



# Policy

## Juveniles - Present on Licensed Premises for Reasons Other Than Work/Training

### 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

For the purposes of the *Liquor Control Act 1988* ("the Act") a juvenile is a person under the age of 18 years.

This document provides guidance on the legislative provisions regarding the situations where it is acceptable for a juvenile to be present on a licensed premises (for reasons other than approved work experience / training).

### Legislative Provisions

Part 4, Division 9 of the Act describes the situations in which juveniles can be present on licensed premises. Despite the above, **the Act prohibits the sale or supply of liquor to a juvenile, for consumption either on or off a licensed premises.**

### Situations Where Juveniles are Permitted to be on Licensed Premises

Juveniles are permitted to be on a licensed premises when accompanied by, and under the supervision of a responsible adult. A person is considered to be a "responsible adult" for the purposes of the Act, if that person is in "loco parentis" (meaning in place of parent) of the juvenile. A legal guardian, parent, step-parent or any other person who has control of and responsibility for a juvenile could be considered a responsible adult (although the decision to allow entry is entirely at the discretion of the licensee).

Section 120 and 121(5) also prescribe situations where juveniles may be permitted on licensed premises without supervision. These situations are as follows:

#### Section 120(1)(a) – Club Licence

The Act permits an unaccompanied juvenile to be present on a club licensed premises, provided that the presence of an unaccompanied juvenile:

- does not contravene the constitution or rules of the club;
- is permitted, expressly or by implication, by the committee of the club; and
- does not contravene a condition of the club's licence.

### **Section 120(1)(b) – Family Member of Licensee, Manager or Lodger**

A juvenile is permitted on a licensed premises if s/he is a family member of:

- the licensee;
- a manager of the premises;
- an occupier of the premises;
- a person who is employed on the premises and resides there; or
- a lodger.

### **Section 120(1)(c) – Restaurant**

A juvenile is permitted on a premises to which a restaurant licence applies, or a part of any premises set apart primarily for the supply of meals (being a place where the sale of liquor is only ancillary to a meal supplied there) for the purposes of obtaining a meal.

### **Section 120(1)(d) – Special Facility (Transport) Licence**

A juvenile is permitted on a premises to which a special facility licence applies, that authorises the licensee to sell liquor to passengers of private or public transport or persons accompanying or awaiting travellers.

### **Section 120(1)(f) – Lawful Business Purposes (ie. Apprentice Plumber etc)**

A juvenile is permitted on a licensed premises for the purposes of carrying on a lawful business, even if that place has for the time being been declared to be out of bounds to juveniles. For example, an apprentice plumber under the age of 18 would be permitted to undertake plumbing work at a nightclub, even if the licensee has declared the nightclub out of bounds for juveniles.

### **Section 120(2) – Passing Through a Licensed Premises**

The Act does not prohibit a juvenile from being on a licensed premises if the juvenile is there solely for the purposes of passing to or from some part of the premises (where liquor is not sold or supplied or the juvenile is not prohibited from being present). This only applies if there is no other convenient means of passage.

### **Section 121(5)(c) and 121(11) – Training**

The Act permits an unaccompanied juvenile to be on licensed premises where the juvenile is engaged in an approved training course (see the policy titled [Juveniles – Working / Training on Licensed Premises](#) for further information).

### **Section 121(5)(b) and 126A – Juvenile Functions**

Juveniles are permitted unaccompanied on a part of the premises where entertainment is provided solely for juveniles, with the approval of the Director under section 126A of the Act. Further information on juvenile functions can be found at page 3 of this policy.

## **Situations Where Juveniles are NOT Permitted to be on Licensed Premises**

### **Section 121(4) – Unaccompanied Juvenile**

Apart from where section 120 or 121(5) applies, where a juvenile is not accompanied and supervised by a responsible adult, the juvenile is not permitted to enter or remain on a licensed premises.

### **Section 121(6) – Juveniles out of Bounds**

A licensee, with the approval of the Director may post a notice (in the form approved by the Director) at each entrance to the out of bounds area, to declare the whole or part of the licensed premises to be out of bounds to juveniles at all or specified times.

## **Section 121(12) – Other**

These provisions do not limit any other right for a licensee to refuse a person entry to the premises or to remove a person from the premises. That is, the licensee has discretion to refuse entry to a juvenile.

## **Juvenile Functions**

Section 126A of the Act provides that a licensee may apply to the Director for approval of the provision of entertainment solely for juveniles on all or part of the licensed premises.

Under-age concerts and juvenile functions have been successfully held on licensed premises in the past and the continuation of such events is generally considered to be in the public interest.

Therefore, the Director will continue to give consideration to applications for approval of juvenile functions on licensed premises, provided the functions conducted are consistent with the provisions of section 126B of the Act. That is -

- the provision of entertainment is solely for juveniles on the licensed premises, or a part of the licensed premises; and
- the licensee is not to participate in any arrangement for the benefit arising from the provision of the entertainment to accrue to any other person unless the Director has granted approval under section 126B(5) of the Act.

## **Other relevant factors**

In considering applications for approval of a juvenile function, the Director will have regard to the reputation, management practices and history of the licensed premises at which the function is to occur.

These functions should be aimed at only catering for juveniles between the ages of 13 and 17 years of age. Persons aged younger than 13 should be discouraged from attending while persons aged 18 years and above may only attend as a responsible adult for the sole purpose of supervision.

In addition to the above, due to an increase in anti-social behaviour occurring in the vicinity of the central Perth CBD, including Northbridge, the Director of Liquor Licensing has determined that it is not in the public interest to approve functions in licensed premises that attract juveniles to those areas.

## **Lodging an Application**

In accordance with section 126A, applications for juvenile functions must be lodged on the approved form and accompanied by the prescribed application fee, with the Department of Racing, Gaming and Liquor and in accordance with the following:

- the application is to be lodged not later than 14 days before the day on which the function is proposed to take place; late applications will not be accepted;
- the application must be supported by submissions demonstrating how the licensee will ensure that the function is managed in accordance with the conditions set out below;
- the licensee must demonstrate that there are adequate transport arrangements in place for juveniles to leave the premises;
- the licensee will be required to confirm it has read and understood the standard conditions of juvenile functions, as set out below; and
- applications must also be accompanied by the written consent of the local Shire Council and the relevant Police Alcohol & Drug Coordinator.

Application kits can be obtained from the Department's website at [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au) or by contacting the Department on (08) 6551 4888.

*Please note: licensees should not advertise or promote the function in any way until such time that the application has been approved.*

## **Conditions of Approval**

Section 126B(3) provides that the Director may grant approval for a juvenile function subject to such terms and conditions as the Director thinks fit. Therefore, juvenile functions are generally subject to conditions including, but not limited to, the following standard conditions:

1. The licensee must ensure that liquor will not be advertised, sold, supplied or consumed in that part of the premises to which the juveniles will be admitted.
2. All liquor must be removed or securely locked away or made inaccessible to juveniles.
3. Juvenile functions are to be smoke, drug and alcohol free.
4. There must be two uniformed security personnel/crowd controllers (licensed under the *Security and Related Activities (Control) Act 1996*) at the entrance of the proposed function area to ensure that no intoxicated juveniles are admitted entry, and that no liquor is carried onto the premises. In addition, there must also be one crowd controller per 100 juveniles. These security personnel/crowd controllers are to remain on the licensed premises throughout the event and for at least 45 minutes after the event to ensure that the juveniles vacate the premises and the surrounding area in an appropriate manner.
5. If a function for adults is held at the same venue and on the same date as a juvenile function, the adult function shall not commence until forty-five (45) minutes after the juvenile function concludes to enable all juveniles to vacate the venue.
6. A strict numbers limitation must be maintained at all times.
7. Juveniles under the age of 13 years should be accompanied and supervised by a responsible adult.
8. The area to be used for the function must be discrete from the rest of the premises, with separate toilets and a separate entrance.
9. Juvenile functions will not be approved for trading past 11 pm (unless special circumstances apply), and unless special transport arrangements have been made.
10. All juveniles must vacate the premises at closing time and are to have left the vicinity of the premises within 30 minutes thereafter.
11. The provision of "passouts" during the function is prohibited.
12. The licensee will be prohibited from promoting or advertising the event inappropriately. For example: the use of terms or innuendos inferring unacceptable activities such as XTC or Rave, are prohibited.
13. The licensee must ensure that the music played during the function is appropriate for juveniles. Music which contains explicit language or describes acts of violence or aggression should not be played.
14. In all written advertising or promotional material, the licensee must publish the telephone contact number of the Approved Manager, for parents to contact if necessary.

Licensees should note that under section 126B, the Director is empowered to withdraw the approval if the Director is no longer satisfied the function is appropriate or in the public interest.

## **Summary**

There are some instances where juveniles can be present on licensed premises, for reasons other than work / training. Apart from these instances, juveniles must be accompanied by a responsible adult at all times that they are on a licensed premises. A juvenile is not permitted on licensed premises if the licensee has received approval to declare an area as out of bounds to juveniles.

The Act also prohibits the sale or supply of liquor to a juvenile under any circumstance.

**DIRECTOR OF LIQUOR LICENSING**