



SITE #:

26 227

INVESTIGATION #:

186376

Office of Liquor and Gaming  
Regulation - Investigation File

(This sheet is to remain at the front of the investigation file at all times)

NON-SITE Person/Org:	
SITE Premises:	THE TAPHOUSE TOWNSVILLE
Licensee Name:	THE TAPHOUSE TOWNSVILLE PTY LTD
Licence Number:	178607

Investigation Allocated on: 25/01/17

Has Liquor Enforcement Guideline (LEG) or Compliance Enforcement Guideline (CEG) (gaming only) been applied?	<input checked="" type="radio"/> Yes	No - reason outlined (in recommendation)
Is recommendation in line with LEG or CEG?	<input checked="" type="radio"/> Yes	No - reason outlined
Has Liq/Gaming Compliance Manual been applied? (list eDocs no. of Chapter/s or section/s applied)	<input checked="" type="radio"/> Yes eDocs 1456078 1456103	No - reason outlined
Warning or Advisory letter sent to licensee / offender	<input checked="" type="radio"/> Yes Date: 25/01/17	No
Infringement Notice/s issued	Yes Date: _____	<input checked="" type="radio"/> No
Prosecution brief submitted	Yes Date: _____	<input checked="" type="radio"/> No
Disciplinary Action memo submitted	Yes Date: _____	<input checked="" type="radio"/> No
All investigation details completed:		
• File/action notes updated on COGS	<input checked="" type="radio"/> Yes	No
• Attachments included on hard file	<input checked="" type="radio"/> Yes	No
• All documents saved to eDocs & attached in COGS	<input checked="" type="radio"/> Yes	No
• Reviewed breach/es against classification, INV type & Act reference & corrected where necessary	<input checked="" type="radio"/> Yes	No
• Is case precedent applicable?	Yes INV no. _____	<input checked="" type="radio"/> No
Outcome and date completed in COGS	<input checked="" type="radio"/> Yes Date: 23/01/17	No
"Breaches Finalised" box noted (Liquor INV ONLY)	<input checked="" type="radio"/> Yes Date: _____	No
Has a reinspection been triggered (for warning & above)	Yes Date: _____	<input checked="" type="radio"/> N/A
Register updated - Intervention / Pros / DA / Show Cause / 111 variation / Insp referral / Glassing / Reviewable Matters / Telecommunications Searches)	Yes Date: _____	<input checked="" type="radio"/> N/A
- Has the Infringement Administrator been advised		
Complainant advised of result of investigation	<input checked="" type="radio"/> Yes Date: _____	No
Other relevant parties advised of result of investigation (e.g. other OLGR region or unit / other govt agency etc)	<input checked="" type="radio"/> Yes Date: _____	N/A

Investigation Completed on:

Cohen Rowe Date 25/01/2017  
Investigator

Supervisor / Manager

Date \_\_\_\_\_

RTI 210143

File01

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## Investigation Running Sheet

Investigation Details			
File Ref No:	186376	Allocated:	25-JAN-2017
Inv. Type:	Complaint - General Public	Completed:	
Investigator:	Colin BOWE		
Office:	Townsville Liquor		

Allegation Details	
Date	Description
25-JAN-2017	EXTERNAL ADVERTISING IN CONTRAVENTION OF LIQUOR ACT

Defendant Details		
Type	Ref No.	Name
Organisation	209157	THE TAPHOUSE TOWNSVILLE PTY LTD

Site	
Ref No:	26227
Name:	THE TAPHOUSE TOWNSVILLE
Licence:	178607 COMMERCIAL OTHER - BAR

Action Notes		
Date	Officer	Action Type
25-JAN-2017	Colin BOWE	File Notes
<p>I attended the Taphouse Townsville and spoke to the licensee Mark Rugg regarding a complaint that OLGR had received that they were in breach of the liquor act with recent advertising for Australia day namely win a "\$50 self-pour card". I spoke with Michael Gifford seeking clarification whether he considered this to be a breach which he did. I then advised Mark that as the \$50 self-pour card is free and only allows the winners the option of the self-pour tap beer they are in breach of section 142ZZC as it describes a free product. Mark advised that he will remove the poster from being visible externally and remove the ad from their facebook account. A warning letter is recommended and no further action at this stage.</p> <p>See attached ad and warning letter.</p>		

Breaches and Outcomes			
Class	Type	Section	Description
Unlawful Trading	Advertising	S142ZZC(1)	ADVERTISE LIQUOR IN CONTRAVENTION OF S142ZZC
Date	Recommendation	Outcome	Detail
25-JAN-2017	Warning	Warning	



Queensland  
Government

Office of Liquor and Gaming Regulation

Department of  
Justice and Attorney-General

Please quote: 186376  
Contact officer: Colin Bowe  
Contact telephone: 4722 2345

Mr. Mark Rugg  
Licensee  
The Taphouse Townsville Pty Ltd  
22 Tambo Court  
Mount Louisa Qld 4814

Dear Mr Rugg

As you may be aware, the Office of Liquor and Gaming Regulation (OLGR) has been investigating the alleged breach of unlawful advertising of liquor at The Taphouse Townsville and advertised electronically via Facebook. I wish to advise that the OLGR has finalised its investigation into the matter.

Under Section 142ZZC of the Liquor Act states:

#### 142ZZC Advertising

(1) A licensee or permittee must not advertise or allow anyone to advertise—

(a) the availability of the following for consumption on the relevant premises—

- (i) free liquor;
- (ii) multiple quantities of liquor; or

*Example—*

2 drinks for the price of 1

(b) the sale price of liquor for consumption on the relevant premises; or

(c) a promotion that is likely to indicate to an ordinary person the availability of liquor, for consumption on the relevant premises, at a price less than that normally charged for the liquor.

*Examples of promotions for paragraph (c)—*

- 'happy hours'
- 'all you can drink'
- 'toss the boss'

Maximum penalty—100 penalty units.

Office of Liquor and Gaming Regulation  
Townsville Liquor Office  
PO Box 1885  
TOWNSVILLE QLD 4810

Telephone: 07 4760 7625  
Facsimile: 07 4721 1976  
Email: [ll\\_townsville@justice.qld.gov.au](mailto:ll_townsville@justice.qld.gov.au)  
Website: [www.business.qld.gov.au](http://www.business.qld.gov.au)  
ABN 13 846 673 994

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- (2) A person does not contravene subsection (1) if—
- (a) the advertising happens only within the relevant premises; and
  - (b) the advertisement is not visible or audible to a person who is outside the relevant premises.
- (3) Subsection (1)(b) does not apply to the holder of a subsidiary on-premises licence if the principal activity of the business conducted under the licence is the principal activity mentioned in section 67A.
- (4) A licensee or permittee must not advertise or allow anyone to advertise anything that is, or would be if it were engaged in, an unacceptable practice or promotion under section 142ZZ.

Maximum penalty—100 penalty units.

- (5) In this section—

**advertise** means advertise in any way including, for example, in any of the following ways—

- (a) by signage;
- (b) in print;
- (c) orally;
- (d) electronically.

The OLGR's investigation identified that: the external poster at the premise and the advertisement electronically via Facebook "\$50 self-pour card" is in breach of section 142ZZC.

As such, it is evident that The Taphouse Townsville Pty Ltd (licensee) as the holder of the liquor license issued for the premises, has breached section 142ZZC of the Act.

I have provided to the licensee at the compliance visit a copy of section 142ZZC for reference.

The licensee is hereby warned that should a breach of section 142ZZC of the Act be identified at the premises in the future, consideration will be given to initiating more stringent enforcement action. This action may include the issuance of an infringement notice or prosecution action.

If you require any further information in relation to this matter, please contact Colin Bowe, Compliance Officer, OLGR, Department of Justice and Attorney-General on 4722 2345 or at [colin.bowe@justice.qld.gov.au](mailto:colin.bowe@justice.qld.gov.au).

Yours sincerely

  
 MICHAEL SARQUIS  
Executive Director  
25/01/2017

Encl.

●●●●● Telstra 4G 8:21 am 100% 95%



The TapHouse Townsville

Sponsored • 10

**\*\*WIN a \$50 Self-Pour Card\*\***

Guess the Top 3 from Gabs Hottest 100 Aussie Craft Beers before the announcement and write your guess below in the comments to enter.

(One entry per person winner announced on the day of event, winner... Continue reading





**Aimee Clark**

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**From:** Brad Wirth  
**Sent:** Wednesday, 9 December 2020 3:05 PM  
**To:** Aimee Clark  
**Subject:** RE: RTI Application 210143 - Request for documents - Due 14 December 2020

Add this email thread for context and reasoning.



**Brad Wirth**  
Director Regional Services  
Compliance Division  
**Office of Liquor and Gaming Regulation**  
Department of Justice and Attorney-General

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P (07) 3738 8373 E [brad.wirth@justice.qld.gov.au](mailto:brad.wirth@justice.qld.gov.au)  
Locked Bag 180, City East, Brisbane QLD 4002  
Customer Call Centre 13 74 68

The Office of Liquor and Gaming Regulation is committed to providing you with quality service. If you would like to provide feedback on the service you have received, please email [feedback@justice.qld.gov.au](mailto:feedback@justice.qld.gov.au)



**From:** Aimee Clark <[Aimee.Clark@justice.qld.gov.au](mailto:Aimee.Clark@justice.qld.gov.au)>  
**Sent:** Wednesday, 9 December 2020 2:18 PM  
**To:** Brad Wirth <[Brad.Wirth@justice.qld.gov.au](mailto:Brad.Wirth@justice.qld.gov.au)>  
**Subject:** FW: RTI Application 210143 - Request for documents - Due 14 December 2020

Looks like we have exhausted the checks for anything concrete. We will just have to go with what we have. Thoughts?

Regards,



**Aimee Clark**  
Senior Compliance Services Officer  
**Office of Liquor and Gaming Regulation**  
Department of Justice and Attorney-General  
Level 2, 63 George Street, Brisbane Qld 4000  
Locked Bag 180, City East Qld 4002  
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