



# Policy

## Harm Minimisation

[as amended on 31 August 2011]

### Disclaimer

This Policy Guideline is designed to provide accurate and authoritative information in regard to the subject matter covered, and with the understanding that the Director of Liquor Licensing is not passing legal opinion or interpretation or other professional advice. The information is provided on the understanding that all persons undertake responsibility for assessing the relevance and accuracy of its contents.

## Introduction

Alcohol is no ordinary substance. It has the potential to cause harm if served or consumed in an irresponsible manner. As such, it is as a consequence of this that the sale, supply and consumption of liquor needs to be carefully regulated.

In this context, one of the primary objects under section 5(1) of the *Liquor Control Act 1988* ('the Act') is -

*"to minimise harm or ill health caused to people, or any group of people, due to the use of liquor"*

Section 64(3) of the Act also empowers the licensing authority to impose conditions on a licence that are in the public interest and reflect local issues. Those conditions are primarily aimed at ensuring that liquor is sold and consumed in a responsible manner.

In view of these legislative requirements, there is a need for licensees to demonstrate a strong commitment to the way in which their premises are being managed. For this reason, applicants and licensees under the Act need to demonstrate to the licensing authority that:

- liquor will be sold and consumed in a responsible manner; and
- harm or ill health caused to people or any group of people, due to the use of liquor will be minimised.

Accordingly, on the lodgement of any application under the Act (except where the application relates to wholesalers and occasional licences) the applicant will not only be required to meet the statutory requirements in respect of the application, but will also be required to address the principles of harm minimisation.

## Lodging an application

Applicants will be required to lodge with their application a copy of the premises' House Management Policy, Code of Conduct, and Management Plan.

### House Management Policy

This policy is to comprise a generic statement of intent about the way in which the licensee wishes to operate the premises. It should be supported by the Code of Conduct and the more detailed Management Plan.

### **Code of Conduct**

This Code should be a concise document which identifies the licensees' commitment to:

- controlling intoxicated persons;
- controlling access to the premises and liquor by juveniles;
- resolving complaints from customers and residents;
- patron care (harm minimisation strategies which encourage the availability of food, non-alcoholic products, staff training, effective transport of patrons, and discourage disorderly behaviour);
- respect the neighbours (the statement should encourage patrons to respect the rights of neighbours and not to disturb the amenity of the local area); and
- responsible server practices.

### **Management Plan**

This document should identify, in detail, how the House Management Policy and the Code of Conduct will be implemented at the licensed premises. For example, the Management Plan should confirm that the licensee has successfully completed the approved Course in Liquor Licensing and that any approved managers have obtained the appropriate approval from the licensing authority. The Plan should also provide details on:

- staff training;
- how and what responsible server practices will be adopted;
- the display of responsible service posters on the licensed premises;
- the manner in which licensed crowd controllers (if applicable) are expected to undertake their duties;
- the practices adopted to control juveniles on the licensed premises;
- the manner in which intoxicated patrons are refused service and managed; and
- the procedures in place to respond to complaints and protect the amenity of the area.

These Management Plan strategies are not an exhaustive list as the Management Plan should be a working document that responds to changes in the manner of trade and changes in patron needs and behaviours over time.

It should be noted that where the licensing authority determines that the grant of the application is in the public interest, it has discretion to formulate and impose conditions on the licence or permit that have regard to these documents.

It is understood that the complexity of the above documents will vary substantially according to the licence type, the nature of business conducted under the licence and its location.

## **Conditions of licence relating to harm minimisation documents**

As part of the approval of applications, it will be a condition of the licence that the House Management Policy, the Code of Conduct and the Management Plan are maintained on the licensed premises. These three documents can be paper based or stored electronically.

All three documents must be made available at the licensed premises to an authorised officer if requested to do so or to a patron upon request.

Licensees are encouraged to display the Code of Conduct, the House Management Policy and the Management Plan on their websites to promote their commitment to harm minimisation and allow patrons easy access to this information.



**DIRECTOR OF LIQUOR LICENSING**

Effective Date: 31 August 2011

Reviewed: 28 August 2000, 7 May 2007, 7 June 2011