

Liquor Production and Sales Licence Information

(from 18 November 2019)

This licence lets licensees sell liquor, by wholesale, retail and direct sales for consumption off and sometimes on the premises.

Licence types

There are three sub-categories of liquor production and sales licences:

- > liquor production and sales (category 1)
- > liquor production and sales (category 2)
- > liquor production and sales (category 3)

Liquor production and sales (category 1)

Subject to the conditions of the licence, this category authorises the licensee to:

- > sell its product for takeaway
- > sell its product at any time through direct sales transactions (such as through online sales and by mail order) as long as the liquor is being delivered in South Australia between 8am and 10pm
- > sell or supply liquor samples - including their product or for comparison with their product
- > sell liquor to a resident of the premises for consumption on or off the premises.

This category does not authorise the licensee to:

- > sell liquor for consumption on the premises (except for sampling)
- > sell liquor that is not a product of the licensee.

Liquor production and sales (category 2)

Subject to the conditions of the licence, this category authorises the licensee to:

- > sell its product for consumption on the premises and for takeaway
- > sell liquor that is not its product for consumption on the premises as long as it is sold:
 - before, during or after a meal
 - to a person attending a function where food is provided
 - to a person seated at a table
- > sell its product at any time through direct sales transactions (such as through online sales and by mail order) as long as the liquor is being delivered in South Australia between 8am and 10pm
- > sell or supply liquor samples - including their product or for comparison with their product.

This category does not authorise the licensee to:

- > sell liquor that is not the product of the licensee for takeaway or by direct sales transactions.



Liquor production and sales (category 3)

Subject to the conditions of the licence, this category authorises the licensee to:

- > sell its product for consumption on the premises and for takeaway
- > sell liquor that is not its product for consumption on the premises as long as it is sold:
 - before, during or after a meal
 - to a person attending a function where food is provided
 - to a person seated at a table
- > sell its product at any time through direct sales transactions (such as through online sales and by mail order) as long as the liquor is being delivered in South Australia between 8am and 10pm
- > sell or supply liquor samples - including their product or for comparison with their product
- > sell liquor that is not its product for takeaway or by direct sales transactions, but only by wholesale¹ or in bulk quantities of 4.5 litres or more.

Licensed premises

If a licensee has production premises, it may be made up of a production, retail or wholesale outlet or a combination of these.

A production outlet must be all or part of the premises used for making liquor, or adjacent to it and approved by the licensing authority.

If a licensee does not have production premises, the licensed premises may be a retail or wholesale outlet or both.

Retail and wholesale outlets must be approved by the licensing authority.

Sharing of licensed premises

Two or more licensees may share the same premises:

- > as a retail or wholesale outlet
- > as a production outlet for one licensee and a retail or wholesale outlet, or both, by the other(s).

Licensees will not be granted a liquor production and sales licence at a shared premises if a packaged liquor sales or other licence is more suitable.

The joint part of the premises—the collective outlet—is treated as if a single liquor production and sales licence exists that is shared by the licensees.

Event endorsements

A licence may be endorsed to sell or supply liquor for consumption or takeaway at a specific place and event, unless the licensing authority considers a short term or other licence is a better alternative.

Once endorsed, the licensed premises includes any area specified for the duration of the event.

Approved markets

The Commissioner has developed a list of markets which the Commissioner considers to be low risk. If your licence is currently endorsed with a market that is listed on the Commissioner's approved markets list, the market will no longer appear on your licence, instead you will have 'Approved Markets' listed on your licence. If you have 'Approved Markets' listed on your licence you can attend any market contained in the list. The list is available at cbs.sa.gov.au/resources/proposed-approved-markets.

¹ Wholesale is the sale of liquor to a person who is licensed to sell liquor (other than through a limited licence).

Licensees product

The licensing authority considers the following to be the product of the licensee:

- > liquor—beer, spirits and wine—made by the licensee or their body corporate
- > wine blended from Australian primary produce with a substantial proportion made by the licensee or their body corporate.

In circumstances beyond the control of the licensee, such as failed crop or natural disaster, the licensing authority may exempt a producer from the requirement to use a substantial amount of their own product for a specific period.

Eligible businesses

Eligible businesses for this category of licence may include wineries, cellar-doors, micro-breweries, distillers and wholesale liquor merchants.

Obligations

Licensees must ensure they comply with the following requirements:

- > Having the current licence on display at the premises
- > Having the required signage on display at the premises
- > Notifying the Commissioner within 14 days if the premises name changes
- > Notifying the Commissioner within 14 days if any of the contact details for the licensee change

Codes of practice

Subject to the conditions of the licence, licensees must comply with the codes of practice:

- > General Code of Practice
- > Late Night Trading Code of Practice (applies if you are authorised to trade past 2am on any day)

Each of the codes of practice have been amended and so we recommend licensees read them again. Guidelines are available online to assist licensees in understanding and complying with the requirements of the codes of practice.

If you have an exemption from any of the codes, you may notice that the clause numbers have been updated on your licence in line with changes made to the code.

Minors

Subject to the conditions of the licence, a minor will only be permitted on the premises between midnight and 2am if they are in the company of a responsible adult. Minors cannot be on the premises between 2am and 5am (except in bedrooms).

Signage

- > If your licence allows the consumption of liquor on the licensed premises, you must display sign LGC2019-1 on your premises
- > If your licence allows the consumption of liquor on the licensed premises **after midnight**, you must display sign LGC2019-2 on your premises
- > All holders of a licence which does not permit people under 18 in a particular area of the licensed premises must display sign LGC2019-4 on your premises
- > All holders of a licence which does not permit people under 18 from entering the licensed premises must display sign LGC2019-5 on your premises

The signs can be downloaded from the CBS website.

Responsible Person

All licensed premises open to the public must ensure that there is at least one responsible person at the premises at all times. A responsible person is someone who has been approved as a responsible person by CBS and has been issued a responsible person badge by CBS which they must wear at all times they are acting as the responsible person for the premises.

Some licensees may have a responsible person exemption on their licence which means they do not need to comply with this requirements.

Responsible Service of Alcohol training

Another requirement for all licensed premises is that all persons involved in the sale and supply of liquor (whether they be paid staff or volunteers) must have completed Responsible Service of Alcohol (RSA) training. You do not need to lodge anything with CBS but you must ensure you can produce evidence of training for all persons within seven days of being requested by an authorised officer.

If you have an exemption from the responsible person requirements this does not exempt you from the training requirements as they are separate requirements.