OFF 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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Legislation referred to in this information leaflet is available on the Web at:www.thelaw.tas.gov.au

Off Licence

An Off Licence authorizes the sale of liquor for consumption **off** the licensed premises.

If a licensee wishes to sell liquor for consumption ***on*** the licensed premises an On Permit application should be completed and lodged for consideration. (An on permit would not be issued to authorize general sales of liquor for consumption on the premises but for a specific occasion or wine tasting.)

Annual Liquor Licence Fee

A licensee must pay a prescribed annual licence fee.

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

If a licensee fails to pay the prescribed annual liquor licence fee by 31st 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 31st 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

An Off licence authorizes the sale of liquor on the premises between 5.00 a.m. 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.

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

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

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

Transfer of Licence

If a licensee is intending to sell/lease the business to another person, transfer application documents should be obtained and lodged in good time prior to the proposed settlement.

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 in which the licence is sought.

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

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

The Commissioner for Licensing may designate areas of licensed premises as areas where a young person:-

a] cannot enter or remain at all; and/or
b] cannot enter or remain unless with a parent/guardian or for the purpose of having a meal.

When a designation is placed by the Commissioner appropriate signs will be provided to the Licensee.

A licensee is required to display signs at each entrance to any areas that have been designated by the Commissioner.

If a licensee intends to alter an area that has been designated under Section 84 of the Licensing Act the licensee is to give the Commissioner notice of the proposed changes. (30 days before altering the area).

Young Persons cont.

No person under the age of 18 years shall have or retain possession or control of liquor on licensed 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.

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

- A licensee must display the liquor licence in a conspicuous position on the licensed premises.
- Approval is required from the Commissioner for Licensing to alter the area of licensed premises, where that alteration will extend the area of the premises.
- 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.
- A licensee or staff member may refuse service of liquor to any person, may refuse entry to the licensed premises and may require any person to leave licensed premises.
- A licensee must display on the interior of the premises any liquor permits and any underage restricted area signs. Failure to do so is a breach of licensee obligation.
- A licensee is required to exercise effective control over the sale and consumption of liquor on the premises.
- On duty Police Officers may enter licensed premises at any time and must not be hindered in the execution of duty.
- Under the Police Offences Act it is an offence for a person to consume liquor in a public street. To minimise the possibility of problems occurring outside the licensed premises, the licensee should ensure that open containers are not removed from the premises.
- The Police Offences Act provides for any person to arrest another person who dishonestly makes off without paying for goods or services.

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