



Policy

Juveniles - Working / Training on Licensed Premises

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 relating to:

1. juveniles being employed or engaged in the service of alcohol on licensed premises; and
2. juveniles being engaged in work experience on licensed premises, other than in the sale and supply of liquor.

Employing juveniles to undertake tasks related to the sale, supply and service of liquor, where the juvenile is not enrolled in an approved training course, is not permitted. For example, a juvenile cannot be employed as a 'glassie' on licensed premises, as clearing glasses is seen as a component of serving liquor. Other examples of tasks that are viewed as components of serving liquor include (but are not limited to):

- conveying liquor to/from a customer's table;
- stocking mini-bars in hotel rooms;
- delivering liquor to a guest's room;
- taking orders/payment for liquor; and
- carrying liquor to a customer's vehicle.

However, juveniles can be employed on licensed premises to undertake tasks that are not associated with the sale, supply or service of liquor, such as preparing food, taking orders (for anything other than liquor), cleaning etc.

Juveniles Employed or Engaged in the Service of Alcohol

Pursuant to section 121(11) of the Act, a juvenile may, with the prior approval of the Director of Liquor Licensing, be employed or engaged at a licensed premises in the service of liquor ancillary to a meal. This authority is subject to the conditions that the juvenile is:

- a) aged 16 years or older;
- b) enrolled in an approved Vocational Education and Training (VET) course or an accredited higher education course;
- c) the work carried out by the juvenile is supervised at all times; and
- d) the service of alcohol by the juvenile is only ancillary to a meal.

In this regard, the presence of the juvenile on the licensed premises must be a requirement of the course (that is; hands-on experience in the service of liquor must form part of the competency requirements on which the student's final assessment will be made).

Following successful completion of the approved VET course, a juvenile may continue to work on a licensed premises and be involved in the sale and supply of alcohol provided:

- a) the juvenile is above the age of 16;
- b) the service of liquor is ancillary to a meal;
- c) the work carried out by the juvenile is supervised at all times; and
- d) the juvenile's continued employment has been approved by the Director of Liquor Licensing.

What is an accredited VET course?

The *Vocational Education and Training Act 1996* sets out the requirements relating to approved VET courses. Section 5(1) defines an approved VET course as a course that:

- a) is accredited by the Council under Part 7A; or
- b) is accredited under a corresponding law; or
- c) is prescribed by the regulations.

Once a course has been accredited it is listed on the official national register, www.training.gov.au. In this context, an approved VET course for the purposes of section 121(11) of the Act, includes Certificates, Diplomas and Advanced Diplomas in Hospitality, as listed on the website www.training.gov.au

The *Higher Education Act 2004* sets out the requirements relating to accredited higher education courses. In the Higher Education Act, a higher education course provided by a recognised Australian university is accredited for the purposes of that Act. Furthermore, a higher education course provided by an overseas university or a non-university institution is accredited for the purposes of the Higher Education Act if a ministerial accreditation is in force for the course.

Lodging an Application

Licensees seeking to obtain approval for the employment of a juvenile under section 121(11) will be required to provide the following information to the licensing authority:

- the name, address and date of birth of the juvenile;
- documentary evidence of the juvenile's enrolment in one of the approved VET or accredited higher education courses;
- documentary evidence of the agreement between the licensee, juvenile and educational institution in respect of the approved VET course; and
- confirmation that the juvenile will be supervised at all times while on the licensed premises and that the service of liquor will be ancillary to a meal only.

In considering applications under section 121(11) of the Act, the Director will have regard to the reputation, management practices and history of the licensed premises.

Juveniles Engaged in Work Experience on Licensed Premises

Section 121(5)(c) of the Act permits an unaccompanied juvenile to be on licensed premises where the juvenile is engaged in a training course approved by the Director of Liquor Licensing and their presence on the premises is in accordance with the requirements of the course.

For the purposes of this provision, these courses are considered to be part of school work experience programmes and the students must be at least 15 years old.

Lodging an Application

Applicants (which can be either the licensee or the relevant training institution) must lodge with the Department of Racing, Gaming and Liquor, certain information prior to an application being considered.

In this regard, the following will be required:

- details of the school or training institution which conducts the course;
- the name of each student who will be present on licensed premises;
- details of the licensed premises at which each of the students will be present;
- advice as to the dates that the students are expected to be present on licensed premises; and
- confirmation from the school that the attendance of the juvenile on the licensed premises is a required component of the course.

Once approval is given, a letter from the Director will be issued to the school or training institution advising that the named juveniles engaged in the particular course are granted approval to be on licensed premises in accordance with section 121(5)(c) of the Act.

This approval is subject to the condition that it only permits the juvenile to be present on licensed premises for the purposes of training. Approval under section 121(5)(c) **does not permit the juvenile to be involved in the sale, supply or serving of liquor.**

Each student should be issued with a copy of the Director's letter of approval, together with a letter from their school evidencing the student's enrolment in the course and their attendance pattern at the premises (that is; the days and times).

DIRECTOR OF LIQUOR LICENSING