



# MINORS

In Australia, a minor is a person who is under the age of 18. If in doubt — check it out!! Always ask for proof of age. As a general rule, if a person looks under 25 years of age, they should be asked to show proof of age.

It is an offence to serve or supply alcohol to minors (exemptions apply in some states) and if done so, the licensee, the responsible person and the person who sold or supplied the alcohol are each guilty of an offence. The minor is also guilty of an offence and may face several fines.

The main offences are:

- Selling or supplying alcohol to a minor
- Allowing a minor in an unauthorised area on licensed premises

If a person is not able to present suitable ID, he or she must be refused service and made to leave the premises immediately. As per the law, any person with a fraudulent ID will be prosecuted and the ID must be seized.

## Who is a responsible adult for a minor?

Each of the following persons can be called a responsible adult for a minor –

- A parent, step-parent or guardian of the minor
- An adult who has parental rights and responsibilities for the minor

Terminology that is commonly used to define a person who is under the age of 18 -

- Juvenile (WA)
- Minor (NSW, VIC, SA, QLD, TAS)
- Child (NT, ACT)



Video: Follow the Law responsible service of alcohol campaign – Brad

[https://www.youtube.com/watch?v=Swq3-\\_RLMVo](https://www.youtube.com/watch?v=Swq3-_RLMVo)

## When is, a minor permitted on licensed premises?

A minor is generally permitted on licensed premises in each of the following conditions –

- Eating a meal on the premises or is accompanied by a responsible adult who is responsibly supervising the minor
- Lives on the premises; is a resident, if accommodation is supplied

- Performing duties as an employee on the premises or while receiving training for employment or work experience (in some states minors cannot serve alcohol)
- For a purpose, and in circumstances, approved by the state/territory Commissioner for Liquor and Gaming or stated in a condition of the licence or permit

## PROOF OF AGE

### QUEENSLAND

Acceptable evidence of the age of a person is a document, issued to the person, that—

a. Is one of the following—

- An adult proof of age card;
- A recognised proof of age card;
- An Australian driver licence;
- A foreign driver licence;
- An Australian or foreign passport; and
  - Is current; and
  - Bears a photo of the person; and
  - Indicates, by reference to the person's date of birth or otherwise, the person has attained a particular age.

### SOUTH AUSTRALIA

ID that can be accepted as proof of age in accordance with regulation 18 of the Liquor Licensing (General) Regulations 2012, which provides that the following can be produced as evidence of age:

- a current photographic driver's licence
- a current photographic Proof of Age card
- a current passport issued by the Commonwealth or under the law of another country
- a current photographic KEYPASS identification card

<https://www.cbs.sa.gov.au/documents/faq-for-parents-supply-of-alcohol-to-minors.pdf>

### WESTERN AUSTRALIA

There are only three acceptable forms of photo ID under Section 126(2) of the Liquor Control Act 1988:

- current Australian Driver's Licence with photograph
- current passport
- current Western Australian Photo card

## NORTHERN TERRITORY

The photo ID system in NT reads many different types of identification cards, including all of the following:

- driver licence
- passport
- evidence of age card - also known as 18+ card
- other forms of photographic identification as approved by Licensing NT.

The Northern Territory's alcohol photo ID system identifies people in Katherine and Alice Springs who are not allowed to buy takeaway alcohol. It targets problem drinkers identified by the courts.

## AUSTRALIAN CAPITAL TERRITORY

The types of acceptable ID that can be accepted as proof of age in the ACT in accordance with regulation 18 of the Liquor Licensing (General) Regulations 2012, are:

- a current photographic driver's licence
- a current photographic Proof of Age card issued by the Registrar of Motor Vehicles or by a corresponding public authority of the Commonwealth or another State or a Territory;
- a current passport
- a current photographic KEYPASS identification card

## NEW SOUTH WALES

Evidence of age documents must be current and include a photograph of the person as well as the person's date of birth.

Acceptable evidence of age documents in NSW are:

- a driver or rider licence issued by an Australian State or Territory or any foreign country
- Australian passport or a foreign passport
- NSW Photo Card issued by Roads and Maritime Services (RMS) NSW
- proof of age card issued by a public authority of the Commonwealth or of another Australian state or territory for the purpose of attesting to a person's identity and age
- Keypass (over 18) identity card issued by Australia Post.
- Australia Post digital ID (from 18 January 2021)

The NSW Photo Card is available to people aged 16 and over so take extra care when checking it.

Security features for driver licences for persons under 18 years include:

- date of birth repeated in background
- photo will appear in a red box
- the date of the cardholder's 18th birthday will appear in the top left-hand corner.

## VICTORIA

Acceptable evidence of age documents are:

- an Australian driver licence
- an Australian or foreign passport
- a 'proof of age' card or equivalent from another state of Australia
- a Victorian learner permit
- a Keypass card or Keypass in Digital iD
- a Victorian marine licence
- a foreign driver licence in the English language or if not in the English language, must be accompanied by an official English translation or an International Driving Permit.

If an underage person uses a fake identification card (ID) to gain entry to licensed premises or to purchase alcohol, the Act provides a legal defence for licensees and staff if they have sighted one of the above.

## TASMANIA

All proof of age documents must include a photo and be current. Acceptable documents prescribed in the *Liquor Licensing Regulations 2016* are:

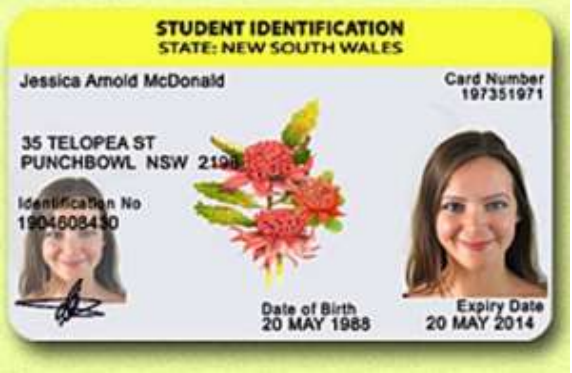

- driver licence issued in Australia
- firearms licence
- Passport
- Keypass identity card (issued by Australia Post), including Keypass in Digital iD™
- a document issued by a Commonwealth, state or territory government department that shows the holder's name, photograph and age

Video: Follow the Law responsible service of alcohol campaign - Sonny and Tana

[https://www.youtube.com/watch?v=0yx\\_nvzLPWY](https://www.youtube.com/watch?v=0yx_nvzLPWY)

## Examples of False ID



<p>Australia does not have a National Identity Card</p>	<p>An example of a Victorian fake ID from fakies.com.au</p> <p>Student ID card is not an acceptable form of evidence for proof of age.</p>
	
<p>Another example of a fake ID from fakies.com.au, same person's picture different state</p> <p>Student ID card is not an acceptable form of evidence for proof of age.</p>	<p>Daenerys Targaryen would more likely be seen on 'Game of Thrones'</p>

## What should staff look for when checking ID?

Follow some rules to reduce the risk.

- Always check ID in well-lit areas where alterations will be more obvious (have an initial checkpoint at the front door).
- Hold the ID and take your time examining it - be sure.
- Feel around the edges of the photo, birth date and the edges of the card. Look for bubbles, wrinkles, and bumps - these may show the card has been tampered with.
- Young people are altering the dates of birth by either scratching and/or using nail polish remover to change the dates both front and back of a licence.
- Check the photo matches the person (do distinguishing facial features match? This can be difficult at times, if in doubt ask for supporting ID).
- Check the birth date on the ID confirms the patron is over 18 years (as driver licences and other forms of ID can be issued to young people).
- Ensure the ID includes a hologram or other security feature. Be aware security features are constantly improving and as a result not all licences will look the same.
- Ask the customer to sign a piece of paper to verify signatures.

**TIP:** Tape the 'critical date' (the date on which a person must have been born to be at least 18 years of age today) to the cash register (or somewhere visible to staff but not to customers) each day. Crowd controllers can write it on their hand at the start of the shift

Look for suspicious behaviour like groups just hanging around or one person buying multiple drinks in a group.

## Consider the following when asking for identification

- Those who appear under age and who have no ID are generally under age.
- Expired licences are not acceptable forms of identification (over 50% of licences seized as false ID are expired at the time of seizure).
- Ask the customer to take their ID out of any protective casing for you to inspect.
- Consider body language. Those who look under 18 expect to be asked, those under 18 years of age fear being asked.
- When you make a decision stick to it.
- Support staff when they make a decision not to serve unless proof of age can be produced.
- Make sure all staff are consistent in their judgements.

## FALSE/FAKE/FRAUDULENT ID

### QUEENSLAND

According to the law, the person to whom the false document is produced, must seize and confiscate the document and give it to an investigator.

If you suspect that an ID is false, **you must confiscate the ID** and give it to management or security.

The **ID must then be sent to the Queensland Office of Liquor and Gaming Regulation (OLGR)** along with the details of the incident.

### SOUTH AUSTRALIA

If a person is on or trying to gain access to a licensed premises, you are allowed to confiscate their ID (with the exception of passports and mobile devices) if you are:

- the liquor licence holder
- a responsible person
- a security agent licence holder.

You must reasonably believe that:

- the person who produced the document is not the person identified
- the document contains false or misleading information about the name or age of the person
- the document has been forged or altered.

You don't have to confiscate an ID, but you can refuse entry if you are unsure about the validity of the ID.

The person who takes the document must:

- give a receipt to the owner
- record details of the seizure, including the details on the receipt or a copy of the receipt

- keep a record of the seizure on the licensed premises for at least one year
- make the record readily available for inspection or copying.

Template for seizing an ID form -

<https://www.cbs.sa.gov.au/files/seizing-an-id-form>

## WESTERN AUSTRALIA

If a person is believed to be underage, they can be asked to leave the licensed premises, have their ID confiscated, receive an on the spot fine from police and/or be convicted of a crime.

Staff may confiscate false ID and forward it to the Western Australian Police.

## NORTHERN TERRITORY

False ID used by anyone on, or trying to enter, licensed premises can be confiscated by staff or the police.

A person caught using false ID can:

- Have the false ID confiscated.
- Be asked to leave the licensed premises.
- Be fined by police.

## AUSTRALIAN CAPITAL TERRITORY

Staff members and police can confiscate ID they believe to be false. (Note: Staff members **cannot confiscate passports**). False ID **MUST** be confiscated and forwarded to the Commissioner (ORS) within 7 days.

Staff members must give a **receipt** for confiscated ID, containing:

- The type of ID confiscated
- Why it was confiscated
- When it was confiscated
- Name and address of licensed venue
- Who the confiscated ID will be sent to

Confiscating identification is an incident and must be entered in the incident register. A **copy of the receipt** must be attached to the incident register.

If a person is caught using false ID they can be cautioned or the matter may be heard in court. The person may receive a fine if convicted in court.

## NEW SOUTH WALES

It is against the law for a person to represent themselves as being 18 years old with false identification and have the intent to enter a licensed premises or to be supplied with alcohol.



In NSW, if you are shown a fake ID, you will need to:

- refuse admission to the person, and
- contact the police to report the fake ID.
- You may not confiscate an ID if you suspect it is false or being used fraudulently. Only NSW Police and certain government agency employees can confiscate ID.

## VICTORIA

If a customer is found to have a fake ID, this should be seized immediately, unless it is a drivers licence, and handed to Victoria Police.

## TASMANIA

It is an offence under section 72A of the Act for a young person under the age of 18 to produce false identification, and it carries a fine of up to 10 penalty units. However, some young people will still try to use fake ID and are very clever at producing genuine looking ID. If you are provided with fake ID and do not perform reasonable checks you may still be found to be legally responsible if that person turns out to be under 18 years old and you have sold or served them alcohol.

If you suspect that a person's ID is fake then section 92A of the Act grants you the power to seize the fake ID. This also applies to police officers and crowd controllers. The suspected fake ID must be handed into a police station together with written notice within 72 hours after the time it was seized. The written notice must include:

- the time and date of seizure;
- the place of seizure;
- the nature of the reasonable suspicion that prompted the seizure;
- the responsible entity's name and address; and

Give any police officer such information concerning the seizure of the document as the police officer may require.

Failure to meet this requirement may result in a maximum fine of 10 penalty units. People presenting fake ID can also be fined up to 10 penalty units.

The dollar value of a penalty unit increases each year (based on the consumer price index) and is published on the Department of Justice website at

[https://www.justice.tas.gov.au/about/legislation/value\\_of\\_indexed\\_units\\_in\\_legislation](https://www.justice.tas.gov.au/about/legislation/value_of_indexed_units_in_legislation)

From 1<sup>st</sup> July 2024, the value of 1 penalty unit is \$202

## CAN A MINOR WORK IN LICENSED PREMISES?

Some state/territories allow minors to be employed in licensed premises to serve or sell alcohol. Generally, there are restrictions applied and limits to the numbers of hours per week they may be employed, times at which they finish and areas within which they may work, at all times they must be directly supervised and cannot be placed in a responsible position of a licensed area.

### QUEENSLAND

Under the *Liquor Act 1992*, children under the age of 18 may work in licensed premises; but they must not work in licensed premises that operate under an adult entertainment permit.

If the venue liquor licence does not include an adult entertainment permit, provisions of the Child Employment Regulation 2006 may also affect you.

Specifically, minors are prohibited from:

- being employed in licensed premises that feature activities such as topless waitressing
- working while nude or partially nude
- being exposed to inappropriate roles and situations, including being present while another person is nude or partially nude in the workplace.

### SOUTH AUSTRALIA

A minor may be employed on licensed premises to carry out tasks such as clearing tables or general cleaning duties, but may not be employed to sell, supply or serve liquor on the licensed premises.

However, a minor may be employed to sell, supply or serve liquor on the licensed premises if he or she is a child of the licensee or of an approved responsible person and he or she is aged 16 years of age or more, and has been approved by the licensing authority.

In the case where the minor is a child of the licensee or of an approved responsible person, aged 16 years of age or older and is **a resident at the premises**, then approval by the licensing authority is not required.

However, if the licensed premises also has a gaming machine licence, the minor is not allowed to enter the gaming area(s) of the licensed premises.

### WESTERN AUSTRALIA

It is an offence for a child under the age of 16 to be employed in the **service of liquor** on licensed premises.

However, with the **permission of the Director of Liquor Licensing** a juvenile 16 years or over may be employed in the service of liquor ancillary to a meal.

In this instance, the juvenile must be supervised at all times and his/her work must be assessed for the purposes of a prescribed training course (i.e. the juvenile's duties must complement an associated hospitality course).

Juveniles under the age of 16 can be employed on licensed premises as long as they are **not involved in the service/supply of alcohol**.

## NORTHERN TERRITORY

### When children can sell, supply or serve alcohol

Under 16 years of age

Children under 16 years of age can sell, serve or supply alcohol if they meet all of the following conditions:

1. they are aged over 14 years nine months
2. they are completing an accredited hospitality training course (not RSA)
3. serving and supplying alcohol is only carried out as a course requirement
4. serving and supplying alcohol takes place at an accredited training facility.

*Children under 16 years of age cannot sell, serve or supply alcohol in licensed venues outside of a training facility.*

Over 16 years of age

Children over 16 years of age can apply to sell, serve and supply alcohol outside of a training facility if they meet all of the following conditions:

- they are completing, or have completed, an accredited hospitality training course
- they have completed a responsible service of alcohol course
- they are under direct adult supervision at all times.

Non-alcohol related work on licensed premises

Licensee must get approval to employ children in non-alcohol related work if:

- the child is over 14 years nine months old
- the child will complete non-alcohol related duties
- the child would otherwise not be allowed to remain unaccompanied on licensed premises - this is a condition of many liquor licences.

When to not seek approval

Licensee does not need approval to employ children in non-alcohol related work if:

- the child is over 14 years nine months old
- the child will complete non-alcohol related duties
- the child is allowed to remain unaccompanied on licensed premises - e.g. if liquor licence permits unaccompanied minors on premises.

## AUSTRALIAN CAPITAL TERRITORY

The licensee or permit holder commits an offence if they employ a person less than 18 years of age and that person supplies liquor and the liquor is supplied in an adult only area of the licensed or permitted premises.

A person less than 18 years of age may work in an adult only area if they are not supplying liquor to patrons. A person less than 18 years of age may serve liquor to patrons who are not in an adult only area such as with a meal in a restaurant if the restaurant is not in an adult only area.

### **Sale and Supply of Alcohol to Youth**

The National Health and Medical Research Council advises there is no safe level of consumption of alcohol for anyone under 18 years, however a few state/territory law recognises that some adults choose to supply young people with alcohol in private settings.

Here's a checklist for parents and guardians to provide a safer environment for young people around the use of alcohol at home, or on private premises:

- A young person must have permission from a responsible adult (with parental rights) before consuming alcohol.
- Permission can be given in many ways (written, verbal, electronic).
- Food and non-alcoholic drinks should be available.
- A limit should be placed on the amount and type of alcohol available.
- Considerations should be made to the age of those consuming alcohol.
- Levels of intoxications need to be monitored.

## **NEW SOUTH WALES**

Under normal circumstances a Licensee cannot employ minors and allow them to sell or supply alcohol on licensed premises, unless:

- the minor is above 16 years, and
- a child of the licensee or responsible manager, and
- a resident of the premises or has approval from the Independent Liquor & Gaming Authority (ILGA) first

A maximum court imposed fine of \$5,500, or an on-the-spot penalty of \$550, applies to a licensee if approval is not obtained.

## **VICTORIA**

A minor cannot be involved in the supply of alcohol, except if they are part of a training program that has individual approval from the VCGLR. They can, however, assist in the delivery of packaged liquor to a person over 18 years of age, for consumption off the licensed premises.

For example, a junior staff member can carry a slab of beer to a customer's car. A minor cannot sell alcohol through a check-out in a licensed supermarket.

Note: A restaurant and cafe licence and on premises licence with restaurant conditions permits persons under 18 years to be on the licensed premises during ordinary trading hours, which is until 11pm.

Persons under 18 years are not allowed to drink alcohol on licensed premises, unless they are with a parent or legal guardian AND having a meal.

## TASMANIA

A minor may work in a licensed venue provided they are only handling the liquor in the course of their work and are only working under the **direct supervision** of a person who is at least 18 years old.

### Section 75

According to section 75 of the Liquor Act, it is an offense for a young person under the age of 18 to have possession or control of liquor on a permit or licensed premises. However, section 75(2) allows persons under the age of 18 to be employed and have 'possession or charge of liquor' provided they are under the 'direct and personal supervision' of a person who is 18 years of age or over. Regulation 106 of the Liquor Licensing Regulations 2016 prohibits a person under 18 years to sell or serve liquor in an area designated as a prohibited area under section 84(1) of the Act.

### Section 46

**Section 46B** of the Act and **regulation 9** of the *Liquor Licensing Regulations 2016* require licensees and permit holders to ensure employees selling and serving alcohol meet the minimum age requirement of 16 years, unless an exemption has been granted by the Commissioner to allow a person under 16 years to serve liquor as part of their employment. Licensees and permit holders that breach this obligation can be fined up to 50 penalty units. This means that:

- licensees, permit holders and staff **MUST NEVER** allow underage employees to be left alone to sell or serve alcohol. If breached, the licensee, permit holder and their staff face a maximum fine of 50 penalty units and the underage person can face a maximum fine of 10 penalty units under section 77; and
- licensees and permit holders **MUST NEVER** allow underage employees to sell or serve liquor in a prohibited area. A maximum fine of 10 penalty units applies for both the underage employee and the licensee or permit holder.

NOTE: Fines are expressed in the legislation as penalty units. The dollar value of a penalty unit is adjusted each year based on the consumer price index. The latest fee units 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 1<sup>st</sup> July 2024, the value of 1 penalty unit is \$202