

Participant Workbook

New Entrant Liquor Licence Training

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Victorian Liquor Licence Legislation & Policy

New Entrant Training Objective

The primary objective of the New Entrant Training course is to ensure that new licensees have an understanding and knowledge of the Liquor Control Reform Act 1998. That includes an understanding of their key responsibilities and obligations in managing the overall operation of their premises.

Ensuring that their management and staff are fully aware of their legal obligations as not to cause any adverse Community impacts on the surrounding community such as noise, vandalism and anti-social behaviour.

Victorian Liquor Legislation

All Victorian Laws are passed through the Victorian state parliament. The Liquor Control Reform Act 1998 is the basis for all the laws and legislative requirements pertaining to the supply of liquor in Victoria.

A copy of The Liquor Control Reform Act 1998 is available online.

Note that there is no national liquor authority in Australia. Each State is responsible for their own liquor legislation. The laws in other states may be different to those laws in Victoria contained in the Liquor Control Reform Act 1998.

The objects of The Liquor Control Reform Act 1988 are:

1. **a** contribute to minimising the harm arising from the misuse and abuse of alcohol, including by:
 - i. providing adequate controls over the supply and consumption of liquor
 - ii. ensuring as far as practicable that the supply of liquor contributes to and does not detract from the amenity of community life;
 - iii. restricting the supply of certain other alcoholic products;
 - iv. encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community.
 - b** to facilitate the development of a diversity of licensed facilities reflecting community expectations;
 - c** to contribute to the responsible development of liquor, licensed hospitality and live music industries;
 - d** to regulate licensed premises that provide sexually explicit entertainment.
-
2. It is the intention of Parliament that every power authority, discretion, jurisdiction and duty conferred or imposed by this Act, must be exercised and performed with due regard to harm minimisation and the risks associated with the misuse and abuse of alcohol

The Role of Victorian Commission for Gambling and Liquor Regulation

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) is the independent statutory authority that regulates Victoria's gambling and liquor industries.

Our vision is that Victorians and visitors enjoy safe and responsible gambling and liquor environments.

The VCGLR regulates businesses focusing on the people, premises, products and promotions involved in supplying gambling and liquor to ensure the integrity of Victoria's gambling and liquor industries and to minimise harm. We work together with a diverse number of bodies and groups to achieve positive outcomes for the Victorian community.

What is the VCGLR's regulatory approach?

The VCGLR's Regulatory Approach sets out our strategy to regulate the gambling and liquor industries in Victoria. The VCGLR minimises harm by:

- focusing on types of harm that our statutory powers are best suited to targeting
- concentrating our efforts on action that the businesses and individuals we regulate can take.

VCGLR NEWS (free on-line publication)

All licensees are strongly advised to keep up to date with liquor licensing changes to policy and legislation and information by subscribing to the "VCGLR News" a free electronic newsletter that is issued every month. The VCGLR News should be circulated to all staff and management.

VCGLR Website: www.vcglr.vic.gov.au

The Liquor Control Reform Act 1998

The Liquor Control Reform Act 1998 is the basis for all Victorian liquor licensing laws. From time to time the Victorian State Government will implement some changes and Amendments to the Act.

The Act defines that the amenity of the area as the quality the area has of being pleasant and agreeable.

It is the responsibility of the licensee to ensure that there is no undue detriment to the amenity of the area during or immediately after trading.

The following factors would be taken into account if there were any breaches that would have an adverse impact on that surrounding amenity:

- **Violent behaviour**
- **Drunkenness**
- **Vandalism**
- **Using profane, indecent or obscene language**
- **Behaving in a riotous, indecent, offensive or insulting manner**
- **Disorderly behaviour**
- **Causing nuisance**
- **Noise disturbance to occupiers of other premises**
- **Obstructing a footpath, street or road**
- **Littering.**

These amenity breaches could occur inside the licensed premises or outside the premises where there is a direct link to that licensed premises.



Victorian Commission for
Gambling and Liquor Regulation

Liquor Licensing Fact Sheet Plans of licensed premises

When a liquor licence or BYO permit is granted, it is for a defined area where liquor can be supplied and/or consumed. This is shown by a red-line drawn on a plan of the premises. This plan needs to be submitted to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) as part of the application process and may be required upon request at any time.

The plan of the premises must accompany applications for:

- a licence or BYO permit excluding a pre-retail licence or a BYO permit for party bus
- a variation of a licence or BYO permit that involves a change to the size or perimeter of the licensed premises
- a transfer of a licence or BYO permit if the current floor layout of the premises differs from the plan held at the VCGLR
- the relocation of a licence or BYO permit.

Four copies of the plan should be lodged when submitting an application form.

Why do I need to submit four copies of the plan?

Four copies are required to enable:

- a copy to be endorsed as an approved plan and retained by the VCGLR
- a copy to be provided to Victoria Police as part of the application process
- a copy to be provided to the relevant local council as part of the application process
- an approved copy to be provided to the applicant on the grant of an application.

Plan of premises should be given to the VCGLR if internal changes are made.

If a change is made to the internal area of licensed premises (for example, by adding or removing a

particular structure), the licensee should submit an updated plan of the licensed premises.

Plan of the premises to be given to the VCGLR if requested

In addition to the above, section 101A of the *Liquor Control Reform Act 1998* provides that the VCGLR may at any time request that a licensee submit a current plan of a licensed premises.

What form should a plan take?

The VCGLR has specified that a plan must contain the following elements:

- be on suitably sized paper, minimum A4 size (graph paper is not acceptable)
- be drawn in ink and be neat and legible
- show the floor plan(s) of the owned or leased property
- outline in red the boundaries of the proposed area to be licensed
- if the proposed area does not follow a physical barrier (such as a wall), describe what is being used to separate the area
- show clear and consistent measurements on the plan
- include the address of the premises
- include a compass point showing north and names of the surrounding streets
- show basic functions or fixtures, for example, bar and dining area/kitchen area or in the case of a packaged liquor outlet, shelf areas where alcohol is displayed and the cash register is located
- a plan should be drawn to a suitable scale so that all elements above are clearly identified. A suggested scale is 1:100 (1cm = 1m).



LICENSED PLAN FACT SHEET: SIDE TWO

Restaurant and cafe licences and On-premises licences

If applying for kerbside trading, identify the area to be licensed and separately outline this area in red on the plan. The VCGLR will mark this area with an A.A on the approved copy of the plan. This area is referred to as the Authorised Area.

General licences

A general licence authorises the supply of liquor to patrons for consumption off the licensed premises, being a footpath or kerbside area. Therefore this area does not need to be identified on the plan.

Please note that licensees must comply with relevant local planning laws.

Where a proposed licensed or authorised area includes large outdoor spaces, a separate site plan must be provided that shows:

- the entire site including internal and external areas drawn to a suitable scale
- outline in red the proposed area that is to be licensed

- clear descriptions of how the proposed outdoor area will be distinguished (for example, fence, portable barriers, warning signs).

If the plan does not meet these requirements, the applicant will be required to resubmit the plan.

What am I required to do with my approved plan?

A copy of the approved plan must be kept on the licensed premises and must be available for inspection on request by a member of Victoria Police or a Compliance Inspector.

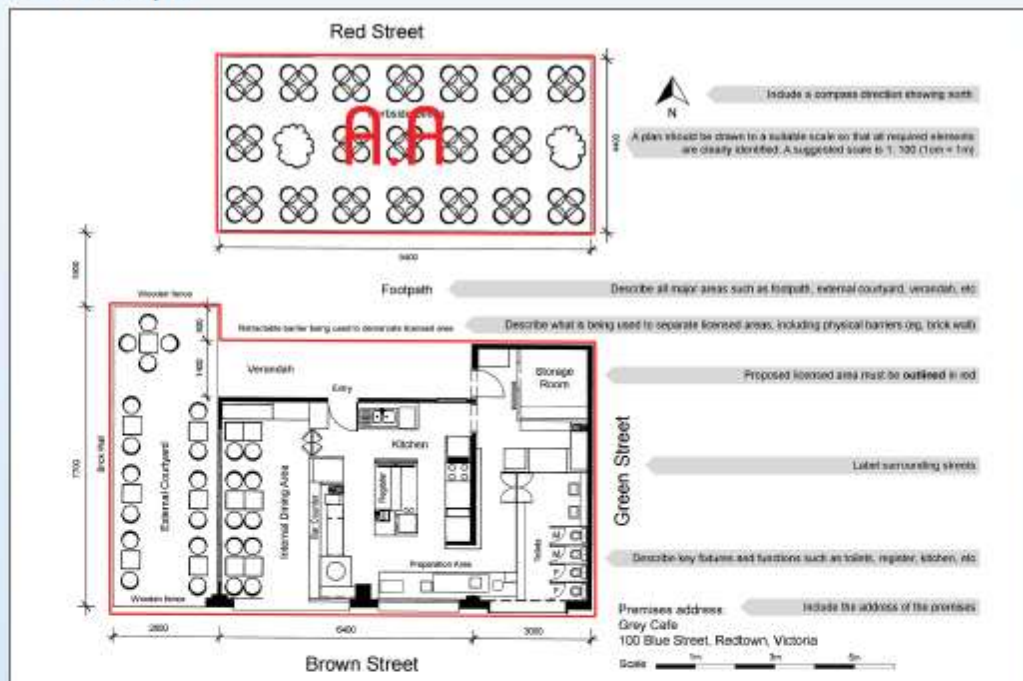
Failure to keep a copy of the plan on the licensed premises or produce a copy of the plan for inspection could result in a fine being issued.

Where can I get a copy of my approved plan?

If you do not have a copy of your approved plan, you can obtain a copy from the VCGLR at no extra cost.

An example of a plan is provided below.

Plan Example



This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.

49 Elizabeth Street, Richmond VIC 3121
1300 182 457 vcglr.vic.gov.au
contact@vcglr.vic.gov.au

Licensed Plans

It is important that persons applying for a liquor licence refer to the VCGLR fact sheet on licensed plans.

Applicants must obtain planning approval from their local Council and submit 4 copies of a red line floor plan.

Note: Plans must meet the requirements of the VCGLR (Important to refer to the VCGLR fact sheet).

Applying for a Liquor Licence

When applying for a liquor licence applicant must fulfil all the legislative and policy requirements of the VCGLR.

If these requirements are not met, then this could **delay your application being processed.**

To obtain a licence application kit go to the VCGLR website www.vcqlr.vic.gov.au

VCGLR Application Check List and Application Process

When applying for a liquor licence ALL applicants are required to meet the requirements of the VCGLR.

It is a minimum requirement to ensure the following:

- All signatures are correctly signed
- Dates submitted
- Correct credit details submitted
- Tick boxes ticked either yes or no
- Training certificates are up to date
- Application fully completed correctly
- Proof read your application and check pre-lodgement check list

A Sample “On Premises” licence pre-lodgement check list is provided on the following pages.

SAMPLE ON PREMISES PRELODGE MENT CHECKLIST

Lodgement checklist

On-premises licence

This checklist details the documents required to accompany your application. Supplying these with your application will allow the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to commence assessment of the application and can reduce processing time. Your application may be returned if the accompanying documents do not meet the requirements below. The VCGLR may contact applicants to request additional documentation depending on the circumstances of their business. All forms and fact sheets referred to are available on the VCGLR website vcglr.vic.gov.au.

Please tick that you have provided all the required documents with lodgement of your application

Application form

Please ensure:

- all fields on the application form are completed
- the nature of the business is detailed, clearly demonstrating why a liquor licence is sought
- application form is signed and dated by the applicant
- that correct fees are attached, as detailed in the 'Liquor licence fees' fact sheet.

Planning permit OR evidence that a permit is not required

A copy of the planning permit from the local council (or responsible planning authority) showing that you have planning permission to supply liquor as detailed in your application OR a copy of an application for a planning permit made to the local council (or responsible planning authority). If the area where you would like to supply liquor includes the kerbside trading area, please provide a copy of a permit that shows you have permission to use that area.

Alternatively, you can provide evidence that a planning permit is not required to supply liquor as outlined in your application. For example, a letter from the local council (or responsible planning authority) or a copy of the relevant planning scheme.

Responsible Service of Alcohol (RSA) training

Evidence of completion on an approved RSA training course for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.

New entrant training

A copy of an approved new entrant training certificate for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.

Questionnaire

Each person listed on the application, including any nominees, must complete a 'Questionnaire' attached in this application kit. For companies, partnerships or clubs, questionnaires are required from each director, partner or executive committee member respectively. Questionnaires will only be accepted if they are dated within the last three months.

Declaration of Associates

The declaration of associates form attached within this application kit must be completed by each of the following:

- If the applicant is an individual, the individual must complete the form.
- If the applicant is a partnership, each partner must complete the form separately.
- If the applicant is a body corporate, the body corporate must complete the form advising of its associates and each director of the body corporate must complete this form separately.

Four copies of the red-line plan

A licence is granted for a defined area on the premises. Four copies of the plan of the premises with the proposed licensed area outlined in red are required for an application to be accepted. The plan must meet requirements detailed in the 'Plans of licensed premises' fact sheet.

Maximum patron capacity documents

Patron capacity is the maximum number of patrons allowed on the licensed premises at any one time. Please refer to the 'Maximum patron capacity' fact sheet and the 'Useful information' section.

Business name certificate (if applicable)

A business name certificate is required if an individual or partnership is applying for a liquor licence, or if the trading name of the business registered with Australian Securities and Investment Commission (ASIC) is different to the company's name or incorporated club's name. A copy of the business name certificate from ASIC is required. To register your business name, go to the ASIC website at asic.gov.au for further information.



Victorian Commission for
Gambling and Liquor Regulation

Victorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street, Richmond VIC 3121
GPO Box 1988, Melbourne VIC 3001

Email contact@vcglr.vic.gov.au
Telephone 1300 182 457
vcglr.vic.gov.au
ABN 56 832 742 797



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On-premises licence

Please tick that you have provided all the required documents with lodgement of your application

Current and Historical Company Extract

A Current and Historical Company Extract is required if a company is applying for a liquor licence. A Current and Historical Company Extract can be purchased from the ASIC website at asic.gov.au. Refer to the 'Useful information' section for further information.

Incorporated association information

If you are applying for a licence in the name of an incorporated association you must provide the certificate of incorporation, rules and minutes of the most recent meeting confirming the committee members.

Declaration of the right to occupy the premises

For a licence to be issued, the applicant must have the right to occupy the premises. If you already have the right to occupy the premises, you must sign and attach the declaration provided at the end of this form.

How to lodge this form

By post

Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988, Melbourne VIC 3001

In person

Victorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street, Richmond

By email

contact@vcglr.vic.gov.au

What happens next

If your application is accepted, you will be emailed or sent an acknowledgement letter. This will confirm that the VCGLR has received your application and outline any further information required and the date by which it must be submitted. Once the VCGLR has received all required information and documents, your application will be determined. You will be advised of the outcome in writing.



Victorian Commission for
Gambling and Liquor Regulation

Victorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street, Richmond VIC 3121
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VCGLR Inspectors

VCGLR Inspectors carry out onsite inspections ensuring licensees are complying with liquor licensing and gambling laws and meeting their obligations. Inspections can be conducted at any time, 24 hours a day, 7 days per week.

Inspections of licensed premises ensure liquor is promoted and sold in a way that encourages responsible drinking. Licensee's must meet the obligations of their liquor licence under the Liquor Control Reform Act 1998.

Obligations may include but are not limited to:

- Displaying required signage
- Supply within set trading hours
- Ensure their approved red line plan is kept within the licensed premises
- RSA trained staff
- Refusing service to an intoxicated patron
- Removal of drunk patrons from the premises
- Provision of free drinking water.

VCGLR Inspector's role include:

- Carrying out inspections and investigations
- Ensuring the probity and conduct of licensees and permittees
- Providing compliance information guidance and advice
- Initiating timely appropriate enforcement and licensing actions where breaches are detected.
- Minimising harm and promoting the responsible service of alcohol.

Enforcement Options

- No action
- Verbal Warnings
- Written warnings
- Infringement Notices
- Risk management discussion
- Enforceable undertakings
- Disciplinary action

Victoria Police

Victoria Police have an enforcement role ensuring that licensee's and their staff are complying with the law.

Applicants of a liquor licence are required to complete a liquor licensing questionnaire in order to satisfy Victoria Police they are a suitable person to hold a liquor licence.

Applicants are required to document any prior charges or offences they have incurred.

Applicants are to ensure that the operation of their premises will cause no adverse impacts to the amenity surrounding their premises.

Victoria Police Role

- Issuing infringement penalties
- Issuing of official verbal and written warnings
- Monitoring licensed premises on an ongoing basis
- Assessing liquor laws
- Enforcing liquor laws
- Power of entry to any licensed area at any time.

Infringement penalties

An infringement penalty is an on the spot fine and is always calculated at ten per cent of the maximum fine. For example, if the maximum fine was \$10,000.00 then ten per cent would be \$1000.00.

If a licensee is issued with an infringement penalty, they have 28 days to pay the fine and if they consider that the fine is unfair, then they could defend the fine in a magistrate's court however if the licensee loses they run the risk of having the fine increased.

It makes good business practice for a licensee to introduce themselves to the local police as it opens up the lines of communication and develops good relationships.

Local Councils

Most liquor licence applications require planning approval from the local council in which the proposed licensed premises is situated.

In the majority of cases planning permission will be a planning permit. Planning Permits take time to process normally anything from three months onwards. Most Councils can conduct pre-lodgement meetings.

Applicants should be aware Councils could require traffic engineer reports, building surveyor reports acoustic engineer reports and amenity impact statements as well as place restrictions on entertainment, use of land, proposed trading hours and the removal of waste.

Planning permission is not required for a Transfer of liquor licence as there is already existing planning in place however licensees are encouraged to obtain a copy of their planning permit to ensure they do not break any condition in the operation of their premises.

Council By-Laws officers can issue fines if licensees break any condition that is on their planning permits. For instance, if it stated that a restaurant had a patron capacity of 100 patrons and a By Laws Officer did a count which indicated 120 patrons then the licensee could be fined for being in breach of their planning permit.

Councils also have the opportunity to object to liquor licence applications.

Most Councils have designated “alcohol free zones” under a local law, these zones prohibit the consumption of liquor at certain times and places within the municipality.

Most liquor applications are referred to Local Council by the VCGLR for comment. Council have the opportunity to object against a liquor licence on the grounds that the proposed application will lead to adverse amenity impacts.

VCGLR Inquiries

The Liquor Control Reform Act 1998 provides that:

- The Commission
- The Chief Commissioner of Police
- The local Licensing Inspector; and/or
- The relevant Council,

May refer a licensee to the Commission seeking an inquiry into their performance.

The Act provides grounds for such an inquiry including whether the licensee is suitable to hold a licence or if those listed above consider that a licence:

- a. Has contravened the Act, the regulations, the licence or permit, or a condition of the licence or permit;
- b. Has contravened a condition of any other approval or consent of the Commission under the Act;
- c. Has contravened Section 118A or a regulation under Section 118B regarding the supply of prohibited classes of liquor;
- d. Has been convicted of an offence under the Act.

For a full description refer section 91 of the Liquor Control Reform Act 1998.

What may the VCGLR do following an Inquiry?

After conducting an inquiry into their performance of a licensee, the VCGLR may:

- i. Cancel the licence or permit
- ii. Suspend the licence or permit for the period specified by the Commission
- iii. Place an endorsement on the licence.

The Commission may make any one or more of the following orders:

- i. An order imposing a fine on the licensee or permittee which exceeds \$38,000
- ii. An order varying the licence or permit.

An order varying the licence or permit may include:

1. A variation of trading hours
2. A variation to the size or perimeter of the licensed premises
3. A variation of condition of the licence or permit
4. The imposition of a new condition
5. The removal of an existing condition

Disqualification

If satisfied that a ground for making an order under Section 91 exists the VCGLR may also order that the licence or permittee or any director or nominee of the licensee or permittee or any director or nominee of the licensee or permittee (if it is a body corporate) or any member of the committee of management or nominee of the licensee or permittee (if it is a club) or any person who, whether directly or indirectly, is concerned in or takes part in the management of licensed premises be disqualified:

- a. From holding a licence or permit
- b. From being a partner in any partnership that holds a licence or permit;
- c. From having beneficial interest (whether directly or indirectly) in the shares of anybody corporate that holds a licence or permit
- d. From having a beneficial interest (whether directly or indirectly) taking part in. Or being concerned in, the management of any licensed premises or any body corporate that holds a licence or BYO permit or any licensed club
- e. From being employed by any licensed club or any person that holds a licence or permit.

For a full description please refer Section 93D of the Act

Application by the Commission

The VCGLR may suspend or cancel a licence;

- If satisfied the continuation of the licence would detractor be detrimental to the amenity of the area or
- That during a continuous 12 month period the licence has not been used.

For a full description see Section94 of the Act.

Application by others

If:

1. The Chief Commissioner
2. A licensing inspector
3. The Council of the municipal district in which the licensed premises are situated

Considers that the continuation in force of a licence or BYO permit would detract from or be detrimental to the amenity of the area in which the licensed premises are situated, the person may apply to the VCGLR for an order, cancelling, suspending the licence or permit.

Liquor Licensing Categories

It is important when selecting the liquor licence for your business that you give careful consideration to the licence you have selected. For instance, if you apply for a restaurant and café liquor licence you cannot operate as a bar.

Following is a summary of each liquor licence type and the restrictions against which the licence must be adhered to:

Please note that this information is general in nature and you should check your licence when you get it, as licence conditions can vary depending on your business activity.

Restaurant & Café Licence

The predominant activity of a restaurant/café must be carried out at all times on the premises this includes:

- The preparation and serving of meals at all times when the premises are open
- Tables and chairs in place for at least 75% of patrons attending at the one time
- Ensure that live music or amplified music does not exceed background music level outside ordinary trading hours (7.00.am. till 11.00.pm)
- Ensure the operation of the business does not operate solely as bar on the same licence
- Ensure internal dining areas are properly weather proofed
- Underage authority for minors
- Ordinary trading hours are:
 - 7.00am to 11.00pm Monday to Saturday (excluding Anzac Day and Good Friday)
 - 10.00 am to 11pm Sunday
 - 10.00am to 11.00pm Anzac Day and Good Friday.

Limited Licence

A limited licence may be a temporary limited licence or a renewable limited licence. The nature of the business must be limited in scope and range

Temporary limited licence may be a one-off event such as restaurant trading to 11.00pm and wanting to extend their trading on Valentine's Day to 12.00midnight

Renewable limited licence for on- going activities such as a small winery wishing to sell 200 cases of wine a year or an art gallery supplying liquor at an art exhibition.

Hours will be authorised by the VCGLR but limited in nature.

Major Event Licence

A major event licence authorises the licensee to supply liquor in relation to a major event as determined by the VCGLR.

In determining whether the event is likely to have significant impact the Commission must have regard for

- The number of patrons (max)
- The nature of the event-High Risk/Low Risk
- Location of the event
- Potential impact on public transport
- Potential impact on public safety

- Security arrangements

Hours will be authorised by the VCGLR and detailed on the licence.

Typically, Big Day Out, large events at the Melbourne Convention Centre such as the Good Food and Wine Show.

Victoria has a very vibrant hospitality industry. It is important that licensees abide by their moral and legal obligation in the operation of their premises in order to comply with the conditions of their liquor licence.

Full Club Licence

Authorises the licensee to supply liquor on the licensed premises to a member and guests of members and, authorised gaming visitors. Full club members can be supply liquor only for off premises consumption.

Typically includes sporting clubs, community clubs and RSL clubs.

A club licence is subject to a condition that the rules of the club comply with Schedule 1, except as otherwise determined by the VCGLR. Schedule 1, can be found on the VCGLR website: www.vcglr.vic.gov.au

Ordinary trading hours are:

- Anytime Monday to Saturday
- 10.00am to 11.00pm Sunday
- 12.00noon to 11.00pm Anzac Day and Good Friday.

Restricted Club Licence

Authorises the supply of liquor for consumption on the licensed premises only.

Typically, local sporting clubs, football, cricket and tennis.

Members register approved by the VCGLR.

Note: Liquor restrictions apply to junior sporting games

Late Night Licence

A late-night licence may be late night general, late night on premises or late night packaged liquor. Trading hours will be determined and approved by the VCGLR

Typically, nightclubs, karaoke, bars and hotels.

Note licensed premises trading after 1.00am playing amplified music attract special conditions on the licence that may include:

- Video surveillance cameras
- Security
- Patron Capacities
- RSA trained staff.

Packaged Liquor Licence

A packaged liquor licence authorises the licensee to supply liquor in sealed containers for off premises consumption only.

Must comply with a “Code of Conduct” as issued by the VCGLR which forms a condition of the packaged liquor licence.

Ordinary trading hours are:

- 9.00am to 11.00pm Monday to Saturday
- 10.00am to 11.00pm Sunday
- 12.00noon to 11.00pm Anzac Day.
- Generally no trading Good Friday and Christmas Day – check your licence when you get it

Pre-Retail Licence

A Pre-Retail licence authorises the licence to supply liquor at any time and on any premises to a person who holds a licence under this Act

Typically, wholesalers, producers and liquor importers.

This licence allows supply of liquor 24 hours trading to other liquor licence holders only

Producer’s Licence

A Producers licence authorises the licensee to supply liquor produced by the licensee for consumption on and off the premises.

Typically, large wineries, boutique wineries and breweries.

Cellar Door Sales:

Ordinary trading to the public are:

- 7.00am to 11.00pm Monday to Saturday
- 10.00am to 11.00pm Sunday, Anzac Day and Good Friday

Liquor can be supplied to other liquor licence holders anywhere at any time.

BYO Permit

A BYO permit authorises liquor to be consumed, possessed or controlled.

Liquor is not allowed to be sold to patrons.

Typically, restaurant club or party bus.

Hours and conditions as authorised by the VCGLR and are detailed on the licence.

On Premises Licence

An on premises licence allows for consumption of liquor on the licensed premises only. Liquor is not permitted to be taken off the licensed premises.

Examples of an on premises licence:

- Restaurants
- Bars
- Taverns
- Nightclubs
- Reception Centres.

Careful consideration should be obtained from your local Council to demonstrate you have the right planning for an on premises licence.

Ordinary trading hours are:

- 7.00.am to 11.00pm Monday to Saturday
(excluding Anzac Day and Good Friday)
- 10am to 11.00pm Sunday
- 12.00noonto 11.00pm Anzac Day and Good Friday

General Licence

A general licence authorises the licence to supply liquor on and off the licensed premises. Typically, hotels, pubs

Note: Off premises consumption is only permitted to 11.00.pm.

A general license allows the supply of liquor on the licensed premises at any time to a resident of the licensed premises or a guest of such a resident for consumption on the licensed.

Ordinary trading hours are

- 7.00am to 11.00.pm Monday to Saturday (excluding Anzac Day and Good Friday)
- 10.00am to 11.00.pm Sunday
- 12.00 noon to 11.00.pm Anzac Day and Good Friday

Understanding your liquor licence

LIQUOR LICENCE This licence must be displayed in a conspicuous place on the licensed premises. In a manner that invites public attention.
2018

Restaurant and cafe licence
 Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2018

Licensee DEEB'S PTY LTD **Trading as** FOUR SEAS RESTAURANT

Address for service of notice PO BOX 1111 MELBOURNE 3001 **Licensed premises address** 1045 EDWINGTON STREET MELBOURNE 3000

Additional persons registered on licence LEVI JONAS - approved as nominee, and is held as a fee licensee, until ceasing to manage and control the licensed premises.

TYPE OF LICENCE
 This licence is authorised to supply liquor for consumption on the licensed premises during the trading hours specified below.

REGULATORY & CARE CONDITIONS
 This licence is subject to the following conditions:
 (a) the predominant activity carried out at all times on the premises must be the preparation and serving of meals for consumption on the licensed premises; and
 (b) noise and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons on the premises; and
 (c) the licensee must not permit:
 (i) the playing of any recorded musical works; or
 (ii) the performance of any musical works; or
 on the premises at higher than background music level at any time outside ordinary trading hours.
 Condition (c) does not apply to music performed or played on the licensed premises outside ordinary trading hours as part of a function that is held in an area of the premises that is set aside for the exclusive use of persons who have booked a table in that area and their parties, and is restricted only to those persons and their guests.

RESTRICTIONS
 The licensee shall not cause or permit, directly or indirectly, the activity of the area to arise, and all staff in connection with the use of the premises shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy - Control of Music Noise from Public Premises (M-N-2).

SPECIAL CONDITION
 The windows facing Williams Street are to be shut and remain shut after 9 p.m. on any day.

MANUAL CAPSACHETS
 Minimum 52 patrons
 External 77 patrons

TRADING HOURS
 Good Friday: Between 12 noon and 10.30 p.m.
 Monday to Thursday: Between 7 a.m. and 3.30 p.m.
 Friday: Between 7 a.m. and 10.30 p.m.
 Saturday: Between 8 a.m. and 11 p.m.

APPROVAL/COMMENTS
 Section 51(1)(b) Footpath/External areas: This licence is authorised to supply liquor on premises, other than the licensed premises, authorised by the Director of Liquor Licensing and shown on the approved plan during the hours specified under "Trading hours" for consumption on those premises.
 Section 51(1)(b)(iv)(A)(ii) Footpath/External areas: This licence is authorised to supply liquor on premises, other than the licensed premises, authorised by the Director of Liquor Licensing and shown on the approved plan during the hours specified under "Trading hours" for consumption on those premises.
 Section 51(1)(b)(iv)(B) Off Site Catering: This licence is authorised to supply liquor in the course of catering for social functions or social functions on premises other than the licensed premises during the hours specified under "Trading hours" for consumption on those premises.

End of Conditions - Printed on 12/03/2018

This is an example of a restaurant and cafe licence. Other types of licences will be subject to other conditions.

- 1 Your most recent liquor licence or BYO permit must be displayed in a conspicuous place on the licensed premises in a manner that invites public attention. Failure to do so may result in a penalty exceeding \$500.
- 2 The licence is valid until the end of each calendar year.
- 3 This is the holder of the licence. The licensee can be a company, partnership, individual or a club.
- 4 This is your postal address and should be kept up to date. Please notify the Victorian Commission for Gambling and Liquor Regulation (VOGLR) of any changes on 1300 182 457.
- 5 States the type of licence and the circumstances under which the licensee is authorised to supply liquor.
- 6 All liquor licences have conditions to ensure that the operation of the business does not cause undue detriment to the amenity of the area.
- 7 This specifies your liquor trading days and hours
 Note: Patrons have a 30 minute grace period to finish drinks purchased prior to the end of trading hours (no alcohol is to be sold during this time).

- 8 This changes annually.
- 9 If you need to contact the VOGLR, it will assist if you quote your licence number.
- 10 The name the business trades under. Please notify the VOGLR if you change your trading name.
- 11 The actual location of your licensed premises.
- 12 A nominee is a person nominated by a licensee or permittee and approved by the VOGLR. They assume the responsibilities and obligations of the licensee/permittee.
- 13 As well as your general obligations, you will have conditions listed on your licence that are directed specifically at your premises. You need to comply with these conditions or you will be committing an offence. The conditions listed here are an example of the conditions that apply to a restaurant and cafe licence. Licensees can apply to the VOGLR to vary their conditions. Details are available at our website listed below.
- 14 You may apply to the VOGLR for endorsement of additional approvals on your licence. For example, you may have approval to supply alcohol in an additional area (footpath trading).

Please read your licence carefully
 If there is any condition or aspect of your licence that you do not understand, please contact the Victorian Commission for Gambling and Liquor Regulation.

Liquor Licensing Scenarios

Please list potential offences that may have been committed and any issues that do not conform to “best practice”.

Scenario 1: Restaurant and Cafe

It is 9:00pm on Saturday evening. I arrive at a local restaurant with my partner. We notice that the restaurant can trade until 11:00pm so we decide to have a late dinner. When our waiter comes over to our table he informs us that the kitchen is now closed however we can still order some hot chips. We decide to forgo the chips and order a bottle of wine. At 11:00pm we order a second bottle of wine and a DJ commences playing 1980s punk rock music. I quiz the waiter as to what time the DJ finishes. The waiter replies that the DJ would be playing music until 1:00am which he tells me is closing time. By 11:30pm I observe that the venue is completely full and that staff of the venue have stacked many of the dining tables and chairs into the corner so as to create a dance floor. My partner and I order a third bottle of wine however by 12.30am my partner has fallen asleep at the table. I thought we might have been asked to leave the venue however when the waiter walked by our table he began laughing that my partner had fallen asleep.

Scenario 2: Packaged Liquor

As I enter a packaged liquor outlet I notice an elderly gentleman who is drinking a can of beer, browsing through the imported wines. A girl in a school uniform was looking at the collection of pre-mixed drinks. A minor enters the outlet by himself and tries to purchase a bottle of red label vodka but is refused by the employee as he has no ID. As I look through the window I observe an adult man talking to the minor who hands the man a \$50.00 note. The man enters the store and purchases a bottle of red label vodka.

Scenario 3: General

I'm in the local hotel with a few mates having a few beers, it's 11:10pm and the hotel's Happy Hour is in full swing "Pots" are \$1.00 a glass. The door is wide open as it's a hot summer's night. The music from the "Disco Machine" is very loud. A young guy who looks underage purchases a slab of beer which he gives to his mate to carry and they both leave the hotel. The hotel is licensed to midnight. The licensee calls for last drinks and allows us to stay as his uncle and aunty arrive. At 1:30am the licensee orders a pizza from the shop next door then we had one last beer and left the hotel feeling quite merry right on 2:00am.

Scenario 4: On Premises

After eating out my 17-year-old girlfriend and I decide to go to our favourite nightclub. We arrive just after 1:00am. On entering we notice there are no security staff on the door which is good as my girlfriend does not have to show her fake ID. My girlfriend is quite thirsty approaches the bar and requests a free glass of tap water. The bar person indicates they only have bottled water available at \$4.50 a bottle. She decides to purchase a cocktail as the nightclub is promoting cocktails at half price. After her third cocktail, I notice she is starting to slur her words, she reaches over the bar and spills her cocktail on a girl wearing a white dress who appears quite angry.

Scenario 5: Best Practice Breaches

Can you identify the type of liquor licence as well as possible liquor licensing breaches and issues that don't conform to best practice?

An 18-year-old boy enters a licensed premise with his 17 year old girlfriend. They are seated at a table for two. The waiter comes over and the boy orders two cocktails each containing 3 shots of spirits with pineapple juice. After some time, the boy calls the waiter over to order their meals.

The time is just after 9.00.pm and the premises close at 11.00.pm. The waiter informs the couple that the kitchen is closed however they could order a bowl of hot chips. The hot chips were very salty and the boy asked for some water and was informed the premises only sold bottled water which was on special at \$2.00 per bottle.

At 10.00pm a DJ was playing some loud music in the corner and the premises was running a happy hour where patrons could purchase cocktails at \$5.00. each. The premises could only hold a patron capacity of 50 people however there appeared to be a large number of people standing as all the tables and chairs in the premises were occupied.

Some of the patrons consuming their cocktails appeared intoxicated and one couple had a fallen asleep at a nearby table. As the premises had no air conditioning the door was left wide open as it had been extremely hot summers evening.

The couple observed a middle-aged man approach the bar and purchased a bottle of grange wine and then left with the bottle of grange tucked under his arm. The boy looked up towards the bar area where he could see a liquor licence that was half displayed as a vase of flowers obscured the full view of the licence as the boy was curious as to what type of liquor licence the premises held.

The couple wished to purchase another cocktail however by this time it was 2 minutes past 11.00.pm. The boy asked the waiter whether he could purchase two more cocktails. The waiter said they could however they had to finish their drinks by 11.30.pm. as there is a 30-minute grace period in which patrons have to finish their drinks.

After finishing their drinks the couple left the premises to hail a cab.

Type of liquor licence: _____

In the space provided below list potential offences and best practice breaches

Responsible Serving of Alcohol (RSA)

Licensees who have a general, on premises, packaged liquor or late night liquor licences are required to have RSA trained staff.

An RSA condition could be imposed by the VCGLR, Victoria Police or a local Council on the liquor licence.

The RSA condition would only be to any person who supplies liquor.

It is highly recommended that the licensee maintains an **RSA Register** although this is not compulsory. It demonstrates that the licensed premises are operating in a responsible manner.

RSA Note

An RSA refresher course must be completed within 3 years of completion of an original RSA. The course can be completed free of charge at the VCGLR website.

Once the RSA Refresher has been completed you'll receive an "RSA Refresher Certificate".

Variation to your Liquor Licence

Licencees that seek to change a condition on their liquor licence are required to lodge a formal application of variation with the VCGLR

- A variation of the times outside trading hours at which the licensee or permit authorises the supply of liquor
- A variation of the size or perimeter of the licensed premises
- A variation of the condition of the license or permit
- The removal of a condition imposed by the Liquor Control Reform Act 1998,

Examples of a **variation** include:

- an increase in trading hours
- a building an extension to increase patronage
- a change in licence category
- an intention to trade in an external area like a courtyard.

The Objection Process

Objections

Applicants who apply for a new liquor licence are required to display an A3 notice for a period of 28 days, this is to allow anyone in the community the opportunity to object against the application.

Objectors to a liquor licence, must demonstrate two things:

1. the granting of the licence would have an adverse impact on the amenity of the area, and
2. it would have a negative impact on the objector.

Note applicants applying for a transfer of liquor are exempt from community objections as there is already an existing liquor licence in place.

Any person can object to the grant, variation, on a licence on the ground it would detract from or be detrimental to the amenity of the area in which the premises are situated.

All objections must be made to the Commission in writing within 30 days after the day on which notice of application was first displayed.

The Chief Commissioner of Police can object on any grounds they think fit including that the proposed person is not a suitable person to hold a licence.

Appealing a decision by the VCGLR

An applicant or objector may submit an application to have the decision of a delegate of the VCGLR reviewed (Internal Review)

Please note only decisions made by a single commissioner or delegate may be reviewed internally,

The appeal must be lodged within 28 days after the decision first came to the notice of the applicant or objector, or within 28 days received a statement of reasons for the decision. The latter of these two dates will be accepted.

You can lodge an appeal application by:

- Delivering the appeal application form and supporting documentation to the Victorian Commission for Gambling and Liquor Regulation
12 Shelley Street (Level3)
Richmond VIC 3121.
- Posting the Appeal Application form and supporting documentation to the Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988
Melbourne
Vic.3001

Intoxication Definition

As defined in in Section 3AB (1) of the Act

“A person is in the state of intoxication if his or speech, balance, coordination or behaviour is noticeably affected and there are responsible grounds for believing that this is the result of the consumption of liquor”.



Intoxication Guidelines

These Intoxication Guidelines are issued pursuant to section 3AB (2) of the *Liquor Control Reform Act 1998* (the Act) and provide information about how to determine if a person is in a state of intoxication for the purposes of the Act, the *Casino Control Act 1991* and the *Gambling Regulation Act 2003*.

What is the law in Victoria?

The Act states it is an offence for a licensee or permittee to supply liquor to a person who is in a state of intoxication.

How can you decide if a person is in a state of intoxication?

- Consider whether the person is displaying one or more of the signs of intoxication and;
- Consider whether this is the result of the consumption of liquor, by taking into account information such as:
 - How much alcohol have you witnessed the person drink? and/or
 - Information about how much the person has had to drink and/or
 - Does the person smell of alcohol?

Signs of intoxication may include the following:

- | | |
|---|---|
| • becoming loud, boisterous | • difficulty walking straight |
| • becoming argumentative | • bumping into furniture or customers |
| • annoying other patrons and staff | • rambling conversation |
| • using offensive language | • loss of train of thought |
| • spilling drinks | • difficulty in paying attention |
| • fumbling and difficulty in picking up objects | • not hearing or understanding what is being said |
| • swaying | • drowsiness or dozing while sitting at a bar or table. |

Conditions that exhibit similar symptoms and signs to intoxication

Sometimes physical and mental disabilities exhibit some of the same signs and symptoms as alcohol intoxication. You should consider the possibility of the existence of any conditions prior to refusing service on the basis that a person is intoxicated.

Legal definition of intoxication

Intoxication is defined in Section 3AB (1) of the Act:

For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.



49 Elizabeth Street, Richmond VIC 3121
1300 182 457 vcglr.vic.gov.au
contact@vcglr.vic.gov.au

Demerit Points and Star Rating

Refer VCGLR Fact Sheet.

The demerit points system operates to improve the regulation of liquor licensing in Victoria. This system operates in addition to the compliance history risk fee system to encourage good business practices in all licensed premises.

Under the demerit points system, licensees incur demerit points on their licence for a non-compliance incident.

What is the demerit points system?

Licensees will incur demerit points on their licence if there has been a non-compliance incident in relation to that licence. One incident equals one demerit point.

A licence will automatically be suspended if it reaches one of the demerit point thresholds.

Demerit points apply to the licence for a period of three years from the date of which on which the demerit point is recorded against the licence.

The number of demerit points that apply to a licence is published on the Demerit Points Register and Licences and Applications Online and both can be accessed at www.vcqlr.vic.gov.au

How will demerit points affect licensee's?

Licences will be suspended at the following thresholds:

- 5 demerit points will lead to a 24-hour suspension
- 10 demerit points will lead to a 7-day suspension
- 15 demerit points will lead to a 28-day suspension

What is a non-compliance incident?

A non-compliance incident relates to the following offences:

Offences and sections of the *Liquor Control Reform Act 1998*

- Supply liquor to intoxicated person 108(4)(a)
- Permit drunken/disorderly person on licensed premises 108(4)(b)
- Supply liquor to underage person 119(1)(a)
- Permit liquor to be supplied to underage person 119(1)(b)
- Liquor is supplied to underage person on licensed premises 119(2)
- Permit underage person on licensed premises, other than as permitted 120(1).

Demerit points and Star Rating

A non-compliance incident occurs when one of these offences has been detected and:

- an infringement notice for the offence has been paid in full or partially paid: or
- an infringement in respect of one of these offences has been lodged or the infringements Court and an Enforcement Order has been issued: or
- the offence has been successfully prosecuted.

The Star Rating System (Refer VCGLR Fact Sheet)

The star rating system provides greater incentive for licensees to comply with liquor licensing laws.

Under the star rating system responsible licensees will receive a discount on their annual liquor licence renewal fees.

The system operates in addition to the compliance history risk fee system to encourage business practices in licensed premises.

What is the star rating system?

A star rating is calculated on the basis whether a non-compliance has occurred in respect of the licensed premises. Licensees will receive a discount on their annual licence renewal fees where they have two or more consecutive years without recording a non-compliance incident.

Liquor licensees begin at a three-star level at the commencement of this system. They will then receive a star rating based on the criteria below.

Rating Criteria

One star three or more non-compliance incidents in the previous 12 months

Two star One to two non-compliance incidents in the previous 12 months

Three star No non-compliance incidents in the previous 12 months

Four star No non-compliance incidents in the previous 12 months

Five star No non-compliance incidents in the previous 12 months

Licensee Obligations

Victoria boasts a vibrant hospitality and tourism industry with a culture of appreciating fine food and entertainment. The sale and enjoyment of alcohol is part of this.

But holding a liquor licence is a privilege, not a right, and selling alcohol comes with very real and serious obligations

- Licensees should ensure the operation of their business does not adversely impact on the surrounding community
- Ensure that all management and staff are appropriately trained
- Comply and stay up to date with all liquor licensing policies and legislation.
- Meet community standards and VCGLR responsible policies with regards to any promotions and advertising.
- Provide free drinking water as required under liquor licensing legislation to all patrons
- Comply with all liquor licensing legislation and laws.

Incident Register

Despite complying with the law, incidents may occur in licensed premises

Examples of incidents:

- Entry is refused to an intoxicated disorderly person
- An intoxicated person is refusing to leave the licensed premises when requested
- A patron assaulting another patron within the premises
- Damage and vandalism to the premises
- Verbal abuse to staff and other patrons
- Anti-social behaviour.

Incidents and complaints should be recorded in an incident register kept in the licensed venue. (Refer Incident/complaints register form in the VCGLR fact sheet section).

The register will also assist Victoria Police with regards to any breaches to those involved in any incidents and assist in protecting the premises from any false allegations as well as assist in the defence of any civil action.

Getting Along with Neighbours

Licensed premises can be a cause for a number of complaints from surrounding residents. By putting preventative measures in place, licensees can maintain a positive relationship with their neighbours and local residents.

Neighbours can become irritated by:

- loud thumping music
- bottles being tipped into dumpsters in the early hours of the morning
- noisy customers leaving licensed premises can be associated with slamming car doors, vandalise private and public property, gather on the street or behave in a drunken or anti-social manner.

Tips for Licensees

Getting along with neighbours is vital for licensees as heavy penalties apply to those who ignore a neighbour's reasonable request. The following tips can be used to take appropriate action and avoid escalating complaints:

- Take every complaint seriously and act quickly to address its cause- experience shows that if licensees ignore reasonable concerns the situation rapidly deteriorates
- Call or visit the complainant personally and listen carefully to their concerns. Offer them your contact number and invite them to call you should a problem occur
- Explain what you intend to do to address the problem and keep the complainant informed of your actions. Ask for further feedback from them.

Tips to Prevent Problems

- Alert customers for the need to depart quietly by making regular announcements prior to closing time.
- Display signs requesting customers respect the peace and quiet of the neighbourhood on departure.
- Provide security staff to monitor the area around the licensed premises.
- Get to know your neighbours, attend neighbourhood meetings and get involved with the community.
- Participate in liquor licensing forums or accords.

The Escape of Noise in and around Licensed Premises

It is a key responsibility of licensees to ensure there is no escape of noise that would irritate or adversely impact on their neighbours.

Harm Minimisation

Licensees need to ensure they have policy and procedures in place to minimise harm from their venue that would have an adverse impact on neighbours and local community resulting from the supply of liquor.

In addition, licensees should also ensure they have policies and procedures in place to enable them to address any concern resulting from the supply of liquor.

Best Practice

All licensees should adopt “best practice” in the management and operation of their premises.

Best Practice will focus on the policies and procedures that will ensure the safety and reduce harm for both staff and patrons.

Best Practice

- Training of both staff and management.
- Responsible Serving of Alcohol.
- Issue written policy and procedures.
- Maintain an Incident Register.
- Ensure staff and management have a full understanding of your liquor licence.
- Adopt a House Policy.
- Ensure that checks are regularly conducted to ensure that all required VCGLR signage is current and prominently displayed.
- Establish a committee to review and “sign off” on each promotional activity to ensure it meets the with responsible promotion practices.
- Adopt emergency evacuation procedures.
- Attend local liquor forums.

RSA Register

It would be good business practice to record the following details in an RSA Register:

- Liquor licence number
- Name of person who is responsible for the management of the premises. Licensee, nominee or manager
- A copy of each staff members approved RSA certificate and the date the staff member first supplied liquor
- An updated RSA refresher certificate if applicable.

Notes:

House Policies

House policies provide a framework for licensed premises and communicate the acceptable standards adopted by the licensed venue.

House policies should be displayed in a prominent position that invites attention that allows patrons to understand the key policies of the premises.

Sample House Policy for a “Hotel” include:

- Our venue practices the principles and policies of serving alcohol responsibly
- Liquor will not be supplied to any intoxicated patrons
- Don't be offended if asked for appropriate ID.
- Venue supplies free drinking water
- One shot per glass spirit policy
- Alcohol will not be supplied to any person under 18 years of age.

Benefits of a house policy:

- Reduce alcohol related harm
- Highlight the premises house rules to patrons
- Reduced enforcement
- Acts as a defence in any civil litigation
- Protects the reputation of the premises
- Benefits staff morale.

Free drinking Water in Licensed Premises

Please refer VCGLR Fact Sheet.

Licensed venues that supply alcohol for consumption on-site are required to provide free drinking water.

Venues could have a table with a jug of water and glasses where patrons can help themselves. This would be acceptable under current legislation.

A poster is available for licensees to **download** that advises patrons that the venue provides free water.

Promote Non-Alcoholic Drinks

Licensed premises don't need to focus solely on promoting alcoholic drinks in order to achieve profits for their business promoting non-alcoholic drinks such as “Mocktails” provides many benefits.

Liquor Forums and Accords

What is a liquor Forum?

A liquor forum is where liquor industry representatives and interested community members meet regularly to develop strategies to improve the operation of licensed premises and reduce alcohol related harm in a local area.

Liquor forum membership can include licensees from a range of licence categories such as:

- Local sporting clubs
- Nightclubs
- Bars
- Packaged liquor outlets
- Restaurants and other key stake holders in your local community

What is liquor Accord?

A liquor accord is a written document that sets out specific aims, actions, objectives and strategies that provide practical solutions to local alcohol related problems and important range of programs to promote harm minimisation principles

Note: For further information refer to the VCGLR website: www.vcqlr.vic.gov.au

Key benefits of being a member of a liquor forum/accord includes:

- Opens the lines of communication between licensees Victoria Police and members of the community
- Understanding of amenity
- Reduction in anti-social behaviour
- Process to resolve complaints
- Banning of problem patrons.

How do I become a member of a liquor forum?

VCGLR Fact Sheet Kit

The following fact sheets are available for download at the VCGLR website www.vcqlr.vic.gov.au and are included in the following pages of this workbook:

- VCGLR News
- Liquor Control Reform Act 1998 Breaches
- Required Signage for Licensed Premises
- Signage Printing Guidelines
- Temporary Limited Licence
- Mandatory Drinking Water
- Free Water Drinking Poster
- Responsible Liquor Advertising and Promotions
- Barring Powers
- Maximum Patron Capacities
- Incident Report Sheet
- 4 RSA Principles Poster.



news

Victorian Commission for Gambling and Liquor Regulation

July 2019



Freeze on late-night licences extended

The Victorian Government has extended the freeze on the granting of new liquor licence applications to trade after 1am in inner-city Melbourne to 30 June 2021.

[Read more](#)



New fees and penalties from July 1

Every year as a result of indexation under the Monetary Units Act 2004, gambling and liquor fees and penalty units increase.

[Read more](#)



Wholesale data reporting is now open

The Wholesale Data reporting period is now open and runs until midnight 15 August 2019.

[Read more](#)



Refresh of gambling forms

As part of our commitment to continuous improvement we've updated a number of our gambling application forms.

[Read more](#)

Recent Commission decisions

The VCGLR prepares and publishes decisions and reasons for decisions in relation to certain gambling and liquor applications and disciplinary action proceedings. Below is a list of the most recent Commission decisions:

- Liquor decision - Murrumbidgee Football Netball Club
- Liquor decision - OTM Retailing Pty Ltd
- Liquor decision - Translucent Consulting Pty Ltd

For more information on the above or previous Commission decisions please visit the [Hearing and decisions page](#) on our website.

Important dates

- July 1 - Wholesale data reporting period begins
- July 1 - New fees and penalties apply
- August 15 - Wholesale data reporting period ends

Interested in attending a Liquor Forum? [Click here](#) to view key the scheduled dates for July.



Liquor licensing fact sheet

Breaches under the

Liquor Control Reform Act 1998 (from 1 July 2019)

The *Liquor Control Reform Act 1998* (the Act) provides for the issue of infringement notices for specified breaches. Infringement notices may be issued to licensees, underage persons or any person breaching specified sections of the Act.

An infringement notice is a fine issued as an alternative to having the matter heard before a court. The amount of the infringement notice is set at a figure lower than the maximum penalty that can be imposed by a court.

Licensees should be aware that payment of a fine may subsequently be taken into account in any disciplinary proceedings of the Victorian Commission for Gambling and Liquor Regulation (VOGLR) seeking suspension or cancellation of the licence.

NOTE: All government fees and fines are indexed annually. The dollar amounts shown in this document will change each financial year and have been rounded to the nearest whole dollar amount.

Compliance history risk fee

Certain breaches of the Act from the previous year may add additional costs to your liquor licence renewal fee. This is called a compliance history risk fee. Although there are many types of breaches under the Act, only six of these will trigger a compliance history risk fee. These breaches are listed in the table below.

Compliance History Trigger Offences These offences are infringements which are taken into account when calculating the annual licence renewal fees.	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person	108(4)(a)	\$19,826	\$1,983
Permit drunken or disorderly person on licensed premises	108(4)(b)	\$19,826	\$1,983
Supply liquor to a person under 18, other than as permitted (licensee/permittee offence)	119(1)(a)	\$19,826	\$1,983
Permit liquor to be supplied to a person under 18, other than as permitted (licensee/permittee offence)	119(1)(b)	\$19,826	\$1,983
Liquor is supplied to a person under 18 on licensed premises, other than as permitted	119(2)	\$19,826	\$1,983
Permit a person under 18 on licensed premises, other than as permitted	120(1)	\$19,826	\$1,983



Sell/supply/consume liquor offences	Section of the Act	Maximum penalty	Infringement notice
Permit any other person to carry on the business of supplying liquor on licensed premises without the consent of the Commission	106(1)	\$9,913	\$991
Sell liquor or offer liquor for sale without a licence	107(1)	\$39,653 or 2 years imprisonment	N/A
Supply liquor other than in accordance with licence and the Act	108(1)(a)(i)	\$9,913	\$991
Permit/cause liquor to be supplied not in accordance with licence and the Act	108(1)(a)(ii)	\$9,913	\$991
Permit consumption of liquor not in accordance with licence and the Act	108(1)(a)(iii)	\$9,913	\$991
Use any place or premises for the supply liquor other than licensed or authorised premises	108(1)(b)	\$9,913	\$991
Take/receive liquor orders other than at a licensed premises	109(1)	\$2,478	\$248
Unauthorised sale of liquor through vending machines	109A	\$9,913	N/A
Bringing into or consuming liquor on licensed premises not in accordance with licence	111(a)	\$4,131	\$413
Permit liquor to be brought into/consumed or supplied on licensed premises not in accordance with licence	111(b)	\$4,131	N/A
Consume, supply, possess or permit liquor on unlicensed premises to which section 113 applies	113 (1) (1A) (1B) & (1C)	\$8,261	\$330
Permit unauthorised consumption of liquor on party bus	113A (1)	\$8,261	\$330
Obtain/consume liquor on licensed premises other than in accordance with the licence or the Act	114(1)(a)(i)&(ii)	\$3,304	\$330
Falsely indicate that premises are licensed premises	116(a)	\$2,478	\$248
Falsely indicate being licensed to supply or to allow consumption of liquor	116(b)	\$2,478	\$248
Sale of alcohol-based food essences in container above permitted capacity	118A	\$4,957	\$496
Supply certain classes of liquor (i.e milk products, alcoholic vapour, liquor in flexible tubes, liquor that is a dry, soluble, concentrated substance)	118B	\$4,957	\$496
Intoxication/drunk offences	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person*	108(4)(a)	\$19,826	\$1,983
Permit drunken/disorderly person on licensed premises*	108(4)(b)	\$19,826	\$1,983
Procure liquor for intoxicated person on licensed premises	114 (1)(b)(i)	\$3,304	\$330
Aid/abet intoxicated person to obtain liquor on licensed premises	114 (1)(b)(ii)	\$3,304	\$330
Refusal or failure by a person who is drunk, violent or quarrelsome, to leave licensed premises when requested by a licensee, employee of licensee or Victoria Police	114(2)	\$8,261	\$826
Signage/plans/licence display offences	Section of the Act	Maximum penalty	Infringement notice
Fail to display copy of licence at licensed premises	101	\$826	\$83
Failure to give a current plan or depiction of the licensed premises to the Commission as soon as practicable after the Commission requests	101A(3)	\$1,652	N/A
Failure to keep a copy of the last plan or depiction of the licensed premises on the licensed premises	101B(1)	\$1,652	N/A
Fail to produce a copy of the plan or depiction for inspection by a member of Victoria Police or a gambling and liquor inspector	101B(2)	\$1,652	\$165
Fail to display notices as required by Commission	102(1)	\$826	\$83
Fail to display notice in form required by Commission	102(2)	\$826	\$83

*see compliance history risk fee and trigger offences on the front page.

Underage offences	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to a person under 18, other than as permitted (licensee/permittee offence)*	119(1)(a)	\$19,826	\$1,983
Permit liquor to be supplied to a person under 18, other than as permitted (licensee/permittee offence)*	119(1)(b)	\$19,826	\$1,983
Liquor is supplied to a person under 18 on licensed premises, other than as permitted*	119(2)	\$19,826	\$1,983
A person other than a licensee or licensee's employee supplying liquor to a person under 18	119(3)	\$19,826	\$1,983
Supply liquor to a person under 18, by an employee, other than as permitted	119 (4)	\$3304	\$330
Permit person under 18 on licensed premises, other than as permitted*	120(1)	\$19,826	\$1,983
Send person under 18 to obtain liquor	121	\$19,826	\$1,983
Permit person under 18 to supply liquor on licensed premises, unless engaged in training program approved by the Commission	122(1)	\$19,826	\$1,983
Falsely represent oneself to be over 18 years in order to purchase liquor or enter licensed premises	123(4)	\$826	\$83
Give evidence of age document to another	124(1)	\$3,304	\$330
Deface/interfere with evidence of age document	124(2)	\$3,304	\$330
Knowingly make false evidence of age document	124(3)(a)	\$3,304	\$330
Knowingly give a false evidence of age document to another	124(3)(b)	\$3,304	\$330
Supply false information, documents, or material to obtain a proof of age document	125(1)(a)	\$3,304	\$330
Pass on any documents or material that does not relate to him or her for the purposes of evidence of age document	125(1)(b)	\$3,304	\$330
Give a document or material to another person to support an application for a proof of age document that contains information that is false or misleading	125(2)(a)	\$3,304	\$330
Purchase/receive liquor, other than as permitted by persons under 18	123(1)(a)	\$826	\$83
Possess/consume liquor, other than as permitted by persons under 18	123(1)(b)	\$826	\$83
Enter/remain on licensed premises, other than as permitted by persons under 18	123(1)(c)	\$826	\$83

*see compliance history risk fee and trigger offences on the front page. These offences also affect the star rating and demerit point systems.

Responsible Service of Alcohol (RSA) training offences**	Section of the Act	Maximum penalty	Infringement notice
Failure by licensee (natural person) to complete an approved RSA program (either refresher or initial training) within 3 years of last completing an approved RSA program	108AA(2)	\$9,913	\$991
Failure by licensee (body corporate) to ensure that the person responsible for the management or control of the licensed premises has completed an approved RSA program (either refresher or initial training) within 3 years of last completing an approved RSA program	108AA(3)	\$9,913	\$991
Failure by the licensee to ensure that any person who sells, offers for sale or serves liquor on the licensed premises has completed an approved RSA program within the 3 years prior to beginning to sell, offer for sale or serve liquor on the licensed premises (New serving staff have a one month grace period to meet this requirement)	108AB(2)	\$9,913	\$991
Failure by licensee to ensure that any person who sells, offers for sale or serves liquor on the licensed premises has completed an approved RSA program (either refresher or initial training) within 3 years of last completing an approved RSA program	108AC (2)	\$9,913	\$991
Failure by the licensee to establish and maintain an approved RSA program register	108AD (2)	\$826	\$83
Failure by the licensee to produce an approved RSA program register	108AE (2)	\$826	\$83

** Applies to general, on-premises, packaged liquor and late night licence categories plus any other individual licence endorsed with RSA conditions.

Designated area/banning notices offences	Section of the Act	Maximum penalty	Infringement notice
Failure by licensee to comply with an advertising or promotion banning notice given by the Commission	115A(2)	\$19,826	N/A
Refuse or give false particulars of name or address to Victoria Police for the purposes of a banning notice	148D(3)	\$826	N/A
Failure to comply with the request to produce evidence of name and address to Victoria Police for purposes of a banning notice, unless having a reasonable excuse	148D(7)	\$826	N/A
Contravening a banning notice or failing to comply with Victoria Police direction when in a contravention of banning notice	148F(1)&(2)	\$3,304	\$330
Contravening an exclusion order or failing to comply with Victoria Police direction when in contravention of exclusion order	148J(1)&(2)	\$9,913	\$991
Knowingly permit a person to whom a banning notice or exclusion order applies to enter the licensed premises	148Q(1)&(2)	\$9,913	N/A

Fire safety offences	Section of the Act	Maximum penalty	Infringement notice
Refusal or failure to comply with a requirement of a fire safety inspector	148Z	\$9,913	N/A
Refuse to allow a fire safety inspector to enter licensed premises	148ZA	\$9,913	N/A
Providing false or misleading particulars to a fire safety inspector	148ZB (a)&(b)	\$9,913	N/A
Contravening a closure and evacuation notice	148ZJ(1)	\$39,653	N/A
Failing to comply with a direction of a fire safety inspector or authorised person	148ZJ(2)	\$3,304	\$330
Allowing a person to enter licensed premises after notice has been served	148ZK	\$19,826	N/A
Failure to display a sign about the notice at all entrances and exits when a closure and evacuation notice is in force	148ZL	\$1,652	N/A

Barring order offences	Section of the Act	Maximum penalty	Infringement notice
Person who has been refused entry or has left following a request remains in the vicinity of the licensed premises	114(3)	\$3,304	\$330
Person who has been refused entry or has left following a request re-enters the licensed premises within 24 hours of being refused or requested	114(4)	\$3,304	\$330
Failure to comply with barring order by entering or remaining on a licensed premises from which person is barred without reasonable excuse	106J(1)	\$3,304	\$330
Failure to comply with barring order by re-entering or remaining in the vicinity of licensed premises from which person is barred without reasonable excuse	106J(2)	\$3,304	\$330
Failure by licensee or permittee to keep record of barring order, including a variation or revocation	106K(1)	\$826	\$83
Failure by licensee or permittee to produce records of barring orders where requested by Victoria Police or a gambling and liquor inspector	106K(2)	\$826	\$83
Licensee or permittee must not disclose barring order records except as required by the barring order provisions	106K(4)	\$826	\$83
Failure to destroy barring order records after 3 years after expiry or revocation	106K(5)	\$826	\$83
Failure to comply with request from Victoria Police to state name and address without a reasonable excuse, or stating a name or address that is false	106H(3)(a)&(b)	\$826	\$83
Failure to produce evidence of name or address when requested by Victoria Police	106H(7)	\$826	\$83

Other offences	Section of the Act	Maximum penalty	Infringement notice
Failure to notify the Commission within 14 days of a person ceasing to be a nominee	54(11)	\$826	\$83
Failure by owner or mortgagee to register name with the Commission	98(a)	\$826	\$83
Failure by owner or mortgagee to notify the Commission of any change of address	98(b)	\$826	\$83
Fail to provide refreshments on request at licensed premises	99	\$826	\$83
Failure to supply and have available suitable free drinking water on a licensed premises where alcohol is consumed on-site.	99A	\$4,957	\$496
Fail to maintain residents' register in a form approved by the Commission	100(a)	\$1,652	\$165
Fail to enter particulars in residents' register	100(b)	\$1,652	\$165
Fail to keep residents' register on licensed premises	100(c)	\$1,652	\$165
Permit/cause/make any false or misleading entries in the residents' register	100(d)	\$1,652	N/A
Fail to produce residents' register for inspection by Victoria Police or a gambling and liquor inspector	100(e)	\$1,652	\$165
Fail to notify Commission of cessation of company director within 14 days	103(1)	\$826	\$83
Fail to have the director of a body corporate approved by the Commission	103(2)	\$826	\$83
Failure to notify the Commission within 14 days that a person has ceased or has become an associate	103A(2)	\$826	\$165
Letting or sub-letting any part of the licensed premises, or assign the right to supply liquor, without consent of the Commission	105(1)	\$9,913	\$991
Failure to notify the Commission in writing within 21 days of commencing to provide sexually explicit entertainment on the licensed premises	106B	\$1,652	\$165
Permit unlawful games on licensed premises	108(1)(d)	\$9,913	\$991
Failure by licensee (body corporate) to give list of names and addresses of directors to a member of Victoria Police or a gambling and liquor inspector	108B(1)	\$1,652	\$165
Failure by a licensee who is a club, to give a list of the names and addresses of members in its committee of management, to a member of Victoria Police or a gambling and liquor inspector	108B(2)	\$1,652	\$165
Provide false or misleading information to a member of Victoria Police or gambling and liquor inspector	108B(3)	\$3,304	N/A
Holding oneself out, when carrying on a business, as being prepared to order or purchase packaged liquor from a licensee acting on behalf of another person	110	\$2,478	N/A
Keep liquor for supply or consumption in unlicensed club premises	112(1)	\$4,131	N/A
Obtaining liquor by falsely representing oneself to be a resident of a licensed premises	114(1)(c)	\$3,304	\$330
Betting or allowing a person to bet on licensed premises, other than as permitted	115(1)	\$3,304	\$330
Procuring a transfer of a licence or a BYO permit by fraud or false representation	117(1)	\$8,261	N/A
Making a false or misleading statement	118(1)	\$9,913	N/A
Refuse to give particulars of name or address or age	126(4)(a)	\$2,478	\$248
Give false particulars of name or address or age	126(4)(b)	\$2,478	\$248
Give false evidence of name or address or age	126(4)(c)	\$2,478	\$248
Refuse or fail to give name and address to authorised persons*	130A(3)(a)	\$3,304	\$330
Give false name or address to authorised persons	130A(3)(b)	\$3,304	\$330
Obstruct, hinder or abuse authorised person from performing their duty under the Act	130E	\$9,913	N/A

* For the purposes of this document, an authorised person means a Commissioner, a gambling or liquor inspector or a member of Victoria Police.

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1300 182 457 vcglr.vic.gov.au
contact@vcglr.vic.gov.au



Victorian Commission for
Gambling and Liquor Regulation

Liquor Licensing Fact Sheet Required signage for licensed premises

It is important that licensees and the community are aware of Victorian liquor laws relating to underage drinking, drunkenness and public safety issues.

Licensees must display the following signage around their licensed premises.

The signage is available for downloading and printing from the VCGLR website: vcglr.vic.gov.au

Correct signage for display (effective 29 June 2018)

Posters							
Keycode	VOGLR001201BV1	VOGLR002201BV1	VOGLR003201BV1	VOGLR004201BV1	VOGLR005201BV1	VOGLR006201BV1	—
Licence type							
Packaged liquor, including late night (packaged liquor)	●	●		●			●
General, including late night (general)		●	●	●			
On-premises, including late night (on-premises)		●	●				
On-premises (with restaurant conditions)		●		●			
Restaurant and cafe		●		●			
Club (full and restricted)		●		●			
Producer's		●		●			
Limited		●		●			
BYO permit		●					
BYO Permit (Party bus)					●	●	

Victorian Commission for Gambling and Liquor Regulation



Important information

- Printing guidelines apply (see following page). Ensure you have the most recent version by checking the keycode located on the bottom left of the sign against the VCGLR website: vcglr.vic.gov.au.
- Posters are to be displayed in view of the public.
- The maximum penalty for non-display of posters exceeds \$700 under Section 102 of the *Liquor Control Reform Act 1998*.
- Under the Code of Conduct for packaged liquor licensees, holders of these licences must display the free call number for Directline (counselling, information and referral line for people with alcohol and drug problems – 1800 888 236). This sign is available from the VCGLR.
- In addition to the minimum requirements, licensees may choose to display any of the available posters.

Frequently asked questions

Where do I get the posters?

Visit the VCGLR website, click the "Print my signage" icon on the front page then click on the "print my liquor signage" heading under the related links on the right side of the next page to navigate to the Liquor section required posters.

How do I know if I have the correct version of a poster?

Check the keycode (located in the bottom left-hand corner of the poster) against the keycode on the VCGLR website to ensure you are using the current version.

What happens if I display an old poster?

Licensees must display any notice that the Commission requires to be displayed on the licensed premises. Licensees may be fined for displaying incorrect or out-of-date posters. Licensees are encouraged to regularly check the website to ensure that they are displaying the most up-to-date posters and meeting their regulatory requirements.

Will the VCGLR still provide hard copies if requested?

Yes. VCGLR staff can print the posters in-house and mail them out upon request.

Where can I go for more information?

Contact the VCGLR on 1300 182 457 or contact@vcglr.vic.gov.au.

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Level 3, 12 Shelley Street, Richmond VIC 3121
1300 182 457 vcglr.vic.gov.au
contact@vcglr.vic.gov.au

Printing guidelines

- Posters must be printed in the original form as downloaded from the VCGLR website: vcglr.vic.gov.au. No modification to the form or content of the posters is permitted.
- Posters must be printed in colour on A4 (210 x 297mm) paper.
- Posters must be printed at a sufficient quality to ensure that the keycode in the bottom left-hand corner is clearly legible by VCGLR inspectors.
- Posters must be displayed so that the information contained in them is clearly visible to the public.

✓ Correct

✗ Incorrect
Must be printed in colour

✗ Incorrect
Must be cleanly printed without blurring or patches

✗ Incorrect
Must be aligned and include all content, including the keycode

Do the posters have to be printed on special paper?

No. For durability/longevity, the VCGLR recommends using a heavier paper stock (120 – 200gsm) but this is not a legal requirement.

Can I laminate or frame the posters?

Yes – providing all content, including the keycode, is clearly visible and not obscured. The posters have been designed with a sufficient margin to allow display in a simple frame.

Where can I go for more information?

Contact the VCGLR on 1300 182 457 or contact@vcglr.vic.gov.au.

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Victorian Commission for
Gambling and Liquor Regulation

Liquor Licensing Fact Sheet Temporary limited licence

This fact sheet sets out when a temporary limited licence will be required to supply liquor within Victoria.

A temporary limited licence authorises the licensee to supply liquor at the times and subject to the conditions specified in the licence.

For example a temporary limited licence may be granted:

- for the supply of liquor at one-off events or a series of one-off events
- to increase trading hours or the size of the licensed premises of an existing licensee for a particular one-off event.

In order to be granted a temporary limited licence, the Commission must be satisfied that the scale and scope of the supply of liquor is limited in nature.

Various ways in which the scale and scope of supply may be limited include the:

- range of products
- customers
- hours
- size of premises
- means of delivery.

A temporary limited licence is generally not required for private events where liquor will be supplied free of charge. A licence will always be required if the supply of liquor is contingent on the sale or purchase of some good or service. If liquor is being supplied through a catering company, the catering company will require a liquor licence. This is because the liquor is being purchased through the catering company.

If the premises hired for the private event is licensed (for example a licensed restaurant), then a temporary limited licence is not required. The licensee of that premises is responsible for ensuring that liquor is supplied in accordance with the conditions of its licence.

Even though you may not need a liquor licence for your event, you should register your event with Victoria Police through the partysafe initiative – www.police.vic.gov.au and let your local council know.

However, if the premises hired for the private event is unlicensed and falls within one of the below categories, then a temporary limited licence will be required:

- milk bar, convenience store or mixed business
- premises where meals are ordinarily served to the public for consumption on the premises
- premises occupied by a club
- premises where light refreshments and non-intoxicating drinks are sold to the public for consumption on the premises.

Common premises that would fall within the above categories would be an unlicensed restaurant, unlicensed boats that sell refreshments or an unlicensed football club. A function hall with a commercial kitchen would not fall within this category as the premises are not used "ordinarily" to serve food to the public.



Raffles

Where a raffle is conducted in such a way that each participant has a chance of winning a prize and one or more of those prizes are liquor, a liquor licence is not required. This is the common method of conducting a raffle. However, if a raffle is conducted on the basis that each participant wins a prize, and each prize is liquor, then a liquor licence may be required.

Examples of events where a temporary limited licence is not required:

- a private function being held at a town hall where liquor is supplied free of charge
 - e.g. birthday parties, weddings, christenings
- provision of complementary liquor at art galleries, retailers, schools or work places
 - provided the complimentary liquor is not contingent upon any purchase of goods or services.

Examples of events where a temporary liquor licence is required:

- events (such as exhibitions, awards nights) where complimentary liquor is provided, dependant upon financial membership
- retailers/galleries/companies offering complimentary liquor dependant upon the purchase of a good or service
- balls, award nights, fundraising events where the ticket price includes the supply of liquor
- private function being held at an unlicensed restaurant or sporting club where liquor is supplied free of charge.

If you are unsure as to whether you need a temporary limited licence for your event, please contact the VCGLR on 1300 182 457 or email contact@vcglr.vic.gov.au

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49 Elizabeth Street, Richmond VIC 3121
 1300 182 457 www.vcglr.vic.gov.au
contact@vcglr.vic.gov.au



Victorian Commission for
Gambling and Liquor Regulation

Liquor licensing fact sheet
mandatory water (from 1 July 2015)

Offering free water is an important part of responsible service of alcohol as it helps patrons slow down their rate of intoxication and provides an alternative to consuming alcohol.

Licensed venues that supply alcohol for consumption on-site are required to provide free drinking water to their patrons. How water is supplied is left to the discretion of the licensee. Failure to supply free drinking water could attract substantial fines.

Exemptions to mandatory water requirements

Licensees may apply to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) for an exemption to the requirement to provide free drinking water by submitting the exemption application form.

The VCGLR has discretion over which applications for an exemption are approved, and will judge each individual case on its own merits. However, under the *Liquor Control Reform Act 1998* the VCGLR must consider the risk of harm arising from the misuse and abuse of liquor supplied under the licence and the extent of the burden imposed on the licensee by the requirement to supply free drinking water.

An example of when an exemption may be granted is when the licensee does not have access to mains water providing the lack of free drinking water will not lead to any alcohol related harm.

The VCGLR and Victoria Police will enforce these laws, and members of the public will be able to

report venues that are not compliant with the water requirements by emailing contact@vcglr.vic.gov.au.

Can the VCGLR exempt a premises from the mandatory water requirement?

Yes. The VCGLR has the discretion to exempt a premises from the mandatory water requirement. You can apply for an exemption by submitting the exemption form found on the VCGLR website.

What happens if a venue does not supply free water?

Failure to provide free drinking water could result in a fine of up to \$4550.

How are venues expected to supply water?

How water is supplied is left to the discretion of the licensee. This could be via self-service or upon request. For example, a restaurant may find it more convenient to supply free water by providing a bottle of water and glasses or they may wish to provide water by the glass.

A nightclub may wish to provide free water at a water cooler. Provided free drinking water is readily available to patrons licensees will be considered to be meeting their obligations.

A poster notifying patrons of the availability of free water can be downloaded from the VCGLR website.

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Victorian Commission for Gambling and Liquor Regulation



49 Elizabeth Street, RICHMOND VIC 3121
1300 182 457 vcglr.vic.gov.au
contact@vcglr.vic.gov.au

Free water available in this venue

We support the
Responsible Service of Alcohol

vcglr.vic.gov.au

JUNE 2015



Victorian Commission for
Gambling and Liquor Regulation





Victorian Commission for
Gambling and Liquor Regulation

Liquor Licensing Fact Sheet

Responsible liquor advertising & promotions

This fact sheet sets clear standards for the conduct of licensees in relation to responsible liquor advertising and promotions.

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) has the power to ban inappropriate advertising or promotions. The VCGLR may also seek to vary, suspend or cancel a liquor licence. In utilising these powers,

the VCGLR will take into account whether the promotion is likely to encourage irresponsible consumption of alcohol or is otherwise not in the public interest.

The following 16 principles provide licensees with a quick reference guide for responsible advertising and promotion of liquor. More detailed information is available in the 'Guidelines for responsible liquor advertising and promotions'.

Principles concerning the irresponsible consumption of liquor

Principle	Example of unacceptable practices
1. The advertising or promotion of liquor should not provide incentives that could lead to the rapid or excessive consumption of liquor.	Drinking games, competitions, dares or challenges that involve rapid or excessive consumption of liquor.
2. The advertising or promotion of liquor should not encourage the stockpiling of drinks by the consumer for consumption at the licensed premises.	Promotions that encourage or reward the purchase of, or drinking of, large amounts of liquor in a single session or transaction.
3. The advertising or promotion of liquor should not involve the availability of non-standard sized drinks or the availability of liquor in receptacles that encourage rapid drinking.	Serving liquor in a yard glass for skolling. Pouring liquor straight into patrons' mouths (e.g. pouring liquor directly from a bottle or shooting liquor from a water pistol).
4. The advertising or promotion of liquor must not condone or encourage rapid or excessive drinking, drunkenness or anti-social behaviour.	Advertising or promotion of events that focus mainly on the excessive consumption of liquor (binge-drinking as part of end of sporting season celebrations such as 'Mad Monday', or end of school year celebrations such as 'Schoolies Week' or 'after parties').
5. The advertising or promotion of liquor involving 'happy hours', free drinks or discounted drinks must have reasonable limits and controls to minimise the risk of rapid, excessive or irresponsible consumption of liquor.	Promotions involving extreme discounts (e.g. \$1 shots of spirits) or excessive periods of free drinks (e.g. \$50 entry and free drinks all night).
6. Where limited free liquor is advertised or promoted as ancillary to a product or service, the advertising or promotion must not place the free liquor as the primary focus.	Advertising that focuses exclusively on free alcohol where there are other activities to promote.
7. Where the advertising or promotion involves the inclusion of unlimited liquor within the entry price, the advertising or promotion must be consistent with responsible service of alcohol practices.	Advertising or promotions that explicitly focus on the 'all you can drink' element of the event by using terminology such as 'drink till you get smashed' or 'drink your money's worth'.

Public interest principles

Principle	Example of unacceptable practices
8. The advertising or promotion of liquor must avoid sexual, degrading, sexist or gratuitously offensive images, symbols, figures and innuendo.	Sexualised promotions that target women by offering free or reduced price alcohol combined with incentives to dress provocatively or remove their clothing (e.g. wet T-shirt competitions or '\$50 drink card for women who hang their undies behind the bar').
9. The advertising or promotion of liquor must not be linked to sexual imagery or imply sexual success.	Using sexual images that depict gratuitous use of nudity to promote the supply of liquor or the conduct of licensed premises (e.g. using nudity to promote home delivery of liquor).
10. The advertising or promotion of liquor must not suggest any association with risk taking, or with violent, aggressive, dangerous or anti-social behaviour.	The use of images or messages associating the consumption of liquor with risky or dangerous activities (e.g. sky diving, motor racing, drink driving, speed boating).
11. The advertising or promotion of liquor must not portray people or depict material in a way that discriminates against, vilifies or is demeaning to any person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.	Advertising or promotions that use stereotyping to highlight racial differences or that make fun of personal characteristics such as disability.
12. The advertising or promotion of liquor must not suggest any association with, acceptance of, or allusion to, illicit drugs.	Using images, text or language that allude to drug taking behaviour or using props, settings or scenarios that link the promotion of liquor to illicit drugs.
13. The advertising or promotion of liquor must not encourage breaking the law.	Linking the consumption of liquor to drink driving or to breaking the law.
14. The advertising or promotion of liquor must not encourage under-age drinking.	Using characters, imagery, designs, motifs, interactive games, merchandise or media that are likely to appeal to minors.
15. The advertising or promotion of liquor must not incorporate images of people who are, or who appear to look under 18 years of age, unless there is no suggestion that they have just consumed, are consuming or are about to consume liquor.	Depicting models in settings primarily used by minors, even where the individuals used in the advertising or promotion are over 18 (e.g. schools, youth clubs).
16. The advertising or promotion of liquor should not be likely to place any group at risk of harm.	Promoting the availability of discounted liquor in ways that encourage excessive consumption by 'at risk' groups (e.g. window display promoting discounted liquor products with high alcohol content).

There are actions that licensees can take to reduce the risk by considering each of the elements below when planning liquor promotions:

Type and strength of liquor – Consider running promotions offering lower strength liquor products

Price – Consider limiting the discounting of liquor during a promotion, ensuring that reduction in price is not excessive.

Duration – By placing reasonable limits on the duration of your promotion, licensees can still provide opportunities to increase sales with reduced risk of irresponsible consumption (e.g. a 'happy hour' should not be '5 hours of happiness').

Frequency – Consider limiting the number of promotions that are held during a single trading period.

Timing/timeframe – After 10.00pm, the risk of patrons becoming intoxicated increases. Licensees are encouraged not to conduct promotions at high risk times.

Type of activity – the nature of the promotion itself may contribute to a culture of excessive or irresponsible drinking. For example, competitions, games, dares or challenges can create incentives for patrons to drink more. Licensees should carefully consider the type of promotion they are conducting.

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49 Elizabeth Street, Richmond VIC 3121
1300 182 457 www.vcglr.vic.gov.au



Victorian Commission for
Gambling and Liquor Regulation

Liquor Licensing Fact Sheet

Barring powers

Under the *Liquor Control Reform Act 1998* (the Act), licensees need to be aware of their responsibilities not to allow drunk, violent or quarrelsome persons to enter or remain on their licensed premises. There are a number of options available to licensees when it comes to barring troublesome patrons.

1. General powers to bar a person from your premises

Every licensee is able to refuse entry to, bar a person from, or ask any person to leave their licensed premises. In exercising this right, licensees should be mindful of equal opportunity and anti-discrimination principles.

No special laws or forms are required to do this. However, if a patron continues to be a problem, licensees may wish to carry out a more formal option of barring them from the premises.

2. Discuss excluding a person under the local liquor accord

This option is available to licensees who are members/signatories of a liquor accord agreement. Under the Act, members of a liquor accord may agree to refuse entry to a troublesome patron from all of their licensed premises. In determining the period of the ban, licensees should consider the severity of the incident and suggest banning periods that have reasonable time limits. Accord members may only disclose basic information about the banned patron among other accord members in order to communicate and implement the ban.

3. Issue a barring order

Under the Act, licensees, responsible persons (those in management or control of a licensed premises) and police have the power to issue a barring order that is enforceable by police. Once a person is served with a barring order, they must leave the licensed premises and its vicinity (within 20 metres), and cannot return until the barring order expires.

If a person does not comply with the barring order, police may issue them with an on-the-spot fine or formally charge them with an offence.

An authorised barring order form must be used for this purpose. Barring order booklets (containing 25 carbon copy forms) are available for licensees to order by emailing contact@vcglr.vic.gov.au. Licensees should include their licence number when ordering a barring order booklet.

To issue a barring order, you must know the name of the person, and if possible, their address and date of birth. You must also maintain a record of the people you have barred under this process. There is space on the barring order booklet to record each person's details.

Maximum barring periods of one month for the first offence, three months for the second offence and six months for the third and subsequent offences apply under this process.

Designated Areas

Some entertainment precincts in Victoria have been classified as Designated Areas. Police have the power to ban a person from a Designated Area for up to 72 hours. Police can either ban the person from all licensed premises in the Designated Area or from the Designated Area itself.

For more information on barring options, liquor accords and designated areas see: www.vcglr.vic.gov.au.

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Victorian Commission for Gambling and Liquor Regulation

Liquor licensing fact sheet

Maximum patron capacity

The Victorian Commission for Liquor and Gambling Regulation (VCGLR) has a maximum patron capacity policy that guides how patron capacity is determined for a liquor licence.

Maximum patron capacity is the maximum number of patrons allowed on a licensed premises at any one time. This is to prevent overcrowding inside the venue and to minimise impacts on local amenity. Patron capacity may be used to calculate the annual licence fee payable by each licensee.

Applicants will be required to provide specific documentation in order for the VCGLR to determine and endorse maximum patron capacity for a premises.

Under the *Liquor Control Reform Act 1998* (the Act) the VCGLR can set a maximum patron capacity as a condition of a liquor licence. This is enforceable, and penalties apply for licensees who do not comply.

This factsheet provides guidance as to how the VCGLR will determine maximum patron capacity for the purposes of the Act. It is the building owner's responsibility to ensure that building occupants comply with all other regulatory requirements.

Which licences have a maximum patron capacity?

Maximum patron capacity will be endorsed in respect of applications for the following new licences:

- general
- on-premises
- restaurant and cafe
- late night (on-premises and general)
- full club
- restricted club.

Some existing licences may also be endorsed with maximum patron capacities.

Maximum patron capacities may also be required on some major event licences where appropriate.

How does the VCGLR determine maximum patron capacity?

In the first instance, the VCGLR will determine maximum patron capacity based on the maximum patron capacity stated within the most recently issued planning permit provided with the application.

If the planning permit does not contain a maximum patron capacity, or if the planning permit has not been granted by the local council prior to the grant of the liquor licence, applicants are encouraged to contact their local council to obtain a copy of an occupancy permit. The VCGLR will then determine the maximum patron capacity based on the number stated on the occupancy permit.

In circumstances where neither the planning permit nor occupancy permit specify a maximum patron capacity, applicants are required to obtain a report from a registered building surveyor that states:

- the area in square metres available to the public for the whole of the internal premises (excluding toilets, passageways and the like) and (if applicable) for any external areas such as courtyards or decks, and
- the number of patrons that may be accommodated on the internal premises and (if applicable) on any external areas of the premises based on a ratio of one person per 0.75 square metres.

Please ensure that the report displays the building surveyor registration number.

Note: The VCGLR may request a building report from a registered building surveyor showing a calculation based on a ratio of one person per 0.75 square metres if the VCGLR considers that the capacity provided in the planning or occupancy permit is inaccurate or inappropriate. This may be requested in light of any information contained within the licence application and having regard to the objects of the Act.



Restaurant and cafe licences

For restaurant and cafe licences, tables and chairs must be available for at least 75 per cent of patrons. For example, if the licence states that maximum patron capacity is 100 patrons then there must be tables and chairs available for at least 75 patrons. Likewise, if there are tables and chairs available for only 60 patrons, a maximum of 66 patrons may be legally accommodated on the premises.

Patron capacity for specific areas

In addition to the overall maximum patron capacity for the licensed area, the VCGLR may set separate patron capacities on specific areas within a licensed area, such as:

- balconies
- terraces and courtyards
- beer gardens.

Patron capacities allocated for specific areas are calculated in accordance with the methods listed above, as well as amenity considerations.

While the VCGLR considers amenity as part of the patron number calculation, the relevant local council also retains responsibility for managing issues of amenity in each council region.

External areas

The overall maximum patron capacity for a licensed area is generally no larger than the maximum capacity allowed for the internal area of the premises.

This is to prevent overcrowding, and minimise sanitation and fire safety risks associated with patrons moving from outdoor to indoor areas, for example, to get a drink, to exit the premises or if it rains.

In some circumstances, the VCGLR may consider increasing the overall maximum patron capacity to allow for external areas.

Applicants with external licensed areas who wish to apply for this increase can submit a building report from a registered building surveyor demonstrating that fire safety and sanitation arrangements for the additional patrons will be met.

Features of an external area that may support an increase to the overall maximum patron capacity include:

- an external area that is large compared to the internal area, such as a large beer garden
- effective weather proofing
- separate entrances and exits
- separate facilities such as bars and toilets.

Function and accommodation areas

Function and accommodation areas may be excluded from the overall maximum patron capacity, and may be given their own separate capacity limits.

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Level 3, 12 Shelley Street, RICHMOND VIC 3121
1300 182 457 vcglr.vic.gov.au
contact@vcglr.vic.gov.au

INCIDENT REPORT SHEET

Incident report

Venue name Liquor Accord name (if applicable)

Incident date / / Incident time am/pm Incident location

Name of patron(s) and membership no(s) (if applicable)

Witness name (1) Day contact number

Witness name (2) Day contact number

Witness name (3) Day contact number

Incident details *(tick the appropriate boxes)*

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Minor, no ID | <input type="checkbox"/> Minor, fake ID | <input type="checkbox"/> Intoxication | <input type="checkbox"/> Staff injured |
| <input type="checkbox"/> Patron(s) injured | <input type="checkbox"/> Patron(s) asked to leave | <input type="checkbox"/> Violence | <input type="checkbox"/> Patron banned |
| <input type="checkbox"/> Police called | <input type="checkbox"/> Inappropriate conduct | <input type="checkbox"/> Property damaged | <input type="checkbox"/> Glassing |
| <input type="checkbox"/> Other | <input type="text"/> | | |

Further details of incident and action taken

Description of the offender(s)

Signature of supervisor

X Date

Signature of manager

X Date

Responsible Service of Alcohol

Remember the 4 RSA principles

1. Recognise and refuse liquor service to intoxicated patrons.
2. Drunk or disorderly patrons are not allowed on premises.
3. Do not supply liquor to minors.
4. Discourage activities that may cause harm to themselves and others.

If you need to refuse service

*T*ell early

*C*larify refusal

*A*void put-downs

*A*lternatives offered

*K*eep calm

*R*eport

*E*ver courteous

*E*cho the message to regulars

Penalties apply
Know *your* responsibilities



Important Contact Details

VCGLR

Level 3, 12 Shelley Street
Richmond VIC 3121
Phone: 1300 182 457
Email: contact@vcqlr.vic.gov.au
Web: www.vcqlr.vic.gov.au

Good Sports Alcohol & Drug Foundation

Level 12, 607 Bourke Street
Melbourne VIC 3000
Phone: 03 9611 6103
Email: bill.karametos@adf.org.au
Web: www.goodsports.com.au

Australian Hotels & Hospitality Association

Level 1, 1 Little Collins Street
Melbourne VIC 3000
Phone: 03 9654 7100
Web: www.ahha.com.au

Clubs Victoria

Level 3, 316 Queen Street
Melbourne VIC 3000
Phone: 1300 787 852
Email: admin@clubsvic.org
Web: www.clubsvic.org

State Revenue Office

Level 2, 121 Exhibition Street
Melbourne VIC 3000
Phone: 132 161
Email: sro@sro.vic.gov.au
Web: www.sro.vic.gov.au

Australian Drug Foundation

Level 12, 607 Bourke Street
Melbourne VIC 3000
Phone: 03 9611 6100
Email: adf@adf.org.au
Web: www.adf.org.au

