

CHRISTMAS DAY, GOOD FRIDAY, EASTER SUNDAY AND ANZAC DAY SALE OF ALCOHOL RESTRICTIONS

The Sale and Supply of Alcohol Act prohibits the sale or supply of alcohol by on-licences, including hotels, taverns, restaurants, conveyances and entertainment venues on Christmas Day, Good Friday, Easter Sunday and before 1pm on Anzac Day to any person other than:

- People residing or lodging on the premises as a guest, lodger, tenant, or employee of the licensee,
- People who are present on the premises to **dine**, or
- Where a special licence has been obtained for an **event**.

Off-licences are also prohibited from selling or supplying alcohol on Christmas Day, Good Friday, Easter Sunday and before 1pm on ANZAC Day.

Christmas Day, Good Friday, Easter Sunday and ANZAC Day all start and end at midnight.

Present on the Premises to Dine

This means that no-one may be sold or supplied alcohol on any licensed premises on these days unless they are on the premises to dine. A person is not present on licensed premises to **dine** if he or she is on the premises more than an hour before he or she starts (or is due to start) eating a meal or more than an hour after he or she finishes eating a meal.

In respect of hotels and taverns, once dining is completed and any alcohol purchased while dining has been consumed, persons cannot remain on the premises even if they are not consuming alcohol. This is because persons cannot be on hotel and tavern premises outside licensing hours except from 6am until licensing hours begin for the day. Licences not hotels or taverns, such as restaurants, conveyances and entertainment venues, may have persons on the premises anytime without restriction but must restrict the sale and supply of alcohol on these days to persons on the premises to dine or to lodgers (house guests) and within licensing hours.

There is very little guidance on either the amount of alcohol that may be purchased while dining, just that any alcohol that is purchased must be consumed while dining or finished shortly after dining is completed. The more alcohol that is purchased the more difficult it may be to say that a person is present on the premises to dine.

What Constitutes Dining?

It is a standard condition of on-licences with a hotel and tavern designation that food be available for consumption at all times that alcohol is sold and supplied. Examples include pies, pizzas, sandwiches and filled rolls up to and including more comprehensive meals.

In terms of what actually constitutes “dining” much depends on the circumstances, but a few matters in respect of dining are clear. If opening for dining on any of Christmas Day, Good Friday, Easter Sunday and before 1pm on Anzac Day “snack food” will not be considered sufficient to meet the requirements of dining. To constitute dining the food should therefore be something more than snack food and involve some preparation and presentation. In respect of taverns and hotel bars, dining should be the main activity or purpose for the persons being on the premises, not an aside to other activities such as drinking or playing or watching sport.