

Office of Liquor and Gaming Regulation

Liquor Compliance Strategy



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Introduction

The Office of Liquor and Gaming Regulation (OLGR) lies within the portfolio of the Department of Justice and Attorney-General.

The OLGR supports the department's vision of a 'fair, safe and just Queensland' by being a proactive and responsive regulatory agency.

The OLGR's priorities include:

- preventing and minimising harm and promoting benefit through a range of regulatory, policy and social initiatives
- minimising the adverse effects of alcohol and gambling on the community
- ensuring our regulatory framework remains relevant and that industry participants and products continue to meet government, community and industry expectations.

The OLGR uses a multifaceted regulatory framework that prioritises harm minimisation and community safety while also allowing the industry to prosper and contribute to the Queensland economy.

The OLGR strives for voluntary compliance with legislation through education and advice, clear expectations and the promotion of best-practice management but, when required, will initiate high-end enforcement action.

This liquor compliance strategy outlines the OLGR's approach in administering and enforcing the *Liquor Act 1992*.

The main purposes of the Liquor Act include:

- minimising harm, and the potential for harm, from alcohol abuse and misuse and associated violence
- minimising adverse effects on the health or safety of members of the public
- minimising adverse effects on the amenity of the community.

While the OLGR has primary responsibility for administering the Liquor Act, we work closely with the Queensland Police Service (QPS), whose officers are also empowered to enforce the Liquor Act.

Regulatory approach

The OLGR aims to regulate the liquor industry through best practice. Its regulatory approach supports minimising harm without unnecessarily restricting productivity and economic growth of the liquor industry.

The OLGR's contemporary regulatory model includes dedicated licensing, technical evaluation, audit, probity and compliance functions.

The OLGR is committed to working with licensees to assist them in meeting the objectives of the Liquor Act and, in particular, promoting the responsible service and consumption of alcohol and minimising harm caused by the abuse and misuse of alcohol, such as violent and anti-social behaviour or associated effects on the amenity of the community.

The responsible service of alcohol (RSA) and the provision of safe environments by liquor licensees are a major focus of all the OLGR's liquor compliance initiatives.

The OLGR believes sustainable compliance is best achieved by using a range of initiatives appropriate to the different levels of risk that exist for each licensed premises. Its risk focused approach improves decision making, priority setting and resource allocation that leads to best practice regulatory outcomes and maximises the benefit to the liquor industry and the wider Queensland community.

Key elements of the OLGR's compliance strategy for the liquor industry include:

- **compliance monitoring and enforcement** based on a mix of risk based targeted proactive and reactive compliance programs, informed by relevant data and information
- **advice and education**
- **cooperative and coordinated working arrangements** with the QPS as co-regulator
- **collaborative relationships** with other government agencies and industry stakeholders
- **place-based management** initiatives.

Monitoring and enforcement

Proactive programs

The OLGR uses a number of proactive compliance strategies to regulate licensed premises across Queensland. These compliance strategies assist in identifying and solving problems before issues or complaints arise.

A large proportion of the OLGR's proactive activities occur during licensees' peak trading periods. The focus of these activities is to monitor and assess licensee management practices during busy trading times. However, where practical, the OLGR strives to undertake the more administrative compliance activities during off-peak periods to minimise inconvenience to licensees and their staff during visits.

The OLGR's proactive compliance strategies include the following.

Risk assessments

The OLGR conducts a risk assessment of all liquor licence applications. These risk assessments often involve a venue inspection by OLGR compliance officers, who can provide education and advice to licensees and identify and recommend potential strategies for them to meet the objectives of the Liquor Act.

Risk assessments help the OLGR in developing appropriate licence conditions and trading hours in order to minimise alcohol-related harms and adverse effects on the amenity of the community.

Proactive inspections

The OLGR recognises that the inherent risk of licensed premises varies based upon a number of factors, including the licence type, trading hours and any relationship to restricted areas, such as Aboriginal communities and Torres Strait Islander communities.

As part of our annual compliance planning, minimum inspection requirements are established for licensed venues based on these inherent risk factors. These venues are the subject of compliance inspections as a matter of course under the OLGR's Proactive Inspection Program.

The OLGR also develops a number of other proactive compliance programs targeting specific identified risk factors or issues, which are in addition to those inherent risks considered in determining minimum inspection requirements. Factors considered in developing these targeted programs can vary and may apply to individual premises or classes of premises, and can include:

- a licensee's compliance history and venue management practices
- public complaints generally or about specific issues
- incident-related reports from the QPS
- relative risk of legislative obligations not being met
- concentration of licensed premises or risk of harm or amenity concerns in a particular locality or geographical area
- initiatives, commitments and priorities of government.

In choosing premises to be included in targeted programs, the local knowledge of the OLGR's compliance officers and managers throughout Queensland is critical and supplements data-based analysis.

The OLGR may schedule an on-site or desk-based targeted inspection of a premises to determine whether compliance issues identified during a previous liquor inspection or investigation have been satisfactorily handled by the licensee. Such inspections may also be used to follow up on agreed actions from interventions and to monitor notices and orders issued by the OLGR.

Where licensees have not taken appropriate steps to ensure future compliance and further breaches are detected, enforcement action will be considered in line with the OLGR's liquor enforcement guidelines. Further information about the OLGR's enforcement escalation model is explained below.

Self-assessment programs

The OLGR's self-assessment programs assist in educating licensees and ultimately achieving voluntary compliance.

The OLGR develops online questionnaires often targeted at specific categories of licensees and premises that are not visited as frequently as other licensees under our proactive compliance programs. The questionnaires enable licensees to assess their own compliance with the Liquor Act and identify areas that require attention or improvement.

The OLGR can schedule follow-up inspections at participating licensed premises if they require any advice or assistance, or to confirm the accuracy of information provided in the questionnaire.

Reactive programs

The OLGR conducts investigations and other compliance activities resulting from complaints received from industry and the general public, QPS reported incidents, findings from OLGR inspection activity and referrals from external agencies. Not every complaint will be individually investigated. The OLGR assesses complaints on a case by case basis in line with adopted risk-based methodologies to determine the most appropriate response.

The types of factors OLGR may consider when deciding whether to investigate are broad, but may include:

- the entity's risk profile having regard to factors such as their previous level of compliance and history of police reported incidents associated with the venue
- type and severity of the alleged breach
- whether previous complaints have been received about similar matters
- the availability of evidence and associated prospects of reasonably proving the offence
- whether it is in the public interest to investigate the matter, rather than using other available risk mitigation strategies.

Where OLGR elects not to investigate, alternative action is generally taken, such as:

- scheduling an on-site inspection of the premises
- providing advice and/or education to the licensee or other entity
- negotiating with the licensee to achieve a result that satisfies both the complainant and licensee
- referring the complaint to another agency for consideration.

The OLGR's reactive and proactive compliance programs operate collaboratively by informing each other, resulting in improved regulatory outcomes.

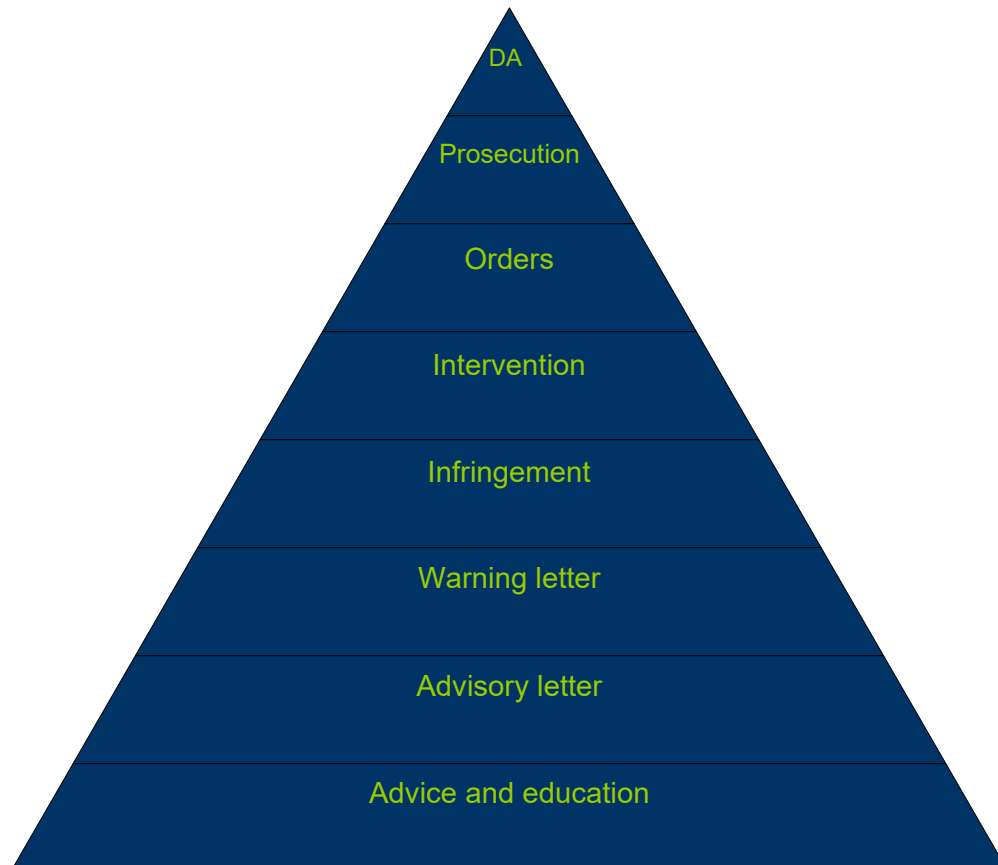
Innovation

Through research, collaboration with other agencies and interaction with other regulatory jurisdictions, the OLGR seeks to identify other effective and innovative monitoring and enforcement initiatives (e.g. a mystery shopper program).

Enforcement

An escalation model of enforcement is employed by the OLGR, where the conduct and compliance history of a venue can have a significant bearing on any action taken.

Figure 1: Enforcement pyramid



*DA – Disciplinary action

If a licensee, permit holder or other entity breaches the Liquor Act, the OLGR uses a range of remedial actions and other strategies to improve compliance. These actions are displayed in the figure above.

The OLGR's regulatory model ensures the enforcement strategies used are consistent, equitable and appropriate to the situation.

A number of factors are considered when determining the most appropriate enforcement action, including the following.

- **The seriousness of the alleged offence and impact**—The OLGR considers how the conduct being investigated may impact the main purposes of the Liquor Act, in particular, minimising harm and the adverse effects on the health and safety of the public or the community. Based on these considerations, the most serious offences, including those adversely impacting on public safety and the responsible service of liquor, can be expected to result in the strongest remedial actions.

- **Intent**—Consideration is given to whether the person has made a genuine attempt to comply or if the issue is as a result of the licensee ignoring or disregarding a particular requirement or request.
- **Compliance history**—The OLGR considers if the entity has a documented compliance history relating to similar issues and what action, if any, has been taken in the past.
- **Public interest and efficiency**—When the most serious forms of enforcement action are deliberated, the OLGR considers whether the proposed action is in the public interest and a good use of public money. For example, if the same outcome can be achieved through issuing an infringement notice instead of taking prosecution action, an infringement notice may be considered more appropriate.

While enforcement action is an important component of the work the OLGR does, working with industry participants to achieve sustainable compliance outcomes and associated benefits for the community is a priority of the compliance strategy.

Licence fees

Liquor licence fees must be paid annually by 31 July. Strict rules regarding the payment of licence fees apply. If not paid by 31 July, liquor licences are automatically suspended, resulting in the licensee no longer being able to sell liquor or carry liquor for sale. If fees remain unpaid for 28 days after the date of suspension, the liquor licence is automatically cancelled.

If liquor licence fees are not paid by the due date, an investigation will be launched by the OLGR to ensure liquor has not been sold without a licence or authority, including during the suspension period.

If licensees sell liquor while their licence is suspended or cancelled they will be subject to high-end enforcement action such as an infringement notice, prosecution and disciplinary action.

Advice and education

The OLGR provides regular advice and education to licensees, their staff and various stakeholders through the course of its proactive and reactive compliance programs.

The OLGR also regularly interacts with peak body groups such as the Queensland Hotels Association, Clubs Queensland, Restaurant and Caterers Association and Nightclubs Queensland. This provides an opportunity to give advice and raise awareness of industry issues and trends.

As part of its communication strategy, the OLGR also strives to deliver advice and education to relevant target audiences through a number of activities and tools, including:

- responsible service newsletters
- editorial/articles for industry publications, including Clubs Insight and QHA Review
- social media such as Facebook and Twitter
- advertising campaigns
- liquor accord and safe night precinct local board meetings
- web content and features.

Extensive resources are available online at Business Queensland—
www.business.qld.gov.au/industry/liquor-gaming.

The OLGR's online resources include numerous guides, brochures and Commissioner guidelines to assist industry to achieve compliance and provide compliant and safe venues. Key online publications and resources available to licensees and staff include the [Behind the Bar RSA training video series](#) and [RSA refresher courses](#).

Collaborative relationships

OLGR collaborates with a diverse range of agencies and groups to achieve regulatory objectives and positive outcomes for the Queensland community.

The Queensland Government established a joint QPS/OLGR taskforce to implement improved and consistent compliance arrangements, including operating procedures, training for police and OLGR compliance officers, and the development of strategies, concepts of operation and ways to target resources. To help support the co-regulatory relationship of the OLGR and QPS, a memorandum of understanding (MOU) has been put in place that sets out each agency's roles and responsibilities under the Liquor Act.

The MOU confirms the commitment of the respective agencies to achieve consistency in enforcement practices, enhanced coordination of liquor compliance activities and sharing of information about investigation outcomes, compliance history and other relevant data.

There are more than 9,000 operational QPS officers across the state authorised to enforce the Liquor Act.

The QPS generally focuses on matters associated with public order, while the OLGR's focus is on licensees' compliance with their obligations under the Liquor Act. Across Queensland, there are a number of QPS officers assigned to the Liquor Enforcement and Proactive Strategies (LEAPS) program within the QPS Drug and Alcohol Coordination Unit. These officers are primarily responsible for liquor enforcement activities undertaken by the QPS. These activities are closely aligned to those undertaken as part of the OLGR's proactive programs.

Police officers and OLGR compliance officers are regularly involved in joint operations and inspections to assess compliance at licensed premises and to target alcohol and drug-related violence and anti-social behaviour.

The OLGR also works closely with the Australian Federal Police (AFP), the Office of Fair Trading, Queensland Fire and Emergency Services and local government, and maintains regular engagement with peak industry associations, liquor accords and other community organisations.

An MOU also exists between the OLGR and the AFP setting out each agency's roles and responsibilities with respect to the regulation of licensees operating within the state's international airports.

Place-based management

Place-based management initiatives promote local ownership and tailored whole-of-community responses to local issues. Local business and community stakeholders are engaged to develop solutions and make decisions on services or actions that best address local issues.

The OLGR recognises the importance of a place-based management approach in addressing alcohol-related harm and related issues in a specific locality. In response, the OLGR works closely with local business and community stakeholders through two key place-based initiatives: safe night precincts and liquor accords.

Safe night precincts

Safe night precincts have been established in 15 locations across Queensland, including Cairns, Townsville, Airlie Beach, Mackay, Rockhampton, Gladstone, Bundaberg, Sunshine Coast, Toowoomba, Ipswich, Broadbeach, Surfers Paradise, Inner West Brisbane, Fortitude Valley and Brisbane.

11 local boards are operating within these precincts to enable licensees and related stakeholders to collaborate with state and local government agencies and community organisations to minimise alcohol and drug-related harm.

The OLGR is continuing to work with licensees and other relevant stakeholders in key entertainment precincts to promote and develop safe night precincts, and where applicable, safe night precinct local boards.

Safe night precinct local boards manage and plan for the precinct to address community safety and amenity issues. These boards can raise funds and apply for grants from local, state and federal governments to implement locally relevant and appropriate initiatives to effectively manage alcohol and drug-related violence and amenity issues in their precincts.

Public safety consultative committees have also been established to advise and assist local boards in achieving their objectives. These committees are made up of state and local government representatives, including QPS, the OLGR, the Department of Transport and Main Roads and council representatives, as well as community service organisation representatives.

Liquor accords

Liquor accords are another place-based management initiative dedicated to support harm minimisation and RSA principles.

Like local boards, liquor accord groups are made up of industry, government and, in some instances, community stakeholders. They are active in implementing place-based management initiatives to minimise alcohol-related violence and other potentially adverse impacts of liquor consumption in and around licensed premises.

There are currently more than 100 liquor accords throughout Queensland.

The OLGR is committed to supporting liquor accords as they promote a cooperative approach to developing safe and well managed environments in and around licensed premises.

Participation in an accord is voluntary. However, for liquor licence holders, membership of a local accord shows they are committed to improving the amenity of their local community, as well as a commitment to a common goal of minimising harm. Benefits achieved by accords include:

- reducing anti-social behaviour in and around licensed premises
- increasing staff awareness of RSA principles
- improving licensee and staff knowledge of legislative obligations
- reducing road trauma directly related to alcohol misuse
- enhancing community engagement in various controls and strategies that affect their community
- improving local amenity.

Looking ahead

This liquor compliance strategy outlines the OLGR's regulatory approach to administering and enforcing the Liquor Act.

In accordance with the main purposes of the Liquor Act, the OLGR strives to regulate the liquor industry in a way compatible with minimising harm from alcohol abuse and misuse and associated violence, while supporting the development of the tourist, liquor and hospitality industries for the benefit of Queensland.

The OLGR is committed to providing quality service to its clients and to the wider Queensland community.

We will continue to review and update our liquor compliance strategy based on industry and community feedback or any changes to legislation or government policy and the success of the strategy in achieving its objectives.