



## **NEW EXEMPTIONS TO THE *LIQUOR CONTROL ACT 1988* FREQUENTLY ASKED QUESTIONS**

### **Small Charter Vehicles**

**My vehicle is licensed as a small charter vehicle but it has seats for 18 passengers. Does the exemption apply to me?**

No, the exemption only applies to vehicles that can carry 14 passengers or less (excluding the driver).

**I do not wish to allow passengers to consume liquor in my vehicle. Am I obligated to allow this?**

No. The amendment makes this activity lawful, however it is not mandatory for all small charter vehicle operators to adopt this practice.

**How will I be able to prevent juveniles from consuming liquor in my vehicle?**

You may wish to implement business practices that ensure the purpose of hire and the age of all passengers is established before allowing passengers to consume liquor. Remember, if the purpose of the vehicle hire is to take school students to a school based function (such as a ball) any adult passengers in the car will not be able to consume liquor either.

**How will I be able to prevent ‘drunk’ persons from consuming liquor in my vehicle?**

You may wish to implement business practices that ensure the quantity of liquor being brought into the vehicle is not likely to cause the passengers to become drunk. The department’s ‘Identifying the Signs of Intoxication’ guideline provides information on the legal definition of ‘drunk’ and the signs that can indicate a person is drunk.

Additionally, the nationally accredited training unit titled ‘Provide Responsible Service of Alcohol’ (SITHFAB009A)” covers topics such as duty of care, harm minimisation, refusal of service, affects of alcohol, juveniles, identifying intoxication and conflict resolution. Participation in this training may assist drivers to identify and prevent drunk passengers from consuming alcohol in their vehicle.

**Can I drink liquor in other vehicles?**

It is an offence to consume liquor on any road, except where the vehicle is considered a small charter vehicle (or country charter vehicle) as per the definition contained in the regulations or where a liquor licence applies to the vehicle.

## Small Occasional Functions

### **What is a ‘function’?**

A function, for the purpose of this exemption is defined as:

“a gathering, occasion or event (including a sporting contest, show, exhibition, trade or other fair, or reception) at which it is proposed that liquor be sold or supplied to those present.”

### **Is there a restriction on the amount of liquor I can supply to people who attend my small function?**

No, the legislation does not specify this. However, you should be aware that if liquor is sold / supplied to any person who is ‘drunk’, the exemption no longer applies and fines of up to \$10,000 are applicable.

### **I wish to hold a wine tasting evening for less than 100 people. Would this type of function be considered exempt?**

No, the consumption of liquor must be *ancillary* to the purpose of the function in order for the exemption to apply. Where people are attending the function for some other purpose (eg to see an art exhibition, a fashion show, to compete in a quiz night etc) the supply of liquor is exempt from the application of the Act.

## Live Entertainment Venues

### **Why do I need to abide by the exemption conditions when I am not selling or supplying liquor to my customers?**

Section 119(7) of the Act states that it is an offence to allow an unlicensed premises “to be kept or used as a place of resort for the consumption of liquor.” If you do not operate according to the conditions of the exemption, the exemption will not apply and you risk committing an offence under section 119(7) of the Act.

## Complimentary Supply by Business

### **How can I be sure that the complimentary glass of wine I supply to customers is considered a ‘standard’ drink?**

A standard drink contains no more than 10 grams of ethanol measured at 20°c. A 100ml glass of wine or 1 can of mid strength beer would generally be measured as a standard drink. The *Australian Guidelines to Reduce Health Risks from Drinking Alcohol* contains further information on standard drink sizes and can be viewed at [www.nhmrc.gov.au](http://www.nhmrc.gov.au)

## Farmers’ Markets

### **Can I charge customers to taste samples?**

If you are relying on this exemption to serve samples to customers, they must be provided free of charge. If you wish to charge, you will need to seek a liquor licence.

### **Is there a limit to the number of free samples I can provide?**

There is no limit to the amount of individual tastings that can be offered. However, it is an offence to supply liquor to a drunk person and therefore consumption must be limited.

## Organisers of Functions on Licensed Premises

The licensee will only be supplying the venue for my function. Does the exemption apply?

No, the exemption only applies to the organiser of the function if the licensee is supplying the venue, food and liquor for the function.

**Address:** Level 1, 87 Adelaide Terrace, East Perth, Western Australia, 6004  
**Postal Address:** PO Box 6119, East Perth, Western Australia, 6892  
**Tel:** (08) 9425 1888 **Facsimile:** (08) 9325 1041 **Country Callers:** 1800 634 541  
**Email:** [rql@rql.wa.gov.au](mailto:rql@rql.wa.gov.au) **Web Site:** [www.rql.wa.gov.au](http://www.rql.wa.gov.au)