

Events involving alcohol

Legal information for NSW community organisations

This fact sheet covers:

- liquor licensing law in NSW
 - applying for a liquor licence
 - the role of police in liquor licencing
 - the role of councils in liquor licencing
 - smoking areas
 - signage requirements, and
 - managing risk.
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This fact sheet outlines some of the important issues that may arise for community organisations when planning an event where alcohol will be sold, provided or consumed.

In NSW the [Liquor Act 2007](#) (NSW) (**liquor licensing law**) regulates the supply and consumption of alcohol. Liquor & Gaming NSW is the NSW government agency that has responsibility for liquor licensing law, although the NSW Police and your local council also have a role to play.

Overview of liquor licensing law

In general, the NSW liquor licensing law requires that any person or organisation selling or supplying alcohol to others must have a licence to do so. If your community organisation is planning to sell, or supply alcohol (which includes providing free alcohol at an event with an entrance fee) either your organisation, or one of its representatives, may be required to obtain a liquor licence depending on whether the exemption detailed below applies. It is an offence to sell or serve alcohol without a required licence and fines and/or imprisonment may apply.

There are a number of different liquor licences for different activities, with different eligibility criteria. These include on-going licences and licences for one-off events.

If your organisation (or its representative) becomes a 'licensee', it will need to be aware of its legal responsibilities, some of which are outlined below.

In particular, it is an offence for a licensee to:

- fail to comply with the conditions of the licence, which may include restrictions on when and where alcohol may be served
- provide alcohol to people or permit alcohol to be consumed on licensed premises other than in accordance with the liquor licence
- serve alcohol to a person who is intoxicated, and

- sell alcohol to a minor.

There are also offences in relation to:

- public drunkenness, and
- anti-social behaviour in and around licensed premises, and disturbance of the neighbourhood amenity.

Penalties for breaching these offences include fines and licence suspension or cancellation, and imprisonment.

We are holding an event with alcohol – what do we need to do?

1. Consider whether the exemption for not-for-profit organisations applies to you

An exemption to obtaining a liquor licence applies to not-for-profit organisations in certain circumstances. It enables not-for-profit organisations to hold up to six ‘fundraising functions’ annually, without the need to obtain a liquor licence.

A ‘fundraising function’ is any event or activity that is conducted for public amusement or entertainment or to raise funds for a charitable purpose which has a maximum of 250 people attending. If your not-for-profit organisation wishes to sell liquor at more than six fundraising functions a year then it will need to secure a liquor licence (see the below steps).

2. Decide which licence your organisation needs

If the above exemption does not apply you will need to work out which type of liquor licence will suit your organisation’s needs. Two common licences used by not-for-profits are ‘limited licences’ and ‘club licences’.

The licence that is likely to best suit community organisations holding a one-off event is called a ‘limited licence’. Limited licences are provided to not-for-profit organisations holding fundraising functions. Limited licences can alternatively be obtained for a series of events over a limited season (up to a maximum of 52 events in a 12-month period), such as for a series of theatre performances.

Limited licences require that the supply of liquor is not the main purpose of the function. The licence only enables liquor to be supplied for consumption at the event (ie. no ‘take away’ sales) and for this reason liquor cannot be sold in unopened cans or bottles.

3. Obtain a limited licence

The information below follows the process for obtaining a limited licence.

Nominate a licensee (and attend training)

To obtain a ‘limited licence’ on behalf of your community organisation, a representative from your organisation must be nominated as the ‘licensee’. It is not possible for the organisation to be the licensee of a limited licence.

Application forms (and online applications) and details of the relevant fees are available from Liquor & Gaming NSW’s [website](#). Note that paper applications should be lodged at least 28 days before the event is to be held and online applications at least 18 days before.



RELATED RESOURCES

The Liquor & Gaming NSW [website](#) contains a list of all the types of licences available (see the Resources section below for further information and links).

NOTE

It is a condition of liquor licences that the licensee undertakes an approved 'Responsible Service of Alcohol Course'. There is normally a cost for these courses. A list of approved responsible service of alcohol courses can be found on the [Liquor & Gaming NSW website](#).



Once a limited licence is granted, the nominated licensee must be present to supervise each function held pursuant to the limited licence. If the licensee cannot attend he or she must nominate another person who will then be responsible for supervising the sale of alcohol at the function.

4. Comply with other obligations

Development consent

Depending on the local council, it may be necessary to obtain development consent under the [Environmental Planning and Assessment Act 1979](#) (NSW) to use the proposed premises to supply or sell alcohol. You should check with the relevant local council in advance to see if this is necessary.

Notification of the application

Within two business days of lodging a paper application with Liquor & Gaming NSW, the applicant must notify the local council and the police. Both entities then have up to 14 days for a limited licence, and 30 days for any other licence type, to make submissions concerning the application.

This notification requirement is in addition to any notification that must be carried out in order to obtain development consent (if that is required).

Applications filed online do not need to notify the local council and police.

Understanding and complying with the conditions of the licence

Your community organisation has a responsibility to understand and comply with the conditions of its liquor licence.

As noted above, for example, every person serving liquor (including volunteers), and every security officer undertaking crowd control duties at the function, must have completed a responsible service of alcohol course. A copy of their certificates must be kept on the premises during the function.

What is the role of the police and the local council in the liquor licensing process?

The role of the police

When the proposed licensee from your organisation applies for a liquor licence, they are required to notify the nearest police station (or in the case of applications filed online, the local police will automatically be notified). The police will consider the suitability of the applicant for a liquor licence. The police may lodge an objection to the application on a number of grounds (suitability of licensee, suitability of premises where event is to be held, suitability of the licence type, etc.).

The NSW Police has the ongoing responsibility for the enforcement of liquor laws. If a licence has been granted and a law is breached, the NSW Police may issue on-the-spot fines or charges.

The role of your local council

Your local council also plays a role in approving and administering your liquor licence. A council can object to licence applications on the ground that it would have an adverse impact on the local community area in which you are planning to hold your event. Councils can also introduce local by-laws which limit when and where open containers of alcohol may be carried or consumed in public places.

If we serve alcohol, what signs are required?

At any event involving alcohol, the law requires that the licensee (your community organisation or its representative) displays a sign relating to underage drinking which states that:

'It is against the law to sell or supply alcohol to, or to obtain alcohol on behalf of, a person under the age of 18 years'.

Signs can be obtained from Liquor & Gaming NSW, and must be displayed wherever liquor is sold at a licensed event – ie. at each bar or counter and at the entrance to the premises. If your organisation does not display the signs (or they are not displayed appropriately) your organisation may be fined. The Liquor & Gaming NSW's fact sheet on [Liquor law signs](#) details the obligations and responsibilities of licensees in relation to signage.

What about smoking?

Smoking is not allowed inside or in any outdoor dining area of a licensed premises. This includes not smoking within 4 metres of any seated dining area or the entry to a licensed area, or within 10 metres of a food fair stall. NSW Health requires specific 'no-smoking' signage to be displayed both inside and in any outdoor dining areas.

TIP

Even for outdoor events, it is a good idea to consider having designated smoking areas or making your event a smoke-free event. Designated smoking areas need to comply with specific requirements, including not being within certain distances of seated dining areas, displaying specific signage and not allowing any food to be consumed in the smoking area. Numerous local councils in NSW have also implemented smoking bans in outdoor areas under local laws or policy. You should check whether a ban applies to your proposed venue if it includes outdoor areas.



What steps can we take to minimise risks at our event involving alcohol?

There are a number of precautions that your community organisation can take to ensure that it is complying with its legal responsibilities and to promote the safe consumption of alcohol. These obligations apply even if you are a not for profit organisation that is not required to hold a liquor licence due to the exemption noted above.

Responsible Service of Alcohol

Your community organisation must make sure that every person responsible for serving liquor and participating in crowd control has completed a responsible service of alcohol course, is a responsible adult (who is not drinking alcohol) and is well informed of the relevant laws and risks associated with the service of alcohol.

You should also provide a range of drinks at your event, including mid-strength alcoholic drinks and non-alcoholic drinks. It is compulsory to provide free drinking water at every event where liquor is served.

NOTE

Remember, it is an offence to serve alcohol to anyone who is intoxicated. A fact sheet about [Intoxication Guidelines](#) has been produced by Liquor & Gaming NSW and it is a good idea to have relevant members of your organisation become familiar with these guidelines.

Food

It is a good idea to ensure that food is readily available throughout the event. Providing the right food, in appropriate quantities, at your event is a great way to discourage excessive alcohol consumption.

Inform your local neighbourhood

It is important that your community organisation advise neighbours and local businesses of any large event in your area, especially where alcohol will be served. Your community organisation may register its event with the NSW Police and therefore, if the police need to be called, they already have the information they need to respond.

First Aid

It is also important to plan what your community organisation will do if your guests become sick or intoxicated. This may involve preparing an appropriate first-aid kit and/or informing the local ambulance service about your event.

Public liability insurance

Public liability insurance is necessary for your community organisation to protect itself against claims made by participants at your event in respect of bodily injury arising out of those events or associated with your service of alcohol.

For more information about insurance see our Insurance and Risk section of the Information Hub at www.nfplaw.org.au/riskinsurance.

Resources

Related Not-for-profit Law Resources

The Not-for-profit Law Information Hub contains many fact sheets on different topics. It can be accessed at www.nfplaw.org.au. The following topics contain relevant further information:

✔ Running the organisation – www.nfplaw.org.au/runningtheorg

This page contains resources to assist those running not-for-profit organisations to understand and comply with legal requirements.

✔ Risk and Insurance – www.nfplaw.org.au/riskinsurance

This page contains resources on background checks, occupational health and safety, negligence and incidents and accidents.

✔ Fundraising and Events – www.nfplaw.org.au/fundraisingandevents

This page contains resources on the main legal issues when fundraising

✔ Communications and Advertising – www.nfplaw.org.au/comms

This section offers information on advertising and promotions and social media, such as Facebook and Twitter.

Extra Related Resources

Liquor & Gaming NSW – www.liquorandgaming.justice.nsw.gov.au

✔ [Approved RSA Course training providers](#)

This page provides a list of the approved RSA Course training providers, as well as contact details for each entity.

✔ [Liquor fact sheets, checklists and guidelines](#)

This page provides a series of fact sheets and guides for different licence types, licensees and those organising events involving liquor.

✔ [Intoxication Guidelines](#)

This resource provides guidelines to help assist individuals in determining whether or not a person is intoxicated.

✔ [Liquor law signs](#)

This fact sheet provides information on which signs must be placed in licensed premises and where they must be placed.

✔ [Types of liquor licence](#)

This page provides information on application and compliance requirements for liquor licences.

✔ [Limited licence - single function](#)

This fact sheet outlines the fundamental requirements when applying for a single-function limited licence.

✔ [Limited licence – multiple functions](#)

This fact sheet outlines the fundamental requirements when applying for a multi-function limited licence.

Other

✔ [Planning Safe Public Events Practical Guidelines - Chapter 7 Alcohol](#)

These guidelines were developed by the Commonwealth Attorney-General's department crime prevention branch. This chapter includes information and a range of checklists about planning safe events involving alcohol.

Legislation

✔ [Liquor Act 2007 \(NSW\)](#)

✔ [Liquor Regulations 2008 \(NSW\)](#)

✔ [Smoke-free Environment Act 2000 \(NSW\)](#)

✔ [Smoke-Free Environmental Regulation 2007 \(NSW\)](#)

A Not-for-profit Law Information Hub resource. Access more resources at www.nfplaw.org.au

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