

# When is a liquor licence not required?

**A liquor licence is usually required to sell alcohol in New South Wales. However, there are limited circumstances when a licence is not needed.**

This fact sheet outlines the common circumstances where alcohol can be sold in NSW without a liquor licence.

## Bed and breakfast (B&B) establishments

A liquor licence is not required if:

- no more than eight adult guests are staying at the establishment at one time; and
- the alcohol has been purchased by the establishment proprietor from a retail liquor outlet, and
- the sale and supply of alcohol is ancillary to the provision of accommodation and/or food (including a take away picnic basket).

Anyone who serves alcohol to guests must have completed an approved responsible service of alcohol training course and hold recognised RSA certification, such as a photo competency card.

The B&B proprietor must first notify the Independent Liquor & Gaming Authority (ILGA) that the establishment sells or supplies liquor to guests. The notification form is available from the Liquor & Gaming NSW (L&GNSW) website at [www.liquorandgaming.justice.nsw.gov.au](http://www.liquorandgaming.justice.nsw.gov.au)

The *Liquor Act 2007* defines a bed and breakfast establishment as premises that provides temporary guest accommodation (other than dormitory-style accommodation) where:

- it is operated by the permanent residents of the establishment, and
- meals are provided for guests only (ie. it must not operate as a public restaurant).

As a result, this exemption also applies to small accommodation venues such as farm-stay establishments.

Establishments that do not meet the above requirements, such as larger establishments or B&Bs with public restaurants, can apply for an on-premises liquor licence.

## Retirement villages

A liquor licence is not required for alcohol to be sold during gatherings at a retirement village to an adult who is a resident or a guest of a resident.

A residents committee member or a committee nominee must be present at the gathering to supervise the sale and supply of alcohol and the general conduct of the gathering. Alcohol sold at the gathering must be purchased from a retail liquor outlet.

The gathering must not be organised or run by the operator of the retirement village. If a retirement village operator wishes to sell alcohol at gatherings or in any other circumstances, it must apply for an on-premises liquor licence.

## Hospitals and nursing homes

A liquor licence is not required to sell alcohol to an adult who is receiving care in a nursing home, or is a patient in a public or private hospital or medical facility. The alcohol must be provided by/or on behalf of the person in charge of the facility.

## Gift baskets and flowers

A liquor licence is not required to sell alcohol that is included in the sale of flowers or food designed to be delivered as a genuine gift to a person, such as a gift basket or bouquet of flowers.

The alcohol included in the gift must be purchased from a retail liquor outlet. The maximum volume of alcohol in each gift cannot exceed two litres.

The gift must be packaged and presented in such a manner that it would be taken to be a gift.

The gift can only be delivered to another adult who is not the purchaser. It cannot be delivered to a person at the location where the gift was purchased.

Gifts must be delivered between the hours of 7am to 7pm.

## Auctions

A liquor licence is not required to sell alcohol to an adult at an auction conducted by an auctioneer that complies with the following requirements:

- The auctioneer must be a person who carries on business (or is employed) as a professional auctioneer.
- Auctions must be publicly promoted as an auction involving the sale of liquor.
- ILGA must be notified that the auctioneer auctions liquor. The notification form is available from the L&GNSW website at [www.liquorandgaming.justice.nsw.gov.au](http://www.liquorandgaming.justice.nsw.gov.au).
- The auctioneer must comply with any direction issued by the Secretary of the NSW Department of Justice. Directions can relate to the quantity or type of liquor that may be sold by auction or the manner or frequency in which liquor is sold.

# When is a liquor licence not required?

## Aircraft

Aircraft operators are not required to hold a liquor licence to sell alcohol to an adult on board their aircraft while in New South Wales.

This exemption does not apply where a person or organisation that is not operating the aircraft sells or supplies alcohol. An example may be an aircraft that is chartered by a person, and that person sells liquor on board. If a person sells alcohol in this manner on board an aircraft, that person must obtain a liquor licence.

## Cruise vessels

A liquor licence is not required to sell alcohol to an adult on board an interstate or international cruise vessel while it is engaged in a voyage within New South Wales waters.

A liquor licence is also not required where liquor is sold on a vessel conducting a cruise in NSW waters that meets the following requirements:

1. the vessel has sleeping facilities for at least 100 passengers
2. liquor is sold or supplied only to registered fee-paying passengers or crew members
3. liquor is sold or supplied only for consumption on the vessel
4. liquor is not sold or supplied to a minor or intoxicated person.

## Unlawful liquor sales

Where liquor is sold unlawfully, either without a licence or outside the scope of exemptions provided under the law, maximum penalties of \$11,000 and/or 12 months imprisonment apply.

### **What happens if alcohol is sold or supplied to a person who is under the age of 18 years?**

Alcohol may only be sold to adults in the circumstances outlined in this fact sheet.

The sale or supply of liquor to a person under 18 is an offence, with penalties of up to \$11,000 and/or 12 months imprisonment.

## Need more information?

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

For more information, call our Customer service team on 02 9995 0333 or email [info@olgr.nsw.gov.au](mailto:info@olgr.nsw.gov.au)