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The NSW liquor laws allow troublesome patrons to be excluded from licensed venues. This fact sheet outlines how these exclusion provisions work and the circumstances in which they can be used.

Non-voluntary exclusion of persons from licensed premises

Licensees, their staff and police officers can refuse to admit or eject any person:

- Who is intoxicated, violent, quarrelsome or disorderly
- Whose presence on the licensed premises renders the licensee liable to a penalty under the *Liquor Act 2007*
- Who smokes within a smoke-free area as defined by the *Smoke-free Environment Act 2000*
- Who uses or possesses a prohibited drug while on the premises.

Access to the licensed premises can also be refused if licence conditions allow or under a term of a liquor accord.

Once a person is refused admission or ejected on any of the above grounds they are committing an offence if they do not leave the licensed premises. A maximum fine of \$5,500 applies.

If a person is refused entry or ejected from licensed premises because they are intoxicated, violent, quarrelsome or disorderly they are committing an offence if they:

- Attempt to re-enter or do re-enter the licensed premises within 24 hours
- Remain in the vicinity of the premises (within 50m of the boundary of the premises) without reasonable excuse
- Re-enter the vicinity of the premises within six hours without reasonable excuse.

Maximum fines of \$5,500 apply for each offence.

A reasonable excuse for a person remaining in or re-entering the vicinity of a licensed premises is:

- The person reasonably fears for their safety
- The person needs to obtain transport
- The person resides in the vicinity of the premises.

Banning orders

A person who has been repeatedly intoxicated, violent, quarrelsome or disorderly on or in the immediate vicinity of licensed premises can be banned for up to six months.

An application for a banning order can be made to the Casino, Liquor & Gaming Control Authority by:

- The Director of Liquor and Gaming
- Police
- A licensee who is a party to a local liquor accord.

The Authority must not take into consideration a person's race or ethnic or national origins in issuing a banning order.

The banning order can relate to multiple licensed venues.

A person subject to a banning order must not enter, attempt to enter or remain on the licensed premises. A maximum penalty of \$5,500 applies.



NSW Office of
Liquor, Gaming & Racing



Department of the Arts, Sport and Recreation

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FAQs

If a person is asked to leave a licensed venue and refuses, what happens?

The licensee or venue staff member should contact police. Police will attend and issue the person with a \$550 on-the-spot-fine. If the matter goes to court the person could face a fine of up to \$5,500.

Why do these offences exist?

These laws exist to reduce the conflict that sometimes arises between staff of licensed venues and patrons when they are asked to leave. They also provide incentive for patrons to behave as they will be asked to leave if they cause trouble. These offences also reduce anti-social behaviour outside licensed venues by requiring the ejected patron to leave the vicinity.

How much does it cost to apply for a banning order and how do I apply?

Licensees applying for a banning order must pay a processing fee of \$50. The Director of Liquor and Gaming and police do not have to pay a fee.

An application form will be available shortly at www.olgr.nsw.gov.au/liquor_forms.asp

Will the Authority give the person a chance to state their side of the story before making a decision?

Yes. The Authority will provide the person subject to the banning order application with an opportunity to make a submission before any decision is made.

Once a banning order is made, does the person have any recourse?

The Authority's decision cannot be reviewed simply because a person does not agree with it. The Supreme Court can consider claims of a denial of natural justice or concerns about due process.

Need more information?

For further information please visit www.olgr.nsw.gov.au, call our Client Access Centre on 02 9995 0333 or email us at info@olgr.nsw.gov.au