

# CLUB LICENCE

## INFORMATION LEAFLET

This leaflet is a summary of the *Liquor Licensing Act 1990* and Regulations in relation to the sale of liquor and operations of licensed premises.

This publication is issued in good faith as a guide only and the relevant legislation should be referred to if further information is required.

### LIQUOR AND GAMING CONTACT DETAILS

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 responsible conduct of <b>gambling</b> T A S M A N I A	E-mail: <a href="mailto:licensing@treasury.tas.gov.au">licensing@treasury.tas.gov.au</a> <a href="mailto:gaming@treasury.tas.gov.au">gaming@treasury.tas.gov.au</a> Web: <a href="http://www.gaming.tas.gov.au">www.gaming.tas.gov.au</a> <a href="http://www.liquorlicensing.tas.gov.au">www.liquorlicensing.tas.gov.au</a>	 responsible serving of <b>alcohol</b> T A S M A N I A

## Club Licence

A club licence –

- a) authorises the sale of liquor between 5 a.m. and midnight on any day on the premises of the club specified in the licence to prescribed persons for consumption on or off those premises; and
- b) is subject to any conditions relating to record-keeping of membership and visitors to the club as specified in the licence.

For the purposes of the club licence the following persons are **prescribed**:

- (1) a member of the club;
- (2) a guest of a member of the club;
- (3) a visitor to the club;
- (4) a member of another club which has a reciprocal membership arrangement with the club;
- (5) a competitor in an event conducted or hosted by the club on that day;
- (6) a spectator of an event conducted or hosted by the club on that day;
- (7) a person who is attending a meeting of, or a function conducted by, an organisation which the Commissioner is satisfied is not operated for profit.

## Annual Liquor Licence Fee

A licensee must pay a prescribed annual licence fee.

The fee relates to the period of 12 months starting on 1<sup>st</sup> January each year and is payable by not later than 31<sup>st</sup> March in that year.

If a licensee fails to pay the prescribed annual liquor licence fee by 31<sup>st</sup> March an additional fee of 10 per cent of the amount due is payable.

If the fee/s is not paid within one month of 31<sup>st</sup> March the licence may be suspended.

If you are intending to transfer a liquor licence the matter of any pro-rata of licence fee is a matter to be settled between the outgoing and incoming parties at settlement.

## Trading Hours

The Club licence authorizes the sale of liquor on the club premises between 5am and midnight daily.

The sale of liquor for any period/s between midnight and 5am is only permitted if a licensee has applied for and been granted an Out-of-Hours Permit (OOHP).

An OOHP authorises the sale of liquor on the premises between times and subject to conditions specified in the permit.

## Trading Hours cont.

The sale of liquor is not authorized during the approved hours of an OOHP unless the permit is being displayed.

An OOHP will not be granted unless the licensee can satisfy the Commissioner for Licensing that the sale of liquor in accordance with the permit will not cause undue annoyance or disturbance in the neighbourhood of the premises.

The Commissioner for Licensing may cancel or vary an OOHP if it is in the public interest to do so.

An OOHP is issued to the licensee and is not transferable.

Clubs may trade on public holidays such as Christmas Day and Good Friday.

Liquor may be sold between:-:

- Midnight Christmas Eve to 2am on Christmas Day; and
- Midnight New Years Eve to 3am New Years Day even if the club does not have an OOHP.

## Transfer of Licence

If the Club wishes to change the licensee, transfer application documents should be obtained and lodged in good time prior to the proposed change.

A person is not qualified to hold a liquor licence unless the person has attained the age of 18 years and has satisfied the Commissioner for Licensing that the person is fit and proper and will be able to exercise effective control over the service and any consumption of liquor on the premises to which the licence relates.

## Responsible Service of Alcohol (RSA)

The RSA Program provides valuable knowledge and awareness in relation to the responsible serving and consumption of liquor on premises where liquor is served.

The *Liquor Licensing Act 1990* places an obligation on a licensee to ensure that all staff involved in the service of liquor on the licensed premises, must have either completed a RSA course and provided the licensee with a copy of their certificate, or be enrolled in an approved course to be held within three months of commencing employment.

A Register must be kept on the licensed premises and completed with the details of all people who serve liquor on the licensed premises.

To serve someone who appears to be drunk could cost an employee up to \$7 700 and the licensee up to \$15 400 in fines and place the licence in jeopardy.

## Young Persons on Club Premises

A young person is a person who has not reached the age of 18 years.

Young persons may enter club premises provided that no designation restricting or prohibiting their entry has been issued by the Commissioner for Licensing.

Visitors under the age of 18 need not sign the visitor's book provided they are entering the club as a guest of a member.

Clubs *may* impose their own restrictions in respect to the entry of young persons to the premises.

No person under the age of 18 years shall have or retain possession or control of liquor on club premises unless the person is:-

- a] in the course of work; and
- b] working under the direct and personal supervision of a person who has attained the age of 18 years.

The most reliable forms of identification for the purposes of proof of age are:-

- Photographic – Driver licence
- Photographic – KEYPASS
- Photographic – Passport
- Photographic – Firearms licence
- Photographic – Personal Information Card

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

It is an offence for a young person to present false ID – penalty not exceeding \$1 540.

## Penalties

- 1] Sale and supply of liquor to a person under 18 years - penalty not exceeding \$7 700.
- 2] Licensee also guilty of an offence if liquor sold to a young person by a staff member - penalty not exceeding \$15 400.
- 3] Purchase, consumption or possession of liquor by a person under 18 years - penalty not exceeding \$7 700.
- 4] A person must not sell or supply liquor to a person appearing to be drunk - penalty not exceeding \$7 700.

## Penalties cont.

- 5] The licensee is guilty of an offence if a person authorized by the licensee to sell liquor on the licensed premises sells liquor to a person who appears to be drunk – penalty not exceeding - \$15 400.
- 6] A person shall leave the licensed premises when requested to do so by a Police Officer, Licensee or a person acting with the authority of the licensee - penalty not exceeding \$7 700.
- 7] It is an offence for a licensee to knowingly permit on his or her premises any offence under the Liquor Licensing Act or any other Act - penalty not exceeding \$15 400.

## Important Information

- Private Functions – licensees must remember that the requirements of the *Liquor Licensing Act 1990* apply when members conduct private functions.
- If a Club wishes to amend its Constitution, approval for any proposed changes needs to be obtained from the Commissioner for Licensing.
- Approval is required from the Commissioner for Licensing to alter the area of a licensed premises, where that alteration will extend the area of the premises.
- On duty Police Officers may enter licensed premises at any time and must not be hindered in the execution of duty.
- The Police Offences Act makes it an offence for a person to consume liquor in a public street. Licensees should remind patrons not to remove opened containers of liquor from licensed premises.
- The Police Offences Act provides for any person to arrest another person who dishonestly makes off without paying for goods or services.
- If a licensee is to be absent for more than 14 days, written advice indicating the name and address of the person who will be in charge of the premises must be forwarded to the Commissioner for Licensing prior to such absence.
- If a club uses crowd controllers to assist with the running of the premises, the licensee must ensure that those crowd controllers are licensed in accordance with the Security and Investigations Agents Act.
- It is an offence for a person to spike another person's drink. If convicted, the penalty can be a term of imprisonment not exceeding two years or a fine of \$15 400 or both. A person could also incur civil liability in respect of their action.

## Conditions of operation

1. The club must ensure that the following records are kept at the premises:
  - a. A membership register providing the full name and address of each current member.
  - b. A Visitors Book. (Visitors include travellers, guests in the company of club members and guests of the club).
  - c. A Functions Book.
  - d. A current roster in the case of a club at which the principal purpose or activity relates to participation in a rostered sporting activity.
2. The club shall ensure that each visitor [aged 18 years and above] entering the licensed club premises records that day's date, their name, address and signs their name in the Visitors Book, other than when entering the club to attend a function referred to in Clause 3 of these conditions or when the visitor can produce identification that establishes that he or she is a member of another club that has a reciprocal membership arrangement in place with the club being visited.
3. The club shall ensure that the following functions are recorded in the Functions Book with such record to include that day's date, the type of function, the name of the hosting member or organization as the case may be and the number of persons attending:
  - a. A pre-booked private function hosted by a member of the club specified in the licence.
  - b. A function held at the club and conducted by a not for profit organization [limited to one function each month for that organization] at which persons other than club members attend.
  - c. A meeting of a community service club (for example, Lions, Rotary, Apex).
  - d. An event conducted or hosted by the club specified in the licence at which competitors or spectators attend.
4. The club must keep records of entries made in the Function Book & Visitors Book for a minimum period of 12 months from the date of the respective entry.
5. It is a condition of this licence that the Commissioner may from time to time amend the abovementioned conditions.