



Policy

Tastings - Producer's Licence

Disclaimer

This Policy Guideline is designed to provide accurate and authoritative 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 55(1)(b) of the *Liquor Control Act 1988* (the Act) authorises the licensee of a producer's licence (producer) to sell or supply liquor, by way of sample (tastings), for consumption on part of the licensed premises for the purpose approved by the Director.

This policy provides guidance to producers who conduct tastings on their premises.

Legislative requirements

Pursuant to section 55 of the Act, a producer's licence authorises the licensee to sell liquor that has been produced by, or under the control or direction of, that person from its licensed premises. A producer may sell or supply another licensee's product if it is for the purposes of tastings.

Producer's Conducting Tastings on Their Licensed Premises

When given approval by the Director, a producer may sell or supply liquor by way of a sample/tasting, for consumption on part of its licensed premises. This includes samples of its own liquor as well as other producers' products for the purposes of comparative tastings.

Producers may also provide tastings at a cellar door outlet operating under an extended trading permit (see the Director's Policy, [Extended Trading Permits – Producers Cellar Door Operations](#) for further information on cellar door permits).

Producers are not required to provide free samples to customers and are permitted to charge for any tasting offered.

Producer's Conducting Tastings on Other Licensed Premises

Producers may only conduct tastings away from their licensed premises if:

- the tasting takes place by way of a free sample at another licensed premises; and
- the tasting is for consumption by the licensee, approved manager or an employee or agent of the other licensed premises.

Producer's Assisting in Conducting Tastings for Consumption on Other Licensed Premises

A producer can assist in conducting a tasting session for customers/club members at a licensed premises, provided:

- the licensee supervises and manages the tastings; and
- the licensee supplies all samples offered to potential buyers.

In the case of a liquor store or wholesaler, the following additional requirements apply:

- the tastings must take place on a part of the licensed premises approved for the purpose by the Director; and
- the samples must be provided free of charge.

In accordance with provisions contained in the Act, those assisting in conducting a tasting session must have successfully completed the nationally accredited unit of competency **Provide Responsible Service of Alcohol**. Further, water suitable for drinking is also required to be provided, free of charge, at all times where tastings are conducted on a licensed premises.

Licensees should be aware of the profit sharing provisions contained in section 104 of the Act, if any portion of the charges for tastings permitted under the Act are shared with producers. See the Director's Policy, [Profit Sharing and Management Agreements](#) for further information.

Tastings - Intent

A tasting or sample is a small amount of liquor supplied by a licensee for sampling purposes. It is intended to assist customers to choose a product. It is not a standard drink measure.

The Macquarie Dictionary defines sample as '*a small part of anything... intended to show the quality, style, etc...*'.

Sample quantities are prescribed in the *Liquor Control Regulations 1988* as:

- Wine - 50mls
- Beer - 100mls
- Spirits - 15mls

Under the Act, a producer's licence does not allow for on-site consumption of spirits not made from grapes under any circumstances other than by sample or tasting.

While there is no limit to the number of individual tastings a producer can provide to a customer, it is important that licensees do not create an undesirable pattern of consumption. In this regard, licensees should be aware that providing numerous tastings of spirits over an extended period of time may be interpreted as consumption and contrary to the intent of the Act as it relates to samples for tasting purposes.

DIRECTOR OF LIQUOR LICENSING