

Minimum age to sell or serve liquor

The *Liquor Licensing Regulations 2016* prescribes a minimum age requirement of 16 years to sell or serve liquor on licensed or permit premises.

The new requirement will commence on 1 September 2016, but includes a transitional period of three (3) months for existing employees who are under 16 years – that is, it won't apply for these employees until 1 December 2016.

Employees must be at least 16 years of age to sell or 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 (approved RTOs are listed at www.liquorlicensing.tas.gov.au > Industry Training > Responsible Serving of Alcohol).

Serving includes the employee taking the drink order, the employee preparing the drinks and the employee taking the drinks to the table.

Employees who are under 18 years of age who have possession or control of liquor must be working under the direct and personal supervision of an adult at all times, and can only sell or serve in areas in which they are legally permitted to enter and remain. If an area is designated as a prohibited area under section 84(1) of the *Liquor Licensing Act 1990*, then staff who sell, serve or supply liquor must be over 18 years of age. The minimum age of 16 applies in all other areas (including those designated as a restricted area under section 84(2) of the Act).

84. Areas of licensed premises may be designated to prohibit or restrict entry of young people

- (1) The Commissioner may from time to time designate any part of licensed premises as an area where a person under the age of 18 years can not enter or remain.
- (2) The Commissioner may from time to time designate any part of licensed premises as an area where a person under the age of 18 years can not enter or remain except –
 - (a) to have a meal; or
 - (b) in the company of a responsible adult.
- (3) The designation of an area under subsection (1) or (2) may be limited to apply between specified times.
- (4) An area may be designated under both subsections (1) and (2) if the designations apply at different times.
- (5) A designation under subsection (1) or (2) may apply to the whole of the licensed premises.
- (6) ...

Liquor Licensing Act 1990

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. 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. Determinations are made on a case-by-case basis.

The application must include:

- licensee or permit holder's details;
- proposed employee's details;
- parent or legal guardian's details;
- reason(s) why the applicant needs to employ the minor and not someone who meets the minimum age requirement;
- type of working environment, eg restaurant, café;
- duties to be performed and hours of work per week;
- an explanation of how the proposed employee's maturity level is appropriate for the duties; and
- Responsible Service of Alcohol training to be undertaken.

The application must be signed by the licensee or permit holder, the minor who the application applies to, and a parent or legal guardian. All parties must agree that the employment **will not contravene education related laws for school aged children and youth** which include the requirement that they **must not be employed when they are required to be participating in education or training**.¹ The licensee or permit holder must also agree to maintain duty of care for the proposed employee and provide appropriate adult supervision.

Offences and Penalties

It is an offence for a licensee or permit holder to allow a person under 16 years of age to sell or serve liquor, and a person under 18 years of age to sell or serve liquor in a prohibited area. A maximum fine of 50 penalty units is applicable.

Penalty unit information can be found at:-

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

¹ Children/youth must not be employed during hours when they are required to be at school, although there are some exceptions on an individual student basis. For further information contact the Department of Education on 1800 816 057.

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