

Alcohol and the Law



Most of the Western Australian laws about the sale and supply of alcohol are found in the Liquor Control Act 1988, and its regulations. Each State and Territory in Australia has its own liquor licensing laws.

JUVENILES AND LICENSED OR REGULATED PREMISES

It is an offence for anyone under the age of 18 years to enter or remain on licensed premises without a legal guardian or responsible adult except under specific circumstances outlined in the Liquor Control Act 1988. **(Penalty: Licensee or manager \$10,000, employee or agent \$4,000, the juvenile \$2,000).**

It is an offence to sell or supply alcohol to anyone under the age of 18 years on licensed premises or regulated premises. **(Penalty: In the case of licensed premises - licensee or manager \$10,000, employee or agent \$4,000, in any other case \$2,000; in the case of regulated premises - in any case \$10,000).**

It is an offence for anyone under the age of 18 years to consume alcohol or be in the possession of alcohol on licensed or regulated premises and it is an offence to allow that to occur. **(Penalty: Licensee or manager \$10,000, employee or agent \$4,000, juvenile \$2,000).**

SECONDARY SUPPLY OF ALCOHOL TO JUVENILES

It is an offence to purchase alcohol for underage young people. **(Penalty: Up to \$2,000).**

ACCEPTABLE PROOF-OF-AGE IDENTIFICATION

There are three forms of acceptable identification for proof-of-age:

- ✦ Current Australian driver's licence with photograph;
- ✦ Current passport; or
- ✦ Official Western Australian Proof-of-Age card.

It is an offence to make a statement or produce evidence that is false or misleading regarding proof-of-age. **(Penalty: \$2,000).**

RESPONSIBLE SERVICE OF ALCOHOL ON LICENSED OR REGULATED PREMISES

- ✦ It is an offence to sell or supply alcohol to a drunken person.
- ✦ A person cannot allow or permit a drunken person to consume alcohol.
- ✦ It is an offence to obtain or attempt to obtain alcohol for consumption by a drunken person.
- ✦ It is an offence to aid a drunken person in obtaining or consuming alcohol.

(Penalty: Licensee or manager \$10,000, employee or agent \$4,000, and in any other case \$2,000).



REFUSAL OF ENTRY OR SERVICE

A person can be refused entry to a licensed premises or service inside the licensed premises if they:

- ✦ Appear to be drunk;
- ✦ Behave in an offensive manner;
- ✦ Are under 18 years of age;
- ✦ Do not comply with dress standards clearly displayed at the entrances of the venue;
- ✦ Are a person the licensee believes cannot or will not pay, is known to be quarrelsome or disorderly, or is seeking to obtain liquor by begging;
- ✦ Are, or are known to be, or are an associate of, a reputed thief, prostitute, supplier of unlawful drugs, or a person convicted of an offence involving unlawful drugs or violence that is punishable by a term of imprisonment exceeding 3 years;
- ✦ Is, or appears to be, a person whose presence may cause the licensee to commit an offence;
- ✦ Seek to enter or enters and remains on the licensed premises at a time when they are closed or should be closed; or
- ✦ Request service on a part of the premises where the licensee is not authorised to provide service or is set aside for a private function.

A licensee now has the ultimate right to refuse entry or service on their licensed premises to any person at any time and at the licensee's discretion.

THE RIGHT TO COMPLAIN

People can complain about disorderly conduct from patrons and noise coming from licensed premises. Go to www.rgl.wa.gov.au for information on how to register a complaint.

DRINKING ON UNLICENSED PREMISES

- ✦ It is an offence for any person to consume alcohol on unlicensed premises (e.g. the town hall) without the consent of the owner or group in control of those premises. **(Penalty: \$2,000).**

- ✦ It is an offence to sell or supply alcohol on unlicensed premises without an Occasional Licence unless the exemption from the Liquor Control Act in respect of small occasional functions applies (e.g. at a function or party). **(Penalty: \$20,000).**
- ✦ It is an offence to bring liquor into, or possess or consume liquor in any sports ground or stadium between one hour before and 30 minutes after the conduct of any public sporting event (exemptions apply). **(Penalty: \$2,000).**
- ✦ It is an offence to bring liquor into a prescribed sports arena without the consent of the licensee. **(Penalty: \$2,000).**

DRINKING IN PUBLIC PLACES

- ✦ It is an offence in Western Australia for persons of any age to drink in public, such as on the street, park or beach. Opened liquor can be confiscated and immediately destroyed by the Police. **(Penalty: \$2,000).**
- ✦ It is an offence for anyone under the age of 18 to be in possession of alcohol (open or un-open) in a public place. **(Penalty: \$2,000).** Police have powers to seize and dispose of the liquor under those circumstances.

LIQUOR LAWS AND PRIVATE RESIDENCES

A private residence is not considered to be a licensed or regulated premises.

DRINKING ALCOHOL AND DRIVING

It is an offence in Western Australia to drive with a Blood Alcohol Concentration (BAC) of 0.05% and over. Probationary ('P' plate) drivers are legally required to have a zero BAC when driving. In practice, it is safest not to drink at all if planning to drive.

www.alcoholthinkagain.com.au

