



Barring someone from your Club

Barring on Misconduct Grounds

Under s125 of the *Liquor Licensing Act 1997*, a licensee or a responsible person (RP) can bar someone from your premises if the person has committed an offence, behaved in an offensive or disorderly manner, or on any other reasonable ground. This can be for a period of:

- Up to 3 months for a first barring
- Up to 6 months for a second barring and
- For an indefinite period or other specified period if person has already been barred twice previously from the Club.

If the conduct is so serious that you want to bar someone for a longer period on a first or second barring, you will need the Commissioner's approval.

Note: The Optional section only needs to be filled out if you want to bar someone for an extended period. If the prescribed maximum period of 3 or 6 months is appropriate, just fill out the barring order as normal and ignore the Optional section.

First Barring

This can be for a period of 3 months or less.

- Complete page 1 of barring order
- Make a copy of the barring order and **place original in your Liquor Folder**. This can be as simple as taking a photo of the order before serving it on the patron – just make sure it is a clear photo.
- Serve the copy barring order:
 - provide a copy of pages 1 and 2 to barred person either in person, by post, leave at home address, post to their solicitor.
 - SA Police can help with identifying the barred person or serving the barring order.
- If you want to apply to the Commissioner to bar person for a period longer than 3 months, complete the Optional section at back of barring order (see below)

Second Barring

Where a person has been lawfully barred from your Club previously, and you have retained a copy of the first barring order, you can bar a person for up to 6 months for a second 'offence'. This can differ

from whatever behavior instigated the first barring. For example, the first barring was issued for harassing staff and the second barring can be issued for property damage.

- Complete page 1 of barring order
- Make copy of barring order and place original in your Liquor Folder
- Serve the barring order:
 - provide a copy of pages 1 and 2 to barred person either in person, by post, leave at home address, post to their solicitor.
- If you want to apply to the Commissioner to bar person for a period longer than 6 months, complete the Optional section at back of barring order (see below)

Third Barring

Where a person has been lawfully barred from your Club on two previous occasions and you have retained a copy of both barring orders, you can bar a person indefinitely or for a specified period, such as 12 months. This is regardless of how long ago the previous barrings occurred.

- Complete page 1 of barring order
- Make a copy of the barring order and place original in your Liquor Folder
- Serve the copy barring order:
 - provide a copy of pages 1 and 2 to barred person either in person, by post, leave at home address, post to their solicitor.
- **IMPORTANT.** Send a copy of this and the previous two barring orders to Consumer and Business Services (CBS) **within 7 days** either
 - by email to liquorandgaming@sa.gov.au
 - or post the form to: Licensing Branch, GPO Box 2169, Adelaide SA 5001

Apply to Commissioner to Extend Barring Period

You must complete the **Optional** section at the back the barring order when you are seeking approval to bar someone for more than the maximum period that would otherwise apply.

This Optional section can be filled out after serving the person with the barring order and sent to CBS later with a copy of the original barring order.

Barring on Welfare Grounds

As this type of barring by licensees is less common and operates differently, CBS has created a separate form for barring someone on welfare grounds.

A person barred on welfare grounds can be barred for any specified period including for an indefinite period from the first barring.

If the person is barred for more than 6 months, you must provide a copy of the barring order to the Commissioner within 7 days.

Deciding whether to impose a welfare barring can be a complex and sensitive situation to navigate so do not hesitate to contact Clubs SA for further guidance.

Useful Resources

Blank Barring Orders can be downloaded from [Members Only](#) in the Compliance Resources section.

You can also view the video CBS has created to explain for form and process

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

For further advice, please call Clubs SA on 8290 2200 - option 1.