 MOUNT ALEXANDER

Liquor and Drug Accord



A collaborative approach to enhance the health, safety and wellbeing in the Mount Alexander Shire

September 2022 – September 2026 by Sergeant Trevor BAILEY 29295 Version 2

 MOUNT ALEXANDER LIQUOR LICENSING

 ACCORD

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# Aim and background of accord

The objective of the Mount Alexander Liquor and Drug Accord is to contribute to health, safety and wellbeing of the residents and visitors to the Mount Alexander Shire, in response to community and police concerns regarding alcohol and drug - related crime, property damage, violence and loss of amenity. To encourage and promote responsible service, sale and consumption of alcohol.

The Victoria Police, Council and the Liquor and Gaming industries have significant statutory obligations under planning liquor and drug legislation. We are committed to working together to achieve the objectives of this Accord. A demonstrable effort to comply with the Accord will be highly regarded. This will particularly apply when loss of amenity in a particular area becomes an issue that has the potential to cause a licence to be varied or cancelled.

The purpose of the Mount Alexander Liquor and Drug Accord is to draw together representatives of key establishments to recognise and address issues of excessive alcohol and drug consumption and unacceptable practices that contribute to community and social problems. The Accord enables licensed venues to educate members of the community as to what behaviour and conduct is acceptable in and around licensed premises and what is not. Furthermore, an Accord developed and monitored periodically in conjunction with both local Police and Council allows transparency and open communication between all key parties ensuring beneficial relationships for all concerned. This will be achieved by promoting the responsible service, sale and consumption of alcohol and encouraging high standards of behaviour within the community.


## Stakeholders

The success of the Mount Alexander liquor and Drug Accord relies on commitment from the following stakeholders**:**

### Licensees

* Promote and support the Mount Alexander Liquor and Drug Accord.
* Work with the other stakeholders and Accord members to assist in maintaining compliance by licensees with relevant laws, licensing regulations and licence conditions.
* Participate in meetings and the monitoring and evaluation of the Mount Alexander Liquor and Drug Accord.
* Work in partnership with other stakeholders in related community projects.

### Mount Alexander Shire

* Promote and support the Mount Alexander Liquor and Drug Accord.
* Use reasonable endeavors to provide adequate CCTV in the Mount Alexander CBD area and regularly assess its effectiveness.
* Work with other regulatory authorities to ensure all licensed venues are monitored for compliance with relevant laws, licensing regulations and conditions.
* Participate in the monitoring and evaluation of the Mount Alexander Liquor and Drug

Accord.

* Work in partnership with key stakeholders in related community projects.

### Castlemaine, Maldon and Newstead Police

* Monitor compliance of licensed premises with the requirements of the Liquor Control Reform Act 1998 and other relevant legislation.
* Provide appropriate data to the Mount Alexander Liquor and Drug Accord relating to alcohol management and crime.
* Maintain membership of the Mount Alexander Liquor Accord.
* Participate in the monitoring and evaluation of the Mount Alexander Liquor and Drug

Accord.

* Work in partnership with key stakeholders in related community projects.


### Liquor Forum Chairperson

* Maintain membership of the Mount Alexander Liquor and Drug Accord, including up-to-date contact details
* Send timely meeting reminders and minutes to members via email. and distribute relevant information from Liquor Control Victoria to members
* Organise guest speakers and maintain the momentum of the Accord
* Update the Mount Alexander Liquor and Drug accord document as required.

### Victoria Police, Liquor Control Victoria (LCV)

* Monitor compliance of licensed premises with the requirements of the Liquor Control Reform Act 1998 and other relevant legislation.
* Provide on-going support and guidance for the Mount Alexander Liquor and Drug Accord, licensees and their managers, on the requirements of the *Liquor Control Reform Act 1998*.
* Support the Mount Alexander Liquor and Drug Accord by providing up-to-date information and advice and attend meetings where possible.


# Responsible service of alcohol (RSA) principles

* + Ensure all staff are trained in RSA within one month of commencing employment and undertake LCV online Refresher course every three years.
	+ Train staff on how to deal with difficult customers and refuse service to intoxicated patrons.
	+ Display the LCV RSA Principles poster in staff room.
	+ Discourage glass containers in the toilets or on the dance floor to reduce both intentional and accidental injuries.

# Responsible advertising and promotions

* + Refrain from pricing practices or promotions that encourage rapid consumption of alcohol or alcohol abuse.
	+ Adhere to LCV Guidelines for Responsible Liquor Advertising and Promotions.
	+ Keep ‘happy hours’ to a maximum of two hours per day.
	+ Hoteliers to promote and ensure free water is available for patrons
	+ To Foster a collaborative partnership between the Mount Alexander Shire, Liquor Licensees, Victoria Police, LCV and other community stakeholders.
	+ Adopt and support the RSA program and implement that throughout the industry.
	+ Adopt practices that will encourage all licensees to self-regulate and foster a partnership between the Liquor Industry, Police, Council and other agencies to achieve positive outcomes through this Accord such a code.
	+ Create a safe environment in and around licensed premises through a commitment to staff training and the proper use of professional crowd controllers.

* + Encourage the best practice management of packaged liquor outlets and licensed premises to ensure lawful and responsible service of alcohol.
	+ Evaluate the effect of alcohol and other factors on crime, violence and anti- social behaviour, with a view to develop measures to minimise their adverse effects.

# Intoxication

It is an offence for a licensee or permittee to supply liquor to a person in a state of intoxication. It is also an offence to permit drunken or disorderly persons to be on the licensed premises, or on any other premises where we have authorised licensees to serve liquor.

The Liquor Control Reform Act 1998 (the Act) defines intoxication in section 3AB(1) as:

For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, coordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

Working out whether a person is in a state of intoxication is a two-step process. First, consider whether the person is displaying one or more of the signs of intoxication.

A person may be in a state of intoxication if they are:

* + - becoming loud and boisterous
		- having difficulty walking straight
		- becoming argumentative
		- bumping into furniture or customers
		- annoying other patrons and staff
		- rambling in their conversation
		- using offensive language
		- losing their train of thought
		- spilling drinks
		- difficulty in paying attention
		- fumbling and having difficulty in picking up objects
		- not hearing or understanding what is being said

* + - swaying
		- drowsiness or dozing while sitting at a bar or table.

The second step in determining whether someone is intoxicated is working out whether the signs they are showing from the list above is the result of consuming liquor or drugs. You can do that by taking into account information, such as:

* + - the amount of alcohol you have witnessed the person drink
		- how much other staff members of the licensed premises have seen the person drink
		- whether the person smells of alcohol

Sometimes, physical and mental disabilities lead to a person showing symptoms similar to alcohol intoxication. You should consider the possibility of a patron having such a condition before refusing service because you think they may be intoxicated.


# Crowd controllers

The State Government has implemented the *Private Security Act 2004* and set up the Private Agents Register within the structure of the Victoria Police.

Both the Statutory and the Regulatory bodies are required to screen, control and monitor the behaviour and the bona fides of all persons employed for this purpose.

This has extended to requiring all such persons that are employed in the capacity of Crowd Controllers to be licensed and to abide by the operational requirements of the Act.

The *Private Security Act 2004* contains legislation covering the keeping of Crowd Controllers Register, and the identification required to be worn by persons employed for that purpose.

This Accord requires all licensees who employ crowd controllers to be thoroughly conversant with their obligations under the *Private Agents Act*, and to ensure that all persons employed in that capacity are properly licensed and work in a professional manner.

* Ensure all crowd controllers are licensed (status can be checked online).
* Maintain a crowd controllers incident book
* Brief security prior to them starting about your expectations of their conflict resolution skills and their duties.
* Check ID of all patrons who look under 25
* Walk around the perimeter of the premises to look for risks such as minors that might be attempting to get in or obtain alcohol, patrons preloading, or other activities that may cause harm or fear to the community.
* Ensure security maintain orderly queues and the amenity of the area.
* Ensure maximum capacity of patrons is adhered to at all times.
* Staff to be clearly identifiable.


# Minors

* + One of the key aims of this Accord is to actively discourage illegal underage patronage and with that, illegal under-age drinking on or from licensed premises of all kinds.
	+ The *Liquor Control Reform Act 1998*, covers the legislative requirements regarding this area, but in brief, the following are the important areas for licensees to focus on:

### Minors on licensed premises

Anyone under the age of 18 years is considered a minor.

The legal drinking age in Victoria is 18 years. **It's illegal for any person to supply alcohol to a minor on licensed premises.** It's also illegal for a minor to be on licensed premises to purchase, receive or consume alcohol.

### Minors are not permitted to drink alcohol on licensed premises under any circumstances.

Depending on the situation, a minor may be allowed on licensed premises.

A minor may be on licensed premises if they are in the company of a *responsible adult*.

A *responsible adult* is defined as a person who is 18 years or older and is:

* + - the minor's parent, step-parent, guardian, grandparent, or
		- the minor's spouse who is over the age of 18 years, or
		- a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the minor – for example, a sporting coach.

An unaccompanied minor cannot be on licensed premises unless:

* + - there is a condition allowing them to be on the licence (for example, a junior sports club)
		- it holds a restaurant and cafe licence (until 11pm)
		- it holds an on-premises licence with restaurant conditions (until 11pm)

Other circumstances that permit minors on licensed premises are if the minor is:

* + - having a meal, or
		- is a resident of the premises if accommodation is supplied, or
		- employed by the licensee but not involved in the supply of alcohol, or
		- completing a LCV approved training program in hospitality - the approval is normally given in writing and under the condition they are closely supervised whilst serving.

* + If there is any doubt as to the age of a person, Licensees or their agents, should insist on seeing an acceptable form of ID prior to entry.
	+ The licensee or employee can seize ID that has been produced, if they reasonably believe that the document does not belong to the person producing it, has false or misleading information or is forged or fraudulently altered. This document MUST be handed to Police. (The exception being that a Driver Licence cannot be retained).
	+ This Accord requires licensees to be fully aware of their obligations in preventing under-age drinking and patronage and work closely with police to eliminate this problem. This includes the prominent display of approved signage, which discourages underage patronage.


# Approved forms of identification

Check for approved proof of age ID prior to entry or at the bar. Approved forms of ID are:

* + Australian driver licence (including NSW & SA)
	+ Victorian learner permit
	+ Foreign driver licence in the English language or if not in the English language, must be accompanied by an official English translation or an International Driving Permit
	+ Victorian proof of age card or an equivalent from another state or territory of Australia
	+ Keypass card (including digital keypass)
	+ Australian or foreign passport
	+ Victorian marine licence
* Apply the following standards when checking ID:
	+ - Remove ID from wallet/purse and hold the ID.
		- Check date of birth is accurate and has not been tampered with (check the back of the ID as well).
		- Photo matches the person presenting the ID, paying close attention to physical features.
		- Photo is checked to ensure it has not been tampered with

# Administration

* + Display current liquor licence in a position which invites public attention.
	+ Ensure all staff have read and are aware of the conditions of your liquor licence and your red line plan.
	+ Provide copy of current red line plan when requested by Victoria Police or LCV inspectors.
	+ Ensure correct LCV required signage is on display.
	+ Maintain a telephone directory of neighbouring venues - to be used in the event of ejecting patrons or refusing entry to patrons.
	+ Record all incidents

# Management of events

Advise Victoria Police in advance of any events likely to increase patronage

Ensure appropriate planning permit is submitted for approval.


# Staff training

Commit to policies on induction, ongoing training, emergency evacuation and regular fire drill practices

# Amenity

A commitment to minimising noise and litter, ensure queues are orderly so footpaths and/or laneways are clear, and being considerate of your neighbours.

Examples of what can be implemented are:

* + Encourage phased and orderly exit of patrons from premises when closing.
	+ Ensure entrances and exits are well lit and clear, and that immediate surrounds are safe and allow good visibility.
	+ Minimise noise generating from the premises e.g. doors kept closed, be mindful of noise from beer gardens/courtyards.
	+ Assist patrons in accessing safe transportation out of the area.
	+ Display signage about patrons respecting the neighbours when departing the venue.
	+ Ensure rubbish in the surrounding area of the venue is removed after closing.
	+ Be considerate of neighbours when emptying glass bottles into outdoor rubbish bins

e.g. avoid late at night.

**Closed circuit television (CCTV)**

If applicable, ensure CCTV equipment is serviced regularly, units are fully operable and captured footage downloadable, with staff trained on accessing footage.

# Packaged liquor information

* + Adhere to LCV ‘Packaged Liquor Code of Conduct’
	+ Develop a ‘house rules’ document for the venue
	+ Be vigilant about secondary supply e.g. decline the sale if alcohol is suspected of being purchased for a minor (third party).

# Communication

* + Contact other venues by way of electronic means- email- text message of problematic patrons.

# New Year’s Eve initiatives

* + Use plastic glasses where possible to reduce glass injuries.
	+ Employ extra crowd controllers.
	+ Have a first aid officer on shift throughout New Year’s Eve.


# LCV Accord Banning guidelines

The *Liquor Control Reform Act 1998* provides that two or more licensees or permittees may enter into a liquor accord with the approval of the Chief Commissioner of Police and Liquor Control Victoria (LCV), for the purpose of minimising harm arising from the misuse or abuse of alcohol.

The terms of an Accord may make provision for licensees or permittees to cease to supply liquor or allow the consumption of liquor at their licensed premises or ban access to the premises by the public or individual members of the public.

Accord bans should be implemented only for the purpose of minimising harm arising from the misuse and abuse of alcohol in relation to behaviour that has occurred in or around licensed premises. It is recommended that parties to an Accord:

* + ensure that a decision to ban is fair and reasonable, providing the banned person with an opportunity to respond to or apply for the reconsideration of the decision to ban them;
	+ ensure that a ban is non-discriminatory and made for a clear harm minimisation purpose;
	+ ensure that the privacy of personal information in relation to banned persons is maintained;
	+ ensure that a ban complies with the provisions of the Charter of Human Rights and

 Responsibilities Act 2006 (Vic);

* + do not ban persons for unreasonable periods of time (maximum 12 months) unless clearly justified by the circumstances; and
	+ appropriately notify the subject of a ban that a decision has been made to exclude them.

From 31 January 2022, the maximum period for which a person may be banned under a liquor accord is 12 months.

A licensee or permittee may consult Victoria Police to assist it with developing or enforcing a Liquor Accord.

***Release of information for the purpose of enforcing an Accord Ban***

The Commission or a police officer may disclose to a licensee or permittee who is a party to an Accord that contains a Liquor Accord Ban information about a person who is the subject of a Ban. It is a criminal offence for a person to use or disclose any information received from LCV or Victoria Police regarding Banned Persons except for the purposes of enforcing a Liquor Accord Ban or other purposes required by law, with a maximum penalty of 60 penalty units. (Refer to Section 146DA of the *Liquor Control Reform Act 1998*). Information will only be disclosed by LCV in accordance with section 146D of the *Liquor Control Reform Act 1998* where necessary for the purposes of the effective and efficient enforcement of the Ban. When determining whether to disclose information, LCV may require a party to an Accord to undertake to not keep the information private.



**Licensed premises that are members of the Mount Alexander Liquor Accord**

|  |  |  |
| --- | --- | --- |
| Theatre Royal | Castlemaine |  |
| Cumberland Hotel | Castlemaine |  |
| The Kangaroo Hotel | Maldon |  |
| Railway Hotel | Castlemaine |  |
| The Crown Hotel | Newstead |  |
| The Maldon Hotel, | Maldon |  |
| Guildford Hotel | Guildford |  |
| Five Flags Hotel | Campbells creek |  |
| Albion Hotel | Castlemaine |  |
| Harcourt Produce | Harcourt |  |
| Bridge Hotel | Castlemaine |  |
| Red Hill Hotel | Castlemaine |  |
| Guildford Stores | Guildford |  |
| Elphinstone Hotel | Elphinstone |  |
| Margot Wine bar | Castlemaine |  |
| Shed Shaker | Castlemaine |  |


## Contacts

### Licensing Inspector

Inspector Donna MITCHELL Maryborough Police Station 55-61 Clarendon Street, Maryborough

 54603301 *Fax 54603304*

d onna.mitchell@police.vic.gov.au

### Senior Sergeant, Castlemaine

Senior Sergeant Darren McQUEEN Castlemaine Police Station

32 Templeton Street,

Castlemaine, 3450

 *54704100 Fax 54704105*

darren.mcqueen@police.vic.gov.au

1. **Sergeant, Castlemaine** Sergeant Trevor BAILEY Castlemaine Police Station 32 Templeton Street, Castlemaine, 3450

 *54704100 Fax 54704105*

 trevor.bailey@police.vic.gov.au

### Liquor Control Victoria (LCV)

Sarah GREGORY (Education team)

12 Shelley Street

Richmond Vic 3121

 Phone: 1300 182 457

 [www.vgccc.vic.gov.au](http://www.vgccc.vic.gov.au/)

### Mount Alexander Shire

Callum MURPHY

Corner Lyttleton and Lloyd Streets, Castlemaine

 03 5471 1851

c.murphy@mountalexander.vic.gov.au

### Australian Hoteliers Association

Andrew CLARKE

336 Pakington St Newtown

 0419010050

 frothybeer@gmail.com

# RSA Self-Audit Checklist

|  |  |  |  |
| --- | --- | --- | --- |
|  | Yes | No | Action Required |
| Patron ID is accurately checked**.** |  |  |  |
| Familiar with VGCCC intoxication guidelines |  |  |  |
| Free drinking water is available upon request. |  |  |  |
|  |  |  |  |

**Amenity Self-Audit Checklist**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Yes | No | Action Required |
| Manage queues in an orderly manner. |  |  |  |
| Minimise noise generating from the premises e.g. doors kept closed, mindful of noise from beer gardens/courtyards. |  |  |  |
| Display signage about patrons respecting the neighbours when departing the venue. |  |  |  |
|  |  |  |  |