

Barring Orders

Under the *Liquor Licensing Act 1990* a Barring Order may be used to prohibit a person from **entering** or **remaining** on a licensed or permit premises for a period of up to six months.

Who can bar a person?

A **licensee** (or person acting with their authority), a **permit holder** or a **police officer** (acting with the authority of a senior police officer) may bar a person.

A licensee or permit holder may bar a person **from their premises** if they:

- are intoxicated on the premises;
 - are violent or quarrelsome on the premises;
 - put their safety or the safety of others on the premises at risk because of their consumption of liquor; or
- on any other reasonable ground (this cannot be discriminatory in nature).

A police officer may bar a person from **one or more premises** if they:

- put their welfare seriously at risk because of their consumption of liquor;
 - commit an offence;
 - are offensive or disorderly on the premises, or in and around it; or
- on any other reasonable ground.

What does being barred mean?

If you are served with a Barring Order while on the premises you must:



immediately leave the premises and vicinity (50 metres from any entry or exit, or another distance or specific area determined by a police officer)



not re-enter or remain in the vicinity (without *reasonable excuse*) for six hours or until the premises is closed for the day, whichever is longer (you may re-enter the vicinity after this time)



not re-enter or remain in the premises while the Order is in place (up to six months)

Reasonable excuse includes:

- living within the vicinity;
- catching transport; or
- fearing for one's safety outside of the vicinity.

How is a person barred?

A Barring Order must be in writing and must be given to the person. This can be done by:

- handing it to them;
- sending it by post to their last known place of residence; or
- leaving it at their last known place of residence.

Police Barring Orders

As well as being able to bar a person from one premises, a police officer may:

- **bar a person from:**
 - premises of a specified class within a specified area (eg all nightclubs in a particular area); or
 - all premises within a specified area;
- **determine the distance from the premises or area around it** that a barred person must not enter for six hours after being barred or until the premises is closed for the day (whichever is longer); and
- **share information about a person** with staff at other premises (including photos and other information) so that staff can identify them as a barred person.

Barring Order forms

- The Commissioner for Licensing has approved the Barring Order form for licensees and permit holders available at www.liquorlicensing.tas.gov.au.
- Licensees and permit holders should keep a copy of a Barring Order on the premises for 180 days after it expires.
- A licensee or permit holder must not share information about a person with staff at other premises (*Personal Information Protection Act 2004*).

Can a Barring Order be varied or revoked?

Yes. A Barring Order given by a licensee (or person acting with their authority) or permit holder may be varied or revoked by them of their own volition or if agreed upon request by the barred person.

A Barring Order given by a police officer may be varied or revoked by a police officer. A barred person may also apply in writing to the Commissioner of Police for a review of a Barring Order given by a police officer.

The Commissioner must make a decision within 28 days of receiving the application and may uphold, vary or revoke the Order. The Commissioner must also inform the applicant of their right to appeal the Commissioner's decision to the Tasmanian Liquor and Gaming Commission.

Penalties for not complying with a Barring Order

The penalty for not complying with a barring order is a fine of up to 50 penalty units (\$7 950 for 2017-18). For further information contact the Liquor and Gaming Branch.

Phone: (03) 6166 4040 (Hobart) or (03) 6777 2777 (Launceston)

Email: licensing@treasury.tas.gov.au **Web:** www.liquorlicensing.tas.gov.au