

## Liquor Licensing Act 1997

# NON-LICENSEES - WHEN DO I NEED A LIMITED LICENCE?

*THIS INFORMATION IS INTENDED FOR PEOPLE WHO ARE NOT EXISTING LICENSEES*

If you are intending to host a party or you are organising an event (or series of events) where liquor will be sold, you will need a limited licence. If you intend to 'sell' liquor (as defined below), you will need a limited licence whether the event is to be held on private premises or in a public place. If you are holding a function on regulated premises (as defined below), even if you are not selling liquor, you will need a limited licence.

### SALE OF LIQUOR

For the purposes of the *Liquor Licensing Act 1997* the term 'sale' is defined broadly to include —

- to barter or exchange
- to offer or expose for sale, barter or exchange
- to supply, or offer to supply, in circumstances in which the supplier derives, or would derive, a direct or indirect pecuniary benefit
- to supply, or offer to supply, gratuitously but with a view to gaining or maintaining custom, or otherwise with a view to commercial gain.

If the provision of liquor falls into any one of these categories you will need a licence.

***It is an offence to sell liquor without a licence.***

Some examples of events which would be defined as 'selling' liquor include —

- where there is a cover charge but liquor is BYO
- where the consumption of liquor is included in the cover charge, eg food, drinks and entry included in the one ticket price, even at a private home
- where entry is by donation
- where wine tasting is being offered with a view to selling wine, whether at the event or in the future
- where liquor is supplied as part of a pooled money arrangement eg where social club fees are used to purchase liquor
- where liquor is offered as a 'gift' when an item is purchased.

### CONSUMPTION OF LIQUOR ON REGULATED PREMISES

A limited licence may be required if you are supplying liquor on regulated premises.

Regulated premises are defined to include —

- licensed premises
- a restaurant, café or shop
- an amusement parlour or amusement arcade
- a public place that is being used for the purposes of an organised event, where admission to the event is gained on payment of money, presentation of a pre-paid ticket or purchase of some item
- a public conveyance, eg bus, limousine, boat
- premises of a kind declared by regulation to be a regulated premises, eg Dry Area

Some examples of events where liquor is supplied on regulated premises —

- using a bus for consumption of liquor eg winery tour
- hosting a private party or function in an unlicensed restaurant, café or shop
- consuming liquor in a limousine, train or boat
- hosting a party in a public place which has been declared a regulated premises.

You will also need a limited licence if you intend to hold a function where alcohol will be consumed in a declared dry area. You will need council permission in these circumstances.

### APPLYING FOR A LIMITED LICENCE

You can apply for a limited licence by **Electronic Lodgement: Website address:** [www.cbs.sa.gov.au](http://www.cbs.sa.gov.au)

You will need to lodge your application at least 14 days prior to the event.

For larger events (including street closures, festivals and multi day events) you must lodge your application 60 days prior to the commencement of the event.

### FEES

An application fee is payable for each day of the event to which the licence applies. Application fees may vary each July. Please check to ensure the current application fee is paid.

**No fee is payable for an application for a limited licence if the licence is granted for a function or functions that, in the opinion of the licensing authority, are to be held for charitable or other community purposes.**

A licence fee (in addition to the application fee) is payable on the grant of the licence for large commercial or high risk events which meet the following criteria—

- authorises the sale or supply of liquor past 1am, the licensed premises are outdoors and the licence states the maximum capacity of the licensed premises is more than 300 people; or
- contemplates boxing, wrestling or other entertainment that, in the opinion of the licensing authority, should be regarded as adult entertainment being provided on the licensed premises during the whole or part of the hours that the licence authorises the sale or supply of liquor; or
- authorises the sale or supply of liquor past 1am and the maximum capacity of the licensed premises multiplied by the number of days for the event is more than 1 000 people; or
- the maximum capacity of the licensed premises multiplied by the number of days for the event is more than 5 000 people; or
- as determined by the Commissioner based on the nature of the event or the resources required for the administration or enforcement of the *Liquor Licensing Act 1997*.

An invoice will be issued to the licensee after the grant of the limited liquor licence advising the amount due, date payable and the available payment methods (including the online facility).

The licence fee **must** be paid before the commencement of the event, or the licence will be cancelled.

A licence fee is not required if —

- no fee was payable for the application of the licence; or
- the licence was granted to the holder of an existing liquor licence.

Application and licence fees can be found at [www.cbs.sa.gov.au](http://www.cbs.sa.gov.au)

***Note: Please ensure that you do not lodge your application more than once to avoid duplication. Duplicated applications may attract further unnecessary fees which may not be automatically refunded.***

## ADDITIONAL INFORMATION FOR OUTDOOR EVENTS OR LARGE EVENTS

The following additional information may be required for all outdoor and large events —

- Council consent and landlord's approval in writing
- Views of the local police
- A sketch or onsite plan outlining the area where the licence is required
- Public liability insurance details
- Risk and emergency procedures
- Details of any licensed security or approved crowd controllers to be employed for the function
- Number of toilets to be provided
- Type of entertainment proposed
- Details of any marquee to be erected
- Details of safety equipment to be provided
- Any details of medical/first aid, ambulance services etc
- Provision of free drinking water

Examples of large events include wine, community or street festivals etc.

Please note that liquor cannot be sold or supplied in glass containers for outdoor functions unless specific approval has been given by the licensing authority.

If the function is to go past 1am or is in an outside area, written council consent is required.

As police views are sought in respect of all limited licence applications, you may wish to obtain the views of the local police before lodging the application.

For large events, The Department of Health has published a Guideline for the Management of Public Health and Safety at Public Events to assist event planning.

If further information is required, please contact CBS on 131 882.