



THE UNIVERSITY
of ADELAIDE

Legal Compliance Education and Awareness



CRICOS PROVIDER 00123M

Liquor Licensing Act 1997 (South Australia)

Please note South Australian Liquor Licensing laws are currently under review.
More information is available on the [Liquor licensing reform webpage](#).

adelaide.edu.au

seek LIGHT

What does the Liquor Licensing Act do?

- Regulates and controls the sale, supply and consumption of liquor
- Places emphasis on responsible service and responsible consumption of liquor
- Appoints a [Commissioner](#) to be responsible for administering the Act
- Encourages responsible attitudes towards the promotion and advertising of liquor
- Encourages a competitive liquor supply market

How does the Act apply to the University?

- The University has licensed premises on the following campuses;
 - North Terrace campus: University Staff Club and Union House (which includes the Uni-bar, Rumours Café and Backstage Café)
 - Roseworthy campus: Maitidli Café and Roseworthy Tavern
 - Waite campus: Lirra Lirra Café and Bar
 - National Wine Centre
- The University hosts functions and events at which alcohol is provided including concerts and fundraising events, open days and graduations
- Some University events are attended by students and members of the public who are under the age of 18
- The University advertises functions that involve liquor and must publicly represent itself as a responsible provider of alcohol, in accordance with the objects of the Act
 - In addition, the University's [Alcohol Management Policy](#) provides details of the University's expectations for behaviour at events where alcohol is served, and outlines consequences if those expectations are not met

The University's Liquor Licences

- The University of Adelaide holds numerous Liquor Licences that allow the consumption of alcohol on parts of the campuses
- The Licences are managed by the University of Adelaide Club (i.e. The Staff Club)
- The licensing authority ([Consumer and Business Services SA](#)) imposes conditions on the licences relating to;
 - noise restrictions
 - type of liquor sold
 - measures to protect the safety, health or welfare of customers or staff
 - measures that will ensure public order and safety at events expected to attract large crowds

The University's Liquor Licences (cont.)

- A **Special Circumstances Licence** applies to the North Terrace, Roseworthy and Waite campuses and the National Wine Centre
 - The licence allows for catering and bar operations **within** a [defined area](#) on North Terrace Campus (largely comprising the Union building, Backstage Café and Barr Smith Lawns)
 - The licence also authorises alcohol to be sold and consumed **outside** the defined area under certain circumstances, including on some of the University Sports Grounds
- The University Staff Club has a **Club Licence**
- The Roseworthy Tavern has a **Restaurant Licence**
 - The licence authorises alcohol to be sold and consumed on the premises at any time with or ancillary to a meal (*meal* = food eaten whilst seated at a table)
- Waite campus has a **Producers Licence** that allows for the production of wine as part of the Oenology and Wine Marketing courses

Limited Licence

- A **Limited Licence** must be obtained for one-off special events that are to be held **outside the defined area** and **outside the scope** of the University's Special Circumstances Licence
- A limited licence allows the holder of the licence to sell liquor, or permit consumption of liquor to guests during the approved hours of a function in the area specified
- In the context of the University, a limited licence is needed if you intend to provide alcohol for purchase or charge guests for attending an event where alcohol will be supplied, for example;
 - *Concert with a cover charge*
 - *Fundraising event with donation at the door*
 - *Wine tasting night*
 - *Branch Christmas Party*
 - *Bus tour where liquor is provided for consumption during the trip*
- The Alcohol Management Policy's [Flowchart](#) and [Defined Area Map](#) can help you determine whether a limited licence is required

Limited Licence (cont.)

- All University functions for which a limited licence is required **MUST** be approved by the Head of the School/Area and by the Staff Club before an application is made
- Applications are lodged online with the [Consumer and Business Services SA](#)
- A fee applies
- Lodgement of an application does not mean the application will be granted
- All applications must be lodged **at least** 14 days prior to the function's start date or 60 days prior if it is a large event (300+ attendees)
- The application requires that a person be nominated as being responsible for the event who will be present at all times during the event
 - This person is called the **Licence Holder** under the Policy, however, the licence itself must be applied for and granted in the **University's name**
 - The Licence Holder may be liable for any breach of licence

Licence Obligations

The License Holder must at all times:

- Adequately display;
 - a copy of the licence in the various licensed premises
 - the appropriate notices relating to under-age drinking
- Comply with the industry Code of Practice to minimise the harmful and hazardous use of liquor
- Promote responsible attitudes in relation to the promotion, sale, supply and consumption of alcohol
- Be vigilant about monitoring sound levels and patron behaviour

Licence Obligations

The License Holder must at all times:

- Establish and maintain appropriate practices to minimise;
 - Offence
 - Annoyance
 - Disturbance
 - Noise or
 - Inconvenience to people who reside, work or worship in the vicinity of the premises
- Include surveillance in and within the vicinity of the premises
- Respond positively to any complaints from nearby residents

Licence Obligations - Barring

- A Licensee (e.g. University Club or National Wine Centre) can [bar a person](#) from entering or remaining on the licensed premise for a specified period if;
 - the person commits an offence
 - behaves in an offensive or disorderly manner, on or in the vicinity of the premises
 - the welfare of the person or of persons nearby are seriously at risk as a result of the consumption of alcohol

Barring Periods:

- First time Barred - up to three months
- Second time Barred - up to six months
- Third time Barred - indefinitely

Licence Obligations – Responsible Persons

- A [Responsible Person](#) (RP) is a person accredited by the licensing authority to;
 - monitor the service and consumption of alcohol at an event
 - ensure all relevant licensing laws and requirements are adhered to
- Licensed premises must be personally supervised and managed by a RP at all times when the premises are open to the public
- An RP must be approved by [Consumer and Business Services SA](#) and wear the authorized identification badge while acting in the role of a responsible person
- Considerations as to whether a person is **responsible** include;
 - reputation, honesty and integrity of the person and their associates
 - knowledge, experience and skills for the purpose of and in encouraging the responsible supply and consumption of alcohol

Licence Obligations - Minors

- A minor may be employed on licensed premises to carry out tasks such as clearing tables or general cleaning duties but **may not** be employed to sell, supply or serve liquor
- A Licensee **must** establish and maintain appropriate practices to guard against;
 - underage drinking
 - supply of liquor to minors
 - minors unlawfully entering or remaining in the licensed premises
- A Licensee **must not** display or publish an advertisement for liquor or promote liquor in a way that tends to encourage;
 - minors to consume liquorOR
 - rapid or excessive consumption of alcohol

Offences under the Act

It is an offence for a Licence Holder to:

- Sell or supply liquor to minors or to someone intoxicated
- Have inappropriate supervision and management of the businesses conducted under the licence
- Alter a licensed premises without approval
- Maintain inadequate records

Offences under the Act (cont)

It is an offence for a customer to:

- Refuse to leave a licensed premises on request
- Enter or remain on a licensed premises from which you are barred
- Take alcohol away from a licensed premises

It is an offence for a licence applicant to:

- Make a false or deliberately misleading statement in, or in support of a licence application

What can happen if I don't comply?

- **All** people or parties may be held liable for a breach of the Act;
 - The University (as licence holder)
 - The party responsible for the licensed premises (e.g. the Unibar)
 - The person who sells or supplies the liquor (the individual)

Individual Consequences:

- Fines of up to \$35,000 or 2 years imprisonment for breach of licence
- A breach of the Act may be considered misconduct actionable under the University's Enterprise Agreement

What can happen if I don't comply? (cont.)

University Consequences:

- Fines of up to \$35,000 for breach of licence
- The licence may be suspended or revoked; which leads to an inability to hold licensed events on campus
- The licence may have further conditions imposed on it, which limits the kind of liquor that may be sold under the licence or the times when liquor may be sold
- Damage to the University's reputation through negative publicity
 - *Attraction and retention of staff and students is compromised*
 - *Ability to host major events is compromised*

If hosting an event where alcohol is available

- Please refer to the University's [Alcohol Management and Use Policy](#) (Event Booking and Planning Procedures)

University obligations under the Act

- Be aware of the type of licence that applies for specified events
- Comply with all licence requirements including;
 - time periods
 - specified number of security guards and toilet facilities
 - identifiable Responsible Person on the premises
- Do not sell liquor to minors - **require proof of age if in doubt**
- Do not sell liquor to intoxicated persons
- Do not permit minors to sell alcohol
- Keep relevant and adequate records of all transactions involving the sale or purchase of liquor for 6 years after the date on which they were compiled

Additional Resources

- [Toni Pihodnya](#), Bookings and Events Coordinator
 - 8313 5151
- [University of Adelaide Alcohol Management and Use Policy](#)
- [Consumer and Business Services SA](#)
- [Liquor Licensing Act 1997 \(SA\)](#)



THE UNIVERSITY
of ADELAIDE

Disclaimer

The content of this material is intended only to provide a summary and general overview of the *Liquor Licensing Act* as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.

Please contact Toni Pihodnya or the Legal and Risk Branch if you are unsure of your compliance obligations under the Act.