



CONSTITUTION

HOBART LIQUOR ACCORD

IMPORTANT

- This document is intended to be a guide only.
- Accords should adapt this document and alter it to suit their individual needs.
- This document in no way represents the views or policies of the Liquor, & Gaming Branch.
- Should anything contained in this document be of concern, please contact the Liquor & Gaming Branch on 6336 2261 or at licensing@treasury.tas.gov.au or seek independent advice.
- Once your Accord document is finalised, delete this box and the word DRAFT at the top of this page.

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1. Introduction

A liquor accord is a voluntary agreement reached between local stakeholders who are committed to minimising harm associated with alcohol sale and consumption, in improving safety and amenity, reducing alcohol related violence and anti social behaviour. In most cases, Accords are voluntary agreements involving representatives of licensed venues, police, licensing authorities, community and business groups and local councils.

Harm minimisation and responsible service of alcohol principles underpin accords in liquor laws. Accords are also a pro-active means of bringing about safer neighbourhoods without the need to resort to regulation and enforcement action and ultimately court sanctions. Accords operate at a local level, involving Police, liquor and gaming and local government and licensees and other stakeholders working cooperatively together with their communities.

Within this document licensed premises include but are not limited to;

- General and on licensed premises (bars, hotels and nightclubs);
- Club licensed premises (sporting and community clubs);
- Special licensed premises (restaurants, accommodation and tourist premises etc); and
- Off licensed premises (bottle-shops),

The Hobart Liquor Accord has been developed as a partnership involving the input and co-operation of all key players.

Key signatories and supporters of the Hobart Accord are:

- Licensees in the Hobart municipality.
- Liquor and Gaming Branch of the Department of Treasury and Finance
- Tasmanian Hospitality Association
- Tasmania Police
- Hobart City Council
- Business and community groups

2. Nature and name of the accord

The name of the accord is 'Hobart Liquor Accord' (the accord)

To encourage and promote best practice in licensed premises in Hobart and contribute to the safe well being of the local community by promoting responsible service of alcohol (RSA) and maintaining high standards of behaviour in and around licensed premises.

3. Aims and Objectives of the Hobart Accord

The Hobart Accord aims to improve safety by reducing alcohol related crime and harm and promoting the responsible service of alcohol in the Hobart municipality. The Hobart Accord provides a coordinated and proactive approach that will deliver the best outcomes for all parties including local licensees, the Police, legal practitioners, licensing authorities, health services, Hobart City Council, the business community, residents and visitors to the area.

Objectives:

- To promote Hobart as a safe and enjoyable location for residents and visitors
- To provide a forum on issues and practices that may impact on the community
- To build strong relationships between liquor licensees, government and community
- To assist in the reduction of alcohol related crime and anti-social behaviour
- To ensure compliance with the *Liquor Licensing Act 1990* and RSA practices
- To respect the rights and privileges of neighbours and residents
- To maintain a sustainable, profitable industry, through the promotion of responsible and safe practices.
- All parties to this initiative agree to work together to solve any issues of anti-social behaviour in and around Hobart licensed venues.

- Signatories of the Accord agree that area included in the borders of the accord be defined and known as an ‘Entertainment and Cultural Precinct’ and supported and promoted as such.
- The Police and the Commissioner for Licensing will work with licensees and the THA to involve and educate the security industry in this agreement.
- The advertising of these changes to the public will be the responsibility of the Commissioner for Licensing and the Tasmanian Police.

The Accord recognises that there is a commitment to partnerships and educating patrons, but does not exclude the need for enforcement where necessary, irrespective of membership to the Accord.

About the Hobart Accord

What Areas are covered by the Accord?

The Hobart Accord is targeted to all licensed premises that fall within the Hobart Council area.

How will the Accord operate?

- Local licensees become Accord members.

Members will gain public recognition through the communication of Accord principles in their premises. As well other Accord material such as posters, brochures and other documentation will be available for the public as the accord directs and approves.

- Police and licensees closely monitor compliance and behaviour.

All Accord licensees will be required to maintain an official incident book. The police will sign the incident book as follow-up to specific incident investigations and as part of their routine visits to licensed premises. Alcohol related incident data will be routinely monitored and police will provide feedback to licensed premises.

- A co-operative relationship between licensees and local services.

Accord members and local services including police, council, and health services will work collaboratively on alcohol related issues to identify strategies to these issues by developing local solutions.

4. Accord principles

The Hobart Accord is based on the following principles which the Accord members support and agree to

4.1 Responsible service of alcohol

- Refuse entry and further alcohol to persons who are intoxicated.
- Strictly enforce the minimum legal age for consumption of alcohol.
- Discourage activities that support excessive drinking and alcohol that encourages rapid intoxication.
- Actively promote and make available water, non-alcoholic or low alcohol beverages and food at all times.

4.2 Improve safety and security

- By observation, actively monitor patrons to detect early signs of intoxication or inappropriate behaviour.
- Maintain a high level of security throughout the premises.
- Develop effective communication with police and maintain accurate records when a safety incident occurs.

4.3 Commitment of being good neighbours

- Take all necessary steps to improve the local environment and reduce disruptive activities of the premises and its patrons.

- Liaise and develop a process to handle any concerns or complaints from neighbours.
- Provide patrons with information to increase their respect of the law, particularly in regard to the responsible drinking of alcohol and their behaviour.

4.4 Co-operate with the police and the community to improve local outcomes

- Ensure staff is fully trained in the responsible service of alcohol as well as in the principles and practices of the Accord.
- Actively participate in the promotion of the Accord, its principles, strategies, and in monitoring its outcomes.
- Display any Hobart Accord related merchandise.

5. Hobart Accord best practice

To effectively implement the Accord Principles, the Hobart Accord members agree to implement each of the following best practices:

5.1 Responsible service of alcohol

5.1.1. No intoxicated patrons

- Define a consistent definition and approach to intoxication
- Refuse entry to all intoxicated patrons.
- Refuse service of alcohol to any patron showing signs of intoxication.
- Encourage patrons to drink responsibly and let them know they will be asked to leave if they become intoxicated, disorderly and violent and display anti-social behaviour.
- Actively monitor patron behaviour for signs of Intoxication.
- Promptly and politely request patrons to leave licenses premises when they are showing signs of intoxication or drunkenness.

5.1.2. No underage drinking

- Actively monitor younger patrons by checking proof of age ID when entering the premises, point of service or where appropriate to prevent underage alcohol consumption and/or remaining or entering areas of premises restricted or prohibited.
- If young patrons are unable to provide approved/appropriate proof of ID, entry or service will be refused.
- Promptly report incidents of false ID to police retain the suspected false ID and hand over to Police within 72 hours of seizure.
- Prominently display the required signage about young persons.

5.1.3. No activity that encourages drinking excessively

- Actively discourage activities that encourage drinking excessively and promote irresponsible consumption practices.
- Avoid serving drinks that offer alcohol in non-standard measures. If non-standard glasses are used patrons must be informed.
- Ensure smaller serves of drinks (e.g. half nips) are available at differential (lower) prices.

5.1.4. No promotion or encouragement of intoxication

- Standard drinks must contain a full nip of spirits - no more or no less.
- No serving of double nips of spirits, unless explicitly requested by the patron.
- Serve half measures of spirits if requested by the patron.
- Avoid any labelling or titling of promotions that may encourage patrons to consume liquor irresponsibly.
- Not advertise or allow promotions of very high alcohol substances such as overproof rum and high alcohol carbonated drinks (to be agreed).

5.1.5. Promote non or low alcohol beverages and food

- Offer and promote half nip spirits at differential (lower) prices.
- Offer and promote low alcohol beer at differential (lower) prices compared to full strength.
- Offer and promote a range of non-alcoholic drinks at differential (lower) prices.

- Ensure tap water is permanently available at the bar.
- Provide and promote reasonably priced snacks and/or food throughout operating hours.

5.2 Improve safety and security

5.2.1. Monitor behaviour of patrons

- At all times of operation, assign staff trained in the responsible serving of alcohol to actively monitor patrons and at regular intervals move through premises to assess any potential problems. (Monitoring should also include toilets and surrounding area).
- Actively liaise with Hobart Accord and/or local police and other licensed premises when unruly patrons have been ejected or are moving through the area.
- Ensure internal and external security procedures are well maintained and functioning effectively.
- Ensure phased and orderly exit of patrons from premises when closing.
- Cease serving alcohol prior to closing time.

5.2.2. Maintain security

- Ensure entrances and exits are well lit maximising visibility and safety.
- Where appropriate use surveillance systems, such as cctv systems on premises, abiding by confidentiality and privacy laws.
- Ensure all staff, including security staff are clearly identifiable (for example distinctive T-shirts, jackets, uniforms, identifying no - crowd controllers etc). Security staff (when applicable) should prominently wear identification that preferably includes a photo-ID.
- Maintain a register of all staff including security staff and their work hours. In terms of security staff the register should also contain identification details.
- Prevent criminal activity and disorderly conduct from occurring on premises. Notify police as soon as practical if something illegal or suspicious does occur.

5.2.3. Maintain records of incidents and have good communication with police

- Register all incidents in the 'incident book' noting the time, date and nature of the incident in and around the premises and the response by staff and management.
- At all times ensure the 'incident book' is readily accessible to police and licensing authorities. All visits by the police (including routine visits and follow up on specific incidents) should be registered in the incident book in the column provided.
- Notify police and Liquor and Gaming of any special events likely to significantly increase the number of people in the area. This should happen well in advance of the event.
- Train all staff to know help procedures, emergency numbers and how to use the 'incident book'.
- Maintain a current list of emergency phone numbers and procedures for Police and emergency assistance close to all key phones.
- Encourage staff members to undertake first aid courses and where possible ensure at least one staff member with a first aid certificate is rostered on at each shift.
- Ensure close liaison and open communication with local Police and Liquor and Gaming Branch staff, particularly those responsible for licensing matters.

5.3 Commitment to being good neighbours

5.3.1. Improve the local amenity

- Ensure staff assist patrons in accessing safe transportation. (For example staff should volunteer information where possible about access to bus services and taxi ranks and encourage patrons to use these quickly and quietly when departing).
- Display signage and announce to the patrons the requirement to respect the local environment and to arrive and depart the area in a quiet and orderly manner.
- Prevent the removal of liquor (other than packaged where permitted) from licensed premises.
- Ensure Police are informed of regular closing hours and any variations such as for special events or new activities.

- Respond to complaints and concerns from residents, business community, non government and government agencies and take all reasonable steps to ensure the premises is functioning as a “good neighbour”.

5.3.2. Co-operate with the police and the community to improve local outcomes

- Ensure staff have ongoing training in both the responsible service of alcohol and the Accord. RSA training must be a course within the scope of a Registered Training Organisation as approved by the Commissioner for Licensing.
- Maintain a RSA register as required by the Liquor Act indicating which staff have completed approved training for the Responsible Service of Alcohol with copies of their qualifications.
- Ensure strict reference checks are conducted on all staff in the context of good recruitment practices.
- Ensure staff has access to the Hobart Accord, liquor laws and regulations.

5.3.3. Responsibility to patrons

- Post required and statutory signage that clearly explains licensee and patron responsibility regarding the responsible service of alcohol
- Make Accord available at the bar for patron’s convenience.

5.3.4 Patron responsibility

To ensure the Hobart Accord is effective, licensees, police, Liquor and Gaming staff and the broader community expect patrons and visitors to the area to respect the Accord principles and practices.

In particular, Accord members expect all patrons and visitors to Hobart to:

- Immediately leave the premises when required.
 - Accept refusal of service and refusal of entry.
- REMEMBER:** If you are considered intoxicated - for whatever reason - staff must refuse you service under the law.
- Treat staff with respect.
 - Abide by House Policies.
 - At all times obey the law, and conduct oneself in an orderly and appropriate way.
 - Respect the local environment, particularly when arriving and departing from licensed premises.
 - Not arrive at premises intoxicated as you will be refused entry and service.
 - Under Tasmanian law a police officer can arrest without warrant, a person who fails to leave licensed premises when required to do so and/or can result in a fine. Maximum Penalty: \$6,000 (Section 80 and 80a, *Liquor Licensing Act 1990*).

5.3.5. Actively monitor and promote the accord

- Provide an ongoing commitment to the Accord and to the continued proper management and conduct of the licensed premises.
- Notify the Liquor and Gaming Branch and/or Hobart Accord, or other relevant authorities where appropriate, of any event or practice detected that may impact on the Accord or any other licensing law or regulation.
- Ensure the ‘incident book’ is made available to police and other relevant authorities during inspections.
- Establish and maintain effective complaints procedures.
- Promote the responsible Service of alcohol to the community to discourage the irresponsible service and consumption of alcohol.

6. Roles and responsibilities of supporting agencies

In addition to the Hobart licensees implementing the above Accord principles and strategies, Tasmania Police, Liquor and Gaming Branch and Hobart City Council, will each undertake a set of actions to ensure the Accord is effective.

These actions will be undertaken in partnership with the local licensees and in a spirit of cooperation and joint commitment to the principles of the Accord.

6.1 Tasmania Police

To support the Hobart Accord, Tasmania Police will:

- Monitor licensed premises for compliance with liquor laws and the accord principles.
- Maintain records to monitor all alcohol related incidents linked to licensed premises (including bottleshops).
- Provide high visibility policing during identified times of alcohol related incidents.
- Provide regular feedback to licensed premises (including bottleshops) regarding alcohol related incidents linked to their premises.
- Support and provide assistance to train participants in the terms of the Accord, and provisions of the Liquor Act.
- Participate in monitoring of the Accord and contribute to the review of the Accord.
- Maintain open communication channels to all licensed premises.
- Encourage all parties to have commitment to the Accord.
- Where operational circumstances permit, sufficient police numbers to be in place during approved hours to ensure the best possible standards of law and order within the “Entertainment and Cultural Precinct” and within the area of the Best Practice Trading Agreement Licensee venues.
- It is accepted by all parties to this agreement, that the notifying of police of an issue of public safety or anti-social behaviour does not constitute a ‘black mark’ against a venue or licensee.

6.2 Liquor and Gaming Branch of the Department of Treasury and Finance

To support the Hobart Accord, the Liquor and Gaming Branch will:

- Promote the principles of the Accord to all applicants for liquor licences in the Hobart City Council area.
- Monitor compliance with the provisions of the Liquor Act and advise licensees/ on matters of concern.
- Maintain a close liaison with the local police, licensees and Hobart City Council regarding issues relating to licensed premises in the Hobart area.
- Provide guidance to participants in the terms of the Accord and the provisions of the Liquor Act.
- Develop and maintain a database to monitor all complaints regarding licensed premises and develop a process to provide feedback to licensed premises.
- Provide advice on developing posters and other Accord promotional material.
- Publish details of the Accord on the Department's website and newsletter Liquor and Gaming Review.
- Participate in the monitoring of the Accord and contribute to the review of the Accord.
- Provide information to local residents and patrons on the relevant provisions of the Liquor Act, including information on how to make a complaint.

6.3 Hobart City Council

To support the Hobart Accord, Hobart City Council will:

- Promote the principles of the Accord to all applicants for developments and building permits relating to licensed premises in the Hobart municipality.
- Monitor complaints in regard to maximum patron numbers in premises.
- Develop and maintain a database to monitor all complaints regarding licensed premises and develop a process to provide feedback to licensed premises.
- Maintain and improve liaison between the Hobart Council, the Police and the Liquor and Gaming Branch.
- Participate in the monitoring and promotion of the Accord and contribute to the review of the Accord.
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7. Definition of members

The members of the Hobart Accord will be the persons who have been or are admitted to membership of the accord in accordance with this constitution.

8. Membership application and admission

The application for membership must be on an application form and be accompanied by evidence, where required, of eligibility of the particular class of membership.

On acceptance as a member, the secretary will give the applicant for membership a:

- a. written notice of acceptance, and
- b. copy of this constitution and the accord's business plan (if available).

9. Class of membership

The classes of membership of the accord are as follows:

i. licence holders:

- a. hotel licence
- b. club licence
- c. on- licence
- d. off licence
- e. special licence

ii. community groups/business organisations that have an interest in alcohol related harm or the local amenity (must provide evidence):

- a. Tasmanian Hospitality Association
- b. Transport companies
- c. Tasmanian Community Road Safety Partnerships Committee
- d. Other groups as approved by the Accord

iii. government agencies:

- a. Hobart City Council
- b. Liquor and Gaming Branch of the Department of Treasury and Finance
- c. Tasmania Police

10. Nomination fees, annual subscriptions and levies

There will be an annual general fee for all accord members.

11. Non-profit clause

The assets and income of the organisation shall be applied solely in furtherance of the above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

12. Penalties, expulsion and rights of appeal

The executive has power to inquire into any possible breach or non observance of the constitution, and any other matter which may be prejudicial to or affect the well being of the accord and its members.

The accord may report any breaches of the constitution and principles document to the Liquor & Gaming Branch and/or police for investigation.

13. Register and addresses of members

The secretary must ensure that the accord maintains an appropriate form and register of members setting out the name, address, telephone number and email address of each member of the accord.

Every member must communicate in writing his or her change of address and other particulars required by the executive.

The Liquor and Gaming Branch will inform the accord of new licensees, through the issue of new licences or transfer and cancellation of licences.

14. Members eligible for office and to vote

Only current financial members will be entitled to be elected as the chairperson of the accord.

Every licensee member and community group representative present in person will be entitled to vote on a show of hands or as a poll. Members can send a representative to vote on their behalf.

Licensee and community group representatives are both entitled to vote. Each member is entitled to one vote. Government agencies are ineligible to vote.

15. Officers of the accord

The officers of the accord are the:

- a. chairperson
- b. vice-chairperson
- c. secretary
- d. publicity officer
- e. treasurer

16. Executive committee members

The executive (in this constitution referred to as the executive) will be constituted by the officers of the accord (as provided in clause 15).

17. Election of officers

The officers are elected by members at the Annual General Meeting.

Any members of the accord will be at liberty to nominate and second any licensee member to serve as the chairperson. Any member may act as the publicity officer. A member will be permitted to be nominated by more than one position as an officer as aforesaid but will not be eligible to hold more than one position at any one time.

The nomination will be called for at the meeting and involve a proposer and seconder.

18. Terms of office

Officers of the Accord will hold office for a period of one year commencing from the conclusion of the Annual General Meeting at which they are elected. Office holders can resign from their positions at any meeting but must submit their resignation in writing to the secretary. A bi-election will be held during the meeting in which the resignation was tendered to elect the new office holder.

19. Accord meetings

Accord meetings will be held four times per year otherwise unless urgent business is decided by the chairperson.

20. Annual General Meetings

An Annual General Meeting of the accord will be held every year in _____ in conjunction with accord meeting.

21. Notice of meetings

A notice of the annual and normal accord meetings must:

- a. set out the place, date and time for the meeting
- b. state the general nature of the business to be transacted at the meeting

- c. if a special resolution is to be proposed at the meeting set out an intention to propose the special resolution and state the resolution
- d. the secretary will write to all members before the meeting asking for agenda items, and
- e. a fortnight's notice must be given for the Annual General Meeting.

22. Attending meetings

Only members of the accord may attend the meetings. Invited guests can attend meetings.

23. Proceedings at accord meetings

No business may be transacted and no resolution may be passed at any meeting unless a quorum of members is present at the time when the meeting proceeds to business. **Five** accord members constitute a quorum.

If within half an hour from the time appointed by the general meeting a quorum is not present, the meeting stands adjourned until the next scheduled time and date.

The chairperson must chair every general meeting of the accord, or if there is no chairperson, or if he or she is not present within 15 minutes after the time appointed for the holding of the meeting or is unwilling to act, the members present may elect one of their members to be chairperson of the meeting.

24. Voting in Accord meetings

All questions arising at any meeting of the accord will be decided by a majority of votes and where the voting is tied, the chairperson will have a second or casting vote.

A member must vote in person. Each member entitled to vote (only current financial members) shall have one vote. Members can send a representative to meetings. The representative must identify themselves during the vote on whom they are representing.

25. Minutes

Minutes of all resolutions and proceedings of all meetings of the accord must be sent to all members.

26. Changes to constitution

Changes to the constitution can be made at any accord meeting.

27. Dissolution

In the event of the accord being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members.

28. CONCLUSION

The Hobart Accord is a proactive program, which aims to reduce alcohol related crime and harm in Hobart. It is a partnership approach to achieving positive outcomes with the signatories committed to the principles of the Accord and working together to make Hobart a safer community.

29. FURTHER INFORMATION

For further information on the Hobart Liquor Accord, please contact:

Chairperson:

Vice Chairman:

Publicity officer:

Secretary:

Treasurer:

Police licensing section:

Liquor and Gaming compliance section: