

Policy

Website Information for Certain Licences

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

Section 113A of the *Liquor Control Act 1988* ("the Act") provides that where:

- (a) an internet website is maintained by or on behalf of a licensee for the purpose of advertising, promoting or otherwise facilitating the business carried on under the licence; and
- (b) the licence is of a prescribed class,

the licensee is to include on the website any information prescribed in respect of a licence of that class.

This document provides guidance as to the legislative requirements relating to websites maintained by, or on behalf of the licensee. Websites providing promotional material only (that is, there is no ability to purchase liquor via the website) are not required to comply with the legislative provisions.

Legislative provisions

For the purposes of section 113A of the Act, regulation 18EA of the *Liquor Control Regulations 1989* states that the requirement for information to be included on internet websites applies to the following licence types —

- a hotel/tavern licence; and
- a liquor store licence; and
- a producer's licence; and
- a wholesaler's licence; and
- a special facility licence that authorises the sale or supply of packaged liquor.

Therefore, the information to be included on the home page or front page of a premises internet website (if one exists) is:-

- the licence number; and
- the class of licence; and
- the name of the licensee; and
- the address of and telephone number for the licensed premises; and

- the following notice —

WARNING

Under the *Liquor Control Act 1988*, it is an offence:

- to sell or supply liquor to a person under the age of 18 years on licensed or regulated premises; or
- for a person under the age of 18 years to purchase, or attempt to purchase, liquor on licensed or regulated premises.

This information must be displayed on the home page or front page of the internet website.

Other legislative obligations

Licensees are reminded that:

- the sale of liquor in Western Australia may only occur under the terms and conditions of a liquor licence issued by the Director;
- the sale of liquor must occur on or from the licensed premises and the delivery of liquor must also be from the licensed premises, unless the Director approves otherwise; and
- liquor must not be sold or delivered to persons under 18 years of age.

In addition to the above, the licensee of a producer's licence may sell liquor produced by the licensee from **any** premises, if the sale is conducted via the telephone or internet and the liquor sold is delivered from the licensed premises or premises approved by the Director.

Non-compliance

If a licensee fails to comply with the requirements of the Act in relation to section 113A, the licensing authority may decide to:

- 1) issue an infringement under section 167 to the licensee;
- 2) require the licensee to show cause why more restrictive conditions should not be imposed on the licence; or
- 3) lodge a section 95 complaint for disciplinary action against the licensee. Under section 96 of the Act, if such a complaint was upheld by the Liquor Commission, a range of disciplinary action could be imposed including: a reprimand and a fine of up to a maximum of \$30 000. However, the penalty sought could also include the suspension of the licence for a specified period of time or the cancellation of the licence.

DIRECTOR OF LIQUOR LICENSING