



Policy

Extended Trading Permits - Producers - Cellar Door Operations

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 61A of the *Liquor Control Act 1988* (the Act), provides for the issue of a cellar door extended trading permit (ETP) to wine and beer producers to enable them to establish, either individually or with other producers, a cellar door operation away from their respective licensed premises.

The cellar door ETP provides producers with the opportunity to promote their products to the wider public within their region.

A wine producer contemplating establishing a cellar door operation is limited to one operation per wine region where their licensed premises exist, whereas a beer producer is limited to one operation per local government district in which their production facilities exist.

Legislative Provisions

Sections 60(4)(ia) and 61A of the Act collectively provide the authority that enables a wine or beer producer to sell wine or beer under their licence from another premises in which a licensee would not ordinarily be authorised to sell their products from.

The authorisation will be in a form of a cellar door ETP attached to the producer's licence. In the case of two or more producers operating from the same cellar door operation, a separate cellar door ETP will be issued against each individual producer's licence involved in the operation.

Wine producing regions are as specified under section 4(1) of the *Australian Grape and Wine Authority Act 2013(Cth)*. Refer to Attachment 1 for the current wine producing regions of Western Australia. With respect to beer producers, Attachment 2 specifies all local government districts throughout the state.

Requirements

A cellar door ETP cannot be issued to a producer unless the licensing authority is satisfied that the:

1. intended premises is fit for the purposes for selling wine or beer and the producer is entitled to use the premises for a cellar door operation; and
2. applicant has consulted and obtained the support/approval of the relevant local government authority to conduct a cellar door operation.

In addition, the following requirements are required to be adopted by a producer in relation to the operation of cellar door ETP and may also be placed as conditions on the permit:

Management Agreements

Section 61A(5) of the Act requires that where two or more producers are involved in a cellar door operation, there is a management agreement in place between the licensees for the purposes of managing the premises. A copy of the management agreement (and as amended from time to time) must be provided to the licensing authority.

The content of a management agreement is a matter for the relevant parties to determine. However, while the management agreement is not required to be approved by the licensing authority, as part of the agreement, it must specify that the persons actually selling the liquor at the cellar door is the employee or agent of all licensees involved in the cellar door operation.

Approved Managers

In accordance with section 60(3)(b) of the Act, an approved manager must be in attendance at the premises at all times while liquor is authorised to be sold or supplied at the premises under the ETP. The management of premises subject to a cellar door ETP is to be undertaken by an unrestricted approved manager.

Signage/Trading Names

Premises where a cellar door ETP is operated a sign must be displayed in a conspicuous position at the exit/entry points to each part of the premises providing the following minimum detail:

- a) Class of Licence: Producer's Licence.
- b) Permit Type: Cellar Door Extended Trading Permit.

A cellar door operation may use a trading name. However, if it differs from a licensee's current approved trading name it must be approved by the Director of Liquor Licensing. Please refer to the Director's policy for *Trading Names*.

Incident/Training Registers

Incident and training registers are to be maintained on the premises at all times. For guidance on the minimum requirements of the registers please refer to the Director's policies for *Incident Registers at Licensed Premises* and *Mandatory Training*.

Plans/Permits/Licence

The licensee(s) of a cellar door ETP must maintain on the premises a copy of each cellar door ETP relevant to the location, a copy of each respective producers licence and a plan of the premises subject to the ETP.

Unaccompanied Juveniles

Unaccompanied juveniles are not permitted to enter or remain on any premises subject to a cellar door ETP.

Liquor Returns

Licensees are responsible for including any sales to other liquor merchants under a cellar door ETP in their respective annual liquor return.

Trading Hours

The permitted trading hours for a cellar door ETP are:

Monday to Saturday: 8am to 10pm
Sunday: 10am to 10pm
ANZAC Day: 12noon to 10pm

No trading will be permitted on Good Friday or Christmas Day.

All cellar door ETPs will be conditioned with the permitted trading hours.

Profit Sharing

Where a licensee in a collective cellar door operation only receives the portion of revenue derived from the sale of their own product will not be required to lodge an application for profit sharing. However, licensees involved in a collective cellar door operation where the proceeds from the sale of liquor under the operation is on a share basis will be required to lodge an application for profit sharing under section 104 of the Act.

For further information in relation to profit sharing please refer to the Director's policy for *Profit Sharing and Management Agreements*.

Application Fees

The fee applicable to an application for a cellar door ETP is outlined in Schedule 3 of the Liquor Control Regulations 1989.

An application for a cellar door ETP lodged with an application for the grant of a producer's licence does not attract a fee.

Lodging an Application

An application for a cellar door ETP is to be lodged with the Department of Racing, Gaming and Liquor. An application kit can be obtained from the Department's website www.rgl.wa.gov.au.

Customer service officers are available during office hours to assist applicants understand the requirements relating to the lodgement of a cellar door ETP. Enquiries can be made by email at rgl@rgl.wa.gov.au or by telephoning (08)9425 1888.

DIRECTOR OF LIQUOR LICENSING

ATTACHMENT 1



ATTACHMENT 2

