



Policy

Free Drinking Water

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 115A of the *Liquor Control Act 1988* ("the Act") requires that the licensee must ensure that water suitable for drinking is provided, free of charge, at all times when liquor is sold and supplied for consumption on the licensed premises. The penalty for non-compliance: in the case of a licensee - \$10 000; and in the case of a manager - \$4 000.

Under the Act, licensees have an obligation to ensure that they manage their premises in a manner that is consistent with the objects of the Act and that liquor is sold and consumed in a responsible manner. One strategy that supports these obligations is to provide and make available to patrons a variety of non-alcoholic beverages.

In this context, the provision of potable drinking water is a key responsible service practice, and reinforces other practices identified in this authority's policies relating to '*Harm Minimisation*' and the '*Responsible Promotion of Liquor*'.

Operational application

Some patrons may prefer to purchase filtered or sparkling bottled water and therefore, licensees are able to have these products available for sale, provided free drinking water is also available.

Further in the case of fine-dining restaurants, it is customary to have packaged water available for sale and this would also continue to be permitted, provided free drinking water was also made available at all times.

Notwithstanding the above, all licences where liquor is sold and supplied for consumption on the premises (including by way of tastings) is subject to the condition that:

Pursuant to section 115A of the Act, at all times that liquor is sold and supplied for consumption on the licensed premises, the licensee shall make available to patrons, potable drinking water free of charge. That water is to be easily accessible to patrons.

In order to comply with the minimum requirement prescribed in this condition of licence, venues are able to choose to provide water from a water jug at bar service areas, by way of water coolers/fountains located at bar areas and throughout the venue, or by some other form of water dispenser. However, licensees must ensure that there is easy access to this water and in this regard, consideration should be given to locating water facilities away from alcohol servery and queuing areas.

Water must be clean and refreshed regularly. Warm or hot water will not be considered compliant with this condition nor will the use of hand basins taps in toilet facilities be considered as compliant with this condition.

Holders of Occasional licences will also be required to comply with the requirements of section 115A of the Act. In the case of Occasional licences, particularly outdoor events, conditions will be imposed specific to the function/event covered by the Occasional licence, and will be prescriptive about how free water is to be made available (for example: bottled water may be required to be provided).

Non-compliance

If a licensee fails to comply with this condition of licence, the licensing authority may decide to:

- 1) issue an infringement 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 \$30 000. 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