

Venues always to blame despite ruling, says licensee group

PUBS and clubs will always get the blame for alcohol fuelled incidents despite the High Court ruling publicans have no general duty of care to protect drunken patrons, says a Surfers Paradise licensee.

Surfers Paradise Licensed Venues Association boss Lino Girardi said licensed venues were always first to have the finger pointed at them if there was an accident or attack resulting from

alcohol consumption in the Surfers precinct.

On Monday, the High Court overturned a Supreme Court ruling in Tasmania that found a pub and its licensee had failed in its duty of care, leading to the death of a customer in 2002.

The case involved a publican who returned motorcycle keys to a drunken patron, who then died in a crash.

The court ruled the safety of patrons was the respons-

ibility of the individual and not the licensee.

But Mr Girardi said the ruling meant little.

"What people do outside venues always comes back on us, especially in a concentrated area like Surfers Paradise," said Mr Girardi.

"We are always a target for blame."

He said it also did not diminish the responsibility of licensed venues in the service of alcohol or safety of patrons

while inside the premises.

"The onus is still on us to serve alcohol responsibly . . . we still have a duty of care."

Mr Girardi said the ruling could potentially make it harder for drunken patrons who were injured, to sue.

"It's a win for licensed venues if it makes it harder for people to sue us if something happens outside a venue," he said. "But just because they can't sue us, doesn't mean we take our responsibilities any

differently. We don't want anyone to injure themselves. That has a detrimental effect on us and the city."

Gold Coast lawyers and the Australian Hotels Association said the ruling had helped clarify the legal obligation that pubs owed people who had been drinking.

Lawyer Ian Brown said the ruling had not suggested there was no general duty of care of publicans to their patrons, but had

made the guidelines clearer.

Publicans must still maintain responsible service of alcohol and general safety inside their venue.

Mr Brown said the ruling had also made it clear that if publicans continued serving alcohol to a patron who was obviously intoxicated, they could still be held liable if the patron was injured on their way home.