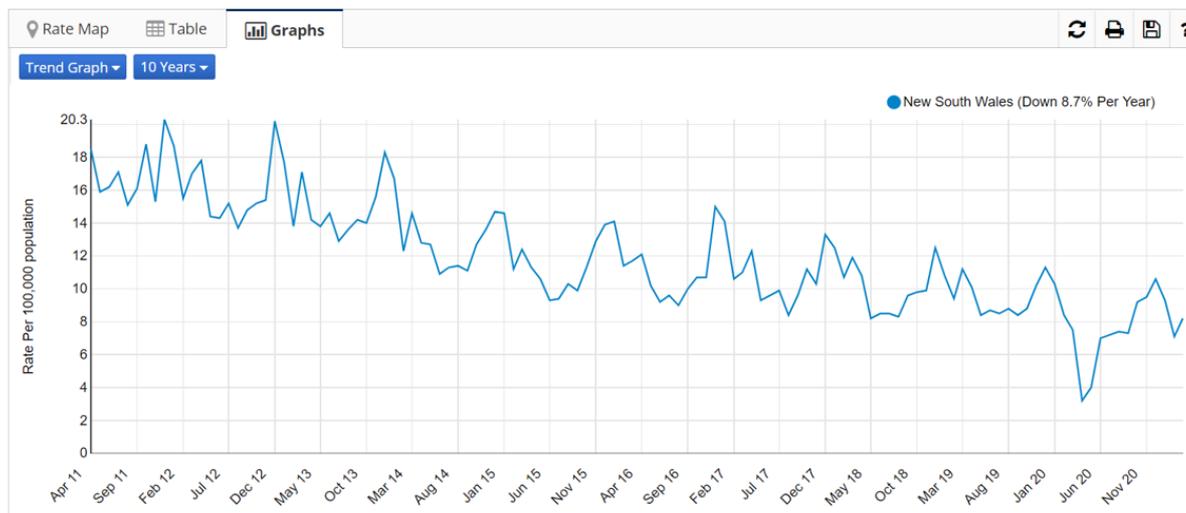
There has been a declining trend in alcohol-related violence in NSW. BOCSAR statistics on incidents of alcohol-related assault (non-domestic assault) in NSW, from July 2010 to June 2020, have decreased at a rate of 8.9% (total) and 8.8% (in licensed venues) per year³³.



Source: Bureau of Crime Statistics and Research, 2021

Statistics for the 10-year period ending March 2021 in NSW continue to reflect a downward trend in alcohol related non-domestic assaults by 8.7% per year.³⁴

Incidents of Alcohol Related Assault (Non-domestic assault) in New South Wales, from April 2011 to March 2021



Source: Bureau of Crime Statistics and Research, 2021

³³ Source: NSW Bureau of Crime Statistics and Research NSW Crime Tool – publicly available

³⁴ Ibid.

Module summary

Congratulations. You have completed Module 3: NSW Government approaches to minimise alcohol-related harms. You should now be able to:

- understand a risk-based approach to licensing
- understand the purpose of the regulatory schemes and what they have achieved
- outline the restrictions applied in Newcastle CBD and the outcomes achieved
- outline the purpose and impact of prescribed precincts
- understand the proactive measures adopted by industry to address alcohol-related harms through liquor accords
- outline the success of these measures in reducing alcohol-related violence in NSW.

Module 4: Minimising risk of alcohol-related harms in your business

PART A: Risk Management

4.1 Introduction

In the previous module, we discussed some examples where Government and industry identified alcohol-related issues or trends and took a risk-based approach by introducing controls to address the harms.

As a leader in your business, it is critical that you also take a risk-based approach to managing your licensed premises by developing harm minimisation strategies and procedures specific to your business and environment. This is critically important in higher-risk environments to ensure the safety of your staff and customers, and your business as far as reasonably possible.

As advanced risk managers, you have the ultimate control by introducing voluntary measures to remain compliant. You do this through staff education, innovation, use of technology and continuous business process improvements to steer your venue towards independence from regulatory control.

This module details the steps that you would take to identify, analyse, control, monitor and review risks that are specific to your business. We'll outline how to record a risk management process and show how your risk assessment will form the basis of your plan of management.

Knowing and understanding what risks you potentially face and determining suitable courses of action to prevent them from occurring can spare your business enormously in terms of reputation, legal action, harm to others and the capacity to operate and generate revenue. By completing this module and understanding it fully, you will be equipped with the knowledge and tools to be an effective risk manager.

Remember, risk management is never finished. New risks will emerge, and existing risks will disappear. It's an area you always need to stay on top of!

Licensee recap – a risk management approach

The potential harm the service of alcohol may cause has been well documented. Therefore, it is essential that you maintain a proactive approach to risk as licensee. This will ensure that, as far as is reasonably possible, any risk to your business is minimised and the safety and security of your employees, customers, neighbours, and assets is maintained at all times.

Harm minimisation aims to address alcohol-related harm and violence by reducing its effects on individuals and society. While there are mandatory harm minimisation requirements and obligations in place for licensees and licensed venues, you can always do more to protect those who might be at risk.

Taking a risk-based approach is a smart way of minimising harm and ensuring your business is compliant with basic legislative requirements and licence conditions. A risk-based approach might include activities like:

- conducting ongoing safety audits and risk assessments to establish a risk profile, and
 - determining appropriate control measures.

At the end of Module 4: Minimising risk of alcohol-related harms in your business, you will be able to:

- outline the process of identifying and managing risks
- outline possible strategies for controlling risks, including:
 - environmental design
 - security considerations
 - proactive RSA measures
 - unforeseen events such as coronavirus (COVID-19)
 - building relationships within your community
 - using and developing tools and templates
- outline best practice strategies that might be useful within your business.

4.2 Risk management framework

All parties in the liquor supply chain have a responsibility to proactively manage risk rather than simply reacting once something happens.

Risk management is the process of identifying anything that could, or has, gone wrong. It is considering the impact it may have on your business and making sure there are strategies in place to manage them. Risks can affect the safety of people, property, finances, the environment or your business's reputation.

Risk management is not something new. We all undertake risk management every day – ensuring power cables aren't lying where you could trip over them or putting on a seatbelt when travelling by car are examples of everyday risk management.

The key to effective risk management is having a strong reporting process in place. Everyone needs to be clear about what constitutes as a hazard or unsafe event, how to report it and who to report it to. Frequent and open communication with people throughout the industry will help you better understand the risks and make informed decisions about how you manage them.

The first step toward setting up a risk management framework is to record any risks or hazards risks and develop risk management processes. A strong risk management framework typically includes things like:

- documented policies and procedures
- strong reporting culture
- open consultation, feedback and communication.

What's in it for you? What are the benefits?

Risk management is the best way to build and protect your business and your customers.

The benefits of effective risk management to your business include:

- providing a safer work environment for staff and the public
- managing your obligations under the *Liquor Act 2007*
- demonstrating your ability to manage risk and ensure safety
- becoming an employer of choice and preferred supplier to customers
- allocating resources to the most critical areas
- reducing insurance and SafeWork premiums.

4.2.1 Establish a risk register

Together, we are going to build a risk register. This enables you to identify the possible risks within your business, record them and manage them.

A risk register is designed to act as a working document to underpin your risk management program. That means you can't develop it once and forget about it. You must use it as an ever-changing and continuously updated document.

A risk register should include the following:

- **risk:** a brief sentence that outlines what the risk is
- **impact:** what impact it would have if it occurs, considering physical or mental injuries, financial loss, reputational loss or regulatory action
- **likelihood:** the likelihood that a risk will occur
- **risk rating:** overall rating from the impact and likelihood of the risk occurring; the rating scale is low, medium, high, and very high
- **risk control:** actions taken to mitigate or avoid the risks
- **residual risk:** the new risk rating considering the impact and the likelihood after you have implemented the actions to control the risk
- **risk owner:** the person responsible for implementing the action to control the risk
- **timeframe:** the timeframe in which the action will be implemented.

The risk register identifies risks and the agreed actions to resolve or diminish them. Use this basic template to manage risk.

Risk identification	Risk assessment			Risk control	Residual risk			Risk owner	Time frame
Risk	Impact	Likelihood	Rating	Actions	Impact	Likelihood	Rating		

4.2.2 Key steps to manage risk

An effective risk management system has five key elements in the cycle which must work together to achieve the best risk outcomes. These are:

1. Consultation and communication
2. Risk identification
3. Risk assessment
4. Risk control
5. Monitor and review.



The following steps help deliver simple and effective risk management that you can use in your business.

Effective risk management always follows these basic steps, though different terms are sometimes used to describe them.

Consult and communicate

Each step of the risk management process relies on communication and consultation to achieve its purpose. If you communicate and consult, you will have a more complete understanding of your business, the potential risks you face and the controls or strategies you can put in place to address them.

It is important to ask the following questions:

- what are the reasons for involving different people in the process?
- who are the appropriate parties to be involved at each step of the process?
- what particular contribution or viewpoint is required from each participant?
- how will consultation take place?

Key stakeholders you could consider consulting with include your staff, the local community, other licensed premises in the area, your local liquor accord, local licensing police and local council.

Step 1 – identify risks

The purpose of this step is to identify what could go wrong and what could happen to prevent the business from being successful.

It is important to acknowledge that exercising harm minimisation is essential for licensees to comply with the objects of the *Liquor Act 2007*. Ask yourself:

- when, where, why and how are risks which have the capacity to cause harm likely to happen in your venue or at your event?
- are the risks internal or external?
- who might be involved or affected if an incident happens?

A risk is anything that has the potential to cause harm or loss. This could be an activity or behaviour, a physical object, a situation or a management practice.

It is important to identify risks so you can investigate possible outcomes and make informed decisions. Some typical examples of risks in the operation of a licensed venue can include:

- poor signage
- unsafe areas
- impact of environmental design features
- inadequate procedures / training.

How do you do it?

The simplest yet most effective way to identify hazards is to have a good reporting system. A good reporting system means people are able to tell you about things that could go wrong and feel comfortable doing so. This can be as simple as implementing a hazard report form, an email address dedicated to reporting, having face-to-face meetings or phone conversations.

It is important for people to have the confidence to report hazards and risks. Allowing them to do so confidentially might help. Ways to identify hazards and risks include:

- **brainstorming:** get together with those who know the business well to find out what the business relies upon and the things that can, and do, go wrong
- **analysis:** analyse internal systems and processes to identify critical points
- **communication:** regular meetings or discussions with staff
- **spot checks:** walk through your venue to identify hazards or risks that could affect day-to-day activities.

The following are some useful techniques for identifying risks.

- **Ask “what if...?” questions**
Ask these questions and think about your legal obligations, current security management plan and current operating procedures. Consider what would happen in your venue if a variety of scenarios occurred so that you can gauge what controls may be required. For example, what if a customer became intoxicated on your premises?
- **Analyse other incidents**
Think about other incidents that have, or could have, affected your venue, neighbouring venues or venues similar to your own but in other locations. This can be helpful to gauge possible outcomes, the likelihood of reoccurrence and what controls might be necessary.

Use the Bureau of Crime Statistics and Research (BOSCAR) data in your risk assessment. Inspection of local crime statistics is an excellent method you can use when measuring the risk crime may pose to your venues.

- **Undertake a ‘pre mortem’**

A pre-mortem is a risk management exercise where you and your staff imagine that it is two years down the track and your venue was shut down for failing to manage its risks effectively. Spend 10-15 minutes brainstorming all the different reasons why you might have failed, then see what risks are associated with each reason for failure. This often gives you ideas you might not have identified by simply evaluating your current situation.

For example: your venue might have been shut down for serving minors. The risk is that poor practices, staff training or a weak ID-checking policy has led to a failure to prevent minors from being identified, denied service, and removed. Your next step will be to come up with strategies to prevent this risk from occurring.

- **Assess your processes**

Revisiting causes and outcomes of previous incidents can provide you with a great source of information to improve your policies and procedures. It can help you to identify risks, both within and external to your business.

Use the self-audit checklists from Liquor & Gaming NSW to assess your policies and procedures regularly. These checklists can help your venue comply with NSW's liquor laws. Compliance officers from Liquor & Gaming NSW use these checklists when they audit licensed premises.

For every self-audit checklist item, think about the risk associated with it and what procedure you could put in place. Ask yourself: what could prevent each risk from occurring and how would that affect the rest of the process?

- **Consider your worst-case scenario**

When you think about the worst things that could happen to your business, you can identify risks. The worst-case scenario may be a single event or the result of several small risks snowballing at once.

For example: you admit a person under the age of 18 into the venue. That person is then served alcohol and becomes intoxicated. The young person then becomes violent in your venue and injures themselves. Police come to the venue and you are prosecuted for offences under the *Liquor Act 2007*. Prosecutions are successful and demerits under the incentive and sanctions system are invoked. The young person takes civil proceedings against the venue as a result of their injuries for failure by the venue to exercise appropriate duty of care.

Consider the ways in which this might impact your business:

- your insurance premiums may be impacted
- protracted legal proceedings may ensue
- your venue is subject to negative media reports about the venue and you as owner or licensee
 - your fitness as operator is questioned, creating reputational damage
 - the safety of customers is questioned, leading to a loss of business
- the annual liquor licence fees may be affected
- loss of revenue if venue is shut down under the Minors Sanction Scheme
- staff no longer wish to work in the venue.

Step 2 – assess risk

The purpose of this step is to evaluate the priority level of the various risks you have identified, allowing you to prioritise those areas where resources should be allocated.

What is the impact and how likely is it to happen?

When a risk has been identified, it is important to figure out how much of an impact it could have on the business and how likely it is to occur. This involves analysing the consequences and likelihood of each identified risk.

Impact: This is the impact or outcome of a risk occurring. A risk can have multiple consequences, being a loss, injury or disadvantage.

Once you have identified a risk, ask yourself: what is the consequence of this risk?

Likelihood: This is a measure of how likely it is that a certain consequence will eventuate. This ranges from rare to almost certain. What is the likelihood of the risk and associated consequence occurring?

Determining the impact of the risk

Only you can determine the impacts on your business. They can be insignificant, minor, moderate, major or extreme.

Consequence	Impact	
Failure of business (financial loss and/or regulatory action) Death AND/OR Severe reputational damage	Extreme	5
Major threat to business (financial loss and/or regulatory action) Serious injury AND/OR Major reputational damage	Major	4
Moderate impact on business (financial loss and/or regulatory action) Moderate injury – medical treatment required AND/OR Moderate reputational damage	Moderate	3
Minor impact on business (financial loss and/or regulatory action) Minor injury – first aid treatment AND/OR Minor reputational damage	Minor	2
Minimal impact on business (no financial loss and/or regulatory action) No injuries AND/OR Minimal reputational damage	Insignificant	1

Remember, there can be more than one consequence from a single risk, and it is important to consider different types of consequences such as financial, environmental, safety, business reputation, service etc.



Tip

An incident may have both criminal and civil ramifications, e.g. both fines and damages. This can have serious consequences for you and your business.

Determine the likelihood of this happening

Likelihood	Rating	
Occurs often – will generally occur at least once a year and potentially much more often	Almost Certain	5
Likely to occur – more than 50% chance of occurrence in any 12-month period	Likely	4
Could occur – unlikely to occur in any 12-month period but >50% chance within 5 years	Possible	3
Will only occur in unusual circumstances – >50% chance within 20 years.	Unlikely	2
Only occurs in highly exceptional circumstances – < 50% chance in any 20-year period	Rare	1

What does this mean for you?

After identifying the consequence and the likelihood of a risk, think about its resultant level of risk. Using a risk matrix like the one below will make it easier to determine risk levels. You can modify this as required – it is important to adapt any tools to suit your individual business’s needs.

Risk Matrix

		Impact				
		Insignificant 1	Minor 2	Moderate 3	Major 4	Extreme 5
Likelihood	Almost Certain 5	Medium	High	High	Very high	Very high
	Likely 4	Low	Medium	High	High	Very high
	Possible 3	Low	Medium	Medium	High	High
	Unlikely 2	Low	Low	Medium	Medium	Medium
	Rare 1	Low	Low	Low	Low	Medium

Risk rating: Low, medium, high or very high.



Tip

When assessing your risk, think about it from a range of perspectives. For example, one perspective could be: how might NSW Police or Liquor & Gaming NSW view the situation?

Step 3 – control risk

The purpose of this step is to plan and implement controls that reduce or eliminate a risk. If a risk is identified as very high or high, consider what additional controls you could put in place.

How do you do it?

Involving the right people is crucial when discussing strategies to control the risk. This includes those involved in the task or activity associated with the risk.

Options to deal with risk:

- eliminate the risk
- reduce the risk
- accept the risk and any potential legal or reputational consequences.

Key questions to ask:

- what is currently being done to control this risk?
- what resources will be required to implement the chosen control?
- is it worth doing? i.e. cost versus benefit consideration.

Treatment strategies you could consider include:

- do you address the risk through your current policies and procedures?
- are staff aware of the policies and procedures?
- do you have adequate staff training in place?
- what new measures could you introduce into your venue or event that would address the specific risk?
- who will be responsible for implementing the treatment strategy?
- when will it be implemented?

Step 4 – monitor and review risk

The aim of this step is to make sure your risk management strategies are doing what they were intended to do and to identify where any improvements could be made. The controls you identified should have been implemented and should be effective in reducing the risks.

Managing risk is an ongoing process, therefore your risk management strategy should be used as a working document that is regularly updated. It is critical to ensure your risk management strategies remain current and effective.

You should also have a process to regularly assess what risks your business faces. This is vital because risk is not static; new risks emerge while existing risks may disappear. Some risks that you have already acknowledged may become more or less frequent, or more or less severe, or more or less relevant to your venue.

There are a number of ways to monitor how things are going, including:

- regularly reviewing all risks and controls
- encouraging staff to report back about how effective they deem the controls to be
- regularly reviewing any documentation or other evidence that might help you understand how the control is working.

Where you have sufficiently skilled and experienced staff, make them a 'risk owner' to encourage them to take responsibility for the management of a particular risk that relates to their duties, e.g. a senior bar staff ensuring their colleagues are conducting thorough ID checks. Your risk owner can monitor how well this risk is being managed and report back to you regularly. It's important to remember that, as the person ultimately responsible for managing any risks within your business, you should delegate carefully and always personally keep an eye on how things are going.

The same approaches can be used to identify areas for improvement to your risk management system. Implementing a review schedule is a good way to systematically work through risk management processes and identify possible improvements.

4.2.3 Example risk register

Let's demonstrate how you can apply risk management with this hypothetical specific scenario: you have been asked to host an end of season event for a football club at your business. The event will consist of a dinner and awards ceremony in a private function space. The event will run from 7pm to 1am.

Risk identification	Risk assessment			Risk control	Residual risk			Risk owner	Time frame
Risk	Impact	Likelihood	Rating	Actions	Impact	Likelihood	Rating		
Customers become intoxicated	Major	Likely	High	Club to communicate to participants the expectations of their behaviour ahead of the event and the consequences of any breach to deter poor behaviour	Major	Unlikely	Medium	Club Manager	2 weeks prior to event and during event
				Senior club staff to monitor behaviour and drinking patterns.				Club Manager	
				Additional experienced staff to be rostered on for the event				Licensee	
				Venue will ensure RSA procedures and protocols are in place, escalation strategy agreed				Licensee	
				Staff briefed and trained prior to event				Licensee	

PART B: Best practice strategies to control risk

4.3 Introduction

In the previous topic, we covered the steps you can take to identify, analyse, treat, monitor and review risks in your licensed premises.

You should:

- develop your house policies and procedures
- define how you would address identified risks
- assign responsibility
- continue to monitor and review the risk.

Your venue's house policies will then inform the development of your plan of management, which, like your risk management plan, should be a working document. Your plan of management contains evidence of your venue's commitment to harm minimisation measures. This is especially important given you are operating in a higher-risk environment.

In this topic, we will cover a range of best practice strategies and the tools and templates available to help you undertake the risk activities outlined in your risk management framework. These include:

- environmental design
- security technology
- other security measures
- proactive RSA measures
- unforeseen events such as the coronavirus (COVID-19) pandemic
- building relationship within your community.

These best practice strategies form a toolkit that will enable you to build a strong risk management platform to not only operate a compliant business but also create a culture of compliance.

4.4 Environmental design

Environmental design strategies apply physical measures that assist with running a safe and compliant business or event. Additional design controls may be required in unusual circumstances, such as special events, that increase trading hours or attract more customers.

4.4.1 Queue and crowd management

Entry points

Entry points are the critical area where customers can have their ID checked and be allowed or refused entry.

A well-organised entry point sets the tone for the type of behaviour that will be acceptable and the overall professionalism of the establishment.

However, queues outside licensed premises or at events can be a frequent location for aggression, increasing the likelihood of violent incidents. Problems relating to queues might include:

- long wait times, often outside and possibly in harsh weather conditions
- unfair or confrontational entry policies
- excessively aggressive exit/rejection practices
- high amounts of queueing and congregation in the available space
- security staff not monitoring the queue itself, causing violent incidents to go unnoticed and potentially escalate
- restricting passing foot traffic or blocking pathways, leading to confrontations.

Measures to help reduce incidents could include ensuring queueing areas:

- are well lit
- are well covered by your CCTV
- are away from public walkways where possible
- do not interfere with regular pedestrian flow
- provide enough space for customers to wait comfortably
- use barriers for orderly queueing
- are not limited in number - there should be more than one entrance where possible
- have increased staff monitoring for early detection and defusal of problems like noise, queue cutting and anti-social behaviour
- employ additional security staff to reduce customer wait times
- have security personnel for bag checking and ID scanning who are well rehearsed in the process.

Queueing points provide an excellent opportunity to monitor the incoming customers for signs of intoxication and violent or aggressive behaviour. Security teams should monitor these areas to identify and remove troublesome customers before entry.

ID scanners

ID scanners are a good way of sharing information and ensuring troublesome customers are kept out of your licensed venue or event. However, long processing times in queues can agitate customers and lead to violent incidents. Efficient operation of scanners to keep the queue moving quickly reduces the negative effects they can have on crowd management.

To avoid increased waiting times and reduce the risk of harm, employ an appropriate number of security personnel to manage entry and re-entry into your venue or event. Ensure the size of your security team fits the number of customers you expect to receive.

Solo security personnel who are expected to scan IDs while managing queues can become overwhelmed and unable to manage potentially violent situations occurring in the outside queues.

Exit points

Exits should provide a smooth transition from the party atmosphere to the street outside. There is a period of risk as groups come together outside and are often competing for public transportation.

If the venue has a large capacity, a well-organised and supervised system for the allocation of taxis will be required.

Exit points should be:

- clearly marked
- manned by security staff
- provide the maximum noise buffer for any residential properties
- be well covered by CCTV.

Crowd management

In crowded areas, customers trying to socialise will get pushed and shoved while standing and will have difficulty moving and being served. Crowded and congested environments with bottlenecks and crossflows of pedestrians can result in unintended bumping, brushing past, shoving and stress. As competition for space or bar service increases, so does agitation and aggression.

Congestion also makes it harder for security to observe the crowd and can affect safe and effective evacuation. The spilling and slopping of drinks and wandering hands can also create tension, frustration and conflict.

It's a good idea for licensed premises to employ crowd management practices to reduce the risk of aggressive behaviour and further minimise harm. Crowd management measures could include:

- **making the environment work for you:** the last thing you want when large crowds are moving around inside the venue is a bottleneck. Ensure there is enough space within your venue and that walkways are wide enough for two-way traffic if required
- **checking the floor plan:** see if there is anything you can change to improve the foot flow in and around the venue and reduce crowded areas and cross flow
- **reconsidering your numbers:** if the environment can't be physically adjusted, you may need to reduce customer capacity, even below the numbers that you are legally allowed to hold within your venue
- **placing signs strategically:** ensure there is an abundance of clear signage detailing the direction of amenities such as bar, toilets and food service
- **making sure there are no hazards:** e.g. uneven ground, doors in major thoroughfares closing etc.
- **having the right amount of security:** the right numbers in your security team will help to ensure things run smoothly. Consider crowd demographics, venue size, experience levels of staff and relevant responsibilities to ensure sufficient numbers
- **employing a friendly and helpful security team:** if security is calm, professional and polite it will help to ensure people respond better to them and accept what they say, such as if security tells a customer they can't enter without ID.

Bar areas

Bar areas are a typical congestion point, with customers often jostling for a position in the bar queue. This can lead to frustration and aggression as customers compete for service.

Bar area design should:

- provide an orderly queuing system
- allow for smooth customer flow from the bar area once service has been completed
- provide staff with a good line of sight.

By regulating the number of customers in the bar area, you can also ensure that staff who are serving alcohol have enough time and visibility to assess levels of intoxication.

Bar staff should also be able to communicate quickly with management and security to help respond to incidents or refusals, such as through the use of radios.

Dance floors

The dance floor in a late-night environment can be the most central part of a late night licensed venue and a potentially higher-risk area. By design, dance floor areas can be confined, dark and often crowded.

Dance floors should:

- be temperature controlled – overheating can lead to frustration and aggression amongst customers
- be free of any furniture or clutter
- have clear entry and exit pathways
- be adequately supervised with static and roaming guards.

Toilets

Venues must provide adequate toilet facilities based on customer capacity. Long waits for toilet facilities can cause congestion points and lead to frustration and aggression.

Toilet facilities should be:

- adequate for customer capacity; consider also the ratio of males to females
- well lit
- supervised for illegal activity, e.g. drugs
- kept clean at all times to reinforce appropriate behaviour
- have doors that can be quickly opened in an emergency
- have cubicles with adequate upper and lower clearance – doors should provide privacy but allow for the detection of illegal activity or any medical issues, e.g. vomiting.

4.4.2 Amenities

Ensure your business, whether hotel, bar, festival, event or vessel, is always clean and fresh, because a well-maintained business is conducive to positive behaviour.

You could consider the following:

- ensuring furniture and fittings contribute to a positive, high-amenity environment. For example, is furniture able to be cleaned efficiently, is it comfortable, is it designed and located with the safety of the customer in mind?
- avoiding high backless stools and sharp-cornered tables and ledges
- seating areas should allow comfortable spaces for customers to gather
- demonstrating active care and ownership of the venue by removing and replacing damaged, dirty or vandalised furniture and fittings in a timely manner
- avoiding glasses and bottles being discarded on the floor; install ledges to wall perimeters for empty glasses and bottles to make their collection safe and efficient
- minimising unhygienic practices and potential safety risks

- ensuring that your business maintains appropriate lighting and cooling for different times
- considering the use of materials and furnishings which reduce noise reverberation. For example, fire-safe soft furnishings, upholstered seating, rugs and pot plants.

4.4.3 Noise

Licensee recap – noise

Under section 79 of the *Liquor Act 2007*, you have an obligation to ensure the quiet and good order of the neighbourhood is not disturbed due to the running of the licensed premises or by persons after they leave the licensed premises.

Your neighbours can be impacted by the behaviour of customers or the noise coming from your venue, event or vessel. If left unchecked, these things can damage community goodwill towards your business.

Small changes can make a difference when managing noise and disturbances:

- undertake hourly monitoring of entertainment noise and sound levels both inside and outside, and consider what your neighbours (or the community more broadly in the case of vessels) have to deal with
- turn down the amplified music on your PA system
- close the doors or windows facing residential areas
- discourage groups of people from lingering after closing the premises, finishing the event, or disembarking the vessel to keep noise levels to a minimum
- obtain an acoustic test.

It's even more important for you to manage noise and disturbances in your premises, vessel or event when you are open late into the night, as the risk of disturbing others is greatly increased.

Every hour, you need to monitor and record entertainment noise three metres from the source to ensure it does not exceed the noise levels outlined on your liquor licence. When providing entertainment, you can minimise potential community impact by closing the doors and windows of your premises. If necessary, you may need to engage external consultants to undertake acoustic and traffic volume tests to address any identified noise risk in or around your premises or event.

4.4.4 Smoking areas

External areas that allow smoking are often overcrowded and have the potential for aggression due to competition for space. Smoking areas should be:

- suitably sized for the customer capacity
- monitored and cleared of any overcrowding issues
- kept cleaned and made as attractive as possible. This enforces the perception of care and ownership of the area; damaged or dirty environments will only encourage more vandalism and poor behaviour
- adequately lit
- covered by CCTV.

Outdoor areas can impact on the noise levels emitting from the premises and measures should be put in place to maintain the required standard

Consider how vaping may impact your house policy as vaporisers and electronic cigarettes continue to grow in popularity.



Remember!

Electronic-cigarettes or e-cigarettes are treated the same as normal cigarettes, and liable to a fine if smoked in non-smoking areas.

4.4.5 Drug use

Drug related activities are not only illegal, they are likely to affect your trade by deterring other customers.

You need to take action to prevent the use and dealing of illicit drugs in your business, whether hotel, vessel, music festival or other event. You may be unaware of drug use in your premises; however, it is a fact that illicit drug use can take place anywhere, and even the best run licensed premises are not immune to this problem.

If you ignore a small problem or isolated incident, you run the risk of giving the impression that you are willing to turn a blind eye. The problem can then quickly escalate. Intervening early by changing the environmental design to make drug use more difficult is one of the best ways of preventing this issue from becoming a regular occurrence.

What does the law say?

Drug use and dealing on your premises or at your event can also increase the potential for other criminal activity, such as intimidation, violence and damage. You also run the risk of losing your licence.

As a licensee, you have a legal obligation to provide a safe environment for customers and staff.

This applies not only to your premises but also to the surrounding neighbourhood. Effectively addressing drug issues in your premises plays an important part in you meeting this obligation.

Under section 74 of the *Liquor Act 2007* (Sale of stolen goods and possession, use or sale of drugs on licensed premises), as the licensee, you must not:

- permit the licensed premises to be used for the sale of any substance that the licensee suspects of being a prohibited plant or a prohibited drug
- permit the possession or use of any substance on the licensed premises that the licensee suspects of being a prohibited plant or a prohibited drug.

Failing to meet these obligations can result in a significant penalty.

Mandatory incident register requirements

If your licence conditions include a mandatory requirement to maintain an incident register, then any incident that includes possession or use of drugs on your licensed premises must be recorded. This includes any incident that occurs outside of your venue's standard trading hours, or incidents that occur between midnight and 3am for a limited licence.



More information:

For more information on incident registers, refer to the Licensee recap – incident registers in section 4.9.1 – Incident registers.

What to look out for

Different drugs have different effects on people. There are a range of signs, symptoms and behaviours to look out for.

Physical signs can include:

- dilated or constricted pupils
- excessive sniffing, dripping nose, watering or red eyes
- sudden cold symptoms following a visit to the toilet, garden or car park
- white traces of powder around the nose.

Mannerisms that you may observe can include:

- excessive giggling, laughing at nothing, non-stop talking
- unnaturally dozey, vacant staring, sleepy euphoria
- non-stop or repetitive movement, jiggling about, fidgeting
- excessive consumption of water or soft drinks
- sudden inexplicable tearfulness or fright
- significant change in behaviour following trips to the toilet, garden, or car park.

Signs that drugs have been used or dealt with in your venue can include:

- torn up beer mats or cigarette packets; bits of cardboard left on ashtrays
- roaches – homemade filter tips from cannabis cigarettes
- small packets made of folded paper, card or foil
- empty sweet wrappings left in the toilets or ashtrays
- payment with bank notes that have been tightly rolled
- traces of blood or powder on bank notes
- traces of powder on smooth surfaces, particularly in toilets
- very clean surfaces in toilets
- syringes
- spoons or burned tinfoil in toilets
- people quickly heading to the toilets if police enter the premises.

There are some behaviours to watch out for that can indicate a person may be dealing drugs. It's worth considering that these could potentially include members of your own staff.

Signs to look out for include:

- a person who stays a while and has a lot of friends who only stay for short periods
- a person making frequent trips to the toilet, garden or car park followed by different people each time

- people exchanging small packages or cash, often in a secretive manner. They may do this openly to avoid suspicion
- a person seeming to hide in corners and talking very quietly
- conversations include frequent references to drugs - especially slang terms.

Remember, dealers are not identifiable by appearance and can often look highly respectable.

How can drug use be prevented?

If you or your staff start to notice any of the tell-tale signs of drug use in or around your venue, you will need to consider preventive measures to tackle the problem. Don't be tempted to ignore a small problem or an isolated incident. Failure to take decisive action may encourage further drug activity and highlight your premises as a soft target.

High standards of service and cleanliness are a powerful deterrent to illicit drug users in your premises, as this shows that you care about your venue and want to promote a safe, social, drug-free environment.

Low standards indicate a 'don't care' management style. Illicit drug users and dealers will often look for poorly kept premises because they often indicate a venue that isn't being monitored. Illicit drug users and dealers will not take unnecessary risks, so visible and attentive management, staff and security will make them uncomfortable.

Encourage your staff to report all incidents of drug use in your premises. They should also feel comfortable relaying any suspicions they may have about patrons, staff, security or contractors using drugs or dealing in your premises.

Effective monitoring as a preventative measure can include activities such as:

- frequent glass collections and wiping tables clean, which provides a good excuse for 'surveillance'
- combining monitoring with sociability – get to know your customers and make sure that they know you
- the use of CCTV about your premises, especially if it can be seen and monitored by staff
- having staff regularly check toilets and other out-of-the-way areas
- ensuring that staff inform management immediately, but discreetly, if they see or hear anything suspicious
- avoiding flat surfaces in toilet cubicles, or coat them with an oily substance such as baby oil to deter use
- smoke free legislation has made outside areas more popular; be aware of this and carry out regular checks.

Working together

While you and your staff are responsible for the day-to-day running of your premises or event, NSW Police can offer advice on preventative measures and support you in dealing with the problem if necessary.

Involvement in your local liquor accord is an ideal way of promoting a united, zero-tolerance approach to illicit drug use. Your liquor accord meetings enable information on illicit drug use to be shared between premises and may help you build a picture of what is happening in your area.

Case Study

Hotel closed over 'drugs drunkenness'

A hotel was closed after Liquor & Gaming NSW inspectors witnessed customers licking alcohol off the floor, openly snorting drugs and drinking so much they were unable to stand or walk. An undercover Liquor & Gaming NSW Inspector was also approached and asked if he knew where to buy drugs.

Security standards were slack, with security guards observed checking the IDs of women only and checking the pockets of men only.

After Liquor & Gaming NSW inspectors detected a raft of blatant licence breaches, the hotel was shut down for 72 hours. This was the second closure in just over a month.



Consider this...

What would you have done to prevent this from occurring?

What strategies would you implement to prevent reoccurrences?

4.5 Security technology

This section covers the various types of security arrangements and technologies that are available, how they can benefit your operations and how to utilise them within the law. A recap of the relevant privacy laws and surveillance laws will also be covered, as the use of security technology such as ID scanners and CCTV attract additional responsibilities for you as licensee.

Security personnel and the use of certain technologies may or may not be a condition of your specific Tier 2 licence. However, these offer many advantages in managing the safety and compliance of all licensed venues.

Technology can include:

- ID scanners
- closed-circuit television (CCTV)
- video and audio recording
- radio communication
- body scanners
- duress alarms.

Security technology can provide an extra layer of protection against theft and other criminal activity, eliminate entry by minors, detect banned or armed customers and increase the efficiency of communications between personnel across your venue.

These systems can also speed up customer ID screening and help to defend your business against legal action by providing video and audio evidence of incidents.

In recent times, the use of security technology has become commonplace in the regulation of licensed premises. These measures have been included in the licence conditions for venues attached to prescribed precincts, as additional security measures for venues listed on the previous violent venues scheme, and in the special conditions imposed on licenses in response to complaint proceedings.

4.5.1 Radio communication

Radio communication could be an effective method for you, your employees and security to communicate with each other about potential issues or problems, and immediately notify other businesses if an incident occurs.

Further opportunity also exists for employees, managers or security guards to immediately notify each other in any circumstances of duress.

4.5.2 Body scanners and wands

Body scanners are a relatively cheap and non-intrusive method of detecting the presence of weapons or other types of devices which may be used to inflict harm on your customers.

Scanners and wands are particularly useful at events that are considered 'increased risk' due to the expectation of large customer numbers.

Customers who refuse to submit to a body scan could be considered suspicious. This allows the business an opportunity to deny entry to such persons and prevent a potential violent incident from occurring.

4.5.3 Duress alarms

Duress alarms have the ability to immediately notify you, security or NSW Police about circumstances that are compromising the safety of an employee, customer or the venue's assets.

A duress alarm is usually a wireless mobile device worn by the staff member and allows the worker to summon help when needed.

Duress alarms can be particularly effective for anyone working alone in a bottle shop or delivering alcohol offsite. It acts as a safety measure to ensure assistance is provided if you find yourself in a difficult situation with a customer, in the midst of an armed robbery, or in another dangerous circumstance.

4.5.4 Video and audio recording

Being able to provide video and audio recordings of activity within your venue can act as both a deterrent to troublesome behaviour and evidence for when incidents occur.

The use of video and audio recordings is governed by law under the *Workplace Surveillance Act 2005* and *Surveillance Devices Act 2007*.

Body-worn cameras can be particularly effective for staff delivering alcohol off site. They can both discourage aggressive customer behaviour and ensure RSA practices are being enforced.

4.5.5 CCTV

CCTV (closed-circuit television) can be used to monitor the actions and behaviour of customers in and around the licensed premises for surveillance and security purposes.

Venues within the Kings Cross and Sydney CBD precincts must maintain a CCTV system on the premises. Even when not mandatory, it is best practice for all Tier 2 venues to use CCTV systems as an additional source of information to identify troublesome customers and to capture evidence in the event of a violent incident.

Like most security facilities, CCTV should not be utilised as a 'set and forget' device. You may find its operational readiness is compromised, its proactive value is diminished or its ability to identify persons involved in security incidents is ineffective if it is not used correctly.

As a licensee, you should adopt the following as the minimum standard when it comes to managing CCTV:

- optimise the camera positions in areas of greater risk and check there is no interference, e.g. objects blocking the camera's view or low levels of light
- attach an Uninterrupted Power Supply (UPS) to the CCTV system
- adopt a venue maintenance schedule to ensure picture quality and continuity of recording
- ensure that the framerate provides continuity of customer movement
- conduct regular checks of the system's operational readiness and keep a record of the checks, including:
 - date and time the equipment was checked
 - name of the person who checked the equipment
 - whether the equipment was recording images clearly and storing recordings for the required length of time.

Where CCTV is mandated, the system and operation must comply with the following requirements:

- it must record continuously from opening time until one hour after closing - or continuously in the case of 24-hour trading venues
- it must record in digital format at a minimum of ten frames per second
- any recorded image must specify the time and date of the image
- the system's cameras must cover:
 - all entry and exit points of the premises
 - the footpath immediately adjacent to the premises
 - all publicly accessible areas on the premises other than toilets
- the licensee must:
 - keep all CCTV recordings for at least 30 days
 - ensure the system is accessible by at least one staff member at all times it is operating
 - provide any recordings to NSW Police or Liquor & Gaming NSW inspectors within 24 hours of being requested.

Licensed premises that use CCTV have obligations under several laws, including the *Privacy Act 1988* and the *Workplace Surveillance Act 2005*.

The handling of any personal information collected through the use of surveillance devices, including CCTV, needs to comply with the Australian Privacy Principles (APPs). The APPs also apply when monitoring includes retention of a record of the staff activity, e.g. a CCTV video recording of a staff member dealing with a troublesome customer.

Generally, any business that uses CCTV will need to notify anyone who may be recorded - staff or customers - that their image may be recorded by CCTV before they are recorded. A business also

has obligations to ensure any personal information it records is kept secure and is destroyed or deidentified when it is no longer required.

4.5.6 ID scanners

ID scanners electronically read and store images and details from personal identification cards such as a driver licence or proof of age card. Approved ID scanners are linked to an approved ID scanning system which allows you to cross-check a person's ID against a database of individuals who are subject to a banning order or have been barred by a licensee.

Under the *Liquor Act 2007*, customers who have been repeatedly intoxicated, violent, quarrelsome or disorderly on a licensed premises or in its immediate vicinity can be banned from one or multiple venues for:

- a short term - up to 48 hours
- a long term - up to 12 months.

Details of these banning orders are transmitted to Liquor & Gaming NSW by NSW Police. The data is then entered into the approved database and can be accessed by licensees and ID scanners to ensure that banned persons are able to be identified (when their ID is scanned) and refused entry.

This measure is intended to:

- stop alcohol-fuelled violence
- stop troublemakers at the door
- identify customers who break the law.

The ID scanner can alert licensees and staff if a banned person tries to enter their venue. Breaches of a banning order can result in significant fines.

ID scanners may also record a real-time photograph of the person through a built-in camera. Capturing real time photographs enables more immediate identification of a person and assists with inquiries after an incident.

Who is mandated to operate ID scanners?

An ID scanner is mandatory for licenced venues in the Kings Cross precinct unless an exemption has been granted.

ID scanners operating in the Kings Cross precinct must be in use every night that the venue is open. All customers must have their ID scanned when entering or re-entering a venue between 10pm and the lockout times that apply on the night – either 1.30am, or 2am if extended live entertainment trading times are in operation.

Each individual ID scanner must also be:

- under the immediate and personal supervision of a staff member when in use
- in a secure area recorded by CCTV and inaccessible to the public when not in use
- operated by licensees or staff who have completed the privacy training course.

Under section 116D of the *Liquor Act 2007*, Prescribed precinct ID scanner system, only approved operators can supply patron ID scanners to venues for the purpose of the Kings Cross precinct ID scanner system. There is currently only one approved provider: Group Security Solutions. This is because there are strict guidelines about how the system, equipment and information gathered for and by ID scanners must be managed and maintained.

Licensees in the Kings Cross precinct must operate ID scanners at their venues according to the conditions laid out in the *Liquor Act 2007* under section 116E High risk venues — licence conditions relating to ID scanning.

Can scanners be voluntarily installed?

Premises outside the Kings Cross precinct can have ID scanners voluntarily installed to strengthen security. If you do voluntarily install an ID scanner, you must comply with the Commonwealth *Privacy Act 1988* to protect personal information recorded by a customer ID scanner. You must also comply with the requirements below.

Approved identification documents

Licensed venues in the Kings Cross precinct must not permit a customer to enter unless they have a valid photo ID and allow it to be scanned by a venue staff member using the patron ID scanner. Note that minors are not required to produce ID for scanning to gain entry to any licensed venue they are lawfully allowed to enter.

Only evidence of age documents, as defined by the *Liquor Act 2007*, are acceptable for the purposes of ID scanning. Expired evidence of age documents can be accepted, provided:

- the document is an Australian issued passport, driver licence, photo card or proof of age card issued by an Australian public authority
- the identification has not been expired for more than two years at the time of scanning.

The scanning of each customer ID must:

- be visible to the customer
- only take place whilst the customer is present
- be recorded by CCTV while also ensuring that personal information scanned is not visible on the recording
- include a 'live' photograph of the customer that is captured by the customer ID scanner prior to entry
- be undertaken by an approved staff member, who:
 - holds a current competency card with a privacy training endorsement, or a current privacy training interim certificate
 - has signed into the customer ID scanner using their own unique login details and password.

All ID scanning must be done in way that ensures the patron's information is stored accurately. If an ID requires manual entry, the information entered into the system must include the correct full name and accurate date of birth as reflected on the ID presented for scanning.

An outline of the privacy policy must be displayed at or near any public entrance so that people are alerted to its contents immediately before needing to produce photo identification.

Refusal of entry

Where mandatory ID scanner requirements apply, a person must be refused entry to the venue if they:

- attempt to enter the venue without acceptable photo ID
- refuse to produce their photo ID for scanning
- refuse to have a live photograph captured by the ID scanner immediately prior to entry
- are subject to a temporary or long-term banning order.

The Duty Officer at the Kings Cross Local Area Command (LAC) must be notified immediately if a person who is subject to a temporary or long-term banning order attempts to enter the premises.

Advertising

You must display a notice informing customers of ID scanning requirements on all advertising. This is particularly the case when the advertising or promotional material you have distributed encourages customers to visit the venue during ID scanning times. Promotional means include:

- the venue's website or social media sites
- any promotional material
- on tickets if a ticketed event.

What if something goes wrong?

There are contingency protocols in place that must be followed if there is a failure of an ID scanning unit or the ID scanning system, or in the event of any issues being experienced with the ID scanning unit or the ID scanning system.

Penalties

As a licensee, if you, or your staff, don't follow these conditions you could:

- face significant fines
- have demerits imposed against you



More information:

Learn more about ID scanners and privacy training:

ID scanners:

<https://www.liquorandgaming.nsw.gov.au/operating-a-business/liquor-licences/liquor-licence-conditions-and-precincts/id-scanners>

Kings Cross ID scanner requirements, including contact details for the Kings Cross LACs Duty Officer:

<https://www.liquorandgaming.nsw.gov.au/documents/resource-centre/CP4464-Kings-Cross-approved-ID-scanner-requirements-guideline.pdf>

Privacy training:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/getting-trained/privacy-training-and-id-scanners>

4.5.7 Privacy considerations

You must comply with the relevant privacy laws when you operate ID scanners or CCTV in your venue or at your event.

Licensee recap – Commonwealth *Privacy Act 1988* and Australian Privacy Principles

Under the Act, if you have a turnover of greater than \$3 million, you are required to comply with the Australian Privacy Principles (APP) that restricts the collection and disclosure of personal information (schedule 3 to the Act).

Licensees with an annual turnover of \$3 million or less must 'opt in' with the Office of the Australian Information Commissioner (OIAIC). Opting in enables your business to be treated as an organisation for the purposes of the *Privacy Act 1988* and therefore subject to the Australian Privacy Principles and any relevant APP code.

APPs relate to the collection, use, disclosure, and storage of personal information and require licensees to take steps to protect the personal information they hold from misuse, interference, loss, and from unauthorised access, modification, and disclosure.

Under the APPs, a licensee may only use personal information for the primary purpose for which it is collected i.e. identifying banned customers.

This means that you should:

- tell people when you collect personal information what you expect to do with it
- unless you have their consent, have given them an opportunity to opt-out, or the use is authorised by another law, only use personal information for the reason you collected it or in ways people would think reasonable
- pass on personal information only for the reason you collected it, or in ways people would think reasonable, unless you have consent, or the disclosure is authorised by another law
- if people ask, give them a chance to see any information you hold about them and keep personal information secure, accurate, and up-to-date, and
- take reasonable steps to secure the information and destroy or de-identify the information when it is no longer required.

Where a multi-venue barring policy is in place, venues may be able to use and disclose an individual's details as long as the information was primarily collected in order to implement or participate in this policy. To be clear and upfront and to comply with other aspects of the APPs, customers should be informed of this at the time of collection.

The OIAIC's Privacy Management Framework can assist licensees in implementing practices, procedures and systems that ensure compliance with the APPs.



More information

Read more about the APPs and opting-in on the Office of the Australian Information Commissioner website:

<https://www.oaic.gov.au/privacy/privacy-registers/privacy-opt-in-register/opting-in-to-the-privacy-act/>

Privacy policy and management plan

You must prepare and implement a privacy policy and a privacy management plan relating to the use of the customer ID scanners in your venue.

The privacy policy must be made available to any person who asks to see it. It must contain:

- information for customers about the use of ID scanners in the venue
- procedures for ensuring that customer privacy is protected
- process for making complaints about breaches of privacy.

The privacy management plan must:

- explain how your venue handles privacy
- include provisions for protecting personal information from any misuse, interference, loss, unauthorised access, modification or disclosure, and detail how to handle complaints.

Your privacy policy and management plan must comply with the policy approved by your local liquor accord, who will have worked in conjunction with relevant industry associations for your licence type.

If you become aware of any breach or suspected breach of privacy obligations, you should notify Liquor & Gaming NSW and the liquor accord coordinator in writing within 24 hours of becoming aware of the breach or suspected breach.

If a written complaint is received about a privacy breach, you must notify the Secretary of the NSW Department of Customer Service within 14 days of receipt of the complaint.

Privacy training

Any staff, security personnel or crowd controllers who are responsible for operating the ID scanning equipment must hold a current competency card with a Privacy Training endorsement, or hold a current privacy training interim certificate, in addition to standard RSA and relevant security endorsements.

Liquor & Gaming NSW offer a free Privacy course to ensure you and your staff understand their obligations under privacy laws and best practice for operating ID scanners. While the course is free, note there is a fee to add the Privacy training endorsement to your photo competency card and have it reissued.

The Privacy course is designed to help ensure that you and your staff understand:

- relevant privacy laws
- legal requirements when scanning a person's ID
- the importance of protecting personal information.

It is your responsibility as a licensee to ensure all ID scanning staff:

- hold the required competency
- know what action to take in the event of a positive ban check or approved ID scanner system failure
- know the types of identification that are acceptable

- are aware of the requirements for refusing entry and re-entry
- understand their own obligations in relation to privacy, including accessing personal information.

As the licensee, you are also required to ensure that you and your staff comply with the *Privacy Act 1988* in the protection of any personal information recorded by an ID scanner operating in your venue, and you or your staff do not access or attempt to access any personal information stored on the ID scanner.



More information

Find out more information or complete the online Privacy Training course:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/getting-trained/privacy-training-and-id-scanners>

4.5.8 Surveillance considerations

Where you operate ID scanners or CCTV in your venue or at your event, you must comply with the relevant surveillance laws as they relate to your business.

Licensee recap – *Surveillance Devices Act 2007* and *Workplace Surveillance Act 2005*

The purpose of the *Surveillance Devices Act 2007* is to regulate the installation, use, maintenance, and retrieval of surveillance devices in NSW.

A 'surveillance device' means a data surveillance device, a listening device, an optical surveillance device, or a tracking device, which therefore includes CCTV and ID scanners.

The Act includes provisions for:

- installation, use and maintenance of surveillance devices
- instances when devices are prohibited
- warrants and emergency authorisations
- compliance and monitoring
- notice prior to surveillance of an employee
- signs notifying people that they may be under surveillance.

The relevant sections under these legislations include:

- **section 7(1)** of the *Surveillance Devices Act 2007*: a person must not knowingly install or use a listening device to overhear, record, or listen to a private conversation to which the person is not a party, or record a private conversation to which the person is a party.
- **section 8(1)** of the *Surveillance Devices Act 2007*: a person must not knowingly install an optical surveillance device on or within a premises to record or observe activity without the implied or express consent of the owner/occupier if the installation of the device involves entry onto or into a premises. Optical surveillance devices include video, still or smartphone cameras

- Part 2 of the Workplace Surveillance Act 2005: an employer must provide at least 14 days' notice to an employee before surveillance of the employee commences. If surveillance is already in place, the employee must be notified prior to starting work
- **Section 11(b)** of the Workplace Surveillance Act 2005: signs notifying people they may be under surveillance must be installed and clearly visible at each entrance to the premises. The use of surveillance devices in any change room, toilet facility, or shower is not permitted.

Visit NSW legislation for more information on:

Surveillance Devices Act 2007:

<https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2007-064>

Workplace Surveillance Act 2005:

<https://www.legislation.nsw.gov.au/view/html/inforce/current/act-2005-047>

Case Study

Operators banned for life

Two high-profile former bar operators have been banned from holding liquor licences for life after a series of breaches under their management, including alcohol being served to minors and NSW Police being abused on the bar's Facebook page.

In one instance, bar staff served a 15-year-old and 17-year-old 10 shots of alcohol, six beers and mixed spirits before the older boy started vomiting inside the venue.

One of the operators was also convicted of supplying drugs after he was found inside the venue with six small bags of cocaine.

Liquor & Gaming NSW and the NSW Police made a special application to the Independent Liquor and Gaming Authority to ban the pair for life.



Consider this...

You hear a rumour that two of your staff have been serving underage customers and supplying drugs to their friends inside your venue.

How would you deal with this situation?

What strategies would you implement to prevent reoccurrences?

4.6 Security measures

4.6.1 Security contractors

You must provide a safe environment for customers and staff, and employing adequate numbers of licensed security staff is a vital control measure for Tier 2 venues to:

- manage crowds
- monitor customers
- control customer behaviour in and around the premises

- screen customers entering and exiting the premises.

Whether you employ and manage security inhouse or engage an external contractor, the responsibility ultimately lies with you. As licensee, you must ensure whoever is engaged to undertake security duties for your venue complies with security requirements. This includes meeting the mandatory incident register requirements to be maintained by security staff under the Security Industry Regulations 2016.

Licensee recap – security staff

In many circumstances, it is necessary for security to supervise the external surroundings of the licensed premises, event or vessel to ensure quiet and good order is maintained.

For vessels, this may be an additional security precaution to consider when passengers are disembarking.

When determining the necessity for external security supervision, it is essential that you consider factors that are associated with potential risks, such as:

- delays in customer entry to the venue, vessel or event, e.g. queues
- denial of entry to customers
- customers being requested to leave the premises
- congregation of large groups outside the venue, vessel or event
- departure of large groups from venue, vessel or event, i.e. crowding
- the proximity of neighbours to the venue, vessel or event
- environmental issues in the vicinity of the venue, e.g. areas with low visibility or lighting levels,
- electronic security presence, e.g. CCTV, in the nearby vicinity or on a vessel.

Security personnel must be fully aware of their powers to intervene with issues which occur outside the licensed premises and should act accordingly. They should be encouraged to contact NSW Police where the quiet and good order of the neighbourhood is compromised.

It is your obligation as licensee to ensure you provide a safe environment for your staff and customers and incidents are dealt with quickly and safely. Employing the right ratio of appropriate security personnel will help to manage the risks relevant to your business, for example:

Number of customers at licensed premises	Suggested number of crowd controllers
1-100	1
101-200	2
201-300	3
301-400	4
401-500	5

Number of customers at licensed premises	Suggested number of crowd controllers
Every 250 customers over 500 customers (or part thereof)	+ 1 (minimum) additional

Selecting the right security contractor

When employing any security staff, confirm that they:

- are licensed under the Security Industry Act 1997
- have completed responsible service of alcohol (RSA) training.

There are some practical steps you can take when selecting a new contractor or reviewing your current contractor. The steps should be reviewed annually with your contractor to maintain a high level of compliance and service.

Selecting a new contractor:

- ask for a copy of their licence and ensure it fits within a Master Licence category*
- check the licence is valid at <https://www.service.nsw.gov.au/transaction/check-security-operator-licence>
- ask for a copy of their certificate of currency for public liability insurance – ideally, they will be insured for at least \$20 million
- if the contractor is going to conduct a security assessment and provide advice, they should have professional indemnity insurance (\$5 million+) and a Class 2A Security Consultant licence
- ask for a copy of their certificate of currency for their workers compensation insurance
- you may wish to check if they are members of Australian Security Industry Association Limited (ASIAL) or another governing member body
- ask what the processes are for unexpected situations. For example, what action will they take if a guard calls in sick at the last minute, if a guard is unsuitable, or if a guard is involved in an incident?
- check what services they offer and whether they work with you to develop a standard operating procedure (SOP) for your venue
- what their 24/7 contact number is for issues
- ask what training, induction and ongoing professional development they do with their guards
- check how you pay their guards. There are only two ways a security company can legally pay their security guards: one is by the modern award (Security Services Industry Award 2010), and the other is by an agreement certified and registered through Fair Work Commission
- ask what quality assurance they do. If the company says they have quality assurance processes in place, ask to see a copy of their certificate or documentation validating this.



More information

* For more information on Master Licences, visit:

4.6.2 Security best practice

It is essential that security staff undergo a detailed induction prior to commencing work at your venue. This informs them about workplace health and safety requirements, crucial local area information and business standards for contracted staff, as well as giving the opportunity to undertake a venue walkthrough.

You must be sure that security staff are aware of:

- location of incident register
- responsibilities for completing entries in the register
- where your liquor licence is displayed
- any licence conditions
- where your plan of management is displayed, if applicable
- the complaint resolution processes
- anti-discrimination policy
- all current banning orders, voluntary self-exclusions and non-voluntary exclusions.



Tip

Think about the uniforms your security contractors wear. Do you they look like they are part of your venue?

It is essential to maintain regular contact with the security company that provides staff for your venue. Weekly meetings are advisable, as this regular contact ensures security issues relating to your licensed premises are identified and addressed.

Regular meetings also enable businesses to respond to issues quickly. For example, you may need to increase the amount of security staff on peak weekend trade periods, possibly at short notice, or change security staff if a need for retraining or a replacement becomes evident.

Effective communication is essential at the venue level too. Communication between security staff and management is crucial to the safe, responsible conduct of business operations.

In the case of larger venues, it is practical to use walkie-talkies (two-way radios) as a means of rapid communication between management and security staff. Some security contractors may provide their own set of radios, but not always. You should consider purchasing a set of radios if they will be used regularly at the venue.

Case Study

Restaurant fined for dumping drunk women on street

A restaurant has been fined after staff dumped two incredibly drunk women, who'd consumed 16 shots in less than 40 minutes, onto the footpath.

The restaurant is facing a range of sanctions after the incident, which the Authority described as one of the worst breaches of NSW liquor laws in recent years.

The Authority has imposed a first strike on the restaurant's licensee under the NSW Government's Three Strikes disciplinary scheme.

The Authority is also proposing to reduce the restaurant's closing time from 2am to midnight, and require it to have a security guard trained in the responsible service of alcohol on the premises from 8pm each night.

NSW Police has fined the restaurant \$2,200 for permitting intoxication and Liquor & Gaming NSW is considering taking further action.



Consider this...

If you were the licensee of this venue, what strategies would you implement to prevent reoccurrences?

4.6.3 Other security risks – armed robbery

An armed robbery on your business would be terrifying and could turn into a tragic event. It would likely have a significant impact on the health, safety and welfare of your staff, customers and yourself. Armed robberies are often unpredictable and can place your staff in dangerous situations, so it is your duty as a licensee to develop and implement policies and procedures to reduce the risk of armed robbery. There are a range of workplace design considerations and workplace practices that can be used to minimise the incidence and impact of armed robbery or hold-ups.

Limit information and control

Don't provide information about your business to anyone you are not comfortable with. Never discuss your security arrangements in public, not even with friends, to reduce the risk of someone finding out how to access your venue when you're not around.

Closely control the custody, issue, and duplication of business keys. However, you should avoid opening and closing your business alone.

Monitor unusual behaviour

To help increase safety and security within your venue, you should be aware of and monitor unusual behaviour in and around the premises. Watch out for people loitering outside your business, strangers asking about your business, or suspicious behaviour like people spending time in the venue without purchasing anything or wearing winter clothes in summer.

Design of your business premises

Good design of your business premises includes:

- removing clutter and providing a well-lit premises both inside and outside
- placing the point-of-sale area in the most visible location so it can be seen from both inside and outside
- using counters that are wide and high enough to maximise distance between staff and customers
- keeping store-rooms, rear access points, doors and windows secure at all times
- using mirrors to monitor blind spots, although they should be positioned to prevent observation of cash handling procedures
- installing height markers on the inside of your doors, as this will help you judge the height of offenders
- paying attention to rear access points to avoid dark concealment spots
- maintaining landscaping so that ground cover is no higher than one metre and hanging foliage is no lower than two metres.

Cash handling and storage

When considering cash handling and storage, consider having in place procedures such as:

- opening the cash drawer only when it's in use and lock it at all other times
- limiting the amount of cash held on the premises and publicise this fact with a sign saying minimal or no cash kept on premises
- minimising cash levels by frequently clearing cash registers
- having a secure area for handling and counting cash which is out of sight of the general public and access ways, if possible
- handling, counting, and moving cash around your business as infrequently and as discreetly as possible
- ideally, using professional security companies to collect cash and transport it to the bank. If you do need to transfer money to the bank yourself:
 - do so at irregular times and vary the route
 - try to use more than one person
 - conceal bank bags
 - do not wear a uniform or company ID.

Equipment and technology

Specific equipment and technology may greatly improve the security of your business. Seek specialist security advice and consider the following:

- install a monitored alarm system
 - install a safe which is secured to a sturdy fixture
- consider sensors or electronic beepers at the business entrance to alert staff to customers
- make extensive use of signs and stickers to promote security measures such as:
 - staff cannot open the safe
 - premises under constant video surveillance
- if your business is in a particularly high-risk environment, you may require security staff to monitor the premises.

Staff training and awareness

It is vital that all staff are trained regularly and are aware of the security procedures in place in your business:

- ensure all staff members, especially new staff, are inducted, trained and know what to do in the event of a robbery – regularly practise drills for what to do in a robbery
- have more than one staff member involved in opening and closing the business
- staff should be alert to suspicious behaviour and know who to report it to, e.g. a supervisor or other employees. They should also check for suspicious behaviour before closing and leaving the business and depart in groups whenever possible
- ensure all keys and staff passes are returned when a staff member terminates their employment and consider changing cash handling and security procedures if a staff member leaves under difficult circumstances.

What to do in the event of an armed robbery

As well as being aware of the actions you can take to improve your safety and security, it helps to be prepared and ensure your staff know what to do if an armed robbery does occur.

In the event of a robbery, it is important to stay calm and do exactly as the offender says. The overall aim is to try to ensure the offender leaves the premises as soon as possible without injuring or harming anyone. Your personal safety and that of your employees and customers is far more important than any money or stock you might lose.

Remember:

- speak only when spoken to: talking to the offender will only prolong the incident
- the offender may be nervous and tense
- explain any sudden movements you are going to make in advance, e.g. “I am going to open the cash register now.”
- do not activate alarm systems unless it is safe to do so
- avoid eye contact with the offender
- try to remember as much as you can about the offender and how they behave.



Tip

Together with your staff, learn the mnemonic ‘CODE A’ so you are prepared if you are the victim of an armed robbery:

- **Calm** - try to remain calm and stay away from the personal space of the offender
- **Obey** - obey instructions and avoid making any sudden or unexpected movements
- **Description** - note the features of the offenders, including clothing, scars, tattoos, height, hair colour, accent and speech, and any weapons used
- **Evidence** - remember what is touched by the offender and do not touch it yourself as you may interfere with valuable evidence
- **Alarm** - activate the alarm and call NSW Police on triple zero (000) when it is safe.

Much like following a violent incident, as soon as it is safe to do so, you should do the following:

- call the police and seek medical assistance if necessary
- close the business and try to preserve the crime scene; if possible, isolate by roping off the area where the offenders have walked and where the offender/s confronted staff

- relieve affected staff of their duties and separate them to maintain an independent recollection
- ask any non-employee witnesses to remain until NSW Police arrive; if they insist on leaving, try to obtain their name and contact details as police may want to interview them
- do not speak to media or release CCTV footage to them without police approval as this could jeopardise the investigation or court proceedings
- do not discuss the amount of property stolen
- consider counselling and support for staff
- use this event to assess the layout of your business and the procedures you follow - there may be changes you can implement to make the business safer for your staff and customers while making it more difficult for future offenders.



More information:

For more information, contact your local Police Area Command, the District Crime Prevention Officer in regional areas, or the Officer in Charge of your local police station.

4.7 Proactive RSA measures

An aspect of a compliance culture in your business is continual improvement. You are constantly looking for ways to improve your operations to ensure you are achieving best practice, which benefits staff, customers and the bottom line.

Proactive RSA measures or strategies are powerful ways to contribute towards a culture of compliance. Voluntary measures will be specific to your operations but there are a number of strategies here to consider.

4.7.1 Vigilant monitoring of customer behaviour

Customer behaviour must be monitored from prior to entry, right through to when they leave the venue, event, or vessel. This section emphasises the fact that your RSA responsibilities begin before customers even buy a drink.

Customer management and your RSA responsibilities start before a drink has even been served: at the front door, entry gate, or as customers get on board.

As licensee, you are responsible for putting controls in place to monitor and assess customers for signs of intoxication and disorderly conduct. Control systems should cover the premises entry, bar areas and consumption areas to monitor customers who are yet to enter and those who are already inside your licensed premises.

You are expected to tailor controls to the licensed premises that you operate. For example, the less open the layout of the premises, the more roaming staff members may be required to monitor intoxication levels. Lighting, noise levels and physical layout must also be considered.

On entry

Customer behaviour on approach to a venue, event or vessel should be closely monitored for minors, signs of anti-social activity and intoxication.

Remember that at the point of entry, proof of age documentation should be presented and scrutinised from all customers appearing under 25. If your venue has ID scanning technology in place, ensure staff are adequately trained on the technology and procedures for using it. If you do not use technology, ensure your staff are trained in ID checking.

Behaviour out on the street is an indicator of the type of behaviour that will occur inside the venue. Is it acceptable?

A customer may have pre-loaded or come from another licensed premises. They may not yet be intoxicated but approaching a level where refusal may be required. You should consider if entry is the best decision. It is easier to refuse entry than trying to remove customers from the premises.

Engagement with customers is critical at this early point. By engaging in conversation, intoxication levels can be assessed more thoroughly and better decision making can occur. Door or entry staff should be encouraged not to rush decisions. When in doubt, they should take more time to assess the situation rather than use a policy of 'let them in and deal with it later'.

Once inside

Once customers are inside, controls and strategies to continually monitor them should be used. These should be reflected in your plan of management, house policy or patron code of conduct.

Strategies include:

- having adequate procedures and appropriate levels of staff training to support the control systems in your business
- monitoring the drinking environment: staff, security and management must work together to continually monitor tables, bars, gaming rooms, function rooms and entertainment areas – this means communicating with each other regularly throughout the trading period
- having water readily available and staff offering it regularly to encourage customers to pace their alcohol consumption
- encouraging customers to stop drinking or to consume non-alcoholic drinks before they reach the point of intoxication
- keeping entertainment noise levels at a volume that allows customers to talk, which slows down drinking
- ensuring bar staff assess customers each time they are served
- setting lighting at a bright enough level and sound at a low enough level to enable staff to properly monitor customers' intoxication levels throughout the event or evening
- monitoring groups of customers, as often a different person will come to the bar for a 'shout'
- checking on customers who have not approached the bar: the intoxicated person or minor in the group may be the one sitting in the corner being supplied with alcohol by their friends
- scrutinising proof of age from all customers appearing under 25 prior to service of alcohol or at any time you or your staff have concerns about their age
- signage is used to indicate that service will be refused to minors and disorderly or intoxicated customers.



Remember!

The prevention of intoxication on licensed premises guidelines are full of useful information on how to identify and prevent intoxication on your premises.

More information:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/serving-alcohol-responsibly/standard-drink-guidelines-and-preventing-intoxication>

4.7.2 Employing RSA Marshals

RSA marshals can be employed as a best practice measure to assist with supervising and ensuring responsible service within your licensed premises.

RSA marshals provide a dedicated pair of eyes to ensure that strategies are at work at any given time. Their role is to exclusively monitor RSA practices and customer behaviour.

By wearing easily identifiable clothing, customers know that RSA marshals are around and are there for a unique purpose. RSA marshals are generally perceived in a more non-threatening way and can resolve situations before they escalate.

RSA marshals can strengthen your business and trade, offering a number of benefits including:

- enhancing the culture of compliance
- achieving better outcomes under your plan of management
- supporting front line staff, especially during busy periods
- providing insight into operations that can be used in staff training and continuous improvement
- elevating the community perception of your commitment to responsible service
- demonstrating a proactive approach to compliance and RSA
- making customers feel supported and safe
- better management of contract security staff.



Tip

Let your customers know what the role of your RSA marshals is – put a poster up and outline how their responsibilities are different from other staff working in your licensed premises.

If you have a staff member with excellent communication skills, they could be your RSA marshal during peak trading times.

Your ideal RSA marshal will:

- hold a current RSA endorsement
- have no criminal convictions within the last 12 months
- not have been disqualified from holding a security licence in the last two years
- have 12 months experience in the sale and supply of liquor
- have excellent verbal communication skills
- have the ability to relate to the target demographic of the venue.



Remember!

RSA marshals cannot serve alcohol or undertake security duties while they are working as a marshal. They cannot:

- be involved in the sale or supply of liquor
- be involved in gaming or wagering activities
- conduct security duties other than ID checks
- consume alcohol
- be involved in the physical removal of patrons.

4.7.3 Service strategies and limits

Service strategies and limitations to alcohol supply are an integral part of good RSA practices.

Some example strategies that could be employed include:

- limits on drink purchases, e.g. two per customer
- distributing free drinking water or food (or both) to patrons for 10 minutes each hour after midnight. Actively encourage patrons to consume water or choose a non-alcoholic option – this is a great strategy for late night licensed premises wanting to train customers to slow down their drinking
- no shots, shooters, bombs or ready to drinks (RTDs) after a certain hour
- no energy drinks – mixers such as energy drinks can lead to rapid consumption
- no sale of bottled wine or champagne after midnight – selling wine or champagne by the glass is great RSA control
- after a certain hour, all customers will need to show identification to purchase a drink.

4.7.4 Closing / finishing / disembarking

Closing your venue or finishing your event or cruise is an opportunity for you to demonstrate strong RSA measures around last drinks and customers exiting or disembarking.

These measures include:

- stopping service 30 minutes before closing or finishing
- providing free food – party pies, frozen meals etc. – 60 and 30 minutes prior to close or finish. This is a low-cost strategy that can help lower intoxication levels and ensure orderly behaviour on leaving
- staggering closing times across different areas of your venue or event, or dropping vessel customers off at different jetties
- providing or managing transport, which can range from a free courtesy bus to management of taxis to allow customers to readily exit the area
- communication between licensed premises: don't let the problem head down the street. We are all in this together, so let's manage each and every occasion as a community
- offer free bottled water on exit – if you have it available, customers will drink it. Put your logo on it and you have cheap publicity!
- lock outs, which can be a great strategy to manage customers who may have migrated from another venue.

4.7.5 Voluntary signage

Signage is a great way to outline the behaviour you expect from patrons and what patrons can expect from your business. Voluntary signage can have other benefits, including:

- displaying your community involvement, such as with the local liquor accord
- supporting your staff in the event of an escalating situation, e.g. the sign can be referred to as a support in a decision to ask a customer to leave.

4.7.6 Tempered glass

Glass drinking vessels and glass bottles have the potential to be used as weapons. There are benefits of switching to different materials:

- the use of tempered glass vessels not only minimises the risk of harm, but is also an indicator to your customer base that things have progressed and heightened diligence in RSA will occur
- changing out from glass to plastic will give your staff an opportunity to have additional conversations with customers and engage by walking the floor or moving around the event.

Voluntary RSA measures have residual benefits within your business. Customers and staff will readily adapt to changes that are positive and that you lead them through.

Case study

Bar manager banned from running licensed venues for 10 years

The former manager of a Sydney karaoke bar has been banned from running licensed venues for 10 years and must pay almost \$90,000 in fines and costs for breaches including selling full bottles of spirits and operating outside approved trading hours. It follows an investigation by Liquor & Gaming NSW which resulted in the karaoke bar being shut down for 48 hours.

Undercover Liquor & Gaming NSW inspectors attended the venue and observed a blatant disregard for responsible service of alcohol obligations, with customers drinking directly from full bottles of spirits and shots being served contrary to licence conditions.

A severely intoxicated female customer was seen unable to stand without assistance, vomiting into a bucket provided by venue staff.

Liquor & Gaming NSW inspectors were also able to buy a full bottle of whiskey, consume alcohol outside of approved areas and buy two beers after 12am outside the venue's approved trading hours.

On completion of their investigation, Liquor & Gaming NSW referred the matter to both the court and the Authority. The court outcome resulted in the manager being fined \$19,000 and ordered to pay \$20,000 in legal costs. The Authority banned the manager from running a licensed venue for 10 years and ordered him to pay almost \$50,000, bringing the total amount of fines for the irresponsible conduct to almost \$90,000.



Consider this...

What would you do as licensee to prevent a situation like this from occurring?

What strategies would you implement to prevent reoccurrences?

4.8 Managing unforeseen events: COVID-19

Licensee recap – unforeseen events: COVID-19

The NSW Government works with industry to ensure that your customers and the community can be safe from the global coronavirus pandemic (COVID-19).

Liquor & Gaming NSW in collaboration with other NSW Government agencies (including NSW Health) has created [guidelines](#) to provide direction to industry and to support you with the management of this unforeseen event and remain compliant with the COVID-19 rules.

These include FAQs and links to a range of COVID-19 resources. For the most up-to-date advice on COVID-19 restrictions, please visit the [NSW Government COVID-19 web page](#).



More information:

Visit the Liquor & Gaming NSW website to access the COVID-19 guidelines and links to a range of NSW Government COVID-19 and other resources:

- NSW Government COVID-19 (coronavirus) information
<http://www.nsw.gov.au/covid-19>
- L&GNSW guidelines to industry on COVID-19 compliance
<https://www.liquorandgaming.nsw.gov.au/news-and-media/covid-19-coronavirus-faqs-for-the-liquor-and-gaming-industries>
- Public Health (COVID-19 restrictions on gathering and movement) Orders under the *Public Health Act 2010*
https://gazette.legislation.nsw.gov.au/so/download.w3p?id=Gazette_2020_2020-113.pdf
- COVID Safe plans under the Public Health Orders:
<https://www.nsw.gov.au/covid-19/covid-safe>
- Statement of Regulatory Intent in regard to the *Liquor Act 2007*
<https://www.liquorandgaming.nsw.gov.au/resources/statement-of-regulatory-intent-in-regards-to-covid-19-coronavirus>
- Statement of Regulatory Intent in regard to the *Register Clubs Act 1976*
<https://www.liquorandgaming.nsw.gov.au/news-and-media/statement-of-regulatory-intent-in-regards-to-clubs-covid-19-coronavirus>

4.9 Building relationships within your community

Collaborating with the right people, groups and organisations and maintaining support is vital to the success of your licensed business.

Community representatives, stakeholders and you are all affected by issues in the local area, so working together can help you tackle these issues in a more effective way.

Some of the ways you can work with particular agencies and groups such as:

- NSW Police, particularly local licensing police
- local council
- neighbourhood groups
- other licensed premises and businesses.

Building and maintaining relationships with key stakeholders will result in effective collaboration and partnerships.

4.9.1 Local licensing police

You will need to liaise with police on liquor licence issues, such as transfers or boundary changes in your business, as well as any changes to your licence conditions.

Fostering a strong working relationship with your local licensing team at NSW Police can have many benefits to the success of your business, such as:

- improving operations in your business by offering observations and advice on a range of issues, e.g. signage, environmental considerations and staffing
- reducing the time police officers are in the venue undertaking compliance operations, leaving more time for you to focus on your customers
- demonstrating to the local community that you are a safe and compliant business
- informing you of trends within the local community
- gaining ideas on how to improve your operations and reduce alcohol-related issues
- getting support and ideas for campaigns you run, e.g. domestic violence or road safety
- investigating and make risk assessment determinations
- connecting you with business and community groups.

4.9.2 Local council

The key role of local governments or local councils is to support community needs. They play a critical role as the part of government that is the closest to the people and business and provides a voice for both.

You will have had dealings with your local council when you were applying for your liquor licence, however, they are also a key stakeholder that can:

- provide oversight on community-wide issues
- advise on program funding opportunities
- assist to develop strategies affecting the community, e.g. youth education initiatives
- ensure you are aware of development applications that may affect your footprint
- deliver a formalised complaint-management system

- provide and facilitate appropriate governance to certain local working groups
- make reporting available to businesses
- connect you with neighbourhood action/advocacy groups and events
- run local business awards
- provide resources to support business
- be a conduit for inter-governmental agencies.

Getting involved with your local council will also contribute towards strengthening your local government, resulting in a stronger community.



Tip

It is prudent to engage with your local council or police if you are making changes to your business or transferring a licence. They may be able to provide support and recommendations, and it demonstrates transparency and a willingness to collaborate.

4.9.3 Neighbourhood

A well-managed business is essential in maintaining a vibrant and harmonious environment in your neighbourhood.

Unlike many other businesses, licensed premises have obligations beyond their boundaries. As a licensee, you need to ensure the quiet and good order of the nearby vicinity is not affected by your venue, or by customers leaving your venue, event or vessel. If left unchecked, these things can damage community goodwill towards your business. Additionally, complaints can result in serious sanctions being imposed on licensees, including special licence conditions or, in serious circumstances, licence cancellation.

It is important that you show compassion and understanding towards local residents and business owners, particularly around special events like Anzac Day and New Year's Eve. Failing to do so may expose you to the risk of complaints made under the provision of section 79 of the *Liquor Act 2007*.

As licensee, you must continually supervise the impact your venue is having on the neighbourhood. Introduce methods within your security management plan to ensure such checks occur. Where necessary, engage security to address matters that have the potential to cause disruption to the neighbourhood.

It is in your interests to involve your neighbourhood and keep them informed of your business promotions and any upcoming events, inviting and responding to their feedback. This engagement helps to build your reputation in the neighbourhood through transparency in your practices.

When engaging with your local neighbourhood, keep the following in mind:

- do you support a local sporting team, charity or worthwhile organisation in the area?
- are you able to provide employment for local residents?
- is your business operating under sustainable and responsible methods?
- do you buy from local suppliers?
- are you part of the conversation?

- are you regularly reviewing the impact your business has on the neighbourhood, e.g.
 - parking
 - noise
 - rubbish
 - transport options
 - operating hours
 - your compliance around accessibility for patrons.

Across NSW, there are many neighbourhood action groups and resident associations. Engaging with these groups allows you to understand their aims and objectives. Local businesses are often invited to join, which provides a chance to build relationships and have your say. Your local council can assist with connecting you to the groups in your area.

Your business will greatly benefit from being a genuine partner in your neighbourhood, where positive and supportive relationships will create wellbeing and harmony.



Tip

Getting involved in local organisations can help your business succeed. Consider groups such as your local chamber of commerce, industry interest groups and not-for-profit groups working in your area.

4.9.4 Other licensed premises

Licensed premises have a responsibility in the community – providing the backdrop for social occasions and celebrations.

There are many business advantages to liaising regularly with other licensed premises in your area. These include:

- the ability to project a strong voice
- improved business reputation
- a collaborative approach when dealing with non-government
- increased integrity within the wider business community
- operational tips that will help you run effectively and offer cost savings
- sharing of assets, resources and staff during periods of low activity or increased seasonality
- projecting a local business community, e.g. “live local, buy local”
- improved community health
- awareness of trends within the community and broader business sector
- sharing of information on troublesome patrons, banning or barring issues.

4.10 Tools and templates

4.10.1 Incident register

Licensee recap – incident register

An incident register is a record of certain types of incidents at a licensed premises. You must maintain an incident register if you are the licensee of specific business type. However, best practice is that all licensed premises maintain an incident register. They are a useful compliance tool and can be part of responsible practice in your business.

A register allows you to retain details of incidents that involve:

- violence on your premises, vessel or at your event
- anti-social behaviour in or in the immediate vicinity of your premises, event, or vessel (when docked)
- people being removed from your venue or event
- someone needing medical treatment.

The *Liquor Act 2007* and the Liquor Regulation 2018 describe the types of incidents you must record in your register (outlined in the Licensee training course handbook: Module 3.11). However, we encourage you to record any incident that helps you get a better understanding of events that affect the safety of your business and customers. This may include any incident:

- involving intoxication
- concerning complaints about noise disturbances
- concerning Work Health and Safety, public liability and regulatory issues.

You must maintain an incident register if you are the licensee of a premises:

- authorised to sell or supply liquor after midnight at least once a week and on a regular basis
- located in the Kings Cross or Sydney CBD Entertainment precincts (except packed liquor licenses or on-premises licenses without a PSA that are not a theatre or cinema)
- listed as a 'declared premises' under Schedule 4 of the *Liquor Act 2007*
- that has an incident register requirement imposed as a specific licence condition.

Maintaining an incident register even when not required will help you to develop appropriate strategies to reduce the risk of underage drinking, alcohol-related violence and anti-social behaviour at your venue.



More information:

You can download an approved version of the incident register for Kings Cross and Sydney CBD venues, or visit the Liquor & Gaming NSW website to purchase a bound incident register book.

You can purchase approved incident register books from Liquor & Gaming NSW:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/licensees-and-approved-managers/incident-registers>

4.10.2 Plan of management

A plan of management aims to reduce the incidence of alcohol-related violence and anti-social behaviour in your business by outlining a series of measures to control risks.

Your risk management activities should be documented in a working document that describes the management practices, procedures and controls that are in place so they can be easily reviewed and provided to Liquor & Gaming NSW inspectors or NSW Police if requested.

Licensee recap – plan of management

A plan of management (POM) is a detailed document that specifies the policies, procedures and practices that you, as the licensee, use to operate your business.

Your POM is an important document that demonstrates your intention to remain compliant with the law and outlines how you intend to do so. It can be used in staff induction training and to support development applications and applications for licence condition variations. A POM can provide an insight into the licensee's business practices and should address the scope of your responsibilities. A careful, thorough POM provides a guideline for best practice business operations and should also be viewed as a valuable risk management tool. Any licensee can create a POM for their premises.

The checklist provided in this section is a guide as to what should be included in your POM. The checklist is a valuable tool that will help you create your POM and maintain it through regular reviews.

A business's plan of management may include the following:

- your business structure, objectives and values and the principal activity that will be conducted
- details of the licence and authorisations or special conditions, such as maximum customers and trading hours
- policies and procedures regarding RSA to manage intoxication and customer behaviour
- details of security arrangements to ensure security and safety and a complaint handling policy and procedure
- details of participation in a liquor accord, if applicable
- a waste management plan
- emergency and evacuation procedures.

Overall, a POM should reflect an ethical approach to operating the business within its social and ecological environments.

The creation and presentation of a plan of management can form part of a condition placed on a licence by the Authority. In these situations, it becomes mandatory for the licensed premises to have a plan of management that is displayed and easily accessible by staff and general public.

Any licensee can create a plan of management for their premises. A plan of management shows all strategies and processes that are in place at the licensed premises to ensure the safety of customers and staff. Overall, it should reflect an ethical approach to operating the business within its social and ecological environments.

4.10.3 Self-audit checklists

Liquor & Gaming NSW has developed a variety of licence-specific self-audit checklists to assist you with regularly monitoring your compliance. Self-audit checklists can help your business comply with NSW's liquor and gaming laws.

Licensee recap – ensuring compliance

You can refer back to the Licensee training course handbook for an in-depth overview of the other acts and regulations that could impact you and your venue.

A variety of licence-specific self-audit checklists have been developed by Liquor & Gaming NSW to assist you with regularly assessing risk and monitoring your compliance.

Download a compliance checklist:

<https://www.liquorandgaming.nsw.gov.au/resources/compliance-checklist>

Self-audit checklists can help your venue comply with NSW's liquor and gaming laws. The checklists cover important legal requirements such as:

- signage and advertising
- deterring crime
- noise
- incident registers
- responsible service of alcohol
- responsible conduct of gambling.

Liquor & Gaming NSW Inspectors use these checklists when they audit your licensed premises. Any areas where you might check 'No' is an area to address, as it's an indicator that you may be in breach of your obligations.

Sharing and collaboration

The controls outlined in this module are by no means exhaustive. You and your staff should share your own tips, tricks and strategies for managing a successful licensed venue. You can also collaborate with other venues to increase safety in and around your local area.

PART C: Leading a compliant business

Parts A and B have run through a number of strategies and tools you can use to minimise the risk of alcohol-related harm in your business, and you have the information you need to be advanced leaders and risk managers. You understand that taking a risk-based approach to managing your licensed premises and developing harm minimisation strategies and procedures specific to your business will put you ahead.

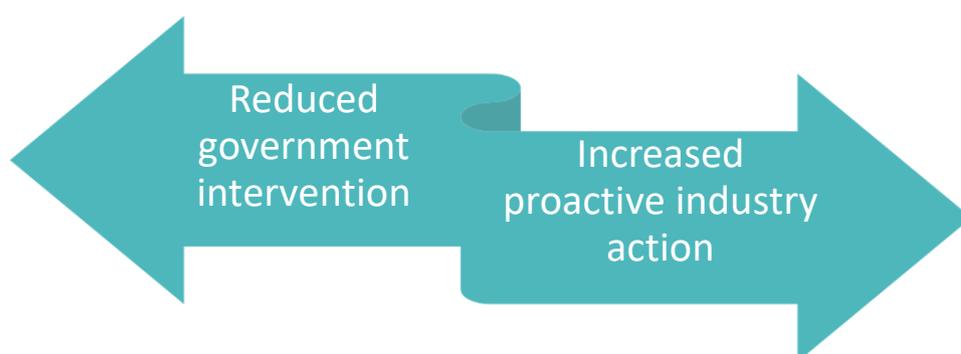
The most important step comes next, and it's entirely up to you: leading the implementation of your risk-management and best practice strategies.

Whether you run a venue, vessel, online store or event, it's up to you to lead a safe, responsible and successful business. Operating in a higher-risk environment doesn't mean you have to accept risk as a consequence of your business model. Controls to minimise the risks can be implemented, reducing the likelihood that something will occur.

None of this will happen automatically, or simply because you have a plan on paper. Creating a culture of compliance, minimising risk and reducing alcohol-related harms requires hard work and ongoing leadership. Remember that completing a training course or undertaking a once-off audit is not enough. A single incident that has not been managed properly might be all it takes to cause significant negative impacts on your business, from penalties, to closures, to civil action in court.

Beyond reducing alcohol-related harms there are many benefits to taking ongoing action to manage risks. You will attract repeat business from customers if your business is well run, safe and responsible. You'll also attract great staff and keep staff turnover to a minimum. If an incident does occur, your risk management and controls will be taken into consideration by the relevant authorities when assessed.

In addition, the more proactive you and other licensed premises in your community are in addressing risks and building a culture of compliance, the less likely it is that government will step in and intervene.



Be prepared to put in the work to identify and manage risks and to implement best practice strategies. Through your leadership, you will reap the benefits of a successful, safe and sustainable business!

Module summary

Congratulations. You have completed Module 4: Minimising risk of alcohol-related harms in your business. You should now be able to:

- outline the process of identifying and managing risks
- outline possible strategies for controlling risks, including:
 - environmental design
 - security considerations
 - proactive RSA measures
 - building relationships within your community
 - using and developing tools and templates
- outline best practice strategies that might be useful within your business.

Advanced Licensee next steps

Congratulations, you have completed your Advanced Licensee training!

You should now have the tools and knowledge to support your role as a leader and risk manager in your business to the benefit of your staff, customers and the wider community. You are able to:

- understand alcohol-related harms in higher-risk environments and the relevant laws that will impact you as a licensee
- understand the different approaches the NSW Government and industry has adopted to minimise alcohol-related harms
 - understand how to develop a risk management framework
 - implement best practice strategies to control risk in your business
 - understand how to build a strong culture of compliance in your business.

Next steps

Because you now have additional endorsements on your NSW competency card, you will be issued with a new card:

- your training organisation will issue you an Interim certificate to acknowledge successful completion of this training
- visit a Service NSW centre; take your interim certificate and identification documentation
- set up a new digital version of your licence at Service NSW
- your new competency card will be mailed to the address you have supplied
- keep your details up to date with Liquor & Gaming NSW.

Other training

Responsible Supply of Alcohol Training (RSAT)

If you are a licensee considering offering same day alcohol deliveries to retail customers in NSW and intend to make the deliveries yourself, you must also complete the RSAT course and the Liquor & Gaming NSW online RSAT Assessment.

The RSAT course covers a range of topics including:

- obligations when making same day deliveries under the NSW liquor laws
- recognising intoxication and refusing supply responsibly
- minors, including ID checks and secondary supply
- harm minimisation strategies
- compliance and enforcement



More information

For more information on RSAT visit the Liquor & Gaming NSW website at:

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/training-to-work-in-the-industry/getting-trained/training-courses>

Staying up to date

You can stay up to date with news from Liquor & Gaming NSW by subscribing to Liquor & Gaming e-news, a monthly news bulletin that brings you the latest information on:

- ministerial announcements
- industry updates
- new regulations
- liquor accords
- Liquor & Gaming NSW recent news
- important dates.



More information:

You can visit the Liquor & Gaming NSW website to sign up and review previous bulletins:

<https://www.liquorandgaming.nsw.gov.au/news-and-media>

Join a liquor accord

If you haven't already joined a liquor accord, now is the time. You have the knowledge and skills you need to be a successful advanced licensee – joining a liquor accord will provide additional support with reducing alcohol-related issues, anti-social behaviour and violence.



More information:

There are over 130 liquor accords currently operating in NSW. Find out more:

<https://www.liquorandgaming.nsw.gov.au/operating-a-business/running-your-business/liquor-accords>

Find and join an accord:

<https://www.liquorandgaming.nsw.gov.au/operating-a-business/running-your-business/liquor-accords/join-and-find-a-liquor-accord>

Renew your competencies

Just like a NSW competency card with an RSA or RCG endorsement, your Licensee and Advanced Licensee training expires after five years.

Further information on renewing your Licensee and Advanced Licensee training can be found on the Liquor & Gaming NSW website. When your competency card is due to expire, renewal information will be communicated to you via text or email, so it is important that your contact details are always up to date.

If your address, email or mobile phone number changes, please let us know by visiting www.onegov.nsw.gov.au and searching for 'manage competency card'. You can also use this portal to request a replacement card if needed.

References

RSA it's the law

[Intoxication guidelines](#)

[Prevention of intoxication on licensed premises guidelines](#)

[Underage drinking laws fact sheet](#)

[Liquor promotions guidelines](#)

[Liquor promotions guidelines web page](#)

Prescribed precincts

[Special licence conditions for higher risk licences in prescribed precincts](#)

[Kings Cross approved ID scanner requirements](#)

[Kings Cross precinct self-audit checklist](#)

[Sydney CBD entertainment precinct self-audit checklist](#)

NSW government schemes

[Same day alcohol delivery](#)

[Incentives and Demerit Point System](#)

[Demerits points register](#)

[Cumulative impact assessment webpage](#)

[Cumulative Impact Assessment \(Precincts - Authority Guideline\)](#)

Lawful rights for licensed premises

[The refusal of entry and patron bans/barring guidelines web page](#)

[Self-exclusion from licensed premises agreement form](#)

[Self-exclusion from licensed premises notice of termination agreement form](#)

Tools and templates

[Incident register](#)

[Self-audit checklists](#)

[Liquor Plan of Management guidance](#)

[Check a licence](#)

[Liquor & Gaming LiveData](#)