

The *Liquor Licensing Act 1990* was recently amended to strengthen the regulation of the sale and supply of liquor in Tasmania. The Act has been changed to further support the responsible service of liquor and reduce harm associated with the sale of liquor.

This fact sheet summarises the majority of changes to the Act. You can view the latest version of the Act on the Tasmanian Legislation website: [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).

**Display of Signage**

A liquor licence **must** be on display in an obvious position on a licensed premises.

The following information **no longer** needs to be displayed:

- name of the licensee near the entry to a premises;
- usual trading hours of a premises;
- the availability of meals at a premises; or
- the availability of tourist accommodation at a premises.

**Absence from Licensed Premises**

If a licensee will be away from their premises for a period of greater than **14 days**, they **must** notify the Commissioner for Licensing of their absence.

**Responsible Service of Alcohol Register**

A licensee **must not** allow anyone to serve liquor on their premises unless they have:

- completed a Responsible Service of Alcohol (RSA) course; or
- been an employee for less than three months and are enrolled in a RSA course.

In order to show that all people serving liquor on their licensed premises fall into one of these groups, licensees **must** keep a RSA Register. You can view a sample RSA Register on the Department's website: [www.treasury.tas.gov.au](http://www.treasury.tas.gov.au) and follow the link to the Liquor and Gaming page.

**Penalties**

A number of changes have been made to penalties under the Act. These changes are as follows:

If an applicant...	\$
Makes a false statement in an application – s69	6 000

If a young person...	\$
Enters a section of licensed premises designated as an area where a young person may not enter or remain – s72	2 400
Uses fake identification – s72A ( <i>new penalty</i> )	1 200

If a person (patron)...	\$
Supplies liquor to a young person – s71	6 000
Sends a young person to obtain liquor – s74	6 000
Supplies liquor to a person appearing to be drunk – s79	6 000
Does not leave your premises/special permit premises when asked to – s80 and s80A	6 000
Re-enters your premises within 24 hours of leaving/being removed – s80 and s80A	6 000
Hinders an authorised officer – s82	12 000
Does not give their name, address and DOB to police if asked to do so – s83	6 000

If an employee...	\$
Sells liquor to a young person – s70(1)	6 000
Sells liquor to a young person (licensee fine) – s70(2)	12 000
Supplies liquor to a young person – s71	6 000
Gives a young person possession or charge of liquor on licensed premises – s75	6 000
Sells liquor to a person appearing to be drunk – s78	6 000
Sells liquor to a person appearing to be drunk (licensee fine) – s78 ( <i>new penalty</i> )	12 000
Supplies liquor to a person appearing to be drunk – s79	6 000

If a licensee...	\$
Gives a young person possession or charge of liquor on licensed premises – s75	6 000
Does not take action to prevent an offence on their licensed premises – s79A	12 000
Does not display their special permit in an obvious position – s81	6 000

You can view a list of all penalties on the Department's website: [www.treasury.tas.gov.au](http://www.treasury.tas.gov.au) and follow the link to the Liquor and Gaming page.

### Seizure of Fake ID

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

### Fit and Proper Test

When applying for a liquor licence, the applicant (and any of their associates that are likely to influence the business) must pass a **'fit and proper'** test. The fit and proper test considers a person's reputation AND character in the community.

### Information About Associates

Before considering an application for a liquor licence, the Commissioner can **ask for more information** about any of the applicant's associates that are likely to influence the business.

### Making Enquiries

The Commissioner can **make any enquiries** that she believes are necessary in order to properly consider an application for a liquor licence. For example, the Commissioner may ask the Commissioner of Police if he considers the applicant (or an associate) to be a 'fit and proper' person.

### Variation of Conditions of Special Liquor Licence

A licensee can make a written request to the Commissioner to change the conditions of their special liquor licence. If the request is refused, the licensee can appeal to the Liquor Licensing Board.

The Commissioner can also vary the conditions of a special liquor licence, if she has consulted with the licensee and the Liquor Licensing Board has given approval. If the licensee is not happy with such a decision, they can appeal to the Liquor Licensing Board.

### Notices to Prohibit or Restrict Entry

A licensee must display a notice prohibiting or restricting entry of young people at **each** entrance to prohibited or restricted areas of their licensed premises.

### On-Licence

Under an on-licence, liquor can be sold **at any time** to a resident of the premises (as set out in the licence), for consumption on the premises.

### Cancellation or Suspension of Liquor Licence

The Commissioner can **suspend a liquor licence for up to three (3) months** if she believes that:

- the licensee is no longer a fit and proper person; or
- an associate of the licensee is no longer a fit and proper person.

The Commissioner can apply to the Liquor Licensing Board to **cancel or suspend a liquor licence** if she believes that:

- the licensee is no longer a fit and proper person; or
- an associate of the licensee is no longer a fit and proper person.

### Cancellation or Variation of OOHP

An out-of-hours permit may be **cancelled or varied** if:

- the sale of liquor under the permit is causing unnecessary noise and disturbance in the neighbourhood; or
- the sale of liquor under the permit is causing unruly behaviour in the premises or in the neighbourhood; or
- if the conditions of the permit have not been met.

If the permit holder is not happy with such a decision, they can appeal to the Liquor Licensing Board.

### Alterations to Designated Areas

A licensee **must** give the Commissioner **30 days** notice, in writing, **before** altering the boundaries of an area that is prohibited or restricted to young people.

### Complying with Conditions

A licensee **must** comply with the conditions of their licence.