

SPECIAL LICENCE

INFORMATION LEAFLET

This leaflet is a summary of the *Liquor Licensing Act 1990* and Regulations in relation to the sale of liquor and operations of licensed premises.

This publication is issued in good faith as a guide only and the relevant legislation should be referred to if further information is required.

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Legislation referred to in this information leaflet is available on the Web at:

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Special Licence

A Special Licence authorizes the sale of liquor between times and subject to conditions specified in the licence.

Some examples are:-

Restaurant - sale and consumption of liquor only with meals.

Theatre - sale of liquor to theatre goers only.

Conveyance - sale of liquor to passengers only.

Wholesalers - sale of liquor to other liquor licence holders.

Accommodation - sale of liquor to guests.

Tourist Attraction - sale of liquor to persons attending the attraction and/or paying an entrance fee.

Annual Liquor Licence Fee

A licensee must pay a prescribed annual licence fee.

The fee relates to the period of 12 months starting on 1st January each year and is payable by not later than 31st March in that year.

If a licensee fails to pay the prescribed annual liquor licence fee by 31st March an additional fee of 10 per cent of the amount due is payable.

If the fee/s are not paid within one month of 31st March the licence may be suspended.

If you are intending to transfer a liquor licence the matter of any pro-rata of licence fee is a matter to be settled between the outgoing and ingoing parties at settlement.

Trading Hours

The holder of a Special Licence may only sell liquor during times specified in the licence.

Transfer of Licence

If a licensee is intending to sell/lease the business to another person, transfer application documents should be obtained and lodged in good time prior to the proposed settlement.

A person is not qualified to hold a liquor licence unless the person has attained the age of 18 years and has satisfied the Commissioner for Licensing that the person is fit and proper and will be able to exercise effective control over the service and any consumption of liquor on the premises in which the licence is sought.

Footpath Dining

Footpath dining (including consumption of liquor) is permitted subject to approval being obtained from the relevant local council and the Commissioner for Licensing.

Responsible Service of Alcohol (RSA)

The RSA Program provides valuable knowledge and awareness in relation to the responsible serving and consumption of liquor on premises where liquor is served.

The *Liquor Licensing Act 1990* places an obligation on a licensee to ensure that all staff involved in the service of liquor on the licensed premises, must have either completed a RSA course and provided the licensee with a copy of their certificate, or be enrolled in an approved course to be held within three months of commencing employment. [The Commissioner may exempt the holder of a Special licence from this obligation where the licence does not involve the consumption of liquor on the premises].

A Register must be kept on the licensed premises and completed with the details of all people who serve liquor on the licensed premises.

To serve someone who appears to be drunk could cost an employee up to \$6 000 and the licensee up to \$12 000 in fines and place the licence in jeopardy.

Young Persons on Licensed Premises

A young person is a person who has not reached 18 years of age.

The Commissioner for Licensing may designate areas of licensed premises as areas where a young person:-

- a) cannot enter or remain at all, and/or
- b) cannot enter or remain unless with a parent/guardian or for the purpose of having a meal.

Designations are not usually applied to premises trading under a special licence.

When a designation is placed by the Commissioner, the licensee is required to display signs at each entrance to that area.

If a licensee intends to alter an area that has been designated under Section 84 of the Licensing Act the licensee is to give the Commissioner notice of the proposed changes. (30 days before altering the area).

No person under the age of 18 years shall have or retain possession or control of liquor on licensed premises unless the person is:-

- a] in the course of work; and
- b] working under the direct and personal supervision of a person who has attained the age of 18 years.

The most reliable forms of identification for the purposes of proof of age are:-

- Photographic – Driver licence
- Photographic – KEYPASS
- Photographic – Passport
- Photographic – Firearms licence
- Photographic – Personal Information Card

The licensee must take measures to ensure persons under 18 years of age do not consume liquor.

If there is reason to suspect that identification is false, a police officer, crowd controller, licensee or a person employed by a licensee to sell liquor can seize it. The false identification **must** be handed to a police officer within 72 hours after the time it was seized.

It is an offence for a young person to present false ID – penalty not exceeding \$1200.

Penalties

- 1] Sale and supply of liquor to a person under 18 years - penalty not exceeding \$6 000
- 2] Licensee also guilty of an offence if liquor sold to a young person by a staff member - penalty not exceeding \$12 000.
- 3] Purchase, consumption or possession of liquor by a person under 18 years - penalty not exceeding \$6 000.
- 4] A person must not sell or supply liquor to a person appearing to be drunk - penalty not exceeding \$6 000.
- 5] The licensee is guilty of an offence if a person authorized by the licensee to sell liquor on the licensed premises sells liquor to a person who appears to be drunk – penalty not exceeding - \$12 000.
- 6] A person shall leave the licensed premises when requested to do so by a Police Officer, Licensee or a person acting with the authority of the licensee - penalty not exceeding \$6 000.
- 7] It is an offence for a licensee to knowingly permit on his or her premises any offence under the Liquor Licensing Act or any other Act - penalty not exceeding \$12 000.

Important Information

- A licensee must display the liquor licence in a conspicuous position on the licensed premises.
- Approval is required from the Commissioner for Licensing to alter the area of a licensed premises, where that alteration will extend the area of the premises.
- If a licensee is to be absent for more than 14 days, written advice indicating the name and address of the person who will be in charge of the premises must be forwarded to the Commissioner for Licensing prior to such absence.
- A licensee or staff member may refuse service of liquor to any person, may refuse entry to the licensed premises and may require any person to leave licensed premises.
- Restaurateurs may permit patrons to BYO liquor - it is a matter for the licensee to decide.
- A licensee may selectively open parts of the premises to suit the demand on a particular day.
- A licensee must display on the interior of the premises any liquor permits and any underage restricted area signs. Failure to do so is a breach of licensee obligation
- A licensee is required to exercise effective control over the sale and consumption of liquor on the premises.
- On duty Police Officers may enter licensed premises at any time and must not be hindered in the execution of duty.
- Under the Police Offences Act it is an offence for a person to consume liquor in a public street. To minimise the possibility of problems occurring outside the licensed premises, the licensee should ensure that open containers are not removed from the premises.
- The Police Offences Act provides for any person to arrest another person who dishonestly makes off without paying for goods or services.
- It is an offence for a person to spike another person's drink. If convicted, the penalty can be a term of imprisonment not exceeding two years or a fine of \$12 000 or both.

