

Sale of liquor through internet or other media

Section 46D of the *Liquor Licensing Act 1990* provides for the manner in which liquor can be sold to the public through an internet site, over the telephone, by facsimile or by mail order.

The requirements of this section do not apply to people who only sell liquor to other licensees.

Requirement to display

Telephone, facsimile or mail order

A licensee who sells liquor by taking orders over the telephone, facsimile or mail order must display their licence number in any electronic or print advertisement or publication related to the sales. Failure to display the licence number may lead to a fine of up to 20 penalty units.

Internet site

A licensee who sells liquor through an internet site must ensure that their licence number is prominently displayed on the internet site and in any electronic or print advertisement, or publication related to the sales. Failure to display the licence number may lead to a fine of up to 20 penalty units.

A notice in a form approved or provided for the purpose by the Commissioner of Licensing must be displayed prominently on the licensee's internet site at all times. The following notice was issued by the Commissioner at the commencement of the legislation on 1 September 2016.

WARNING

Under the *Liquor Licensing Act 1990* it is an offence:

for liquor to be delivered to a person under the age of 18 years.

Penalty: Fine not exceeding 20 penalty units

for a person under the age of 18 years to purchase liquor.

Penalty: Fine not exceeding 10 penalty units

Failure to display the above notice prominently on your web page may lead to a fine of up to 20 penalty units.

To satisfy the display requirements the notice could be displayed on the footer of the website so that it appears on every page; or specifically displayed on those pages where a sale transaction takes place such as the Cart/Basket; or on the Check-Out page. There is no requirement to update the fine dollar amount on your web page when it changes each financial year.

Evidence of age

A licensee who sells liquor through an internet site or takes orders over the telephone, facsimile or by mail order must, at the time at which the agreement for sale is made, obtain the purchaser's date of birth (in order to evidence that they are of or above the age of 18 years), unless it has been previously supplied to the licensee.

Delivery

A licensee who sells liquor through an internet site or takes orders over the telephone, facsimile or by mail order must, at the time at which the agreement for sale is made, give written instructions to the person responsible for delivery of the liquor requiring that the liquor be delivered:

- (i) to the adult person who placed the order; or
- (ii) to another adult person at those premises who undertakes to accept it on behalf of the person who placed the order; or
- (iii) if the sale was made through an internet site, in accordance with the customer's instructions.

Failure to adhere to the above delivery requirements may lead to a fine not exceeding 20 penalty units.

Delivery must not be taken by a minor. If a minor takes delivery of liquor the licensee and any person by whom the liquor was delivered on the licensee's behalf are guilty of an offence which may lead to a fine of up to 20 penalty units.

The Act also requires that a person must not order or request a person under the age of 18 years to take delivery of liquor sold over the internet, by telephone, facsimile or mail order. Doing so may result in a fine of up to 20 penalty units.

Expectation during sales process

All of the above requirements centre on information that must be displayed or collected by licensees as a part of selling liquor over the internet. It is an expectation that the required information is contained on a page, or pages, that a customer is required to view during the sales process and not just displayed on a page that a customer doesn't have to view when completing their purchase. For example, including the required information in a terms and conditions page would not meet the requirements, if it was not prominently displayed and the customer was not required to look at the terms and conditions page before completing the purchase.

Penalty unit information can be found at:-

https://www.justice.tas.gov.au/about/legislation/value_of_indexed_units_in_legislation

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