

# Policy

## Managers at Licensed Premises

### Disclaimer

This Policy is designed to provide information in regard to the subject matter covered, and with the understanding that the Director of Liquor Licensing is not passing legal opinion or interpretation or other professional advice. The information is provided on the understanding that all persons undertake responsibility for assessing the relevance and accuracy of its contents.

### Introduction

Section 100 of the *Liquor Control Act 1988* ("the Act") requires that an approved manager must, *unless the Director of Liquor Licensing determines otherwise*, be present at the licensed premises at any time that the business is conducted at those premises.

Well managed premises and the responsible service of alcohol are seen as important tools in providing consumers with safe and responsible venues that are committed to implementing harm-minimisation strategies. In this context, the provisions of section 100 require that there is always a person in a position of authority at the premises who is capable of managing and supervising the conduct of business and exercising authority over the activities that occur at the premises.

This policy provides guidance in respect of the provisions of the Act relating to approved managers.

### Legislative Provisions

Section 100(1) of the Act states that the conduct of the business under a licence is always the responsibility of the licensee.

Section 100(2) of the Act states that where the licensee is an individual person, that person may also manage the premises and assume the role of approved manager. However, where the licensee is a company or a partnership, the licensee must then appoint an individual person to supervise and manage the premises. Where the licensee appoints a person to be the approved manager, that person then represents the licensee and therefore also carries responsibility in respect of the obligations under the Act.

Section 100(2a) of the Act provides that an approved manager must be present at the licensed premises at any time when business is conducted at those premises.

Where an approved manager is absent for any reason (eg. illness; other unplanned absences; holidays, etc), under section 100(3) the licensee may appoint another person to act as a temporary manager for a period up to 7 consecutive days. The person appointed as a temporary manager cannot be someone who has been found not fit and proper by the licensing authority and cannot act as a temporary manager for more than 7 days in any 28 day period.

Section 102B of the Act states that the Director may approve a person as an Approved Restricted Manager or an Approved Unrestricted Manager for a period of **5 years**. The type of approval will depend on the level of training that an individual has undertaken.

The two approval types are:

- **UNRESTRICTED MANAGER’S APPROVAL** – required for managers at commercial licence types such as taverns, liquor stores, special facility licences etc.

An applicant for an unrestricted manager approval must successfully complete the *Course in Management of Licensed Premises [52735WA (MLPLCA401A, MLPLCA402A and MLPLCA403A)]* (or have completed the *Course in Liquor Licensing 52065* prior to 1 September 2012) in order to obtain this approval.

***An Unrestricted Manager Approval entitles the manager to be employed at any licensed premises in Western Australia.***

- **RESTRICTED MANAGER’S APPROVAL** – required for managers at club, club restricted and occasional licences.

An applicant for a restricted manager approval must have successfully completed the nationally accredited *Provide Responsible Service of Alcohol* course (*SITHFAB201*) to obtain this approval.

If a Restricted Manager subsequently completes the *Course in Management of Licensed Premises (52735WA)* they may [apply to upgrade](#) to an Unrestricted Manager Approval.

***A Restricted Manager Approval entitles the manager to be employed at club and club restricted licences and Occasional licences.***

Applications for **Restricted** or **Unrestricted Manager Approvals** must be accompanied by evidence that the applicant has successfully completed the relevant training as specified above.

For further information on mandatory training requirements, please refer to the Director’s policy [Mandatory Training](#).

The table below shows the relevant category of manager’s approval which is required for each licence type:

Licence Type	Manager Category
Hotel	Unrestricted
Tavern	Unrestricted
Small Bar	Unrestricted
Hotel Restricted	Unrestricted
Tavern Restricted	Unrestricted
Liquor Store	Unrestricted
Restaurant	Unrestricted
Nightclub	Unrestricted
Special Facility	Unrestricted
Wholesaler	Unrestricted
Producer	Unrestricted
Casino	Unrestricted
Club/Club Restricted	Restricted
Occasional	Restricted

## **Lodging an Application**

A [lodgement guide](#) is available on the DRGL website.

Applications for approval as either a Restricted Manager or an Unrestricted Manager must be lodged online at the [RGL portal of the DLGSC website](#).

Applications are required to be lodged by the manager – not the licensee.

Applicants will be required to lodge with their application a National Police Certificate within three months of issue and the relevant training certificate.

Applicants must then attend a participating Australia Post outlet to pay the application fee and have a photograph taken to enable an Identification Card to be issued.

The applicant may then commence acting as an approved manager until the application has been determined.

Once applicants have been issued with a Manager's approval, they will be issued with photographic identification and will be able to work at the relevant class of licensed premises without applying to the licensing authority.

Managers will be responsible for renewing their approval every 5 years.

## **Non-compliance**

If a licensee fails to comply with the requirements of the Act in relation to section 100, the licensing authority may decide to:

- 1) issue a caution or an infringement notice under section 167 to the licensee and approved manager;
- 2) require the licensee to show cause why more restrictive conditions should not be imposed on the licence; or
- 3) lodge a section 95 complaint for disciplinary action against the licensee. Under section 96 of the Act, if such a complaint was upheld by the Liquor Commission, a range of disciplinary action could be imposed including: a reprimand and a fine of up to a maximum of \$60,000. However, the penalty sought could also include the suspension of the licence for a specified period of time or the cancellation of the licence.

**DIRECTOR OF LIQUOR LICENSING**