

# Liquor licence exemption for non profit organisations



**This fact sheet outlines the circumstances where a non profit organisation can sell liquor at a fundraising function without having to obtain a liquor licence.**

## Overview

Non profit organisations may be eligible to sell liquor at up to six fundraising functions annually without the need to obtain a liquor licence.

A function is any dinner, ball, convention, seminar, sporting event, race meeting, exhibition, performance, trade fair or other fair, fete or carnival, or any other event or activity, that is conducted for public amusement or entertainment or to raise funds for any charitable purpose.

The sale of liquor at a fundraising function is subject to responsible service of alcohol and other requirements under the *Liquor Act 2007*. These requirements are detailed in this Fact Sheet and are consistent with rules applying to the sale of liquor by a non profit organisation under a limited liquor licence.

## Is your organisation eligible?

An exemption from the need to obtain a limited liquor licence is only available to a non profit organisation (known as a non-proprietary association). A non-proprietary association is defined under the liquor laws as:

- a. an incorporated or unincorporated body or association of persons (including a club) that, by its constitution or any law that governs its activities:
  - i. is required to apply its profits (if any) and other income to the promotion of its objects or to purposes provided for by any such law, and
  - ii. is prohibited from paying dividends, or distributing profits or income, to its shareholders or members, or

- b. a local council, or
- c. any community organisation established in connection with a school and that consists of parents of children attending the school together with other persons who are interested in the welfare of the school.

An exemption is not available where:

- a limited liquor licence is currently held on behalf of the organisation, or
- an order is in force that prevents a limited liquor licence from being held on behalf of the organisation, or
- the organisation has been declared ineligible for an exemption by the Secretary of NSW Trade and Investment, or
- disciplinary action has been taken under the liquor laws against a person that has held a limited liquor licence on behalf of the organisation in the last six months, or
- the organisation, secretary or an office holder has committed a serious offence under the liquor laws during the last six months, such as selling or supplying liquor to a person under 18 years of age or an intoxicated person.

## Rules applying to fundraising functions

The function must be held to raise funds for the benefit of the organisation conducting the function, or for the community. The sale and supply of liquor must be ancillary to this purpose, and cannot be the reason that the function is conducted.

The function must also be limited to a maximum capacity of 250 people at any one time.

Police and Office of Liquor, Gaming & Racing inspectors must be permitted access to the venue where the function is being held.

## Sale and supply of liquor

Liquor can only be sold and supplied at the function for a maximum of four continuous hours. Liquor sales can occur only between 6am and midnight.

Liquor can only be sold or supplied from one bar and must be consumed at the function. It must also be sold or supplied in open containers, such as opened cans or bottles.

## Selling and supplying liquor responsibly

Any person selling or supplying liquor at the function must have completed an approved responsible service of alcohol (RSA) course and hold recognised RSA certification, such as a photo competency card.

Liquor cannot be sold or supplied to a person who is under 18 years of age. Evidence of age documents that can be accepted in determining whether a person is under 18 years of age are:

- A motor vehicle driver or rider's licence issued by the Roads and Maritime Services or by the corresponding public authority of another state or territory or by another country, or
- A NSW Photo card issued by Roads and Maritime Services, or
- A proof of age card issued by a public authority of the Commonwealth or of another state or territory (other than NSW), or
- An Australian or foreign passport.

Liquor cannot be sold or supplied to an intoxicated person at the function. Guidelines issued under the Liquor Act to assist in determining whether a person is intoxicated are available from the Office of Liquor, Gaming and Racing at [www.olgr.nsw.gov.au/pdfs/intox\\_guidelines.pdf](http://www.olgr.nsw.gov.au/pdfs/intox_guidelines.pdf).

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## Supervision at the function

Where persons under 18 years of age are present at the function, an adult member or adult committee member must be present near the bar area at all times to ensure persons under 18 years of age are not supplied with alcohol. This person must not be intoxicated.

## Food and free water

Food and free drinking water (bottled or tap water) must be available when liquor is sold or supplied at the function. The food that must be available includes a meal or other food requiring preparation, cooking or heating.

Unprepared snack foods (such as chips and nuts) are not sufficient to comply with this requirement.

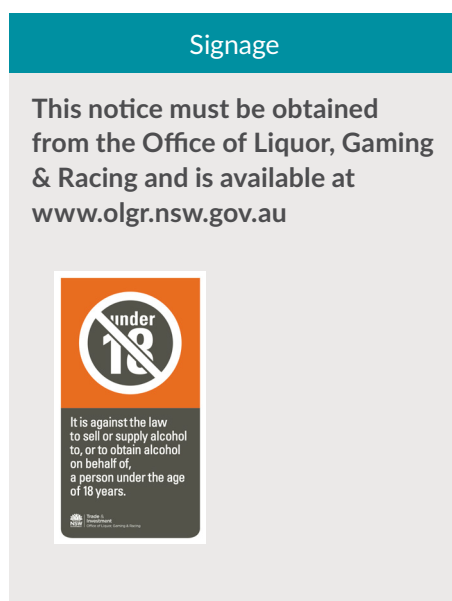
## Notification requirements

At least 14 days notice of a fundraising function must be provided to the Secretary of NSW Trade & Investment, and to the local police and local council for the area where the function is being held.

The notification form that must be completed to comply with this requirement is available at [www.olgr.nsw.gov.au/liquor\\_forms.asp](http://www.olgr.nsw.gov.au/liquor_forms.asp)

## Signage

The following notice must be displayed at each bar where liquor is being sold.



## Number of functions allowed under an exemption

A maximum of six fundraising functions can be held annually. Where a non profit organisation wishes to sell liquor at more than six functions annually, a limited liquor licence needs to be obtained from the Independent Liquor and Gaming Authority.

Further information about limited licences, including how to apply for a licence, is available at [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au)

## Directions relating to the conduct of a function

Where there are concerns about the conduct of a function, such as the potential for disturbance to the neighbourhood, intoxication and/or underage drinking, the Secretary of NSW Trade & Investment can issue a written direction to the organisation to prevent or restrict the sale of liquor at the function.

Where a direction issued by the Secretary is not complied with, penalties of up to \$5,500 can apply (including a \$550 penalty notice) to the non profit organisation or person who does not comply with the direction.

## Non-compliance with the exemption requirements

Significant penalties of up to \$11,000 can apply (including a \$1,100 penalty notice) to the non profit organisation, or to the secretary or office holder, where any of the requirements detailed in this fact sheet are not complied with.



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## Good Sports

Local sporting clubs that wish to sell liquor at their functions and events are encouraged to join the Australian Drug Foundation's Good Sports program. Good Sports provides guidance for sports clubs on operating under the NSW liquor laws and support to reduce alcohol-related harms.

Good Sports is a free community program to any registered sporting club. Further information is available from [www.goodsports.com.au](http://www.goodsports.com.au)

## Need more information?

Visit [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au) for more information about the liquor laws. Subscriptions to our e-news service are also available from this site.

Access to the liquor laws – *the Liquor Act 2007* and the *Liquor Regulation 2008* – is available from [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

For more information, call our Customer Service Team on 02 9995 0300 or email [info@olgr.nsw.gov.au](mailto:info@olgr.nsw.gov.au)



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