

# Breaches under the *Liquor Control Reform Act 1998*

From 1 July 2021

**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 (VCGLR) 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.

## About this factsheet

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.

| Compliance history trigger offences<br>These offences are infringements considered when calculating the annual licence renewal fee. | Section of the Act | Maximum penalty | Infringement notice |
|---|--------------------|-----------------|---------------------|
| Supply liquor to intoxicated person   | 108(4)(a)          | \$21,809        | \$2,181             |
| Permit drunken or disorderly person on licensed premises  | 108(4)(b)          | \$21,809        | \$2,181             |
| Supply liquor to a person under 18, other than as permitted (licensee/permittee offence)  | 119(1)(a)          | \$21,809        | \$2,181             |
| Permit liquor to be supplied to a person under 18, other than as permitted (licensee/permittee offence)                             | 119(1)(b)          | \$21,809        | \$2,181             |
| Liquor is supplied to a person under 18 on licensed premises, other than as permitted   | 119(2)             | \$21,809        | \$2,181             |
| Permit a person under 18 on licensed premises, other than as permitted  | 120(1)             | \$21,809        | \$2,181             |

| Sell/supply/consume liquor offences  | Section of the Act      | Maximum penalty                  | Infringement notice |
|--|-------------------------|----------------------------------|---------------------|
| Permit any other person to carry on a business of supplying liquor on licensed premises without the consent of the Director  | 106(1)(a)               | \$10,904                         | \$1,090             |
| Permit any person who is not employed by the licensee or permittee to carry on the business of supplying liquor on licensed premises without the consent of the Director | 106(1)(b)               | \$10,904                         | \$1,090             |
| Sell liquor or offer liquor for sale without a licence   | 107(1)                  | \$43,618 or 2 years imprisonment | N/A                 |
| Supply liquor other than in accordance with licence and the Act  | 108(1)(a)(i)            | \$10,904                         | \$1,090             |
| Permit/cause liquor to be supplied not in accordance with licence and the Act  | 108(1)(a)(ii)           | \$10,904                         | \$1,090             |
| Permit consumption of liquor not in accordance with licence and the Act  | 108(1)(a)(iii)          | \$10,904                         | \$1,090             |
| Use any place or premises for the supply liquor other than licensed or authorised premises   | 108(1)(b)               | \$10,904                         | \$1,090             |
| Take/receive liquor orders other than at a licensed premises   | 109(1)                  | \$2,726                          | \$273               |
| Unauthorised sale of liquor through vending machines   | 109A                    | \$10,904                         | N/A                 |
| Bringing into or consuming liquor on licensed premises not in accordance with licence  | 111(a)                  | \$4,544                          | \$454               |
| Permit liquor to be brought into/consumed or supplied on licensed premises not in accordance with licence  | 111(b)                  | \$4,544                          | \$454               |
| Consume, supply, possess or permit liquor on unlicensed premises to which section 113 applies  | 113(1) (1A) (1B) & (1C) | \$9,087                          | \$182               |
| Permit unauthorised consumption of liquor on party bus   | 113A(1)                 | \$9,087                          | \$182               |
| Obtain/consume liquor on licensed premises other than in accordance with the licence or the Act  | 114(1)(a)               | \$3,625                          | \$363               |
| Falsely indicate that premises are licensed premises   | 116(a)                  | \$2,726                          | \$273               |
| Falsely indicate being licensed to supply or to allow consumption of liquor  | 116(b)                  | \$2,726                          | \$273               |
| Sale of alcohol-based food essences in container above permitted capacity  | 118A                    | \$5,452                          | \$545               |
| Supply certain classes of liquor (i.e. milk products, alcoholic vapour, liquor in flexible tubes, liquor that is a dry, soluble, concentrated substance)                 | 118B                    | \$5,452                          | \$545               |

| <b>Intoxication/drunk offences</b>  | <b>Section of the Act</b> | <b>Maximum penalty</b> | <b>Infringement notice</b> |
|---|---------------------------|------------------------|----------------------------|
| Supply liquor to intoxicated person   | 108(4)(a)                 | \$21,809               | \$2,181                    |
| Permit drunken or disorderly person on licensed premises  | 108(4)(b)                 | \$21,809               | \$2,181                    |
| Procure liquor for intoxicated person on licensed premises  | 114(1)(a)                 | \$3,635                | \$364                      |
| Aid/abet intoxicated person to obtain liquor on licensed premises   | 114(1)(b)                 | \$3,635                | \$364                      |
| 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)                    | \$9,087                | \$909                      |

| <b>Signage/plans/licence display offences</b>   | <b>Section of the Act</b> | <b>Maximum penalty</b> | <b>Infringement notice</b> |
|---|---------------------------|------------------------|----------------------------|
| Fail to display copy of licence at licensed premises  | 101                       | \$909                  | \$91                       |
| 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)                   | \$1,817                | N/A                        |
| Failure to keep a copy of the last plan or depiction of the licensed premises on the licensed premises                                      | 101B(1)                   | \$1,817                | 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)                   | \$1,817                | \$182                      |
| Fail to display notices as required by Commission   | 102(1)                    | \$909                  | \$91                       |
| Fail to display notice in form required by Commission   | 102(2)                    | \$909                  | \$91                       |

| <b>Underage offences</b>   | <b>Section of the Act</b> | <b>Maximum penalty</b> | <b>Infringement notice</b> |
|--|---------------------------|------------------------|----------------------------|
| Supply liquor to a person under 18, other than as permitted (licensee/permittee offence)*                | 119(1)(a)                 | \$21,809               | \$2,181                    |
| Permit liquor to be supplied to a person under 18, other than as permitted (licensee/permittee offence)* | 119(1)(b)                 | \$21,809               | \$2,181                    |
| Liquor is supplied to a person under 18 on licensed premises, other than as permitted*                   | 119(2)                    | \$21,809               | \$2,181                    |
| Supply liquor to a person under 18 other than as a licensee or permittee                                 | 119(3)(a)                 | \$21,809               | \$2,181                    |
| Supply liquor to a person under 18 other than as an employee of a licensee                               | 119(3)(b)                 | \$21,809               | \$2,181                    |
| Supply liquor to a person under 18, by an employee, other than as permitted                              | 119(4)                    | \$3,635                | \$364                      |
| Permit person under 18 on licensed premises, other than as permitted*                                    | 120(1)                    | \$21,809               | \$2,181                    |
| Send person under 18 to obtain liquor  | 121                       | \$21,809               | \$2,181                    |

| <b>Underage offences</b>  | <b>Section of the Act</b> | <b>Maximum penalty</b> | <b>Infringement notice</b> |
|---|---------------------------|------------------------|----------------------------|
| Permit person under 18 to supply liquor on licensed premises, unless engaged in training program approved by the Commission                               | 122(1)                    | \$21,809               | \$2,181                    |
| Falsely represent oneself to be over 18 years in order to purchase liquor or enter licensed premises  | 123(4)                    | \$909                  | \$91                       |
| Give evidence of age document to another  | 124(1)                    | \$3,635                | \$364                      |
| Deface/interfere with evidence of age document  | 124(2)                    | \$3,635                | \$364                      |
| Knowingly make false evidence of age document   | 124(3)(a)                 | \$3,635                | \$364                      |
| Knowingly give a false evidence of age document to another  | 124(3)(b)                 | \$3,635                | \$364                      |
| Supply false information, documents, or material to obtain a proof of age document  | 125(1)(a)                 | \$3,635                | \$364                      |
| 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)                 | \$3,635                | \$364                      |
| 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)                 | \$3,635                | \$364                      |
| Purchase/receive liquor, other than as permitted by persons under 18  | 123(1)(a)                 | \$909                  | \$91                       |
| Possess/consume liquor, other than as permitted by persons under 18   | 123(1)(b)                 | \$909                  | \$91                       |
| Enter/remain on licensed premises, other than as permitted by persons under 18  | 123(1)(c)                 | \$909                  | \$91                       |

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

| <b>Responsible Service of Alcohol (RSA) training offences**</b>  | <b>Section of the Act</b> | <b>Maximum penalty</b> | <b>Infringement notice</b> |
|--|---------------------------|------------------------|----------------------------|
| 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)                  | \$10,904               | \$1,090                    |
| 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)                  | \$10,904               | \$1,090                    |
| 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      | 108AB(2)                  | \$10,904               | \$1,090                    |

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|---|----------|----------|---------|
| 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) | \$10,904 | \$1,090 |
| Failure by the licensee to establish and maintain an approved RSA program register  | 108AD(2) | \$909    | \$91    |
| Failure by the licensee to produce an approved RSA program register   | 108AE(2) | \$909    | \$91    |

\*\* 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)            | \$21,809        | N/A                 |
| Refuse or fail to comply with request made by a police officer for the purposes of a banning notice without a reasonable excuse for not doing so  | 148D(3)(a)         | \$909           | N/A                 |
| State a name that is false in a material particular in response to a request made by a police officer for the purposes of a banning notice  | 148D(3)(b)         | \$909           | N/A                 |
| State an address other than the full and correct address of his or her ordinary place of residence or business in response to a request made by a police officer for the purposes of a banning notice | 148D(3)(c)         | \$909           | 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)            | \$909           | N/A                 |
| Contravening a banning notice or failing to comply with Victoria Police direction when in a contravention of banning notice   | 148F(1)&(2)        | \$3,635         | \$364               |
| Contravening an exclusion order or failing to comply with Victoria Police direction when in contravention of exclusion order  | 148J(1)&(2)        | \$10,904        | \$1,090             |
| Knowingly permit a person to whom a banning notice or exclusion order applies to enter the licensed premises  | 148Q(1)&(2)        | \$10,904        | 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               | \$10,904        | N/A                 |
| Refuse to allow a fire safety inspector to enter licensed premises         | 148ZA              | \$10,904        | N/A                 |
| Providing false or misleading particulars to a fire safety inspector       | 148ZB (a)&(b)      | \$10,904        | N/A                 |

|  |             |          |       |
|--|-------------|----------|-------|
| Contravening a closure and evacuation notice   | 148ZJ(1)    | \$43,618 | N/A   |
| Failing to comply with a direction of a fire safety inspector or authorised person                                     | 148ZJ(2)    | \$3,635  | \$364 |
| Allowing a person to enter licensed premises after notice has been served  | 148ZK       | \$21,809 | N/A   |
| Failure to display a sign about the notice at all entrances and exits when a closure and evacuation notice is in force | 148Q(1)&(2) | \$10,904 | N/A   |

| <b>Barring order offences</b>   | <b>Section of the Act</b> | <b>Maximum penalty</b> | <b>Infringement notice</b> |
|---|---------------------------|------------------------|----------------------------|
| Person who has been refused entry or has left following a request remains in the vicinity of the licensed premises  | 114(3)                    | \$3,635                | \$364                      |
| 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)                    | \$3,635                | \$364                      |
| Failure to comply with barring order by entering or remaining on a licensed premises from which person is barred without reasonable excuse                  | 106J(1)                   | \$3,635                | \$364                      |
| 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)                   | \$3,635                | \$364                      |
| Failure by licensee or permittee to keep record of barring order, including a variation or revocation   | 106K(1)                   | \$909                  | \$91                       |
| Failure by licensee or permittee to produce records of barring orders where requested by Victoria Police or a gambling and liquor inspector                 | 106K(2)                   | \$909                  | \$91                       |
| Licensee or permittee must not disclose barring order records except as required by the barring order provisions  | 106K(4)                   | \$909                  | \$91                       |
| Failure to destroy barring order records after 3 years after expiry or revocation   | 106K(5)                   | \$909                  | \$91                       |
| 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)            | \$909                  | \$91                       |
| Failure to produce evidence of name or address when requested by Victoria Police  | 106H(7)                   | \$909                  | \$91                       |

| <b>Other offences</b>  | <b>Section of the Act</b> | <b>Maximum penalty</b> | <b>Infringement notice</b> |
|--|---------------------------|------------------------|----------------------------|
| Failure to notify the Commission within 14 days of a person ceasing to be a nominee        | 54(11)                    | \$909                  | \$91                       |
| Fail to register name and notify change of address with the Director by owner or mortgagee | 98                        | \$909                  | \$91                       |
| Fail to provide refreshments on request at licensed premises                               | 99(1)                     | \$909                  | \$91                       |

|   |            |          |         |
|---|------------|----------|---------|
| Failure to supply and have available suitable free drinking water on a licensed premises where alcohol is consumed on-site.   | 99A(1)     | \$5,412  | \$541   |
| Fail to maintain residents' register in a form approved by the Commission   | 100(a)     | \$1,817  | \$182   |
| Fail to enter particulars in residents' register  | 100(b)     | \$1,817  | \$182   |
| Fail to keep residents' register on licensed premises   | 100(c)     | \$1,817  | \$182   |
| Permit/cause/make any false or misleading entries in the residents' register  | 100(d)     | \$1,817  | \$182   |
| Fail to produce residents' register for inspection by Victoria Police or a gambling and liquor inspector  | 100(e)     | \$1,817  | \$182   |
| Fail to notify Commission of cessation of company director within 14 days   | 103(1)     | \$909    | \$91    |
| Fail to have the director of a body corporate approved by the Commission  | 103(2)     | \$909    | \$91    |
| Fail to notify the Director within 14 days that a person has ceased to be an associate  | 103A(2)(a) | \$909    | \$182   |
| Fail to notify the Director within 14 days that a person has become an associate  | 103A(2)(b) | \$909    | \$182   |
| Letting or sub-letting any part of the licensed premises, or assign the right to supply liquor, without consent of the Commission   | 105(1)     | \$10,904 | \$1,090 |
| Failure to notify the Commission in writing within 21 days of commencing to provide sexually explicit entertainment on the licensed premises  | 106(B)     | \$1,817  | \$182   |
| Permit unlawful games on licensed premises  | 108(1)(d)  | \$10,904 | \$1,090 |
| 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)    | \$1,817  | \$182   |
| 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)    | \$1,817  | \$182   |
| Provide false or misleading information to a member of Victoria Police or gambling and liquor inspector   | 108B(3)    | \$3,635  | 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        | \$2,726  | N/A     |

| Other offences   | Section of the Act | Maximum penalty | Infringement notice |
|--|--------------------|-----------------|---------------------|
| Keep liquor for supply or consumption in unlicensed club premises                        | 112(1)             | \$4,544         | N/A                 |
| Obtaining liquor by falsely representing oneself to be a resident of a licensed premises | 114(1)(c)          | \$3,635         | \$364               |



|   |            |          |       |
|---|------------|----------|-------|
| Betting or allowing a person to bet on licensed premises, other than as permitted   | 115(1)     | \$3,635  | \$364 |
| Procuring a transfer of a licence or a BYO permit by fraud or false representation  | 117(1)     | \$9,087  | N/A   |
| Making a false or misleading statement  | 118(1)     | \$10,904 | N/A   |
| Refuse to give particulars of name or address or age  | 126(4)(a)  | \$2,726  | \$273 |
| Give false particulars of name or address or age  | 126(4)(b)  | \$2,726  | \$273 |
| Give false evidence of name or address or age   | 126(4)(c)  | \$2,726  | \$273 |
| Refuse or fail to give name and address to authorised persons*  | 130A(3)(a) | \$3,635  | \$364 |
| Give false name or address to authorised persons  | 130A(3)(b) | \$3,635  | \$364 |
| Obstruct, hinder, threaten, abuse or intimidate an authorised person when the authorised person is performing or attempting to perform functions under this Act or the regulations  | 130E(a)    | \$10,904 | N/A   |
| Fail, without reasonable excuse, to produce for inspection any document, equipment or other thing in the possession or under the control of the person when required to do so by an authorised person in the performance of his or her functions under this Act or the regulations                      | 130E(b)    | \$10,904 | N/A   |
| Fail, without reasonable excuse, to attend before an authorised person and answer questions or supply information when required to do so by the authorised person in the performance of his or her functions under this Act or the regulations  | 130E(c)    | \$10,904 | N/A   |
| Take any document, equipment or other thing seized, impounded or retained under the authority of this Act, except with the permission of an authorised person   | 130E(d)    | \$10,904 | N/A   |
| Fail to comply with a direction of an authorised person to cease to have available for use any equipment considered by the authorised person to be unsatisfactory for use   | 130E(e)    | \$10,904 | N/A   |
| Prevent, directly or indirectly, a person from attending before an authorised person, producing to an authorised person any document, equipment or other thing or answering any question of, or supplying any information to, an authorised person when that person is required to do so under this Act | 130E(f)    | \$10,904 | 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.