



Policy

Charter Boats

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

This policy provides guidance as to the legislative and operational requirements associated with the sale, supply and consumption of liquor on commercial charter boats. It also provides guidance as to best practice principles that should be taken into consideration when liquor is supplied or consumed on a charter boat.

Legislative Provisions - When Does the Act Apply?

Where the sale and supply of liquor takes place on a boat, a liquor licence under the *Liquor Control Act 1988* (the Act) is required. The nature and purpose of the charter and the reason for which people are resorting to the vessel will determine whether or not a licence is required.

Even if a licence is not required, the vessel may be deemed a 'regulated premises' and offence provisions under the Act apply to the supply, consumption and possession of liquor in regard to juveniles and drunk persons on the charter boat.

Whether the vessel requires a liquor licence or is simply deemed a regulated premises, all commercial vessels must adhere to the safety and certification requirements as directed by the Australian Maritime Safety Authority. For further information visit www.amsa.gov.au

Licensed Premises

A liquor licence is required where the sale or supply of liquor is to take place. The Act defines 'sell' as:

- agree or attempt to sell; or
- offer or expose for the purpose of selling; or
- send, forward or deliver for sale or on sale; or
- barter or exchange; or
- supply, or offer, agree or attempt to supply-
 - in circumstances in which the supplier derives, or would be likely to derive, a direct or indirect pecuniary benefit; or
 - gratuitously, but with a view to gaining or maintaining custom or other commercial advantage;

- dispose, by lot or chance or by auction; or
- authorise, direct, cause or permit to be done any act referred to in this definition.

There are many examples of businesses, functions and events that will require a liquor licence. Some of these include:

- A business owner takes clients on a charter boat tour and supplies the clients with liquor whilst on the vessel.
- A wine tasting cruise.
- A wedding where the guests will be able to purchase liquor at the bar.
- A 'raft-up' style event, where members of the public purchase tickets to attend the event and are sold/supplied liquor at the event. A raft-up involves the roping together of a number of small vessels to form a raft-like structure.

In the case of a raft-up event, all vessels involved in the event will require a licence if the consumption of liquor takes place between the vessel departure point and the destination. If consumption of liquor will only occur at a designated point, once passengers reach that destination, one licence to cover all of the vessels involved in the event will be sufficient.

Regulated Premises

Where a charter boat is hired and guests are permitted to bring their own liquor on to the boat, charter boat operators and customers must be aware that the boat is still considered a 'regulated premises' under the Act if food, light refreshments or non-intoxicating drinks are ordinarily served to members of the public on the boat.

For the purposes of sections 115 and 122 of the Act, any person who permits the sale, supply or consumption of liquor on a regulated premises to a juvenile or a person who is drunk, commits an offence. A penalty of up to a \$10,000 fine applies to this offence.

Licence Conditions

A charter boat will require a permanent licence if liquor is to be sold/supplied to customers on an ongoing basis. In the case of one-off events, an occasional licence will be required for the event.

The conditions that will be imposed on occasional licences will depend on the nature of the charter boat and the event. For example, an occasional licence for a small private function may have less conditions imposed than a raft-up event, which attracts a higher level of risk. The following standard conditions will generally be imposed depending on the nature of the charter boat/event:

1. Licensed Security Requirements

Crowd controllers, licensed under the *Securities and Related Activities (Control) Act 1996* must be on duty. The number of crowd controllers required will be determined on a case-by-case basis.

2. Restricted Swimming Practices

Accredited lifeguards are to be provided with a clear view of the swimming area for the duration of the event. The number of lifeguards required will be determined on a case-by-case basis.

3. Responsible Service of Alcohol

All staff involved in the sale and supply of liquor must have successfully completed the nationally accredited course in the responsible service of alcohol.

4. No Self-Service of Alcohol

All liquor must be served by staff.

5. Food

A range of food is to be available for the duration of the event.

6. Entertainment Condition

A standard entertainment condition prohibiting lewd or indecent behaviour and activities may be imposed on the licence. Further information on this condition is available in the Director's Policy titled [Entertainment Condition](#).

7. Manager

The holder of an unrestricted/restricted manager approval must be present on each vessel under the licence, for the duration of the event.

8. Staff

All lifeguards, security and staff are prohibited from consuming liquor for the duration of the event.

9. Head Counts

The manager must ensure that a head count is conducted after all guests/patrons embark the vessel/s, prior to departing from any anchored location and after disembarking the vessel/s to ensure all persons are accounted for.

10. BYO Liquor

Any person attempting to enter the event with liquor in their possession must dispose of it at entry.

11. Liquor to Remain in Licensed Area

The removal of unsealed liquor from the licensed area is prohibited.

12. Unsealed Containers Only

Liquor sold and supplied at the event must only be supplied in unsealed containers.

13. Packaged Liquor Prohibited

The sale and supply of packaged liquor for consumption off the licensed premises is prohibited.

14. Drinks

This condition will prohibit the sale of spirits in jugs and in measures exceeding 50ml per drink. Pre-mixed drinks cannot be supplied in containers larger than 375ml. Low and mid-strength beer as well as non alcoholic drinks must be available for the duration of the event.

15. Responsible Drink Practices

The licensee is prohibited from selling and supplying beverages in such a way that would encourage rapid consumption of liquor, e.g. shots, laybacks, test tubes, shooters, jelly shots, blasters, bombs etc.

16. Free Drinking Water

Potable drinking water must be supplied free of charge, at all times that liquor is sold or supplied. Further information is available in the Director's Policy titled [Free Drinking Water](#).

17. Incident Register

The licensee must maintain a register of incidents that take place. Further information is available in the Director's Policy titled [Incident Registers](#).

18. Numbers Limitation

The number of people permitted entry to the licensed area will be specified on a case-by-case basis and can not exceed the maximum number of passengers the vessel is licensed to carry.

19. Restricted Entry

Entry is restricted to bona fide invited guests/ticket holders to the event or function.

20. Juveniles

Juveniles are prohibited from entering the licensed areas, other than juvenile employees who are involved in anything other than the sale and supply of liquor.

21. Water Police

The Water Police must be notified of the boat name, event type, numbers on board, time of event, location of anchorage points, embarking and disembarking locations.

In addition to the above conditions, licence applications for events involving raft-ups will be required to include a management plan on how the event will be managed.

Best Practice Principles

While the following may also be imposed as conditions of the licence, they should be considered best practice for any event involving the consumption of liquor on a charter boat:

1. A tender boat should be present and available at all times during the event (in case of an emergency or for patron removal).
2. A designated swimming area should be made available, that is roped off and not positioned in-between boats.
3. Swimming is only permitted during daylight hours.
4. Compliance with the Department of Transport (Marine Safety) and Australian Maritime Safety Authority standards and guidelines must be maintained at all times.

Even if a liquor licence is not required, charter boat operators should consider implementing the above best-practice principles if liquor is to be consumed on their vessels.

DIRECTOR OF LIQUOR LICENSING