

# Disciplinary actions

The *Liquor Licensing Act 1990* aims to minimise harm arising from misuse of alcohol by ensuring that the supply of alcohol is carried out in a way that is in the best interests of the community. Failure by licensees and permit holders to meet obligations may be considered an offence under the Act and result in disciplinary action.

**It is an offence to breach an obligation under the Act.**

## What are disciplinary actions?

In addition to a number of offences and penalties that are enforceable by Tasmania Police, there are a number of actions the Commissioner for Licensing can take where a breach of an obligation has occurred.

The form of disciplinary action taken will depend on the seriousness of the non-compliance, ranging from a warning for minor breaches to the cancellation of a liquor licence or permit for severe breaches. Other forms of disciplinary action include issuing fines, varying a liquor licence or permit (such as adding a condition), and the suspension of a licence or permit for a specific period.

Where non-compliance continues, the Commissioner may issue further disciplinary measures.

## How are fines decided?

Fines are decided by taking into account existing penalties within the Act, the level of responsibility a person has, the action to which the penalty applies and the degree of harm that may arise from a person's actions.

## Who do disciplinary actions apply to and are they the same for everyone?

Many obligations are common to the operations of both licensees and permit holders, reflecting what a reasonable person would expect of people involved in the sale of alcohol. Therefore, the Commissioner may take the same disciplinary action against both a licensee and permit holder where relevant obligations are breached.

## What if the licensee or permit holder does not agree with the disciplinary action?

Licensees and permit holders will be notified in writing when the Commissioner is considering taking disciplinary action and the reasons. After receiving the notice, the licensee or permit holder has 14 days to make a written response to the Commissioner explaining why the disciplinary action should not be taken.

The Commissioner will consider the response and may decide to take no further action. Where the Commissioner decides to take action, a notice setting out the decision, including any disciplinary measures, will be served on the licensee or permit holder.



The licensee or permit holder has a right to appeal the Commissioner's decision to the Tasmanian Liquor and Gaming Commission. An appeal needs to be lodged within 14 days of being notified of the decision or within such further period as the Commission considers is appropriate in the interest of justice.

**When does the disciplinary action start?**

The notice will state the date on which the disciplinary action is to start, for example, the time period during which a suspension is to be in place or the date by which a fine must be paid.

Even in the event that immediate disciplinary action takes place, for example, in response to serious circumstances, the licensee or permit holder has a right to appeal (as noted in the previous section).

The Commissioner may remove or reduce a suspension at any time.

For further information contact the Liquor and Gaming Branch.

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