



Policy

Occasional Liquor Licence

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.

Legislative Provisions

Section 59 of the *Liquor Control Act 1988* (“the Act”) provides that an occasional liquor licence authorises the licensee to sell or supply, or allow the consumption of, liquor –

- a) at such times, and on such occasion or during such period not exceeding 3 weeks, as may be specified;
- b) at such places, and within such designated area, as may be specified; and
- c) subject to such terms or conditions as may be specified.

The term “occasion” refers to a *gathering, function or event, including a sporting contest show, exhibition, trade or other fair or reception* at which it is proposed that liquor be sold or supplied and consumed. In this regard, an occasional liquor licence enables people who do not have the authority to sell and/or supply liquor, to seek the authority to do so.

The holding of another liquor licence does not necessarily preclude the applicant from the grant of an occasional licence. However, it should be noted that the Act specifies, under section 59(2)(a)(ii), that if an extended trading permit or the variation or cancellation of a condition on a licence is considered more appropriate to achieve the purpose for which the occasional licence is sought, then an occasional licence shall not be granted.

Further, Section 59(2) of the Act is mandatory in its terms and provides that:

An occasional licence shall not be granted if, in the opinion of the Director –

- (i) the place in which the sale, supply or consumption of liquor would be authorised by the licence may not lawfully be used for that purpose;*
- (ii) where the applicant holds another licence, the issue of an extended trading permit issued relating to, or the variation or cancellation of a term or condition of, that licence would be more appropriate means of achieving the purpose for which the occasional licence is sought;*
- (iii) sufficient facilities and expertise to enable the licence to be operated in a proper manner may not be provided;*
- (iv) adequate measures to ensure that trading is not conducted in a manner detrimental to the public interest may not be taken; or*
- (v) the grant of a further occasional licence would tend to establish an undesirable pattern, where the application is made in respect of a function organised by a particular person or body of persons, or on behalf of a particular cause, to whom or which or on behalf of which previous occasional licences have been granted.*

In regard to section 59(2)(a)(v), where the applicant is the holder of a licence of another type, and the Director of Liquor Licensing is of the opinion that the grant of a further occasional liquor licence would allow that licensee to operate their premises in a manner which would not ordinarily be permitted under their licence, the occasional licence application may be refused.

In addition, it should be noted that subsection 33(1) of the *Liquor Control Act 1988* gives the licensing authority the absolute discretion to grant or refuse any application on any ground or for any reason that the licensing authority thinks is in the public interest.

As a general principle, occasional liquor licences may be granted up to 12 times within a 12 month period.

Before lodging an application for an occasional licence, applicants should refer to the policy titled [Exemptions to the Liquor Control Act 1988](#) to check whether the event or function falls within those situations whereby the sale, supply and consumption of liquor is exempt from the application of the Act.

Profit Sharing under Occasional Licences

Section 59(3) of the Act provides that the Director may authorise an arrangement where the licensee is to share the proceeds from the operation of an occasional licence. For example, the licensee may wish to share the proceeds from the sale of food with a caterer; or it may wish to share part of the entry fee with the entertainers.

In this regard, the applicant for an occasional liquor licence must seek approval from the Director of Liquor Licensing prior to the function, if they intend to share any profits with another person, organisation or body.

Fundraising Events

Not-for-profit organisations can apply for an occasional licence whereby the organisation proposes to sell and supply liquor in conjunction with a special event such as a fundraising event or celebration, for example, a 50th anniversary. In such cases, additional to consumption on the premises during the event, consideration may be given to the sale of packaged liquor as part of the fundraising activity.

In these instances, the applicant will need to demonstrate why the grant of the licence for packaged liquor sales is in the public interest.

Adult Entertainment

As a standard condition, adult entertainment will not be permitted at functions requiring an occasional licence.

Adult entertainment includes any indecent activities and requires that no one be immodestly or indecently dressed. In this regard, strippers, topless female staff and R rated films are not permitted. Decisions made by the Licensing Authority, as constituted as the Liquor Licensing Court, determined that 'immodest' includes, but is not limited to, bare breasts and bare buttocks. Consequently, the exposure of breasts and/or buttocks (including by way of see through material, nipple stickers or G-string) is not permitted.

Should an applicant request adult entertainment be permitted at a function requiring an occasional licence, a submission demonstrating why the adult entertainment is in the public interest is required to be lodged.

Exhibitors

Depending on the nature of an event, the holder of a permanent liquor licence may be authorised, under an occasional licence, to attend an event to exhibit their own produce. Generally these type of applications are lodged by the event organiser.

In this regard, the type of permanent liquor licence held by an exhibitor will be taken into consideration when assessing the application and as a general principle, an exhibitor will not be permitted to trade in a manner contrary to their existing licence.

Should exhibitors wish to trade in a manner not authorised under their permanent licence, a submission should be lodged demonstrating why the application is in the public interest.

Temporary or Pop-Up Events

Applications for temporary or pop-up type events will only be considered when there is a genuine function or occasion. In these instances, the applicant will need to demonstrate what the function or the occasion is and why the grant of the occasional licence is in the public interest.

Lodging an application

A person seeking the issue of an occasional licence under the provisions of the Act will be required to lodge an application online, via the Department's website at www.rql.wa.gov.au. Any additional information required can be attached to the application when prompted.

Lodgement periods for applications

Depending on the anticipated attendance, there are different lodgement periods for applications:

- Up to 500 people the application must be lodged at least 14 days prior to the function/event.
- Between 501 and 5000 people the application must be lodged at least 30 days prior to the function/event.
- Over 5000 people the application must be lodged at least 60 days prior to the function/event.

Failure to lodge applications within these timeframes can result in the refusal of the application.

Lodging an application at the local Court

Outside the metropolitan area, an application for an occasional liquor licence can be lodged with the Managing Registrar of the local courts located throughout the State. This option may suit applicants located in rural and remote locations.

Where the anticipated attendance at the function or event is more than 500 people, or the duration of the function or event will be longer than seven (7) days, the application must be lodged online, via the Department's website.

Mandatory training requirement

Prior to approval of an application for an occasional liquor licence, the licensee/s, crowd controllers¹ and any person engaged in the sale, supply and service of liquor must, unless otherwise determined by the Director, have successfully completed the nationally accredited unit of competency *Provide Responsible Service of Alcohol (SITHFAB009A*/SITHFAB201)* in accordance with the following criteria:

- where the anticipated attendance in the function is less than 250 people - no training is required;
- where the anticipated attendance is 251 to 300 people - the licensee/s must have completed the nationally accredited unit of competency *Provide Responsible Service of Alcohol (SITHFAB009A*/SITHFAB201)*; or
- where the anticipated attendance is more than 300, the licensee/s, crowd controllers and all servers of liquor must have completed the nationally accredited unit of competency *Provide Responsible Service of Alcohol (SITHFAB009A*/SITHFAB201)*.

In addition to the above requirements, irrespective of the number of people attending the function, every Occasional Licence must be managed by the holder of a Restricted Managers Approval. In order to obtain a Restricted Managers Approval, the applicant must have completed the nationally accredited unit of competency *Provide Responsible Service of Alcohol (SITHFAB009A*/SITHFAB201)*. Applications for approval as a manager can be lodged on the [DRGL website](#).

¹ This requirement will apply to crowd controllers from 1 July 2018.

In some cases, the Director may determine that an Occasional Licence must be managed by the holder of an Unrestricted Managers Approval. In order to obtain an Unrestricted Managers Approval, the applicant must have completed the *Course in Management of Licensed Premises [52473WA (MLP1 and MLP2 or MLP3)]* (or have completed the *Course in Liquor Licensing 52065* prior to 1 September 2012). Applications for approval as a manager can be lodged on the [DRGL website](#).

The licensee will be required to maintain a training register to record each staff members name and training details.

The Director of Liquor Licensing is empowered to waive or modify these requirements if the circumstances in a particular case warrant such an approach.

For further information on the mandatory training requirements and the register, please refer to the Director's policy titled [Mandatory Training](#).

DIRECTOR OF LIQUOR LICENSING

*SITHFAB201 supersedes SITHFAB009A. However, holders of *Provide Responsible Service of Alcohol* SITHFAB009A completed prior to 18 January 2014 will be recognised as completing mandatory training requirements by the Liquor Licensing Authority.