



## Victorian Commission for Gambling and Liquor Regulation

### 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 (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.

Compliance History Trigger Offences	Section of the Act	Maximum penalty	Infringement notice
These offences are infringements which are taken into account when calculating the annual licence renewal fees.			
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/drunken 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.

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.