

# Guide to Tasmanian Liquor Licensing laws for liquor permit holders

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# Guide to Tasmanian Liquor Licensing laws for liquor permit holders

## 1. Purpose

The purpose of this guide is to provide an overview and assist your understanding of the liquor licensing laws in Tasmania. The guide contains **extracts** from the *Liquor Licensing Act 1990*. A complete copy of the Act can be found on the Liquor and Gaming Branch website at [www.liquorlicensing.tas.gov.au](http://www.liquorlicensing.tas.gov.au).

The relevant sections of the Act will be referenced in this guide to assist you in understanding the law.

## 2. Liquor Permit Types

### Special permit

There are four types of special permit based on the period of time a permit is required:

- Less than four days;
- four to thirty days;
- up to six months; and
- up to twelve months.

A special permit can only be held by a person who is at least 18 years old. The permit is issued to the person who applies on behalf of an association, society, organisation or club running an event or function.

A special permit authorises the sale of liquor on premises usually where there is no existing authority to sell liquor. The Commissioner for Licensing may grant a permit if satisfied that it is in the best interest of the community to grant the permit and that the principal purpose of the function is not the sale or consumption of liquor but that the sale of liquor will be ancillary to the conduct of the event.

A special permit does not authorise liquor to be sold on premises if the use of those premises for that purpose is otherwise unlawful.

### Special permit (Club)

A Club Permit authorises the sale of liquor on the premises of an incorporated sporting club for a period up to 15 hours per week. It is issued primarily for the social enjoyment of club members.

Additional special permits can be applied for to sell liquor at club related functions and events where the sale of liquor occurs beyond the approved 15 hours authorized in the Club Permit.

The permit holder and all servers of liquor are required to have completed a Responsible Serving of Alcohol Course and the permit holder is required to keep a copy of each certificate. A copy of which is to be made available on request by Tasmania Police Officers and/or Officers for the Commissioner for Licensing.

All special permit (club) are sporting clubs and are required to register with Good Sports at email [goodsports@adf.org.au](mailto:goodsports@adf.org.au).

### Small producer's permit

A small producer's permit allows Tasmanian craft and boutique liquor producers to sell their liquor at more than one event during the period of the permit.

A permit is granted for 12 months covering the approved events detailed in the initial application. During that time, should the permit holder wish to sell liquor at a new event, they must notify the Commissioner (via email to [licensing@treasury.tas.gov.au](mailto:licensing@treasury.tas.gov.au)) at least seven days before the event is held, seeking approval for the sale of liquor at that event.

Written confirmation from the Commissioner for Licensing is required for each event at which the Small Producer wishes to sell liquor.

Events include farmer's markets, community festivals, food festivals and agricultural shows.

### Requirements to be considered a small producer

1. In the previous financial year, the person had a total sales volume of liquor in quantities less than the following:
  - in the case of **beer** or **cider** - 100 000 litres;
  - in the case of **wine** - 28 500 litres; and
  - in the case of **spirits** - 8 750 litres.
2. The person has assumed the financial risk for the production.
3. If the person produces:
  - **wine or cider:**
    - they only produce wine or cider from fruit 85 per cent of which is grown in Tasmania.
  - **beer:**
    - they brew their own beer in Tasmania; or
    - the beer is brewed in Tasmania by someone else on their behalf.
  - **spirits:**
    - they distil their own spirit in Tasmania; or
    - the spirit is distilled in Tasmania by someone else on their behalf

The Commissioner may in accordance with section 34A of the Act grant a liquor permit subject to such conditions as the Commissioner thinks fit.

## 3. Important Definitions

### Best Interests of the Community

The Commissioner for licensing, when considering an application for a liquor permit under section 34(1) of the Act, must make a decision which is in the best interests of the community.

The definition of **best interests of the community** is prescribed in the *Liquor Licensing Regulations 2016* as follows:

- (a) **The general costs and benefits to the community of the supply, or proposed supply, of liquor** considers the nature and type of facilities proposed. Costs of a proposal may include the potential for alcohol-related anti-social behaviour or alcohol-related crime. Benefits may include employment, tourism or recreational benefits that may arise from the proposed activities, such as the responsible development of the hospitality industry.

- (b) **Whether the supply or proposed supply of liquor might cause undue offence, annoyance, disturbance or inconvenience to people who, in the area of the supply or proposed supply –**
- (i) **reside or work; or**
  - (ii) **attend schools or other facilities frequented by children; or**
  - (iii) **attend hospitals or facilities where people receive treatment for alcohol dependence or other addictions; or**
  - (iv) **attend places of worship.**

Consideration may be given to whether there are hospitals, hospices, aged care facilities, places of worship, child care centres, schools, alcohol free areas, public parks/children's playgrounds or facilities, or support services for people receiving treatment for alcoholism or other addictions located within a specific distance of the proposed premises, and the potential impact that the proposal may have on these.

- (c) **Possible adverse effects on the health and safety of members of the public due to the supply of, or proposed supply of, liquor** is quite broad, but may include:
- issues relating to outlet density and whether the proposed premises is located in an area more prone to alcohol-related issues, for example, its proximity to businesses with vulnerable customers (such as an opportunity store that is frequented by a significant number of alcohol dependent customers);
  - the availability of safe transport options where the premises is likely to result in late night departures of patrons;
  - the incidence of alcohol-related crime in the area; and
  - whether the location of the premises is one about which Tasmania Police, the Department of Health and Human Services and/or Local Councils have concerns with regard to increased access to alcohol.

### **Fit and Proper**

Under the Act a person must be fit and proper to be qualified to hold a liquor permit or to be an associate of an applicant or permit holder. If an associate is not fit and proper, then the applicant or permit holder is not considered to be qualified to hold a permit.

The Commissioner for Licensing determines whether a person is fit and proper and whether a person is qualified to hold a liquor permit.

Determining whether a person is fit and proper happens on a case-by-case basis, as every person's situation is different. It requires judgement and evaluation.

Considering a person's **character** and **reputation** are important parts of the assessment. Character is important as it reflects a person's moral qualities (their views about what is right and wrong) and suggests how they may act if they become a permit holder or an associate. Reputation is important as it reflects what a reasonably-minded member of the public thinks about the person's likely future behaviour, regardless of their character.

### **Matters of interest in a fit and proper assessment**

- Any major convictions within a given period.
- A consistent pattern of convictions that suggest a disregard for the law.
- Any convictions against the Act.
- Failing to discharge financial obligations or debts owing to the Crown under the Act.
- Good repute, integrity and character, no history of behaviour that would cause the person to be unsuitable to hold a permit, or be an associate of a permit holder.

## When would a person not be considered fit and proper?

A person would not be considered fit and proper if they are a member of a criminal organisation, or associated with a criminal organisation. Other examples of matters that would be closely examined under a fit and proper assessment include:

- prison terms;
- the committing of a serious offence, including violence, corruption or drug related offences;
- the committing of many smaller offences, such that a pattern of disregard for the law is displayed;
- having been bankrupt, or entered into an arrangement or composition with creditors; and
- a history of non-compliance under the liquor legislation.

## Associates

### 3A. Meaning of "associate"

- (1) For the purposes of this Act, a person is taken to be an associate of an applicant for a liquor licence or liquor permit, or of a licensee or permit holder if –
- (a) the person holds, or will hold, any relevant financial interest, or is, or will be, entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in the business of the applicant, licensee or permit holder and, by virtue of that interest or power, is able, or will be able, to exercise a significant influence over, or with respect to, the management or operation of that business; or
  - (b) the person holds, or will hold, any relevant position, whether in right of the person or on behalf of any other person, in the business of the applicant, licensee or permit holder; or
  - (c) the person is a relative of the applicant, licensee or permit holder; or
  - (d) the Commissioner is satisfied that the person could exercise a significant influence over the applicant, licensee or permit holder.

**"relative"** means a spouse, partner, parent, child or sibling (whether full blood or half- blood).

**"relevant financial interest"**, in respect of a business, means –

- (a) any share in the capital of the business; or
- (b) any entitlement to receive any income derived from the business.

**"relevant position"**, in respect of a business, means –

- (a) the position of director, manager or other executive position or secretary, however that position is designated in that business; or
- (b) if that business is conducted in premises in respect of which a liquor licence is in force, the licensee; or
- (c) if that business is conducted in premises in respect of which a permit is in force, the permit holder.

**"relevant power"** means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others –

- (a) to participate in a directorial, managerial or executive decision; or
- (b) to elect or appoint any person to any relevant position.

## Intoxication

The Act makes it an offence to sell or serve liquor on permit premises to a person who, you believe on reasonable grounds, is intoxicated. Fines of up to 50 penalty units may be issued to a person who serves liquor on a permit premises to an intoxicated person. A permit holder may also be fined up to 100 penalty units if a person authorized by the permit holder to sell liquor on the permit premises sells or serves liquor to an intoxicated person.

### **3B. Meaning of "intoxicated"**

- (1) For the purposes of this Act, a person is intoxicated if –
  - (a) the person's speech, balance, coordination or behaviour is noticeably affected; and
  - (b) it is reasonable in the circumstances to believe that the affected speech, balance, coordination or behaviour is the result of the consumption of liquor or other substances.

### **Signs of intoxication**

Not all people are affected by liquor in the same way. Factors such as the amount of liquor consumed, general state of health, gender, body weight, medications and food intake affect the rate at which a person becomes intoxicated.

### **Things you could do to help assess whether someone is intoxicated**

Here are some things you can do to help you decide whether someone is intoxicated and their level of intoxication. You could:

- observe the amount and type of liquor they have consumed;
- observe their behaviour;
- talk to them and/or their friends; and
- get a second opinion from your work mates and/or supervisor.

### **Tips for preventing intoxication**

- Make sure you are familiar with and follow your house policy on the responsible service of alcohol.
- Promote low or mid-strength alcoholic drinks, non-alcoholic drinks and food.
- Serve free water with drinks and ensure free water is constantly available for patrons.
- Provide free snack food.
- Do not automatically fill up drinks, wait for the patron to re-order.
- Slow service down for the patron.
- Alert other staff to a patron showing signs of intoxication;
- Talk to patrons to gauge the level of intoxication.
- Do not conduct an activity or promotion that will result in patrons engaging in irresponsible, rapid or excessive drinking.

Refusing service to someone who is intoxicated is a legal requirement. It is a responsibility that all people who serve liquor must accept as part of their job and their duty of care to patrons, their workmates and themselves.

This is not a grey area, if you have reasonable grounds for the belief that someone is intoxicated, you must not sell or serve them liquor.

### **Tips for refusing service**

- Early intervention - Take notice of the patron's behaviour early, before it becomes a problem. Give early warnings so the patron knows where they stand and has an opportunity to behave better.
- Offer an alternative - Refusing service of liquor is not a total ban on service if caught early enough. Offer a soft drink, coffee or a break from drinking altogether.

- Deliver the message to the patron without an audience and use open body language - Do not give the patron an opportunity to “make a scene” as well as allowing them to “save face”. Explain your concern without prejudice, letting them know that their welfare, and the welfare of others is your first concern.
- Use the law as a defence - Take yourself out of the argument by letting them know that you have no choice under the law. If you need to repeat firmly that by law they cannot be served another drink.
- Stay calm and get assistance if you need to - Ensure that you have backup from other staff, supervisors and management.
- Once you have refused service to the person notify the manager, licensee, supervisor or security.
- Consider a short term ban if necessary - Management are able to impose a short-term ban where they believe it is required.

#### 4. Obligations of permit holders

##### 46. Licensees and permit holders to retain control on sale and consumption of liquor

A licensee or permit holder must ensure that the business carried out on the licensed premises or permit premises is carried on in such a way that the licensee or permit holder can exercise effective control over the sale and any consumption of liquor on the premises.

**Penalty: Fine not exceeding 50 penalty units.**

##### 46A. Licensees and permit holders to ensure responsible sale and service of liquor

(1A) An applicant for a liquor permit or a permit holder must successfully complete an approved course, if the **Commissioner so directs**.

**Penalty: Fine not exceeding 20 penalty units.**

**"approved course"** means a course of instruction or training in the service of liquor, approved by the Commissioner.

##### 46B. Licensees and permit holders to ensure seller and server of liquor meets minimum age requirements

A licensee or permit holder must not allow a person to sell or serve liquor on the licensed premises or permit premises if that person does not meet the minimum age requirement prescribed for the purposes of this section.

**Penalty: Fine not exceeding 50 penalty units.**

##### 46C. Sale and consumption of liquor not to cause undue annoyance, disturbance or disorderly conduct

A licensee or permit holder must ensure that the sale and consumption of liquor on the licensed premises or the permit premises does not –

- (a) cause undue annoyance or disturbance to –
  - (i) people living or working in the neighbourhood of the premises; or
  - (ii) customers or clients of any business in the neighbourhood of the premises; or
  - (iii) people conducting or attending religious services or attending a school in the neighbourhood of the premises; or
  - (iv) people lawfully on the premises; or
- (b) cause the occurrence of disorderly conduct –
  - (i) in the premises; or
  - (ii) in the neighbourhood of the premises.

**Penalty: Fine not exceeding 50 penalty units.**

**53. Licence or permit to be produced on demand**

A licensee or permit holder must produce a licensee's liquor licence or the permit holder's permit to a police officer or authorized officer when required to do so.

**Penalty: Fine not exceeding 20 penalty units.**

**55A. Special permits and small producer's permits to be displayed**

The holder of a special permit or a small producer's permit must display the permit in a conspicuous position on the permit premises during the time when liquor may be sold on those premises under the authority of the permit.

**Penalty: Fine not exceeding 20 penalty units.**

**62. Licensees and permit holders to require certain people to leave licensed premises or permit premises**

A licensee or permit holder must require a person who –

- (a) is acting in a violent, quarrelsome or disorderly manner; or
- (b) is using disgusting, profane or foul language to leave the licensed premises or permit premises.

**Penalty: Fine not exceeding 20 penalty units.**

## 5. Notifying the Commissioner of Change

Permit holders must notify the Commissioner in writing within 14 days of a number of changes including:

- contact details change, for themselves or any associates, such as name and address;
- an associate is added; and
- the permit holder or an associate, is found guilty of an offence in Tasmania or any other jurisdiction, whether or not a conviction was recorded (traffic offences for which the maximum penalty is limited to a fine only are excluded).

Failure to comply could result in disciplinary action and the suspension or cancellation of a liquor permit.

## 6. Offences

**68. Prohibited or restricted advertising or promotion**

(1) The Commissioner may serve a notice on a licensee or permit holder that prohibits or restricts the advertising or promotion of the sale of liquor by the licensee or permit holder if, in the opinion of the Commissioner –

- a) the advertising or promotion, or the proposed advertising or promotion, is likely to encourage irresponsible consumption of liquor; or
- b) it is otherwise in the public interest to do so.

(2) A licensee or permit holder on whom a notice under subsection (1) is served must comply with the notice.

**Penalty: Fine not exceeding 20 penalty units.**

**69. False applications**

A person must not knowingly make a false or misleading statement in an application made for the purposes of this part.

**Penalty: Fine not exceeding 50 penalty units**

- 69A. Liquor not to be sold or served by person who is intoxicated**  
(1) A person must not sell or serve liquor on licensed premises or permit premises if he or she is intoxicated.  
**Penalty: Fine not exceeding 20 penalty units**  
(2) A licensee or permit holder is guilty of an offence if a person authorized by the licensee or permit holder to sell or serve liquor on a licensed or permit premises sells or serves liquor whilst intoxicated.  
**Penalty: Fine not exceeding 50 penalty units**
- 70. Liquor not to be sold or served to young people**  
(1) A person must not sell or serve liquor to a person under the age of 18 years on licensed or permit premises.  
**Penalty: Fine not exceeding 50 penalty units**  
(2) A licensee or permit holder is guilty of an offence if a person authorized by the licensee or permit holder to sell or serve liquor on the licensed premises or permit premises sells or serves liquor to a person under the age of 18 years.  
**Penalty: Fine not exceeding 100 penalty units.**
- 71. Liquor not to be supplied to young people on licensed premises or permit premises**  
A person shall not supply liquor to a person under the age of 18 years on -  
(a) licensed premises; or  
(b) permit premises.  
**Penalty: Fine not exceeding 50 penalty units.**
- 72A. Young person not to produce false evidence of identity**  
A person under the age of 18 years must not use a false document in order to do, or attempt to do, anything that a person under that age is prohibited from doing by or under this Act.  
**Penalty: Fine not exceeding 10 penalty units.**
- 73. Liquor not to be purchased by young people**  
A person under the age of 18 years must not purchase liquor.  
**Penalty: Fine not exceeding 10 penalty units.**
- 75. Young person not to be given possession or charge of liquor on licensed premises, &c.**  
(1) A licensee or permit holder, or a person acting on behalf of the licensee or permit holder must not give to a person under the age of 18 years possession or control of liquor on the licensed premises or permit premises or allow a person under the age of 18 years to have or retain possession or control of liquor on the licensed premises or permit premises.  
**Penalty: Fine not exceeding 50 penalty units.**  
(2) Subsection (1) does not apply in respect of a person under the age of 18 years who –  
(a) has possession or charge of liquor in the course of work; and  
(b) is working under the direct and personal supervision of a person who has attained the age of 18 years.
- 76. Young person not to consume liquor on licensed premises or permit premises.**  
A person under the age of 18 years must not consume liquor on -  
(a) licensed premises; or  
(b) permit premises.  
**Penalty: Fine not exceeding 10 penalty units.**

**77. Young person not to have possession or control of liquor on licensed premises or permit premises.**

(1) A person under the age of 18 years must not have possession or control of liquor on -

- (a) licensed premises; or
- (b) permit premises.

**Penalty: Fine not exceeding 10 penalty units.**

(2) Subsection (1) does not apply in respect of a person who -

- (a) has possession or charge of liquor in the course of work and;
- (b) is working under the direct and personal supervision of a person who has attained the age of 18 years.

**78. Liquor not to be sold or served to intoxicated people**

(1) A person must not sell or serve liquor on licensed premises or permit premises to a person who is intoxicated.

**Penalty: Fine not exceeding 50 penalty units.**

(2) A licensee or permit holder is guilty of an offence if a person authorized by the licensee or permit holder to sell or serve liquor on the licensed premises or permit premises sells or serves liquor to a person who is intoxicated.

**Penalty: Fine not exceeding 100 penalty units.**

**79. Liquor not to be supplied on licensed premises or permit premises to intoxicated people**

A person must not supply liquor to a person who is intoxicated on -

- (a) licensed premises; or
- (b) permit premises.

**Penalty: Fine not exceeding 50 penalty units.**

**79A. Licensee and permit holder to prevent offences on licensed premises and permit premises**

A licensee or permit holder who knows or has reason to believe that an offence under this or any other Act is being, or is about to be, committed on the licensed premises or permit premises must take reasonable action to prevent the commission of the offence.

**Penalty: Fine not exceeding 100 penalty units.**

**82. Authorized officer not to be hindered, &c.**

A person must not -

- (a) hinder an authorized officer carrying out the authorized officer's duties under this Part; or
- (b) fail to comply with any requirement of an authorized officer made in accordance with this Part; or
- (c) fail to provide an authorized officer with reasonable assistance in the exercise of any power under this Part.

**Penalty: Fine not exceeding 100 penalty units.**

**83. Name, address and date of birth to be given to police if lawfully requested**

A person must give the person's name, address and date of birth if required to do so by a police officer acting in accordance with this Part.

**Penalty: Fine not exceeding 50 penalty units.**

## 7. Barring orders

Under the Act a Barring Order may be used to prohibit a person from **entering** or **remaining** on a permit premises for a period of up to 6 months.

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

### 81. Barring orders

- (1) In this section –
  - "barred person"** means a person on or to whom an order under subsection (2) or (4) is served or given;
  - "senior police officer"**, in relation to a barring order, means –
    - (a) In the case of a barring order in force for a period of less than 72 hours. A police officer of or above the rank of sergeant; and
    - (b) In the case of a barring order in force for a period of 72 hours or more, a police officer of or above the rank of inspector.
- (2) A licensee, a person acting with the authority of the licensee, or a permit holder, may by order in writing served on a person, bar that person from entering or remaining on the licensed premises or permit premises for a specified person not exceeding 6 months –
  - (a) if the barred person is intoxicated or acting in a violent or quarrelsome manner on the licensed premises or permit premises; or
  - (b) if the licensee, person acting with the authority of the licensee, or permit holder, reasonably believes that the safety of the barred person or any other person on the licensed premises or permit premises is at risk because of the behaviour of the barred person as a result of his or her consumption of liquor; or
  - (c) on any other reasonable ground.
- (3) An order served under subsection (2) must be in a form approved by the Commissioner.
- (4) A police officer may, with the authorisation of a senior police officer, by order given to a person in the prescribed manner, bar the person from entering or remaining on –
  - (a) specified licensed premises or permit premises; or
  - (b) licensed premises or permit premises of a specified class within a specific area; or
  - (c) all licensed premises or permit premises within a specific area -for a specified period not exceeding 6 months.
- (5) A police officer may give an order under subsection (4) –
  - (a) If the police officer is satisfied that the welfare of the barred person is seriously at risk as a result of the barred person's consumption of liquor; or
  - (b) If the barred person commits an offence, or behaves in an offensive or disorderly manner, on the licensed premises or permit premises or in an area adjacent to the licensed premises or permit premises; or
  - (c) on any other reasonable ground.

## 8. Administrative Information

### Employing young people where liquor is sold

#### Employees must be at least 16 years of age to serve liquor and must be 18 years of age in some circumstances

Employees who sell or serve liquor must be at least 16 years of age and hold the appropriate Responsible Service of Alcohol course accreditation attained from an approved Registered Training Organisation (see website [www.liquorlicensing.tas.gov.au](http://www.liquorlicensing.tas.gov.au) for approved RTO's).

Serving includes the person taking the drink order, the staff member preparing the drinks or the staff member taking the drink order to the table.

#### The Commissioner for Licensing may determine that it is appropriate to employ a person under 16 years to sell or serve liquor

An application may be made to the Commissioner for Licensing for a person under 16 years to sell or serve liquor as part of their employment on licensed or permit premises. The application must be made by a licensee or permit holder using the **Application to employ a person under 16 years to sell or serve liquor form** provided at [www.liquorlicensing.tas.gov.au](http://www.liquorlicensing.tas.gov.au). It is then assessed by the Commissioner to determine whether or not **that** young person may be employed to sell or serve liquor on **that** premises. The application must not relate to an area designated as a prohibited area under section 84(1) of the Act.

### Advertising and promotion of liquor

Permit holders must advertise and promote liquor in a way that supports responsible service and consumption principles.

Section 68 of the Act enables the Commissioner to prohibit or restrict the advertising or promotion (or the proposed advertising or promotion) if they are likely to encourage irresponsible consumption of liquor, or if it is otherwise in the public interest to do so.

To prohibit or restrict advertising or promotion, the Commissioner will serve a written notice on a permit holder.

## 9. Overview of Disciplinary action

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

### 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 make where a breach of 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 permit for severe circumstances. Other forms of action include issuing fines, varying a liquor licence or permit (such as adding a condition), and suspension of a permit for a specific period.

### 98. Disciplinary Action

**“disciplinary action”** means any one or more of the following:

- (a) the cancellation of a liquor licence or permit;

- (b) the suspension, for a specified period, of a liquor licence or liquor permit;
- (c) the variation of a liquor licence or liquor permit;
- (d) the imposition of a fine not exceeding 100 penalty units;
- (e) the issuing of a letter of censure;

“**variation**”, in relation to a liquor licence or liquor permit, included but is not limited to the following;

- (a) a variation of the times at which the liquor licence or liquor permit authorises the sale of liquor;
- (b) a variation of the size or perimeter of the licensed premises or permit premises;
- (c) a variation of the conditions of the liquor licence or liquor permit (including omitting, amending, substituting or adding a condition).

## 99. **Grounds for disciplinary action**

Each of the following is a ground for disciplinary action in relation to a liquor licence or liquor permit:

- (a) the licensee or permit holder has contravened a provision of this Act;
- (b) the licensee or permit holder has contravened a condition to which the licence or permit is subject;
- (c) the licensee or permit holder is no longer qualified to hold a liquor licence or liquor permit;
- (d) failure to comply with a written notice under section 40;
- (e) the licensee or permit holder has been convicted of an offence, either in Tasmania or elsewhere, and the Commissioner is satisfied that it is not in the public interest that the licensee or permit holder continues to hold a liquor licence or liquor permit;
- (f) the licensee or permit holder is serving a term of imprisonment;
- (g) the licensee or permit holder has failed to discharge financial obligations or debts owing to the Crown under this Act;
- (h) the licence or permit was obtained by means of a false or misleading statement or by a failure to disclose relevant information;
- (i) the sale of liquor on the licensed premises or permit premises –
  - (i) is causing undue annoyance or disturbance to –
    - A. people living or working in the neighbourhood of the premises; or
    - B. customers or clients of any business in the neighbourhood of the premises; or
    - C. people conducting or attending religious services or attending a school in the neighbourhood of the premises; or
    - D. people lawfully on the premises; or
  - (ii) is causing the occurrence of disorderly conduct –
    - A. in the premises; or
    - B. in the neighbourhood of the premise;
- (j) an associate of the licensee or permit holder who is a natural person with any influence over the management of the business carried on under the licence or permit is not, or is no longer, a fit and proper person to be an associate of a licensee or permit holder;

- (k) the licensee or permit holder can no longer exercise effective control over the sale or consumption of liquor on all or any part of the licensed premises;
- (l) the licensee or permit holder is no longer using or intending to use the licensed premises or permit premises for all or any of the activities authorized by the licence or permit;
- (m) in the case of a club licence –
  - (i) the rules or constitution of the club have been changed without the Commissioner's approval; or
  - (ii) the rules or constitution of the club are not being observed; or
  - (iii) the club has failed to comply with, or has contravened, any applicable regulations or conditions specified in the licence; or
  - (iv) the principal activity of the club is the sale or consumption of liquor – and, as a result, in the Commissioner's opinion it is inappropriate that liquor should continue to be sold on the club's premises;
- (n) the area of the licensed premises or permit premises has been altered without the Commissioner's approval.

## 10. Important Information

### Evidence of age

The Act requires that evidence of age documents are used to prove that a person is 18 years of age or over and is legally able to purchase liquor and/or remain in restricted and prohibited areas of a licensed premises.

All proof of age documents must include a **photo** and be **current**. Acceptable documents include:

- Driver licence issued in Australia;
- Firearms licence;
- Passport; or
- A document issued by a Federal, state or territory government department that shows the holder's name, photograph and age.

## 11. Penalty Units

The value of a penalty unit can be located at: -

[https://www.justice.tas.gov.au/about/legislation/value\\_of\\_indexed\\_units\\_in\\_legislation](https://www.justice.tas.gov.au/about/legislation/value_of_indexed_units_in_legislation)



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HOBART 7001

Email: [licensing@treasury.tas.gov.au](mailto:licensing@treasury.tas.gov.au)

Further information can be obtained at  
[www.liquorlicensing.tas.gov.au](http://www.liquorlicensing.tas.gov.au)  
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Disclaimer:  
This publication is issued in good faith as a guide only  
and the relevant legislation should be referred to if  
further information is required.