



Policy

Special Facility licences - Works canteen

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

An applicant for a special facility licence must demonstrate how the business for which the licence is sought meets the prescribed purposes for which a special facility licence may be granted. Should the licensing authority consider the intended manner of trade more suitable to an alternative class of licence, pursuant to section 46B(1) of the *Liquor Control Act 1988* ('the Act'), the licensing authority may seek to consider an application for that alternative class of licence with the agreement of the applicant.

If a special facility licence is granted, it must be granted on such terms and conditions as are necessary to ensure that the licence is used only for the prescribed purpose for which it is granted. The licensing authority will review the continuation of a special facility licence if at any time the licence is to be transferred to another party to determine whether the licence will continue to be used for the reasons for which it was granted (section 46(3) refers).

This document provides guidance as to the legislative requirements relating to special facility '**works canteen**' licences and the matters that may be taken into consideration when determining an application for such a licence.

Legislative Provisions

Pursuant to section 46 of the *Liquor Control Act 1988* ('the Act'), and subject to section 46(2), the licensing authority is empowered to grant a special facility licence for a number of prescribed purposes. The purposes for which such a licence may be granted are set out in regulation 9A of the *Liquor Control Regulations 1989* ('the Regulations'). One of those prescribed purposes is "**Works canteen**".

In this regard, regulation 9A (1), (2) and (3) of the Regulations state:-

- (1) a special facility licence may be granted for the purpose of allowing the sale of liquor at a works canteen, or at other specified premises, to workers and their guests.
- (2) a licence granted for this purpose may permit the sale of packaged liquor.
- (3) in subregulation (1):-

"**specified**" means specified in the licence;

"**workers**" means the persons working on a specified project or for a specified business;

"**works canteen**" means a canteen, located at or near the place where a specified project is being undertaken or a specified business carried on, catering for the needs of persons working on the project or for the business.

Other Legislative Obligations

Trading Conditions

In most cases, the following trading conditions will be imposed on special facility licences granted for a works canteen:

- Pursuant to section 46(3) of the Act and regulation 9A(1) of the Regulations this licence is granted for the prescribed purpose of a works canteen.
- During the permitted trading hours the licensee will only be authorised to sell and supply liquor for consumption on the licensed premises to persons working on the specified project, in relation to which this works canteen is provided, and their bona fide guests.
- Trading will be permitted on Christmas Day and Good Friday only where the liquor is sold and supplied ancillary to a meal supplied by the licensee. No trading will be permitted before noon on Anzac Day.
- Liquor may only be served in single use disposable containers, including stubbies and cans.
- Pursuant to section 32(3) of the Act, the licence will expire when the period for which it has been granted elapses, or when the Director determines that a special facility licence is no longer necessitated.
- The Director of Liquor Licensing will review the continuation of the special facility licence if at any time the licence is to be transferred to another party to determine whether the licence is to be used for the reasons for which it was granted (section 46(3) of the Act refers).

Packaged Liquor

While regulation 9A(2) of the Regulations permits packaged liquor to be sold from special facility licences granted as works canteens, it is intended that this will only apply to those premises located in remote areas. For example, packaged liquor may not be sold from special facility licences granted as works canteens where they are in proximity to existing licensed premises authorised to sell packaged liquor. Further, limits on the quantity that may be sold, and the alcohol content of that liquor, may be imposed.

However, should applicants intend to sell packaged liquor, a submission demonstrating why the sale of packaged liquor is in the public interest must be lodged.

Approved Manager

Section 100(2a) of the Act requires that an approved manager must be present at the licensed premises at any time when business is conducted at those premises. In this regard, a licensee may choose to employ a number of approved managers.

For further information on the requirements relating to approved managers, please refer to the Director's policy titled [Managers at Licensed Premises](#).

Mandatory Training

The Act imposes mandatory training requirements on licensees, approved managers, supervisory staff and bar staff in relation to the management of the licensed premises and the responsible service of alcohol. There is also a requirement for licensees to maintain a training register that records employee information and their training compliance.

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

Drinking Water

Water suitable for drinking must be provided free of charge at all times when liquor is sold for consumption on the premises.

For guidance on the minimum requirements in respect of this condition, please refer to the Director's policy titled [Free Drinking Water](#).

Incident Register

The licensee will be required to maintain a register of the incidents, of the prescribed kind, that take place at the licensed premises.

For guidance on the minimum requirements in respect of this register, please refer to the Director's policy titled [Incident Register at Licensed Premises](#).

Public Interest Assessment ('PIA')

Matters which the licensing authority may take into account when considering a PIA include those provided in section 38(4) of the Act, and as outlined in the Director's Policy titled [Public Interest Assessment](#).

Lodging an Application

Applicants for a special facility licence or for a variation of a special facility licence must lodge with the Department of Racing, Gaming and Liquor, certain statutory information prior to an application being considered.

To assist applicants in lodging their application, an application kit containing a lodgment guide, forms and an information bulletin is available from the Department's website.

Further, Customer Service staff can be contacted during office hours to assist applicants understand the legislative requirements relating to the lodgement of an application.

The Department's website address is www.rql.wa.gov.au or on telephone(08) 6551 4888.

DIRECTOR OF LIQUOR LICENSING