

Guideline 60: Unacceptable liquor practices and promotions in licensed venues

Liquor Act 1992 – Part 6, Division 1AA, Section 142ZZ
Liquor Regulation 2002 – Section 41

1. Introduction

The responsible service, supply and promotion of liquor at licensed premises is critical to achieving the main purposes of the [Liquor Act 1992 \(PDF, 1.97MB\)](#). This includes minimising harm and potential harm from alcohol abuse, misuse and associated violence.

The Liquor Act does not seek to prevent licensees (and permittees) from engaging in activities to encourage and maintain patronage. However, any practices or promotions associated with the service, supply or consumption of liquor must be undertaken responsibly and in a way that is compatible with minimising harm.

Certain types of practices and promotions are unacceptable as a result of the potential harm they may cause and are prohibited by the Liquor Act.

2. Lawfully unacceptable practices and promotions

Under section 142ZZ(1) of the *Liquor Act 1992*, licensees (and permittees) must not engage in, or allow another person to engage in, an unacceptable practice or promotion in the conduct of business on the relevant premises.

The Liquor Act (s.142ZZ(2)) details the types of practices and promotions that are unacceptable. These are:

- A. a practice or promotion that may encourage the irresponsible consumption of liquor
- B. a practice or promotion that may discourage a patron from monitoring or controlling the patrons consumption of liquor
- C. a practice or promotion likely to have a special appeal to children (for example, because of the use of designs, names, motifs or characters that are likely to be attractive to children)
- D. a practice or promotion that is indecent or offensive
- E. a practice or promotion using emotive descriptions that are likely to encourage irresponsible consumption of liquor
- F. a practice or promotion that involves providing free drinks, or providing drinks at discounts, in a way that encourages patrons to consume liquor more rapidly than they would otherwise do
- G. a practice or promotion prescribed by the Liquor Regulation as an unacceptable practice or promotion.

The Liquor Act (s. 142ZZ(4)) states that the commissioner may make a guideline under section 42A that includes examples of practices and promotions of the types mentioned above.

As well as making it an offence for a licensee (or permittee) to engage in or allow another person to engage in an unacceptable practice or promotion, the Liquor Act

provides for the Commissioner to issue a compliance notice requiring the licensee (or permittee) to cease the practice or promotion or to take other action to prevent further contravention of the Liquor Act (Section 142ZZD).

3. About this guideline

This guideline provides examples of practices and promotions that are considered unacceptable and are therefore prohibited. These examples are provided under headings corresponding to types of practices and promotions that are unacceptable in accordance with section 142ZZ(2) of the Liquor Act (refer to 2. Lawfully unacceptable practices and promotions).

Included are examples of practices and promotions that are considered unacceptable:

- a) regardless of how they are managed and controlled, due to their characteristics and associated potential harm
or
- b) unless they are conducted in line with a documented management plan that includes harm minimisation measures to ensure stated negative outcomes (e.g. rapid or excessive consumption) do not occur and all staff are aware of such measures.

Examples provided in this guideline are not intended to be exhaustive and it is a licensee's (or permittee's) responsibility to assess all practices and promotions to ensure they are not unacceptable in accordance with section 142ZZ of the Liquor Act. Some practices and promotions may be unacceptable based on more than one of the criteria outlined in section 142ZZ(2)(a)-(g). This guideline does not seek to duplicate examples across the different areas covered.

The guideline also provides some more general commentary around the different types of practices and promotions and associated risks, to help inform licensees (and permittees) about the attitude the commissioner is likely to adopt when considering whether a practice or promotion is unacceptable.

It is important for licensees (and permittees) to also be aware of their other obligations as they relate to promotions at their premises, such as [restrictions on external advertising](#).

4. Unacceptable liquor practices and promotions

A. Encouraging irresponsible consumption of liquor

'A practice or promotion that may encourage the irresponsible consumption of liquor (s.142ZZ(2)(a)).'

Licensees (and permittees) must be vigilant in ensuring practices or promotions do not encourage patrons to drink irresponsibly. Drinking irresponsibly includes consuming liquor rapidly, in quantities that are excessive or greater than the person is accustomed to, or other ways that may lead to harmful outcomes and/or undue intoxication.

Promotions such as 'happy hours' can lead to irresponsible consumption of alcohol if not properly managed. A promotion like this must not create an incentive for patrons to drink in greater amounts, or more rapidly, than they usually would. Also, it must not allow the stockpiling of drinks, which can result in excessive consumption.

The timing of these types of promotions are also important as they must not encourage patrons to continue drinking at a time when they may have otherwise stopped (e.g. close to closing time when patrons may have already been drinking for a long period of time).

Careful consideration must also be given to the types of liquor products made available as part of these types of promotions, including their alcohol content.

While competitions and games can be a successful marketing tool and add to the atmosphere of a venue, licensees (and permittees) must consider carefully the manner in which such competitions are managed and promoted from a responsible service of alcohol (RSA) perspective.

Examples of unacceptable liquor practices and promotions that encourage the irresponsible consumption of liquor

- A practice or promotion that offers a person a reward if the person would need to drink more than 4 standard drinks in any trading period to win the reward.
- A practice or promotion that involves a competition or game in which contestants or players consume liquor on the premises.

Specific examples include liquor consumption score boards, challenges or dares; liquor sculling or laybacks; drink to win competitions; 'drinking the shelf' (where a person seeks to drink one or more nips of a each alcohol product on an actual or metaphorical shelf at the bar), 'beer pong' (where patrons drink the alcoholic contents of a glass or other container if they are successful in having a ping pong ball land in it).

- A practice or promotion involving the use of language, labelling or titling that indicates the practice or promotion involves irresponsible consumption of liquor, such as 'last man standing', 'all you can drink', 'drink like a fish' or 'beat the clock'.

- A practice or promotion involving the use of drink cards, tickets or other methods whereby patrons purchase entitlements to multiple drinks, and no provision is made for pro-rata refund for entitlements that are not used, thereby encouraging patrons to rapidly use any entitlements that are left before closing time, or the time they need to otherwise leave the premises.
- A practice or promotion that involves staff requesting or encouraging patrons to purchase an alcoholic drink for both the patron and the staff member.

Examples of practices and promotions requiring harm minimisation measures

- A practice or promotion that offers a person a reward, other than free or discounted liquor (e.g. a branded cap), and requires them to drink no more than 4 standard drinks in any trading period to win the reward.

Measures are required to ensure that irresponsible consumption of liquor is not encouraged, including measures to monitor the number of drinks purchased as part of the promotion and the number of entries/rewards obtained by a person.

- A practice or promotion involving supply of liquor over a set period for free or at a discounted price (e.g. a happy hour).

Measures are required to minimise the risk of patrons consuming excessive amounts of liquor, or consuming liquor more rapidly than they would otherwise do.

This may include, but not be limited to:

- providing free food and water to patrons
 - offering alternative non-alcoholic beverages
 - limiting the number of drinks that can be purchased on each visit to the bar
 - monitoring for and managing against stockpiling of drinks
 - limiting the duration of the promotion while also ensuring that this does not result in patrons drinking more rapidly within that period
 - employing additional staff (e.g. RSA marshalls) to monitor the consumption of liquor during the course of the promotion
 - limiting the number of discounted drinks that each patron is eligible for (e.g. providing a ticket to each patron for 2 discounted drinks).
- A practice or promotion encouraging staff members to sell a particular liquor product, with or without a particular incentive.

Measures are required to ensure that staff members do not encourage patrons to purchase and/or consume greater quantities and/or higher strengths of liquor than they otherwise would.

This may include, but not be limited to:

- structuring the promotion in a way that provides no encouragement or incentive to sell liquor to patrons in quantity (e.g. structure the promotion to have many patrons sample the product rather than have individual patrons consume large amounts of the product)
- not undertaking the promotion during times when customers may have already been drinking for extended periods

- ensuring that a full range of product remains available during the promotion, including competitively priced soft drinks and low alcohol drinks
- limiting the duration of the promotion
- placing limits on the number of drinks any 1 person can purchase during the promotion
- specific reinforcement of RSA practices and expectations to staff through briefings prior to the running of a promotion.

B. Discouraging a patron from monitoring or controlling their consumption of liquor

'A practice or promotion that may discourage a patron from monitoring or controlling the patron's consumption of liquor (s.142ZZA(b)).'

There are well-recognised standard drinking vessels used for drinking particular types of liquor. Although they may vary slightly across Australia, in Queensland standard-sized glasses are usually available for serving wine, beer and spirits in.

A standard measure is the level of alcohol used to work out safe drinking levels. Standard measures enable individuals to clearly assess their alcohol intake.

Serving methods must enable a consumer to be aware of how much liquor they are consuming and allow consumption rates to be controlled. Where a well-recognised and designed vessel, such as a pot, schooner, wine glass or tumbler is not used, consideration needs to be given to whether this discourages patrons from monitoring and controlling their consumption.

Practices or promotions that involve the serving of alcohol in ways that encourage skolling, repeated quick consumption of alcoholic drinks or free pouring of alcohol are not acceptable. These clearly discourage a patron from monitoring or controlling their consumption.

Examples of unacceptable practices and promotions that discourage a patron from monitoring or controlling their consumption of liquor

- A practice or promotion involving service of liquor in vessels designed for rapid consumption (e.g. yard glasses or vessels that cannot be rested, such as test tubes without a stand).
- A practice or promotion involving pouring or shooting liquor straight into patron's mouths, such as 'laybacks' or the use of water pistols or syringes.
- A practice or promotion involving service of alcoholic drinks meant to be shared, without appropriately sized vessels for patrons to pour the liquor into (e.g. jugs, tea pots and beer towers).

Examples of practices and promotions requiring harm minimisation measures

- A practice or promotion involving service of alcoholic drinks meant to be shared (e.g. jugs, tea pots and beer towers).

Measures are required to ensure that appropriately sized vessels are provided to patrons to pour the liquor into. Patrons must not be encouraged or allowed to consume liquor directly from the main vessel (e.g. the jug), to minimise the risk that patrons will not monitor and control their consumption.

- A practice or promotion involving service of liquor in vessels that are not well-recognised standard drinking vessels (e.g. kettles or jam jars).

Measures are required to ensure that patrons are aware of how many standard drinks are supplied in the drinking vessel for the particular type and strength of beverage purchased, to assist patrons in monitoring and controlling their consumption.

C. Appealing to children

‘A practice or promotion likely to have a special appeal to children—for example, because of the use of designs, names, motifs or characters that are likely to be attractive to children (s.142ZZ(2)(c)).’

The effects of alcohol on children can be significant and can be harmful to their health and physical development, as well as having social and emotional effects.

While it is illegal to sell or supply alcohol to children (minors) on licensed premises, for many venues children are allowed onto the licensed premises in the company of a responsible adult. Accordingly, licensees (and permittees) must exercise particular care to not encourage children to attempt to access alcohol at licensed premises. They must also generally minimise children’s exposure to material that may increase the appeal of alcohol to them.

Licensees (and permittees) must not engage in, or allow another person to engage in, practices or promotions that are likely to have special appeal to children.

Examples of unacceptable practices and promotions that appeal to children

- A practice or promotion that uses characters, imagery, designs, motifs, or jingles that are likely to be attractive to children.
- A practice or promotion that includes merchandise that primarily appeals to children.
- A practice or promotion using interactive games or technology predominantly targeted to children.

Examples of a practice or promotion requiring harm minimisation measures

- A practice or promotion using role models, celebrities, or other testimonials that may have special appeal to children.

Measures are required to minimise the exposure of children to the practice, reinforce that the target audience is not children and prevent children from participation (regardless of whether participation involves the actual purchase or consumption of liquor products).

D. Indecent or offensive material

'A practice or promotion that is indecent or offensive (s. 142ZZ(2)(d)).'

A liquor promotion that uses indecent or offensive material is in poor taste and is against general community standards. Licensees (and permittees) should also be aware that indecent and offensive promotions may be a catalyst for crime or violence, including sexual violence. Linking the consumption of alcohol with such material or activities is not appropriate for any licensed venue, function or event.

In determining what is offensive and/or indecent, a licensee (or permittee) must objectively consider what an ordinary, reasonable person within the general community would consider offensive.

Examples of unacceptable practices and promotions that contain indecent or offensive material

- A practice or promotion that involves any form of discriminatory, demeaning or vilifying language or imagery.
- A practice or promotion that offers free or reduced priced alcohol as an incentive to act or dress provocatively or remove clothing (e.g. wet t-shirt competitions).
- A practice or promotion that associates liquor with illicit drugs or alludes to drug taking, violent behaviour or antisocial behaviour.
- A practice or promotion that encourages patrons to post pictures on social media of themselves in an intoxicated state—whether or not for any reward.
- A practice or promotion using images (including human bodies) that may be considered offensive to a reasonable adult.

Example of a practice or promotion requiring harm minimisation measures

- A practice or promotion that involves drinks with provocative names.

Measures are required to ensure that the context in which the names of these drinks is used in any practice or promotion is not insulting or offensive. The names are not to be used in any advertising or promotional material external to the venue, as this is likely to cause offence to some people.

E. Emotive descriptions in promotions

'A practice or promotion using emotive descriptions that are likely to encourage the irresponsible consumption of liquor (s. 142ZZ(2)(e)).'

Encouraging or glorifying excessive consumption of liquor is inappropriate. A promotion that focuses on irresponsible drinking is not in the public interest and is contrary to the principles of responsible service of alcohol. The promotion of irresponsible drinking, or using emotive descriptions to encourage excessive drinking, can influence the actions of patrons and increase the likelihood of intoxication. Such practices have clear ramifications for the health and wellbeing of the patron and can increase the risk of anti-social behaviour and violence.

Examples of unacceptable practices and promotions that use emotive descriptions

- A practice or promotion involving a person enthusiastically talking up excessive consumption of alcoholic beverages, promoting intoxication or encouraging irresponsible or illegal behaviour.
- A practice, promotion or event that has a principal focus, whether actual or through the use of language and description, on the excessive consumption of alcohol (e.g. thirsty Thursday, beat the clock).
- The use of language, images, slogans or score boards in promotions that encourage patrons to drink to excess, such as 'drink till you drop' or 'beer hero').

Example of a practice or promotion requiring harm minimisation measures

- A practice or promotion originating from a liquor producer or distributor that, by its nature, will tend to focus on the consumption of liquor (being their particular product).

Measures required to address the risk of patrons purchasing and consuming more of this product than they might otherwise, resulting in rapid or excessive consumption of alcohol. The licensee (or permittee) remains responsible for ensuring that the promotional material used is not of a nature that is likely to encourage irresponsible consumption of liquor.

F. Free or discounted drinks

'A practice or promotion that involves providing free drinks, or providing drinks at discounts, in a way that encourages patrons to consume excessive amounts of liquor or consume liquor more rapidly than they would otherwise do (s.142ZZ(2)(f)).'

Many licensees (and permittees) choose to use liquor discounting as a marketing tool to encourage people to attend/remain within a venue, or try a new product, or to reduce stocks of a particular product.

If a licensee or permittee is considering offering cheap or discounted alcohol they must ensure that there are appropriate RSA practices in place. These RSA practices must manage the service and supply of liquor so that patrons do not consume excessive amounts of liquor, or consume liquor more rapidly than they would otherwise do.

Examples of unacceptable practices and promotions involving free or discounted drinks

- A practice or promotion that provides for patrons to drink as many free drinks as they can within a limited time frame.
- A practice or promotion that involves the use of drink cards, promotional cards, voucher, shopper docket or wrist bands in a way that encourages the rapid consumption of liquor over a short period of time (e.g. a \$50 drink card or voucher that is only redeemable over a 1-hour period).

Examples of practices and promotions requiring harm minimisation measures

- Any practice or promotion that involves the provision of free or discounted alcoholic drinks for on-premises consumption. This includes but is not limited to happy hours, VIP discounts, 2-for-1 offers, specials on particular products, rewards of free or discounted alcohol after a certain number of drinks are purchased, and offers of free drinks over an extended period upon the payment of a fee (e.g. \$50 entry for free drinks all night).

Measures are required to minimise the risk of patrons consuming excessive amounts of liquor or consuming more rapidly than they would otherwise do.

This may include, but not be limited to:

- providing free food and water to patrons
- offering alternative non-alcoholic beverages
- limiting the number of drinks that can be purchased on each visit to the bar
- monitoring for and managing against stockpiling of drinks
- limiting the duration of the promotion while also ensuring that this does not result in patrons drinking more rapidly within that period
- employing additional staff (e.g. RSA marshalls) to monitor the consumption of liquor during the course of the promotion
- limiting the number of discounted drinks that each patron is eligible for (e.g. providing a ticket to each patron for 2 discounted drinks).

G. A practice or promotion prescribed by regulation for section 142ZZ

'A practice or promotion prescribed by regulation for section 142ZZ: the practice of serving or supplying liquor to a patron while holding the patron's financial institution access card or other property pending payment for the liquor, in a way that discourages the patron from monitoring or controlling the patron's purchase of liquor (s.41 Liquor Regulation).'

Holding a patron's financial institution access card (or other property) pending payment can increase the risk of patrons not monitoring or controlling their purchase of liquor and create negative consequences to health and/or financial wellbeing.

Example of an unacceptable practice involving holding a patron's financial institution access card or other property

- A practice involving holding a patron's financial institution access card or other asset and serving the patron on account, pending payment when the patron receives their next paycheque or social security benefit.

Example of a practice requiring harm minimisation measures

- Any practice where a patron's financial institution access card is held pending payment where a pre-determined monetary limit for alcohol purchases has not been set by the patron.

Measures are required to enable patrons to monitor how much money they have spent on liquor purchases, such as arrangements where the patron can request and receive a running total of purchases.