

Legal Alert

SA – Hospitality & Licensing

26 March 2020

Liquor Licensing – COVID-19

This is one of an ongoing series of Alerts on liquor licensing issues for the hospitality sector in the evolving COVID-19 crisis.

Restrictions on public gatherings have affected “on premise” businesses. On 25 March 2020, the SA licensing authority announced new measures to permit some affected licensees to offer sales of “take away” liquor.

SA – free short-term licences

The COVID-19 related restrictions on trade in the hospitality sector are evolving and tightening.

Recent restrictions have stopped restaurants and similar businesses offering “eat in” services and associated “on premise” liquor supply.

The SA licensing authority has now (as at 25 March) adopted new measures similar to those recently put in place in Queensland, New South Wales and Victoria, to provide a temporary authorisation for licensees operating cafes, restaurants, small bars or community clubs to sell “take away” liquor (by way of delivery or takeaway sales from the licensed premises). The SA licensing authority announcement is [here](#).

Key issues to note are that the temporary authorisation is not automatic – licensees need to apply; and there are specific limitations on the manner and form of liquor that can be sold for take away under the authorisation.

Making the application for temporary authorisation

Eligible licensees can apply from today, Thursday 26 March 2020. The authorisation, when granted, takes the form of a “short term” licence that augments the trading rights of the licensee’s permanent licence.

The relevant form can be accessed [here](#). No application fee is charged by the authority.

As a side note, where short term licences have been obtained for events subsequently cancelled due to the COVID-19 restrictions, a refund of the application fee can be sought. This form can be found via the [Short Term Liquor License portal](#).

What does the temporary authorisation allow?

The temporary authorisations for take away sales are subject to limitations:

- Limits on volume, link to “meal” provision – licensees operating a small bar, cafe or restaurant “*can sell up to two bottles of wine or one bottle of wine and a six pack of beer, cider or pre-mixed spirits with any meal purchased for takeaway or delivery.*”
- Licensees operating community clubs will be permitted to sell any liquor for takeaway to members. The limit on volume and requirement for a meal to be purchased do not apply for sales to members but do for sales to non-members.

The volume limits happen to mirror those temporarily implemented in Western Australia where, in a bid to “minimise alcohol-related issues”, the Premier Mark McGowan announced that all takeaway alcohol sales are limited such that each customer can purchase per day:

- one carton of beer, cider or pre-mixed spirits; or
- three bottles of wine; or
- one litre of spirits; or
- one litre of fortified wine; or
- a combination of any two of the above.

It remains to be seen whether the other jurisdictions will follow suit with similar volume restrictions. For now, it appears that the SA licensing authority is only applying the volume restrictions to these particular short-term licences.

In any event, we take this opportunity to remind licensees intending to conduct delivery of alcohol (either under a short-term licence or otherwise) that they will need to ensure compliance with the delivery requirements

prescribed by the Act and Regulations. A list of the key requirements can be found in our [client alert](#) dated 24 March 2020.

Once again, and in addition to complying with the delivery requirements under the Act and Regulations, licensees must ensure that any delivery is effected in accordance with the Government's policy on "[social distancing](#)".

Summary

Eligible licensees who are currently seeking to maintain their business on the basis of "take away" meals ought consider applying for the short term licence to allow "take away" liquor sales, where this will assist in providing service to their customers and augmenting cash flow. If you have any questions concerning your eligibility the licensing authority can be contacted at shortterms@sa.gov.au.

Please note: this information is current as of 26 March 2020. The speed with which COVID-19 is spreading and the varied responses both internally within Australia and externally change on a daily basis. It is important that you regularly keep up to date with all relevant information and be prepared to respond as the landscape in which the virus is moving changes.

For updated COVID-19 legal issues and considerations please access our website [here](#).

If you have any questions regarding this topic, please contact:

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