

# Offences of licensees, permit holders and their staff

The sale, supply, promotion and consumption of alcohol in Tasmania and related offences are regulated by the *Liquor Licensing Act 1990*. The following table summarises the offences relevant to licensees, permit holders and staff working in the service of alcohol. The table is a guide only and the relevant section of the Act should be referred to for further information.

The maximum amount payable for each offence is expressed in the Act as penalty units. The dollar value of a penalty unit increases each year (based on the consumer price index) and is published on the Department of Justice website at [www.justice.tas.gov.au/about/legislation/value\\_of\\_indexed\\_units\\_in\\_legislation](http://www.justice.tas.gov.au/about/legislation/value_of_indexed_units_in_legislation).

Offence	Penalty units	Who will be penalised?			Section of the Act
		Licensee	Permit Holder	Staff	
Liquor must not be sold except as authorized by a liquor licence, permit or general exemption.	40	✓	✓	✓	5
The holder of a liquor licence or permit must comply with the conditions of that licence or permit.	20	✓	✓		25B(2) and 34A(2)
Liquor products must not be sold if they have been deemed undesirable by the Minister.	100 (50 for staff)	✓	✓	✓	38A(4) and (5)
Licensees and permit holders must retain control over the sale and consumption of liquor on the premises.	50	✓	✓		46
Persons selling or serving liquor must complete an approved RSA course; and permit applicants and holders must successfully complete an approved RSA course when, or if, directed.	20	✓	✓		46A(1) and (1A)
Licensees and permit holders must ensure sellers and servers of liquor meet minimum age requirements.	50	✓	✓		46B
Sale and consumption of liquor must not cause undue annoyance, disturbance or disorderly conduct.	50	✓	✓		46C
Licensees selling liquor by taking orders over the telephone or by facsimile or by mail order must prominently display the licence number in advertisements or published information.	20	✓			46D(1)

Offence	Penalty units	Who will be penalised?			Section of the Act
		Licensee	Permit Holder	Staff	
Licensees selling liquor through an internet site must ensure the licence number is prominently displayed on the site and in advertisements or information published; and a notice is displayed prominently on the site at all times.	20	✓			46D(2)
Licensees selling liquor through the internet or by other communication media must require the purchaser's date of birth and provide written instructions for delivery etc.	20	✓			46D(3)
When selling liquor through the internet or by other communication media, if liquor is taken by a person under the age of 18 years, the licensee and delivery person are guilty of an offence.	20	✓			46D(4)
Licensees must not alter the area of licensed premises without approval.	20	✓			47(1)
Licensees must notify the Commissioner of an alteration to the boundaries of a designated area at least 30 days prior.	20	✓			48
Licensees and permit holders to notify Commissioner of any change (as specified by the Commissioner) within 14 days after it takes place.	Disciplinary Action <sup>1</sup>	✓	✓		49
Licences or permits must be produced on demand to a police officer or authorized person.	20	✓	✓		53
Licences and permits (held by licensees) must be displayed in a noticeable position on the licensed premises.	20	✓			54 and 55
An authority to act as licensee must be displayed in a noticeable position on the premises.	20	✓			54A
Special permits and small producer permits must be displayed in a noticeable position on the premises.	20		✓		55A

<sup>1</sup> In accordance with the Liquor Licensing Act, where grounds exist, the Commissioner may consider taking disciplinary action as the Commission considers is appropriate.

Offence	Penalty units	Who will be penalised?			Section of the Act
		Licensee	Permit Holder	Staff	
Liquor restriction orders must be displayed in a noticeable position on the premises.	20	✓			56
Licensees must display notices in respect to young people, provided by the Commissioner, at each entrance to areas of the premises designated as prohibited or restricted areas.	20	✓			60
Licensees must prevent or restrict entry of people under the age of 18 years to certain parts (prohibited or restricted areas) of licensed premises.	20	✓			61
Licensees and permit holders must require people exhibiting inappropriate behaviour or using inappropriate language to leave the premises.	20	✓	✓		62
Liquor sold on off-licence premises must not be consumed on the premises.	20	✓			63
Liquor sold on on-licence premises must not be removed from the premises.	20	✓			64
Licensees must restrict people from being on licensed premises outside authorized hours.	20	✓			65
Licensees must notify the Commissioner of intended absence from premises in excess of 14 days.	20	✓			66
A licensee, permit holder or person must not hinder etc an authorized officer.	20 (100 for staff)	✓	✓	✓	67 and 82
Licensees and permit holders must comply with notices banning or restricting advertising or promotion of the sale of liquor served on them by the Commissioner.	20	✓	✓		68(2)
A person must not knowingly make a false or misleading statement in an application.	50	✓	✓		69
Liquor must not be sold or served by a person who is intoxicated.	50 (20 for staff)	✓	✓	✓	69A(1) and (2)
Liquor must not be sold or served to people on the premises under the age of 18 years.	100 (50 for staff)	✓	✓	✓	70(1) and (2)

Offence	Penalty units	Who will be penalised?			Section of the Act
		Licensee	Permit Holder	Staff	
Liquor must not be supplied to people on the premises under the age of 18 years.	50	✓	✓	✓	71
A person under the age of 18 years must not be given or allowed possession or control of liquor on the premises.	50	✓	✓	✓	75(1)
A person under the age of 18 years must not have possession or control of liquor on licensed or permit premises unless in the course of work and is under direct supervision.	10			✓	77
Liquor must not be sold or served to an intoxicated person.	100 (50 for staff)	✓	✓	✓	78(1) and (2)
Liquor must not be supplied on premises to an intoxicated person.	50	✓	✓	✓	79
Licensees and permit holders must take reasonable action to prevent offences on premises.	100	✓	✓		79A
The sale of liquor through vending machines must be specified in a licence or permit and comply with any condition, and the vending machine must be on licensed or permit premises.	20	✓	✓		79B(2)
Licensees must ensure that a person under the age of 18 years does not sell liquor on the premises in an area designated as prohibited.	10 <sup>2</sup>	✓			84(1)
False identity documents seized must be given to police within 72 hours, with a notice detailing particulars.	10	✓	✓	✓	92A(3)
A person required to appear at a Commission hearing shall attend and produce required documents etc.	5	✓	✓	✓	217(1)
A person called as a witness at a Commission hearing shall not refuse to be sworn/affirm, refuse to answer questions or answer questions incorrectly.	5	✓	✓	✓	217(2)

<sup>2</sup> The maximum penalty units for this offence is prescribed in the *Liquor Licensing Regulations 2016*.

Offence	Penalty units	Who will be penalised?			Section of the Act
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A person who grows grapes or produces wine must provide statistical information under the <i>Dairy Industry Act 1994</i> , as required.	15	✓	✓		222A(1)
A person providing statistical information must not make false or misleading statements or omissions etc.	15	✓	✓		222A(2)
Licensees must provide wholesale liquor supply information as required.	15	✓			222B(3)
Licensees must not make false or misleading statements or omissions etc, when providing wholesale information.	15	✓			222B(4)

For further information contact the Liquor and Gaming Branch.

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