

Minors, the law and you!

A fact sheet for staff of licensed premises

It is important for you as a staff member or security officer of a licensed premise to understand the law and your rights and responsibilities regarding minors, as set out in the *Liquor Act 1992*.

Minors on licensed premises

Under the law, a minor is a person who is **under 18 years of age**.

As a staff member or security officer it is your responsibility to make sure minors are not found on licensed premises. The exceptions are if the minor is a resident, employee, person conducting lawful business, training or work experience, at a function, eating a meal, or accompanied by a responsible adult. However there are also restrictions around each of these categories of minor.

Penalties

If minors are found on your premises, you (and your employer) may be prosecuted and fined up to \$7500.

If you supply or allow liquor to be supplied to a minor, you **personally** could face an on-the-spot fine of \$600 and courts can impose a maximum fine of \$3000.

You also need to be aware that even though an offence may be committed by you, your employer is also presumed to have participated in the offence and will be held liable.

The only defences for allowing a minor onto licensed premises are if:

- the minor entered without your knowledge and authority (eg they snuck in) **AND** you exercised due diligence to avoid the commission of the offence; or
- you honestly and reasonably believed the person was 18 years of age or older **AND** you sighted acceptable evidence of age indicating the person was 18 years of age or older.

How to prevent prosecution

The best way for you to combat underage drinking and avoid prosecution is to:

- ensure that minors are not on the premises (unless there is an exception)
- ensure you ask for evidence of age (and are familiar with the Australia ID Checking Guide)
- closely examine ID in well-lit areas
- if relevant, closely screen anyone trying to re-enter the premises as 'stamp outs' are easily transferred
- refuse service to any person who appears underage and does not have acceptable identification
- when checking identification, licensees and their staff should adopt the following strategies in order to effectively detect fraudulent, fake or defaced cards:
 - examine the ID in well-lit areas where alterations will be more easily spotted
 - do not inspect an ID through a patron's wallet, ask the patron to remove it
 - take the ID from the patron and take your time examining it
 - feel around the photo, birth date and edges of the card, especially with cards enclosed in plastic - wrinkles, bumps and air bubbles could mean the ID has been tampered with
 - compare the photo with the patron presenting the ID - do they match? Pay particular attention to distinguishing facial features
 - calculate the date of birth on the ID does in fact confirm that the patron is over 18 (licences can be issued to 17 year olds)
 - ensure the ID includes a hologram or other security feature

Identification

Four forms of identification are acceptable in licensed venues:

- a current driver's licence or learner's permit
- a current passport (from any country)
- an Australian government-issued proof-of-age card (18+ Card)
- a Victorian Keypass.

From 1 August 2005 foreign driver's licences will be accepted as evidence of age providing it has a photo and date of birth of the licence holder. Where a foreign driver's licence is not written in English, an International Drivers Permit issued in the foreign country of origin (and including a photo of the licence holder and translation) must be presented with the foreign driver's licence.

You also need to be aware that replacement 18+ Cards and licences now have a "D" imprinted to indicate a duplicate card has been produced. This should make it easier for you to detect fraudulent 18+ Cards and licences as they can now be easily distinguished from the original. If presented with a duplicate card, you may want to ask for a secondary form of ID. If no alternative identification is available, consider refusing entry and confiscating the ID.

Suspected fake, defaced or falsely presented documents should be confiscated and forwarded to the Liquor Licensing Division with an ID Confiscation Report for further investigation.

If you do not ask to see identification and allow a minor onto the premises, you are liable for prosecution.

Supply of alcohol to minors

Not only are you responsible for refusing the sale of liquor to a minor, you are also legally required to prevent liquor to be supplied to a minor or to be consumed by a minor. If another patron purchases liquor for a minor in the premises and that minor consumes the liquor on the premises, you could also be liable for allowing the liquor to be consumed by the minor.

How can I find out more information?

By accessing the website www.liquor.qld.gov.au or contacting the Liquor Licensing Division on (07) 3224 7024.

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The laws referred to in this guide are complex and various qualifications may apply to the provision in different circumstances. You are encouraged to obtain independent legal or financial counselling advice if you are unsure of how these laws apply to your situation.

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