



Policy

Temporary Bars

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

Broadly speaking, a temporary bar operates in conjunction with an event or function such as an exhibition, festival, performance or show to provide refreshments that may include the sale and supply of liquor to people attending the event. A temporary bar should be ancillary to the purpose of the event.

To cater for community expectations in relation to temporary bars, the Director of Liquor Licensing (the Director), in consultation with key stakeholders, has established a policy which provides guidelines for both existing licensees and persons seeking to be temporary licensees, to sell or supply liquor at a temporary bar/s ancillary to an event. Specifically, this policy seeks to provide guidance on:

- what is considered temporary;
- what constitutes an “event”;
- information on who and how to apply for a licence for a temporary bar; and
- the factors involved in assessing applications.

For the avoidance of doubt, this Policy does not apply to applications lodged by licensees of established venues to activate spaces adjacent to its licensed premises.

What is considered temporary

Temporary bars operate to provide liquor at short-term events and an approval for a temporary bar is not a means for a person to sell or supply liquor on an ongoing basis. Accordingly, the Director may approve applications to permit the sale of liquor at a temporary bar/s, which must be ancillary to an event, for up to a maximum period of three (3) weeks.

In exceptional circumstances, the Director may consider a period exceeding three (3) weeks, however, the applicant must provide submissions that demonstrate that exceptional circumstances apply. Furthermore, the Director may require a public interest assessment and the application may advertised pursuant to section 67 of the *Liquor Control Act 1988* (“the Act”).

What constitutes an “event”

The Act does not specifically define an event, however, section 3 of the Act does define a function as:

Function means a gathering, occasion 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 to those present.

To provide greater clarity for applicants, a bona fide event should fall under one of the following categories. Some examples of the types of events that fall under the categories have been provided:

Cultural/community celebrations – cultural festivals, significant commemorations or religious events or street festivals;

Food, beverage & tourism festivals – wine or beer festival, regional food and/or agricultural festivals showcasing the State and its regions’ produce;

Political and state – summits, royal occasions, political events or VIP visits;

Arts and entertainment – entertainment featuring demonstrably bona-fide locally, nationally or internationally renowned acts or outdoor cinemas, where the provision of alcohol is ancillary or secondary to the act and entertainment;

Business and trade - meetings, conventions, consumer and trade shows, fairs, markets or other opportunities to grow business;

Educational and scientific – conferences, seminars or clinics;

Sport competition - amateur/professional, spectator/participant;

Recreational - sport or games for fun or quiz/trivia nights or any other fundraising activity;

Remote service – the sale of liquor at a remote area mining camp to employees residing at the camp; or

Private events – events which are not advertised to the general public and are restricted to genuine invited guests/members. These events are not promoted for profit.

Furthermore, the following criteria may be taken into consideration in determining the bona fides of an event:

1. Has the purpose of attracting international, interstate or intrastate overnight tourist visitation.
2. Be of fixed limited duration.
3. Be one-off or infrequent occurrence.
4. Raise the awareness, image, or profile of a region.
5. Be out of the ordinary.

Who and how to apply for a licence for a temporary bar

It is important to note that the licensee must be responsible for the business conducted under the licence including the responsibility for employing/engaging the security/crowd controllers at an event¹. These arrangements should be taken into consideration when determining what type of application to lodge i.e. if the event organiser/promoter (who is not the applicant) is engaging the security/crowd controllers, consideration should be given to applying for an occasional licence to be held jointly by both parties.

Furthermore, approval to share in the proceeds or profit from an event will require the approval of the Director and the applicant must demonstrate that the application is in the public interest.

An applicant’s experience and compliance history will also be considered when determining applications.

¹ This relates to the security/crowd controllers employed/engaged to manage the patrons attending an event and the liquor licensed area but does not include security engaged for the purposes of protecting the performers or assets and revenue.

Types of approvals

Extended trading permits

Section 60 of the Act provides for the Director to grant an extended trading permit (ETP) to authorise a licensee to sell and supply liquor under the licence, in circumstances in which that licence would not otherwise allow.

- Caterers - section 60(4)(a) of the Act specifically identifies that one of the purposes for which an ETP may be granted is to allow catering, that is, authorising a licensee to sell liquor as a caterer on specified premises for a specific period. Under such an approval the licensee is authorised to sell and supply liquor at unlicensed premises, where it has been engaged and has agreed as a caterer to provide liquor, whether with or without food, for consumption by persons on those premises only, subject to the requirement that the consent of the owner or occupier of the premises has been obtained.

For further information, the Director's policy – *Extended Trading Permits/Variations – 'One-off' Events or Functions* can be downloaded from the Department's website www.dlgsc.wa.gov.au.

Occasional licences

Any person may apply for an occasional licence to sell or supply liquor from a temporary bar/s at an event.

An occasional licence may be required where the person selling or supplying liquor does not hold an existing licence or where some of the responsibility for the conduct of the event rests with a person other than the licensee.

For further information the [Director's Policy - Occasional Liquor Licence](#) can be downloaded from the Department's website www.dlgsc.wa.gov.au.

Special Facility Licences (Catering)

Holders of special facility licences (catering) may apply to sell or supply liquor at a function where the caterer has been engaged, by a person organising the function, to provide liquor for consumption by persons at that premises. For further information, the [Director's Policy - Special Facility Licence - Catering](#) can be downloaded from the Department's website www.dlgsc.wa.gov.au.

Factors involved when assessing applications for temporary bars

Section 33(1) of the Act provides that the licensing authority has the absolute discretion to grant or refuse an application under the Act, on any ground or for any reason that it considers to be in the public interest.

A key factor when considering an application for a temporary bar is whether the proposal incorporates a genuine event or function. Where an event organiser engages a prospective liquor licensee to sell or supply liquor at the event, the sale of liquor should be ancillary to the event.

In cases where over 500² persons are expected to attend and the event is proposed to be held over a period longer than one (1) calendar week, a public interest assessment is required demonstrating that the event is in the public interest, including having regard to the proper development of the industry, and details of how the event will not have an adverse impact on the surrounding community

² The total number of persons expected to attend an event will be assessed by the number of persons that can be accommodated in the licensed area at any one time

Furthermore, for events where a public interest assessment is required, the onus rests with an **applicant** to also demonstrate:

- the nature of the event, including information as to how the event came about, support from government agencies (if applicable), event management plans (if applicable) etc;
- if the applicant is not the event organiser, evidence to show that it has been engaged by the event organiser to sell or supply liquor at the event;
- that the event is a genuine planned function or occasion where the sale or supply of liquor is **ancillary** to the event and how the event falls under the categories outlined above; and
- that the necessary controls will be in place to make sure that the sale of liquor will be supplied in a responsible manner and the event will be conducted safely with all the required approvals and consents.

Applications must be accompanied by the relevant documents at the time of lodgement as pursuant to section 67 of the Act, the Director may require an application to be advertised on the Department's website. An advertised application will be open to submissions or objections. If an applicant wishes to amend an application that has already been advertised, consideration will be given as to whether or not the amended application needs to be re-advertised which may create a delay in the processing of the application.

Applicants must not lodge any documentation which they consider to be confidential as any document that the decision maker will have regard to must be available for inspection by any person. Parties who wish to lodge documents containing confidential information must redact the relevant sections. For further information, the *Director's Policy – Inspection of Records and Access to Documents* can be downloaded from the Department's website www.dlgsc.wa.gov.au.

Information on how to apply

Application kits containing a lodgement guide, the required application forms and information on the lodgement fee can be downloaded from the Department's website www.dlgsc.wa.gov.au or by telephoning the Racing, Gaming and Liquor Division on (08) 6551 4888.

[Lodgement periods for applications depending on the size and duration of the event are outlined in the *Director's policy – Special Facility Licence - Catering policy, Director's policy – Occasional Liquor* and the *Extended Trading Permits/Variations – 'One-off' Events or Functions*].

DIRECTOR OF LIQUOR LICENSING