

Australian Capital Territory

Liquor Licensing Standards Manual 2004

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made under the

Liquor Act 1975

This instrument is a consolidated version of the Liquor Licensing Standards Manual as at 21 December 2004.

LIQUOR ACT 1975

LICENSING STANDARDS MANUAL

**Prepared by the Liquor Licensing Board
of the Australian Capital Territory**

This Licensing Standards Manual came into operation on 29 October 1999.

**This copy of the Licensing Standards Manual includes all amendments made as
at 21 December 2004.**

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LICENSING STANDARDS MANUAL

Introduction

1. This Manual has been prepared in accordance with the provisions of Part III of the Liquor Act 1975 (the Act). This copy of the Manual replaces all previous editions of the Manual.
2. Under subsection 33(2) of the Act it is a requirement that licensed premises and licensees comply with the standards in the Manual.
3. The Manual is in addition to, and does not derogate/detract from, specific licence conditions or directions imposed on licensees by the Liquor Licensing Board.
4. The Manual seeks to promote and encourage the responsible sale and consumption of alcohol by setting standards for:
 - the construction of buildings to be used as licensed premises and the standard of fittings; and
 - the conduct of licensed premises, particularly in relation to the responsible sale and consumption of liquor.

Glossary of Terms

5. Terms in this Manual have the same meaning as in the Liquor Act 1975.

Primary Purpose

6. In respect of the standards contained in this Manual, the “Primary Purpose” of a premises, or the term “primarily used” is that determined by the Registrar and expressed on the liquor licence or licence renewal. The “Primary Purpose” will be determined by reference to issues including, for example, the layout of the premises; the various sizes of the areas of the premises being used for particular activities (i.e. meals, bar, dancing); the trading hours of the premises; how liquor is sold (beer on tap or bottled); the range of liquor sold; and the variety and types of food provided. Premises will be categorised as one of the following:
 - Club
 - Off
 - Wholesale
 - General
 - Restaurant
 - Restaurant/Tavern
 - Tavern/Bar
 - Nightclub

Commencement - Application of provisions

7. This Manual commences on the day it is notified in the *Gazette*, except in relation to those provisions provided for in the next paragraph.

8. Where a provision imposes an obligation on a licensee to install specified equipment or fittings in the licensed premises or to construct their premises in a particular manner, the obligation must be complied with within 3 months of the gazettal of this Manual, if the premises were licensed at the time that the Manual was notified in the *Gazette*, in relation to the installation of the equipment or fittings specified in the following paragraphs:

paragraphs 31 and 32 in relation to lighting of entrances and premises;
and
paragraphs 35,36 and 37 in relation to display of notices;

9. Where a provision imposes an obligation on a licensee to install specified equipment or fittings in the licensed premises or to construct their premises in a particular manner, the obligation must be complied with, if the premises were licensed at the time that the Manual was notified in the *Gazette*, when relevant alterations are approved in relation to those parts of the premises or equipment in relation to the following paragraphs:

paragraph 10 in relation to construction of premises;
paragraph 11 in relation to the number of toilet facilities to be provided;
paragraph 16 in relation to the general standards required to be met in relation to toilets, other than the provisions relating to:

- signposting of toilets;
- hot and cold running water at each wash basin in toilets;
- provision of soap and hand drying equipment;
- provision of toilet paper;
- provision of clothes hooks in toilet cubicles;
- provision of mirrors in toilet areas;
- provision of garbage bins in toilet areas;
- travel through non-public areas to access toilets; and
- entry doors of toilets being left ajar,

which must be complied with from the gazettal of the Manual.

paragraph 18 in relation to surveillance of secluded passageways to toilets;
paragraph 19 in relation to exit and entry doors.

CONSTRUCTION OF BUILDINGS AND STANDARD OF FITTINGS

10. The construction of premises shall be in accordance with standards set in the Building Code of Australia and the ACT Appendix and in accordance with any additional standards set in this Manual.

Toilets

11. Premises where liquor is sold for consumption on the licensed premises are required to have adequate toilet facilities for the use of patrons. The required number of toilet facilities for licensed premises shall be determined in accordance with the number of persons that can be accommodated in the premises by reference to Table D1.13 of the Building Code of Australia (Access and Egress - Provision for Escape) and reference to Table F2.3 of the Building Code of Australia (Health and Amenity - Sanitary and other Facilities).
 12. However, licensees should be aware that the number of toilet facilities provided on licensed premises can impact on the occupancy loadings determined for both indoor and outdoor public areas in accordance with sections 41 and 42 of the Act. Therefore in determining the number of toilet facilities to be provided in licensed premises licensees should give consideration to the determination of occupancy loadings and possible alterations to the licensed premises, including outside areas.
 13. Licensees are advised to discuss the provision of toilet facilities with the Registrar.
 14. Where there is a common tenancy arrangement in place between two or more licensed premises for the use of toilets the number of toilets required, or to be provided, shall be determined by calculating the number of toilets required for each premises and by adding the sum of those numbers.
 15. Government controlled public toilets are not acceptable as toilet facilities for licensed premises.
 16. The licensee shall ensure the following general standards are met in relation to toilet facilities:
 - there shall be no direct line of sight into toilet facilities;
 - there shall be no common entries to female and male toilets;
 - toilet facilities that are not within the main part of the licensed premises shall be no further than 40 metres of travel from the exit of the main part of the licensed premises used to access the facilities;
 - passage ways to toilet facilities that are not located within the main part of the licensed premises shall be covered to exclude rain, be well drained and be lit;
 - access to toilets must not be by way of a key;
 - signs indicating the location of toilets must be visible from all parts of the licensed premises;
 - there shall be hot and cold running water at each wash basin within toilet facilities at all times;
 - there shall be soap and hand drying equipment available at all times;
 - there shall be toilet paper available in all toilets at all times;
 - clothes hooks shall be provided in all toilet cubicles;
 - mirrors shall be provided in all toilet areas;
 - garbage bins shall be provided in all toilet areas;
 - patrons shall not be required to travel through a staff area, kitchen area, storage area or similar area to gain access to toilets;
 - entry doors to toilet facilities shall not be left ajar.
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17. All facilities in relation to toilets shall be provided at no cost to patrons.

Surveillance of passage ways to toilets

18. Where toilets, either located within or remote from the licensed premises, are accessed by means of remote or secluded passage ways, the passage ways to the toilets shall be kept under surveillance by the use of CCTV. The CCTV system shall be approved by the Registrar but as a minimum shall include:

- a camera to monitor each passage way; and
- a monitor to display each passage way located in an area where it can be viewed by staff and patrons.

Entry/Exit Doors

19. In licensed premises that have an occupancy loading determined pursuant to the Act, all entry/exit doors must open outwards when being used as an exit. If the entry/exit door opens directly onto a footpath, corridor or walkway used by the public it must be set back such that it does not intrude on the footpath, corridor or walkway.

20. Fire doors/exits shall be kept clear at all times.

Dance Floors

21. For an area to be considered a dance floor for the purpose of determining an occupancy loading the primary purpose of the area must be that of a dance floor and the dance floor shall be clearly defined by a barrier, floor surface or markings on the floor.

22. When a dance floor is in use licensees must ensure the following standards are met:

- the dance floor shall not contain furnishings, tables, chairs, or provision for the placement of drinks.

23. When a dance floor is in use licensees will take reasonable measures to ensure that:

- drinks are not consumed or taken on to a dance floor.

Bars

24. The licensee shall ensure the following general standards are met in relation to bars:

- where beer on tap is supplied drip trays shall be connected directly to waste outlets;
- a mechanical glasswasher shall be installed in, or in the vicinity of, each bar;
- all glasses shall be washed in a glasswasher;

- premises can only use a combined glasswasher/dishwasher if the machine has been specifically designed for that purpose.

General licences

25. In addition to the other general provisions of this Manual, and the Act, the following standards must be met in relation to premises with a General licence:

- a separate area (bottle shop) shall be established for the sale of liquor for consumption away from the licensed premises. That area shall have a separate entrance that does not require patrons to travel through a public area;
- all sales of liquor for consumption away from the licensed premises shall be from the separate area (bottle shop) and not from a bar in a public area; and
- all liquor sold for consumption on the licensed premises shall be sold in open containers from a bar in an indoor public area and shall be consumed in the licensed premises (i.e. in an indoor public area or an outdoor public area).

Alfresco dining

26. Areas licensed for alfresco dining shall be used only by patrons for the purpose of sit down dining or drinking and shall not be used as stand up drinking areas.

27. The licensee shall ensure the following standards are met in relation to areas licensed for alfresco dining:

- when in use the area shall be clearly defined by a wall or barrier;
- the area shall contain a number of seating and table spaces to equal the maximum number of persons the area can accommodate in accordance with an occupancy loading issued under section 41 or 42 ;
- protection from direct sunlight will be provided in no less than 50% of the area;
- a bar shall not be established in the area for the sale or supply of liquor.

Use of unleased Territory land

28. The licensee must have a current agreement with the Territory for the use of unleased Territory land for the purpose of alfresco dining. A copy of the agreement must be kept on the licensed premises at all times and a copy must be forwarded to the Registrar.

29. When an agreement with the Territory expires the area subject of the agreement is deemed to be not part of the licensed premises.

Residential accommodation

30. The licensee of licensed premises that provide residential accommodation shall ensure:

- there is an entrance to the residential accommodation that does not require lodgers to enter a bar-room.

- that liquor contained in mini-bars shall be removed from rooms that are booked for the exclusive use of guests under 18 years old.

Lighting

31. All entries and exits to licensed premises and bars where natural light is not available shall be lit at all times to Australian Standard 1680.0 to provide for the conduct of the licensed premises in relation to the:
- checking the age and identification of patrons;
 - checking for signs of intoxication; and
 - safety of patrons and staff.
32. Where low lighting levels are used to create ambience and character for a space in a public area there shall be provision to light the space to meet the relevant provisions of Australian Standard 1680.0.

CONDUCT OF LICENSED PREMISES

Occupancy loadings

33. The licensee of premises that has an indoor occupancy loading determined pursuant to the Act shall ensure the following standards are met:
- procedures for counting patrons are documented and staff are trained in those procedures; and
 - evacuation plans are documented and all staff are trained in their implementation.

Provision of Food

34. Licensees who are required to provide food in accordance with the Act shall have kitchen facilities that are suitable to provide the approved standard and variety of food, but as a minimum kitchen facilities must include:
- 1 square metre of bench space for the preparation of food;
 - an oven (electric or gas) or a microwave oven;
 - a single sink with hot and cold running water;
 - a mechanical dishwasher;
 - an electric refrigerator/freezer;

Notices/Signs

35. Notices and signs required to be displayed in accordance with sections 43, 103 and 130 of the Act shall:
- be at least A4 in size;
 - have lettering at least font size 50;
 - be weatherproofed if on an external door/wall.

36. Notices and signs required to be displayed in accordance with section 127 of the Act shall:

- be at least A4 in size;
- have lettering at least in 12 font;
- be weatherproofed if on an external door/wall.

37. The following signs, copies of which can be obtained from the Liquor Licensing Board, shall be clearly displayed at each bar in the licensed premises, or at the entries to “bar-rooms” of premises, or in the case of a licensee authorised to sell liquor for consumption away from the licensed premises, either within the area in which liquor is displayed for sale or in the immediate vicinity of the point of sale:

- the sale or supply of liquor to intoxicated persons is an offence;
- the purchase, possession or consumption of liquor by persons under the age of 18 years on licensed premises or in a public place is an offence;
- entry provisions in relation to “bar-rooms” for minors.

Underage drinking/Identification

38. Licensees shall ensure the following standards are met when identification is checked to establish the age of patrons:

- the identification is actually held by the licensee/staff member by having the identification removed from a wallet/purse or card holder etc;
- the date of birth is checked to establish the age of the patron;
- the date of birth is checked for any tampering;
- the identification is checked to ensure it is current;
- the photo is checked to ensure it is the person presenting the identification paying close attention to physical features such as the eye colour, nose, freckles, moles;
- the photo is checked to ensure it has not been substituted or tampered with;
- the identification is checked for any bumps or raised areas which may indicate the identification has been tampered with.

Functions for persons under 18 years old on licensed premises

39. Licensees who conduct functions in bar-rooms on licensed premises which include persons under 18 years old, who are not in attendance with a responsible adult, shall meet the following standards in relation to the control and conduct of such functions.

- the licensee shall notify the Registrar of Liquor Licences and the Commander of their District Police Station in writing, in the approved form, at least 7 days prior to the conduct of a function. A licensee can include more than one function per notification;
- liquor shall not be sold or supplied at the function;
- all liquor within the premises shall be removed or covered so persons attending the function are not exposed to liquor;

- entry to the function shall be limited to those persons or groups of persons for whom the function is organised and responsible adults, as defined in section 151 of the Act, in relation to a person under 18 years old;
- if during the course of a function a person leaves the premises that person will not be permitted to re-enter the premises;
- the licensee shall refuse entry to persons suspected of having consumed alcohol or suspected of being affected by alcohol or other drugs or suspected to be in possession of alcohol or other drugs;
- during the function where a person under 18 years old is believed to be affected by alcohol or drugs or is believed to be in possession of alcohol or drugs the licensee shall contact the person's parent/s or the police to attend the function and deal with the person under 18 years old. Licensees will endeavour to have the person under 18 years old remain on the premises until either a parent, a police officer or a liquor inspector can attend to assume responsibility for the person. This requirement does not entitle a licensee or their staff to detain a person by force.
- food and non-alcoholic beverages will be available at the function;
- the licensee shall employ one adult crowd controller for every 30 patrons or part thereof and where the function is for both sexes, or is exclusively for females, at least one member of staff shall be female;
- all crowd controllers shall be employed in accordance with the Security Industry Act 2003 and Security Industry Regulations 2003;
- the licensee shall ensure that crowd controllers move frequently around the premises including toilet areas to ensure the safety of patrons and to detect the presence of any alcohol or drugs;
- crowd controllers shall patrol the exterior of the premises and surrounding areas for a period of 30 minutes immediately prior to and after the function to ensure the safe conduct of minors attending and departing the function and to ensure minors attending the function do not disturb the quiet and good order of the neighbourhood;
- functions must end at or before 1 am and must not conclude prior to the advertised time;
- the licensee shall ensure that all persons attending the function leave the premises within 15 minutes after the end of the function;
- the licensee shall maintain an incident register and record any incidents:
 - * involving a person bringing or attempting to bring liquor or drugs or suspected liquor or drugs into the premises or entering or attempting to enter the premises whilst believed to be affected by liquor or drugs;
 - * involving persons found or suspected to be affected by liquor or drugs or believed to be in possession of liquor or drugs; or
 - * any incident involving violence or any other illegal or anti-social behaviour;
- as a minimum the incident register shall contain the following details:
 - * general details of the incident;
 - * date and time of the incident;
names, addresses and contact telephone numbers of all persons connected with the incident including management and staff, parents, police or liquor inspector and where available the names of the persons actually involved in the incident;
 - * any action taken in relation to the incident;

- display a notice at the entrance to the licensed premises and in the Public Notices of the Canberra Times on the day of the function detailing the conditions governing the conduct of the function including:
 - * the time the function commences and finishes;
 - * the groups of persons the function is organised for, if applicable and appropriate;
 - * that food and non-alcoholic beverages shall be available at the function;
 - * that no alcohol will be sold or supplied at the function;
 - * that persons affected or suspected of being affected by alcohol or other drugs shall not be permitted to enter the function; and
 - * that persons found during the function that are affected or suspected of being affected by alcohol or other drugs shall be excluded from the premises.

Security

40. All staff employed as crowd controllers on licensed premises/by a licensee shall be employed in accordance with the Security Industry Act 2003 and Security Industry Regulations 2003.
41. All crowd controllers shall wear their licence so that the licence number is clearly visible. In addition, they must wear the unique identification number allocated to them by their master licence holder.
42. The master licence holder shall keep a register of incidents involving crowd controllers in accordance with the Security Industry Regulations 2003.

Responsible practices in the service, supply and promotion of alcohol

43. Licensees shall engage in practices and promotions that encourage the responsible consumption of liquor. For example:
 - promoting the consumption of light or low alcohol drinks;
 - serving food with alcohol to slow the rate of consumption and the absorption of alcohol;
 - supplying liquor in standard or recognisable quantities;
 - serving half measures of spirits on request;
 - maintain a price differential between full strength and low alcohol beer;
 - supplying tap water free of charge at premises where alcohol is consumed on the premises.
44. Licensees shall not engage in a practice or promotion that may encourage rapid or excessive consumption of liquor. For example:
 - drinks known as 'laybacks', 'shooters', 'test tubes', 'boat races'
 - all you can drink for set prices;
 - supplying drinks in small plastic shot tumblers;
 - permitting liquor to be consumed directly from jugs;
 - supplying alcoholic vapour produced by devices like the Alcohol Without Liquid (AWOL) device.

45. Licensees of premises where liquor is consumed on the premises must provide and maintain a safe environment in and around the licensed premises, for example:
- having a phone available for the use of patrons in a location where patrons using the phone can be heard above noise within the premises;
 - displaying phone numbers for taxis, police, ambulance and fire brigade adjacent to the phone;
 - having the name of the duty manager prominently displayed at each bar in the premises;
 - not promoting activities that might encourage harassment by patrons of the staff or other patrons.

LICENSING STANDARDS MANUAL

SCHEDULE

Table of Amendments

Amend. No.	Provision	How affected
1	para 2 para 12 para 27 para 35 para 36 para 39	<p>Substitute “33(2)” for “18(2)” Substitute “41 and 42” for “24B and 24BA” Substitute “41 or 42” for “24B or 24BA” Substitute “43, 103 and 130” for “24C, 60A and 73” Substitute “127” for “70” Substitute “151” for “93D”</p> <p><u>Note – these are consequential amendments following the republication of the Liquor Act 1975 to include all amendments as at 31 October 1999 and the re-numbering of sections of that Act in accordance with the provisions of the Legislation (Republication) Act 1996. This reprint includes the above amendments.</u></p>
2	para 8 para 9 para 16	<p>Delete the expression “paragraph 16 in relation to the installation of sharps disposal bins;” Delete the sentence “The provision of sharps disposal bins is dealt with above.” Delete the expression “a sharps disposal bin in accordance with Australian Standards (AS 4031) shall be provided in each toilet facility in premises that are primarily used as a tavern or nightclub;”</p> <p><u>Note – these amendments came into effect on 17 February 2000 following motion to disallow. This reprint includes the above amendments.</u></p>
3.	para 39 para 40 para 41	<p>Delete reference to the “Crowd Marshals Industry Code of Practice under the Fair Trading Act 1992.” Substitute reference to the “Security Industry Act 2003 and the Security Industry Regulations 2003.”</p> <p>Delete reference to the ““Crowd Marshals Industry Code of Practice under the Fair Trading Act 1992.” Substitute reference to the “Security Industry Act 2003 and the Security Industry Regulations 2003.”</p> <p>Delete sentence: “All crowd controllers shall wear identification displaying their name and staff number.” Substitute paragraph: “All crowd controllers shall wear their licence so that the licence number is clearly visible. In addition, they must wear the unique identification number allocated to them by their master licence holder.”</p>

