

Events involving alcohol (NSW)

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.



Caution – COVID-19 restrictions

The ability of organisations to hold events are subject to any COVID-19 restrictions in force in your state or territory. You need to make sure your organisation complies with these restrictions.

In NSW the *Liquor Act 2007 (NSW)* (**liquor licensing law**) regulates the supply and consumption of alcohol in the state. 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 any person or organisation selling alcohol to others to have a license 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) – depending on whether the exemption detailed below applies – either your organisation, or one of its representatives, may be required to get a liquor licence. It's an offence to sell or serve alcohol without a required licence and fines 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 must be aware of its legal responsibilities, some of which are outlined below.

In particular, it's 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, or
- 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. Work out 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. Not-for-profit organisations may 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 wants to sell liquor at more than six fundraising functions a year, it will need to get a liquor licence (see the steps below).

2. Decide which license your organisation needs

If the above exemption doesn't apply, you 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 limited licence is likely to best suit community organisations holding a one-off event. 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.

Under a limited licence:

- the supply of liquor must not be the main purpose of the function, and
- liquor may only be supplied for consumption at the event (no 'take away' sales) and can't be sold in unopened cans or bottles

From March 2019, organisations holding music festivals in New South Wales will have to apply for a specific liquor licence.

3. Obtain a limited licence - nominate a licensee and attend training

To obtain a 'limited licence' for your community organisation, a representative from your organisation must be nominated as the 'licensee.' The organisation can't be the licensee of a limited licence.



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

Once a limited licence is granted, the nominated licensee must be present to supervise each function held under the limited licence. If the licensee can't attend, they must nominate another person who will then be responsible for supervising the sale of alcohol at the function.

4. Comply with other obligations

Developmental consent

Depending on the local council, you may need to get 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 to get 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 license

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

For example, every person serving liquor (including volunteers) and every security officer conducting 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.



Related resource

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's 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](#)

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

The role of the police

When your organisation applies for a liquor licence, your proposed licensee must notify the nearest police station (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 (including suitability of the licensee, suitability of the premises where event is to be held, suitability of the licence type).

The NSW Police has the ongoing responsibility for 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 a licence application on the ground that it would have an adverse impact on the local community area where 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 regarding 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'.

You can get signs from Liquor & Gaming NSW. These must be displayed wherever liquor is sold at a licensed event (including at each bar or counter and at the entrance to the premises). If your organisation doesn't display the signs (or they are not displayed appropriately), it may be fined. [The Liquor & Gaming NSW's fact sheet on Liquor law signs](#) details the licensee's obligations and responsibilities 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 four 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's 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

Many local councils in NSW have also implemented smoking bans in outdoor areas under local laws or policy. If your proposed venue includes outdoor areas, you should check whether a ban applies to it.

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 make sure that it's complying with its legal responsibilities and to promote the safe consumption of alcohol.



Note

Even if you are a not-for-profit organisation that is not required to hold a liquor licence due to the exemption explained above, these obligations apply.

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's compulsory to provide free drinking water at every event where liquor is served.



Note

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

Food

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

Inform your local neighbourhood

It's 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 – if the police need to be called, they already have the information they need to respond.

First Aid

It's also important to plan what your community organisation will do if your guests become sick or intoxicated. This may involve preparing a first-aid kit 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 for bodily injury arising out of the event or associated with your service of alcohol.

For more information about insurance, see our [insurance and risk webpage](#).

Resources

Related not-for-profit law resources

▶ [Running the organisation](#)

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

▶ [Risk and Insurance](#)

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

▶ [Fundraising and Events](#)

This page contains resources on the main legal issues when fundraising.

▶ [Communications and Advertising](#)

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

[Liquor & Gaming NSW](#)

▶ [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](#) [Liquor licence types](#)

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 [tool](#) provides information on which signs must be placed in your licensed premises and where they must be placed.

▶ [Types of Liquor Licences](#)

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

▶ [Limited licence - single function](#)

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

▶ [Limited licence – multiple functions](#)

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



Legislation

- ▶ *Liquor Act 2007 (NSW)*
- ▶ *Liquor Regulation 2018 (NSW)*
- ▶ *Smoke-free Environment Act 2000 (NSW)*
- ▶ *Smoke-Free Environmental Regulation 2016 (NSW)*