



BARRING PROCEDURES

Licensees can deal with troublesome patrons, including those that are disruptive, violent, intoxicated or fail to adhere to venue rules and policies in a variety of ways.

The options range from:

- refusing entry or removing a person at the time of the incident,
- barring the person for an extended period of time (single or multiple venues) or
- seek a formal banning order against the person.

Typically, a licensee or responsible manager can bar a person from the licensed premises for any of the following reasons:

- The person behaves in an offensive or disorderly manner
- The person commits an offence
- The licensee or responsible person believes that the welfare of the person or the person's family is seriously at risk as a result of the consumption of alcohol by the person
- Any other reasonable ground

If you need to have a customer banned, discuss the situation with your manager.

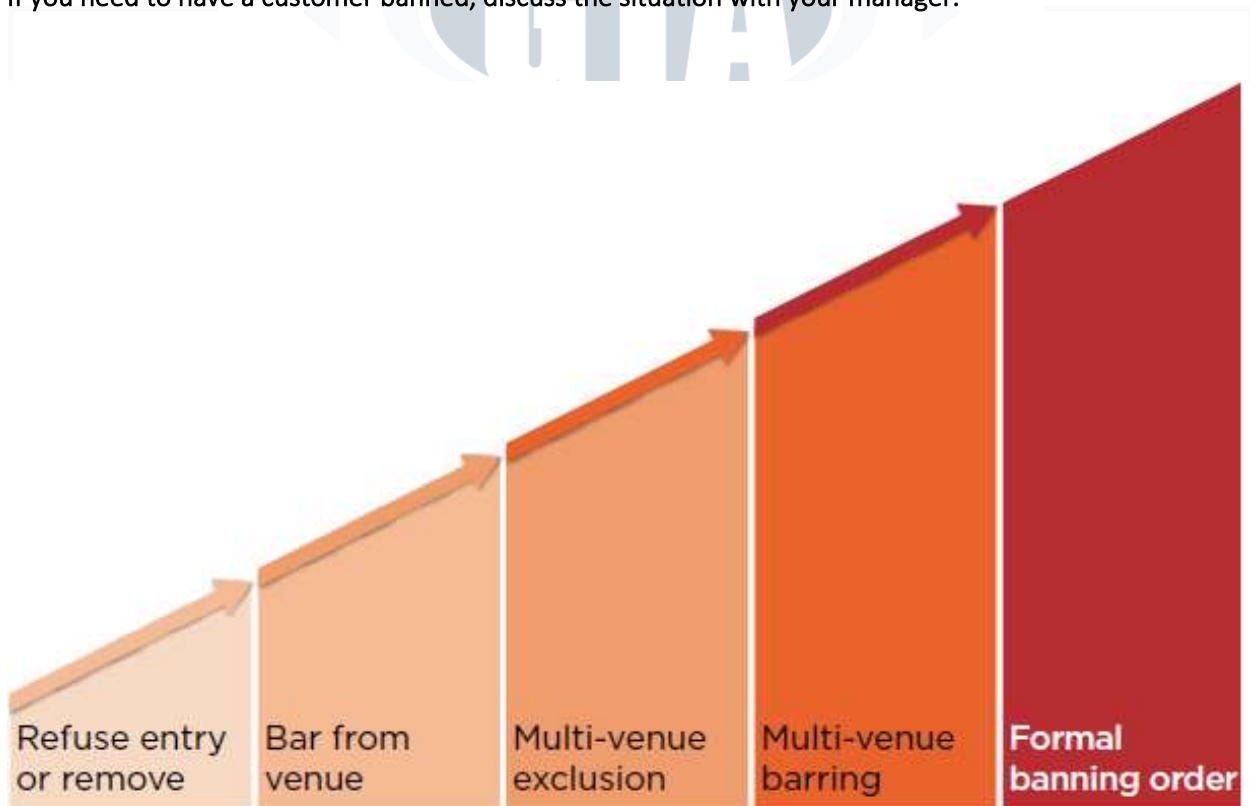
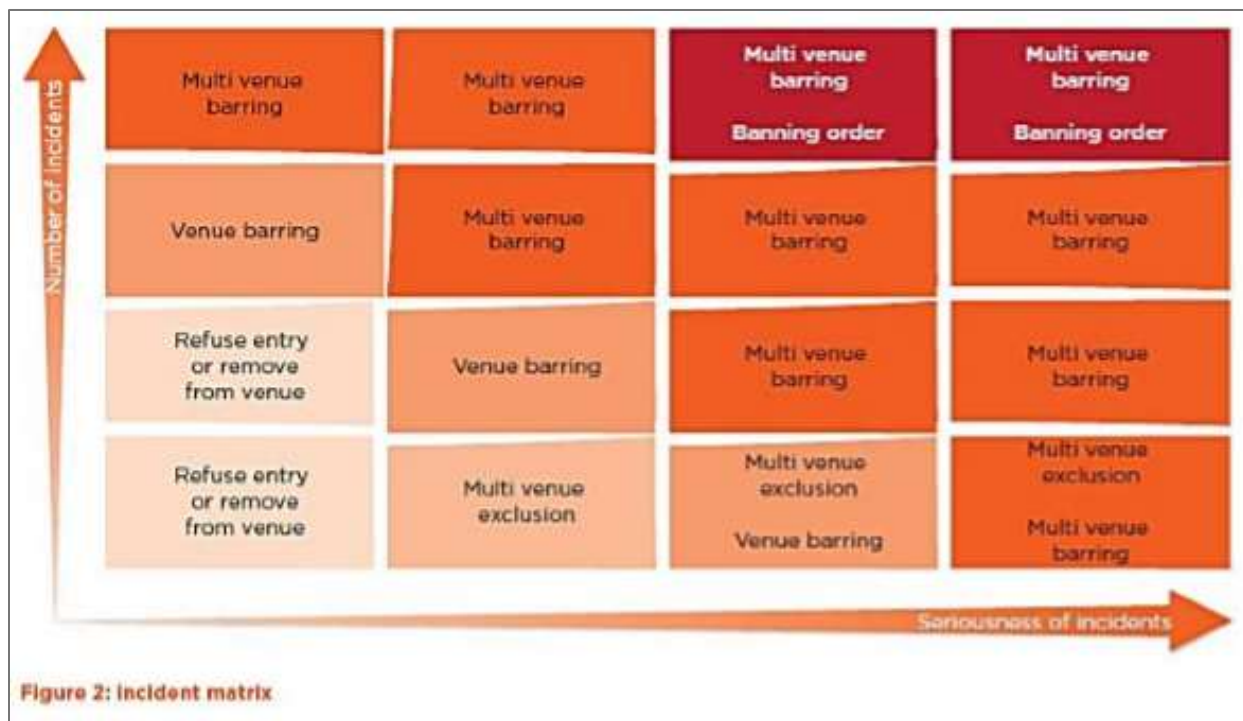


Figure 1: options available when dealing with a troublesome patron



Every licensee is able to refuse entry to any person as long as the reason is not discriminatory.

The licensee also has the right to ask any person to leave their licensed premises. No special laws or forms are required to do this, but if a patron continues to be a problem or if a particular incident is severe enough the Licensee may wish to take a more formal approach and initiate legal proceedings to ban the patron for longer periods.

QUEENSLAND

As per the legislation, licensees have responsibilities not to allow drunk, violent or quarrelsome persons to enter or remain on their licensed premises.

To assist licensees, there are four level of bans that can be applied on patrons –

- Court-imposed bans – legislation provides courts with powers to ban people from specified licensed premises or specified areas around licensed premises.
- Police-imposed bans – the Police Powers and Responsibilities Act 2000 provides police with powers to ban people from entering or remaining in a stated licensed premises.
- Venue bans – where a licensee bans a patron indefinitely or for a specified period of time due to inappropriate behaviour, including acts of violence.
- Group venue bans – where a number of licensees (usually members of a liquor accord or safe night precinct) ban patrons from all participating venues indefinitely or for a specified period of time, due to inappropriate behaviour, including acts of violence.

NEW SOUTH WALES

Through multi-venue barring strategies, venues are better able to protect the safety and well-being of their staff and patrons, eliminate or reduce occurrences of violent and anti-social behaviour and promote the industry's responsible image in the community.

Where a person has engaged in more serious acts of violence or anti-social behaviour, or has repeatedly been troublesome, either in the same or other venues (or vicinity of), venues can unite to bar the person from all venues. A multi-venue barring is intended to assist licensees to protect their staff and patrons from the behaviour of the person concerned.

There are two types of multi-venue strategy:

- **Multi-venue exclusion** where a patron is immediately barred from multiple venues, and only for 24 hours. This strategy aims to deal with the immediate risk posed by the patron and only applies for the trading period in which it occurred, i.e. no more than 24 hours.
- **Multi-venue barring** where a longer-term barring is put in place. In this strategy, licensees work in partnership through a local liquor accord and agree on a system where troublesome patrons are barred from all venues in an area. If, after consideration by the accord, a decision is made to bar a person, then they are barred from all accord venues for the specified period.

For details of NSW barring processes see Liquor & Gaming NSW

<https://www.liquorandgaming.nsw.gov.au/working-in-the-industry/serving-alcohol-responsibly/ejecting-and-banning-patrons>

AUSTRALIA CAPITAL TERRITORY

An authorised person may refuse to admit to, or may turn out of, or may use reasonable force to turn a person out of, catered premises, licensed premises or permitted premises a person who is intoxicated, violent, quarrelsome or disorderly.

An authorised person means—

- a. a police officer
- b. for catered or licensed premises—
 - o the licensee
 - o an employee or agent of the licensee
 - o a person working as a crowd controller at the premises
- c. for permitted premises—
 - o the permit-holder
 - o an employee or agent of the permit-holder
 - o a person working as a crowd controller at the premises

For details of the ACT exclusion process read the Liquor Act 2010 -

<https://www.legislation.act.gov.au/View/a/2010-35/current/html/2010-35.html>

VICTORIA

Licensees need to be aware of their responsibilities not to allow drunk, violent or quarrelsome persons to enter or remain on their licensed premises. This page provides information on banning or barring patrons.

To assist licensees, there are three options available to licensees when it comes to banning or barring troublesome patrons.

- General powers to refuse a person entry to your premises
- Discuss banning a person under the local liquor accord
- Issue a Barring Order

Licensees, responsible persons (any person in management or control of a licensed premises) and police have the power to issue a Barring Order that is enforceable by Victoria Police:

- Once a person is served with a Barring Order, they must leave the venue and its vicinity, and cannot return until the Barring Order expires (the time period will be specified on the Barring Order).
- The vicinity of a licensed venue is defined as within 20 metres of the venue. If a person does not comply with the Barring Order, Victoria Police may issue them with a penalty infringement notice.
- Victoria Police also have the option of formally charging the barred patron with an offence for which the person would be required to appear in court. An authorised Barring Order form must be used for this purpose.

For more details of Victorian barring processes see the Victorian Commission for Gambling and Liquor Regulation website.

<https://www.vgccc.vic.gov.au/liquor/sporting-and-community-club/understand-your-liquor-licence/barring-problem-customers>

TASMANIA

Section 81

- Licensees, staff and permit holders may bar a person from the premises for up to six months if they:
 - are intoxicated, violent or quarrelsome on the premises;
 - put their safety or the safety of others on the premises at risk because of their consumption of alcohol; or
 - any other reasonable ground.
- A Barring Order must be:
 1. given in writing;
 2. using the approved form;
 3. must include the name and address of the person being barred;
 4. the duration of the barring period (which must not exceed six months); and
 5. detail the premises where the barring applies.

The completed Barring Order must be given to the person by:

- handing it to them; or
- sending it by post to their last known place of residence; or
- leaving it at their last known place of residence.

The Barring Order form can be downloaded from

<https://www.treasury.tas.gov.au/Documents/Barringorderformforlicenseesandpermitholders.pdf>

- Information about a person must not be shared with staff at other premises and copies of Barring Orders should be kept on the premises for 180 days after expiry.
- A police officer (acting with the authority of a senior police officer) may also bar a person if they:
 - put their welfare seriously at risk because of their consumption of alcohol;
 - commit an offence;
 - are offensive or disorderly on the premises, or in and around it; or
 - any other reasonable ground.

Additionally, police officers have the options of barring a person from premises of a specified class within a specified area (eg all nightclubs in a particular area) or all premises within a specified area.

- Once a person is served with a Barring Order, they cannot return to the premises until the barring order expires (being the time period specified on the Order). It is an offence for a barred person to enter or remain on licensed premises and can be fined up to 50 penalty units.
 - If a person is served with a Barring Order while on the premises, unless they have a reasonable excuse (as noted in the previous section), they must immediately leave the premises and vicinity for six hours or until the premises is closed for the day, whichever is longer (they may re-enter the vicinity after this time). The vicinity is the:
 - radius of 50 metres from any entry or exist point to the licensed or permit premises; or
 - the distance from the premises or area around it that is specified by a Police Officer giving a Barring Order.

A barred person that remains or returns early to the vicinity without a reasonable excuse can be fined up to 50 penalty units.

- Barring Orders given by licensees (or authorised persons) or permit holders may be varied or revoked by them of their own choosing or if agreed upon at the barred person's request. Barring Orders given by Police may also be varied or revoked by a police officer, and can also be appealed to the Commissioner of Police for review.

NOTE: The dollar value of a penalty unit is adjusted each year based on the consumer price index. The latest fee unit can be found on the Liquor and Gaming website at:

<https://www.treasury.tas.gov.au/liquor-and-gaming/liquor/resources-for-licence-holders/licensing-penalties>

From 1st July 2024, the **value of 1 penalty unit is \$202**

For details of the Tasmanian barring processes see the Tasmanian Department of Treasury website.

<http://www.treasury.tas.gov.au>

SOUTH AUSTRALIA

A person can be barred from a licensed venue for their own safety or the wellbeing of others.

You can only bar someone from your licensed venue if:

- they behave in an offensive or disorderly way
- they commit an offence
- you, as a manager or employee, believe they may harm:
 - themselves
 - a person living with them
 - a member of their family including:
 - a spouse or former spouse
 - a domestic partner or former domestic partner
 - a parent, brother, sister or child
- there is any other reasonable cause.

Complete the appropriate form and hand it to the person being barred, or send it to their last known postal address, fax or email address.

[Bar a person on misconduct grounds \(PDF\)](#)

[Bar a person on welfare grounds \(PDF\)](#)

Barring orders can be completed and served on an individual by:

- a licensee
- a responsible person of the licensed premises
- Senior Police Officers, or Police Officers with authorisation from a Senior Officer
- The Commissioner of Police or delegate.

How to bar someone from a venue

Each time a person is barred from your venue, barring form must be completed. The form must be either:

- served personally
- posted to the person's last known address, fax or email address.

A copy of the completed form must be kept on the premises.

If the barring is for **longer than 6 months** submit a copy to Consumer and Business Services within 7 days.

Email: liquorandgaming@sa.gov.au

Post: Licensing Branch, GPO Box 2169, Adelaide SA 5001

[Video: Understanding the barring form and how to complete it](#)

Reviewing a barring order

If a barring is for more than one month, the barred person can apply to the Liquor and Gambling Commissioner for a review of the barring order.

The Commissioner may then uphold, vary or revoke the barring following a hearing of the matter. The decision of the Commissioner cannot be appealed.

When attending a hearing it is important that:

- you bring along any evidence, including but not limited to:
 - CCTV
 - police reports
 - documentation of the incident
- the person who completed the barring order and the licensee both attend
- witnesses to the incident, on behalf of the patron and the licensee and/or police be prepared to give evidence.

A licensee or a responsible person for the licensed premises may revoke an order barring a person from the premises, by completing a Licensee Revocation order available from this office.

Review of Barring Order Application –

[Apply for a review of a barring order](#)

For more information, please click on the link below –

<https://www.sa.gov.au/topics/business-and-trade/liquor/running-a-licensed-venue/barrings>

WESTERN AUSTRALIA

Barring Notices

Barring notices can be issued to persons who display anti-social behaviour in licensed premises.

Anti-social behaviour includes a person who: -

- is violent or disorderly;
- is engaged in indecent behaviour; or
- has contravened a provision of any written law

A Barring Notice can be issued by the Commissioner of Police on the recommendation of a Police Officer or at the request of a licensee and can prohibit a person from entering a specified licensed premises, licensed premises of a particular class or any licensed premises.

It is an offence for a barred person to enter or remain on the licensed premises to which the barring refers to – penalty of **\$10,000***.

It is also an offence if a responsible person* knows that a barring notice has been issued and permits the barred person to enter or remain on the licensed premises contrary to the barring notice – penalty of **\$10,000***.

*This value is correct as of July 2024

Responsible Person in relation to licensed premises means the licensee or occupier of the premises, a manager of the premises or an employee or agent of the licensee or occupier.

For more information, kindly click on the link below –

<https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor>

NORTHERN TERRITORY

Types of bans you can be given

Being banned for 14 days

If you have committed an offence, or the police believe you are going to commit an offence, you can be banned from a high-risk area for up to 14 days by the police.

You can be banned from either:

- the whole area or
- the bars, clubs and restaurants in the area.

You can go to the area if you live or work there.

A banning notice does not ban you from all high risk areas in the Northern Territory (NT).

Being banned by a court

If you are guilty of a specified offence or have been banned from the same area more than once, a court can give you an exclusion order.

This has the same conditions as a banning notice.

Breaking a banning notice or exclusion order

You can be given an infringement notice (fine) if you are either:

- in the area
- in a bar, club or restaurant you are banned from.

To read the information on where you can be banned in various locations in NT, please click on the link below –

<https://nt.gov.au/law/alcohol/bans-and-dry-areas/town-centres-you-can-be-banned-from/types-of-bans-you-can-be-given>