

Breaches under the *Liquor Control Reform Act 1998*

From 1 July 2025

The *Liquor Control Reform Act 1998* (the Act) provides for issuing of an Infringement Notice for breaking a law. Infringement notices may be issued to licensees, underage persons, or anyone failing to observe sections of the Act.

An Infringement Notice is a fine. A Victoria Police officer or Liquor Control Victoria inspector can issue an Infringement Notice instead of taking the matter to court. Therefore, the fine amount on the notice is lower than the maximum penalty that a court can impose.

NOTE: All government fees and fines increase annually. The dollar amounts shown in this document apply to the 2025–2026 financial year only and will change each financial year.

Certain breaches of the Act may add additional costs to your liquor licence renewal fee. This is referred to as a compliance history risk fee. Breaches that will trigger a ‘compliance history’ risk fee are listed in the table below.

Information about the law may have been summarised or expressed in general statements in this document. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation.

Compliance history trigger offences	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person	108(4)(a)	\$24,421	\$2,442
Permit drunken or disorderly person on licensed premises	108(4)(b)	\$24,421	\$2,442
Supply liquor to a person under 18, other than as permitted (licensee/permittee offence)	119(1)(a)	\$24,421	\$2,442
Permit liquor to be supplied to a person under 18, other than as permitted (licensee/permittee offence)	119(1)(b)	\$24,421	\$2,442
Liquor is supplied to a person under 18 on licensed premises, other than as permitted	119(2)	\$24,421	\$2,442
Permit a person under 18 on licensed premises, other than as permitted	120(1)	\$24,421	\$2,442

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 Commission	106(1)(a)	\$12,211	\$1,221
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 Commission	106(1)(b)	\$12,211	\$1,221
Sell liquor or offer liquor for sale without a licence	107(1)	\$48,842 or 2 years imprisonment	N/A
Supply liquor other than in accordance with licence and the Act	108(1)(a)(i)	\$12,211	\$1,221
Permit/cause liquor to be supplied not in accordance with licence and the Act	108(1)(a)(ii)	\$12,211	\$1,221
Permit consumption of liquor not in accordance with licence and the Act	108(1)(a)(iii)	\$12,211	\$1,221
Use any place or premises for the supply liquor other than licensed or authorised premises	108(1)(b)	\$12,211	\$1,221
Take/receive liquor orders other than at a licensed premises	109(1)	\$3,053	\$305
Unauthorised sale of liquor through vending machines	109A	\$12,211	N/A
On the same day off-premises request is made, failing to provide the delivery person with a written notice that the liquor must not be left unattended	109B	\$12,211	\$1,221
Bringing into or consuming liquor on licensed premises not in accordance with licence	111(a)	\$5,088	\$509
Permit liquor to be brought into/consumed or supplied on licensed premises not in accordance with licence	111(b)	\$5,088	N/A
Consume, supply, possess or permit liquor on unlicensed premises to which section 113 applies	113(1) (1A) & (1B) & (1C)	\$10,176	\$407
Permit unauthorised consumption of liquor on party bus	113A(1)	\$10,176	\$407
Obtain/consume liquor on licensed premises other than in accordance with the licence or the Act	114(1)(a)	\$4,070	\$407
Falsely indicate that premises are licensed premises	116(a)	\$3,053	\$305
Falsely indicate being licensed to supply or to allow consumption of liquor	116(b)	\$3,053	\$305
Sale of alcohol-based food essences in container above permitted capacity	118A	\$6,105	\$611

Sell/supply/consume liquor offences	Section of the Act	Maximum penalty	Infringement notice
Supply certain classes of liquor (i.e., milk products, alcoholic vapour, liquor in flexible tubes, liquor that is a dry, soluble, concentrated substance)	Regulations made under 118B	\$6,105	\$611

Intoxication/drunken offences	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person	108(4)(a)	\$24,421	\$2,442
Permit drunken or disorderly person on licensed premises	108(4)(b)	\$24,421	\$2,442
Delivery of liquor to a person who is intoxicated or in respect of whom there is a substantial risk of intoxication (off-premises request)	109C	\$24,421	\$2,442
Procure liquor for intoxicated person on licensed premises	114(1)(b)(i)	\$4,070	\$407
Aid/abet intoxicated person to obtain liquor on licensed premises	114(1)(b)(ii)	\$4,070	\$407
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 a police officer	114(2)	\$10,176	\$1,018

Signage/plans/licence display offences	Section of the Act	Maximum penalty	Infringement notice
Fail to display copy of licence at licensed premises	101	\$1,018	\$102
Failure to keep a copy of the last plan or depiction of the licensed premises on the licensed premises	101B(1)	\$2,035	N/A
Fail to produce a copy of the plan or depiction for inspection by a police officer or a liquor inspector	101B(2)	\$2,035	\$204
Fail to display notices as required by Commission	102(1)	\$1,018	\$102
Fail to display notice in form required by Commission	102(2)	\$1,018	\$102

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)	\$24,421	\$2,442
Permit liquor to be supplied to a person under 18, other than as permitted (licensee/permittee offence)*	119(1)(b)	\$24,421	\$2,442
Liquor is supplied to a person under 18 on licensed premises, other than as permitted*	119(2)	\$24,421	\$2,442
Supply liquor to a person under 18 other than as a licensee or permittee	119(3)(a)	\$24,421	\$2,442
Supply liquor to a person under 18 other than as an employee of a licensee	119(3)(b)	\$24,421	\$2,442
Supply liquor to a person under 18, by an employee, other than as permitted	119(4)	\$4,070	\$407
Knowingly deliver liquor to a person who is under 18 years of age	119A(1)	\$24,421	\$2,442
Permit person under 18 on licensed premises, other than as permitted*	120(1)	\$24,421	\$2,442
Send person under 18 to obtain liquor	121	\$24,421	\$2,442
Permit person under 18 to supply liquor on licensed premises, unless engaged in training program approved by the Commission	122(1)	\$24,421	\$2,442
Falsely represent oneself to be over 18 years in order to purchase liquor or enter licensed premises	123(4)	\$1,018	\$102
Give evidence of age document to another	124(1)	\$4,070	\$407
Deface/interfere with evidence of age document	124(2)	\$4,070	\$407
Knowingly make false evidence of age document	124(3)(a)	\$4,070	\$407
Knowingly give a false evidence of age document to another	124(3)(b)	\$4,070	\$407
Supply false information, documents, or material to obtain a proof of age document	125(1)(a)	\$4,070	\$407
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)	\$4,070	\$407
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)	\$4,070	\$407
Purchase/receive liquor, other than as permitted by persons under 18	123(1)(a)	\$1,018	\$102
Possess/consume liquor, other than as permitted by persons under 18	123(1)(b)	\$1,018	\$102
Enter/remain on licensed premises, other than as permitted by persons under 18	123(1)(c)	\$1,018	\$102

*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)	\$12,211	\$1,221
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)	\$12,211	\$1,221
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)	\$12,211	\$1,221
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)	\$12,211	\$1,221
Failure by the licensee to keep on licensed premises RSA certificates	108AD (2)	\$1,018	\$102
Failure by the licensee when requested to produce any RSA certificates for inspection	108AE (2)	\$1,018	\$102
Failure by the licensee to give information to police officer or a liquor inspector	108AE (3)	\$1,018	\$102

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	\$12,211	N/A
Refuse to allow a fire safety inspector to enter licensed premises	148ZA	\$12,211	N/A
Providing false or misleading particulars to a fire safety inspector	148ZB (a)&(b)	\$12,211	N/A
Contravening a closure and evacuation notice	148ZJ(1)	\$48,842	N/A
Failing to comply with a direction of a fire safety inspector or authorised person	148ZJ(2)	\$4,070	N/A
Allowing a person to enter licensed premises after notice has been served	148ZK	\$24,421	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	\$2,035	N/A

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)	\$24,421	N/A
Knowingly permit a person to whom a banning notice or exclusion order applies to enter the licensed premises	148Q(1)&(2)	\$12,211	N/A
Display, or cause to be displayed, any alcohol advertising that is static advertising within 150 metres of the perimeter of a school	115B(1)	\$24,421	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)	\$4,070	\$407
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)	\$4,070	\$407
Failure to comply with barring order by entering or remaining on a licensed premises from which person is barred without reasonable excuse	106J(1)	\$4,070	\$407
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)	\$4,070	\$407
Failure by licensee or permittee to keep record of barring order, including a variation or revocation	106K(1)	\$1,018	\$102
Failure by licensee or permittee to produce records of barring orders where requested by a police officer or a liquor inspector	106K(2)	\$1,018	\$102
Licensee or permittee must not disclose barring order records except as required by the barring order provisions	106K(4)	\$1,018	\$102
Failure to destroy barring order records after 3 years after expiry or revocation	106K(5)	\$1,018	\$102

Other offences	Section of the Act	Maximum penalty	Infringement notice
Failure to notify the Commission within 24 hours of transferee gaining legal right to occupy of the licensed premises	50C	\$1,018	N/A
Failure to notify the Commission within 14 days of a person ceasing to be a nominee	54(11)	\$1,018	\$102
Fail to register name and notify change of address with the Commission by owner or mortgagee	98	\$1,018	\$102
Fail to provide refreshments on request at licensed premises	99	\$1,018	\$102
Failure to supply and have available suitable free drinking water on a licensed premises where alcohol is consumed on-site.	99A(1)	\$6,105	\$611
Fail to maintain residents' register in a form approved by the Commission	100(a)	\$2,035	\$204
Fail to enter particulars in residents' register	100(b)	\$2,035	\$204
Fail to keep residents' register on licensed premises	100(c)	\$2,035	\$204
Permit/cause/make any false or misleading entries in the residents' register	100(d)	\$2,035	\$204
Fail to produce residents' register for inspection by a police officer or a liquor inspector	100(e)	\$2,035	\$204
Fail to notify Commission of cessation of company director within 14 days	103(1)	\$1,018	\$102
Fail to have the director of a body corporate approved by the Commission	103(2)	\$1,018	\$102
Fail to notify the Commission within 14 days that a person has ceased to be an associate	103A(2)(a)	\$1,018	\$204
Fail to notify the Commission within 14 days that a person has become an associate	103A(2)(b)	\$1,018	\$204
Letting or sub-letting any part of the licensed premises, or assign the right to supply liquor, without consent of the Commission	105(1)	\$12,211	\$1,221
Failure to notify the Commission in writing within 21 days of commencing to provide sexually explicit entertainment on the licensed premises	106B	\$2,035	\$204
Permit unlawful games on licensed premises	108(1)(d)	\$12,211	\$1,221
Failure by licensee (body corporate) to give list of names and addresses of directors to a police officer or a liquor inspector	108B(1)	\$2,035	\$204

Other offences	Section of the Act	Maximum penalty	Infringement notice
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 police officer or a liquor inspector	108B(2)	\$2,035	\$204
Provide false or misleading information to a police officer or a liquor inspector	108B(3)	\$4,070	N/A
Keep liquor for supply or consumption in unlicensed club premises	112(1)	\$5,088	N/A
Obtaining liquor by falsely representing oneself to be a resident of a licensed premises	114(1)(c)	\$4,070	\$407
Betting or allowing a person to bet on licensed premises, other than as permitted	115(1)	\$4,070	\$407
Procuring a transfer of a licence or a BYO permit by fraud or false representation	117(1)	\$10,176	N/A
Making a false or misleading statement	118(1)	\$12,211	N/A
Refuse to give particulars of name or address or age	126(4)(a)	\$3,053	\$305
Give false particulars of name or address or age	126(4)(b)	\$3,053	\$305
Give false evidence of name or address or age	126(4)(c)	\$3,053	\$305
Refuse or fail to give name and address to authorised persons*	130A(3)(a)	\$4,070	\$407
Give false name or address to authorised persons	130A(3)(b)	\$4,070	\$407
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)	\$12,211	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)	\$12,211	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)	\$12,211	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)	\$12,211	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)	\$12,211	N/A

Other offences	Section of the Act	Maximum penalty	Infringement notice
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)	\$12,211	N/A
Disclosing of confidential information received from the Commission or police officer, except for the purposes of enforcing a liquor accord ban or as required or permitted by law	146DA	\$12,211	\$1,221

* For the purposes of this document, an authorised person means a commissioner, a liquor inspector or a police officer.

Breaches under the *Liquor Control Reform Act 1998*

From 1 July 2023

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An Infringement Notice is a fine. Victoria Police or Liquor Control Victoria Inspector can issue an Infringement Notice instead of taking the matter to a court. Therefore, the fine amount on the notice is lower than the maximum penalty that can be imposed by a court.

NOTE: All government fees and fines increase annually. The dollar amounts shown in this document apply for the 2023–2024 financial year only, and will change each financial year.

Certain breaches of the Act may add additional costs to your liquor licence renewal fee. This is called a compliance history risk fee. Breaches that will trigger a 'compliance history' risk fee are listed in the table below.

Information about the law may have been summarised or expressed in general statements in this document. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation.

Compliance history trigger offences	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person	108(4)(a)	\$23,077	\$2,308
Permit drunken or disorderly person on licensed premises	108(4)(b)	\$23,077	\$2,308
Supply liquor to a person under 18, other than as permitted (licensee/permittee offence)	119(1)(a)	\$23,077	\$2,308
Permit liquor to be supplied to a person under 18, other than as permitted (licensee/permittee offence)	119(1)(b)	\$23,077	\$2,308
Liquor is supplied to a person under 18 on licensed premises, other than as permitted	119(2)	\$23,077	\$2,308
Permit a person under 18 on licensed premises, other than as permitted	120(1)	\$23,077	\$2,308

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 Commission	106(1)(a)	\$11,539	\$1,154
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 Commission	106(1)(b)	\$11,539	\$1,154
Sell liquor or offer liquor for sale without a licence	107(1)	\$46,154 or 2 years imprisonment	N/A
Supply liquor other than in accordance with licence and the Act	108(1)(a)(i)	\$11,539	\$1,154
Permit/cause liquor to be supplied not in accordance with licence and the Act	108(1)(a)(ii)	\$11,539	\$1,154
Permit consumption of liquor not in accordance with licence and the Act	108(1)(a)(iii)	\$11,539	\$1,154
Use any place or premises for the supply liquor other than licensed or authorised premises	108(1)(b)	\$11,539	\$1,154
Take/receive liquor orders other than at a licensed premises	109(1)	\$2,885	\$288
Unauthorised sale of liquor through vending machines	109A	\$11,539	N/A
On the same day off-premises request is made, failing to provide the delivery person with a written notice that the liquor must not be left unattended	109B	\$11,539	\$1,154
Bringing into or consuming liquor on licensed premises not in accordance with licence	111(a)	\$4,808	\$481
Permit liquor to be brought into/consumed or supplied on licensed premises not in accordance with licence	111(b)	\$4,808	N/A
Consume, supply, possess or permit liquor on unlicensed premises to which section 113 applies	113(1) (1A) & (1B) & (1C)	\$9,616	\$385
Permit unauthorised consumption of liquor on party bus	113A(1)	\$9,616	\$385
Obtain/consume liquor on licensed premises other than in accordance with the licence or the Act	114(1)(a)	\$3,846	\$385
Falsely indicate that premises are licensed premises	116(a)	\$2,885	\$288

Zero in on intoxication

A checklist for managers and staff

Intoxication is a high harm area for licensees. It's important that you manage intoxication so you provide a safe environment at your venue. There are various ways in which you can do this, and prevention is the best measure. To ensure everyone understands their obligations around intoxication, complete this checklist with your staff, and take any action necessary.

Preventing intoxication	Yes	No	Action
All staff and managers have read and understood the intoxication guidelines.	☐	☐	Review the guidelines to ensure that staff and management know their responsibilities.
We have viewed the Intoxication: Behaviours to look out for video and can recognise the signs of intoxication.	☐	☐	Watch Intoxication: Behaviours to look out for video.
We provide mandatory free water and encourage customers to have water when drinking alcohol.	☐	☐	Display the free water poster and provide water. Always ask patrons if they would like water.
Refusal of service	Yes	No	Action
We have watched the Refusal of Service video and have practiced refusing service to an intoxicated person.	☐	☐	Watch Refusal of Service: Actions and language to avoid and have staff practice refusing service.
In our venue/bottle shops, our staff refuse service to any customer who appears intoxicated.	☐	☐	Discuss the guidelines and ask staff to share how they have refused service in the past.
Our staff offer to order intoxicated patrons a taxi so they get home safely.	☐	☐	Display the need a lift poster and ensure staff know to call a taxi for intoxicated patrons.
We ensure our patrons know that the safety of our staff is important.	☐	☐	Display the don't abuse staff poster around your venue.
Our delivery drivers know to refuse service to any person who is intoxicated or at substantial risk of intoxication.	☐	☐	Visit the Intoxication and same day liquor deliveries page.
Minimise harm	Yes	No	Action
Our staff and managers know their obligations when it comes to intoxication at our venue.	☐	☐	Watch the Zero in on intoxication video as a team.
Our staff and managers know the law when it comes to serving intoxicated patrons, and the penalties for breaching the law.	☐	☐	Review the serving intoxicated patrons page on LCV's website.
Our staff follow the Responsible Service of Alcohol (RSA) principles when serving alcohol in our venue.	☐	☐	Display the RSA principles poster in all bar areas.
Responsible service of alcohol	Yes	No	Action
We actively walk the floor (including bathrooms) of our venue to monitor crowd behaviour, and look out for intoxicated patrons.	☐	☐	Appoint a staff member as an RSA monitor to perform this task every shift during busy times at your venue.
Our staff and security check that patrons have not been pre-drinking before they come to our venue.	☐	☐	Have conversations at the bar and at entrance. Brief your security on the questions they should ask.
We don't serve shots, or we don't serve them after 10pm, and we limit the number people can have.	☐	☐	Implement a shot policy, and have patrons consume shots at the bar so staff can keep an eye on them.
Our staff recognise standard drink measures, and understand what constitutes a 'standard drink'.	☐	☐	Review the standard drink section of the intoxication video.
We ensure our RSA training and certificates are kept up to date – including when staff RSA refreshers are due.	☐	☐	Visit the RSA page to ensure you are managing your RSA correctly.

Remember that all licensed venues can [ban problem patrons](#) from their venue. We recommend attending your local [liquor forum](#). These are good networking opportunities to share experiences with other licensed venues.

Red line plans of licensed premises

When a liquor licence or BYO permit is granted, it is for a defined area where liquor can be supplied or consumed. This is shown by a red line drawn on a plan of the premises. This red line plan needs to be submitted to Liquor Control Victoria (LCV) 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.
- 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 LCV.
- the relocation of a licence or BYO permit.

Internal changes to premises

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.

LCV requesting a plan

In addition to the above, under section 130(1)(a) of the *Liquor Control Reform Act 1998* an authorised person (such as an LCV Inspector or member of Victoria Police) may at any time request information relevant to the operations or the management of the premises. This may include a current plan of a licensed premises. You must comply with the request and produce the requested plan.

Plan format

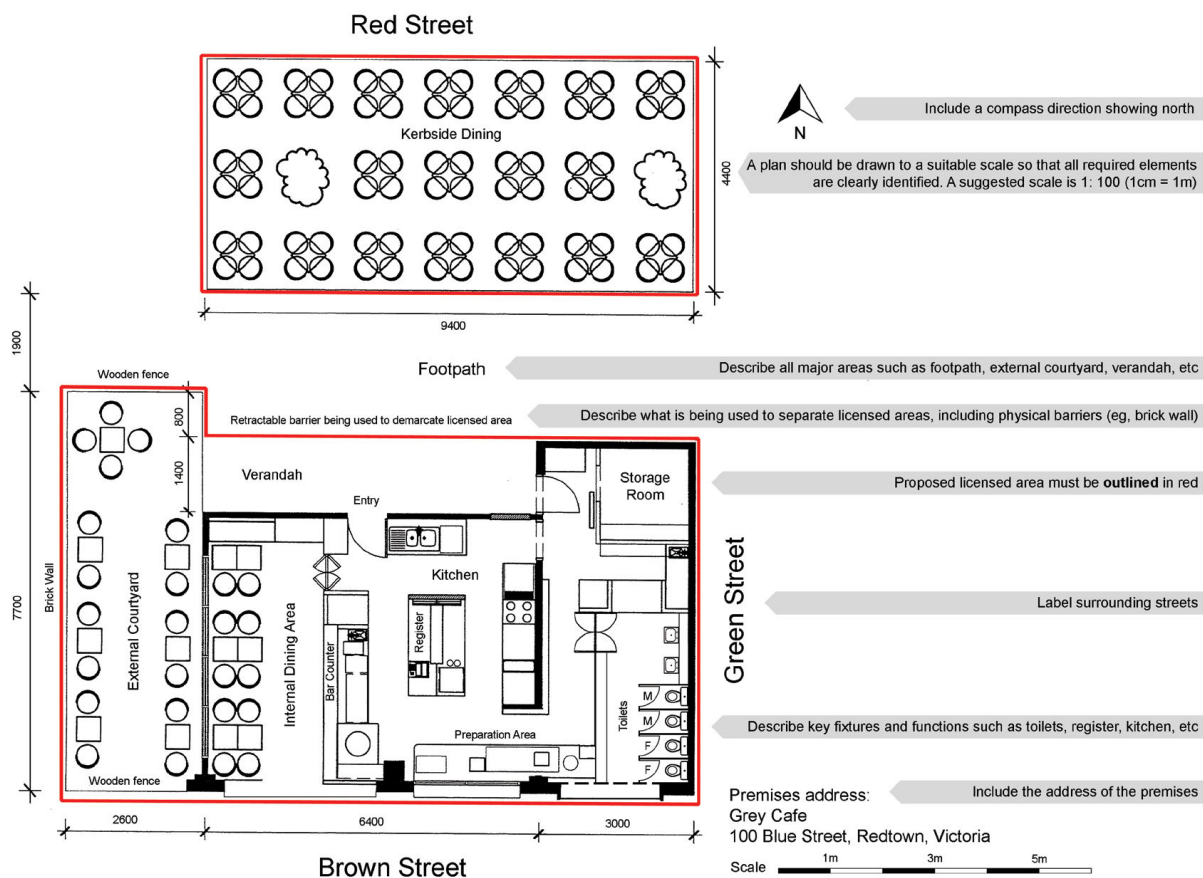
A plan must contain the following elements:

- be on A4 size paper
- be drawn in a neat and legible manner (either electronically or by hand)
- have an arrow or compass pointing North
- include the premises address
- include the name of the surrounding streets/roads
- describe any non-permanent or temporary structures that outline your licensed area, such as cafe barriers, ropes or other fencing arrangements you may have
- outline the proposed licensed area/s in a continuous red line
- show measurements of licensed areas
- include the total floor space of the licensed areas in square metres
- show and describe the key fixtures, example; the bar, dining area, the cash register, kitchen area, dance floor, toilets etc.

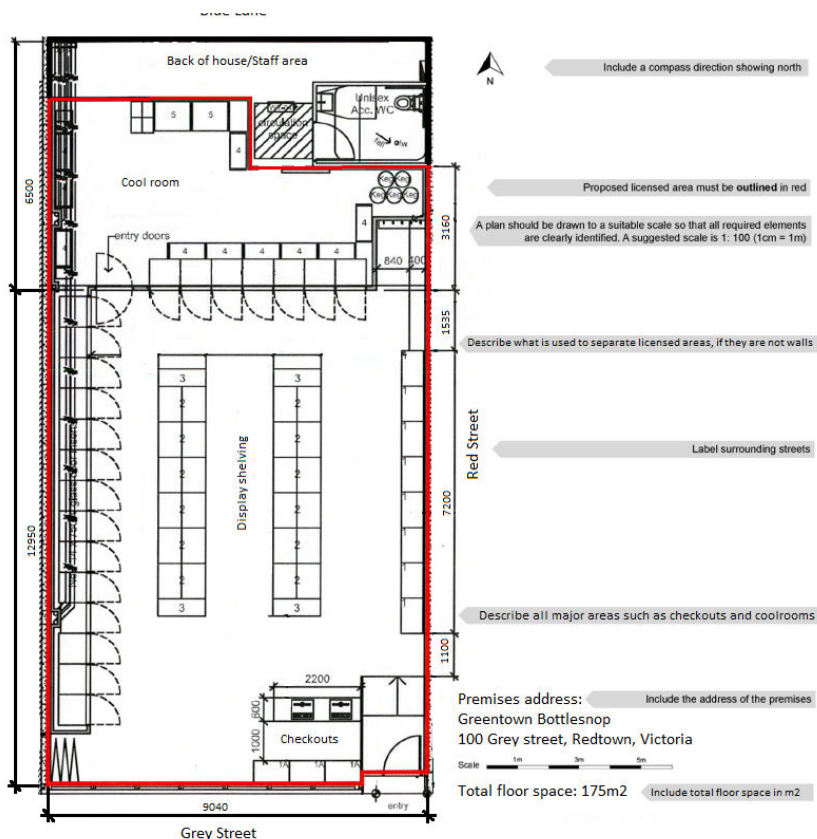
Liquor Control Victoria

Plan format

An example of a plan for a venue supplying liquor on licensed premises



An example of a plan for a shop supplying packaged liquor



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 on the plan. LCV 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.

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

Storing an 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 an LCV 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.

If you do not have a copy of your approved plan, you can download a copy from the Liquor Portal at liquorportal.vcglr.vic.gov.au/liquorportal/. Creating an account is free.



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 50 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.

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.

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 at: vic.gov.au/print-my-liquor-signage

Correct signage for display (effective 1 July 2023)

Posters							
Keycode	LCV0012023V1	LCV0022023V1	LCV0032023V1	LCV0042023V1	LCV0052023V1	LCV0062023V1	—
Licence type							
BYO permit		●					
Club (full and restricted)		●		●			
General, including late night (general)		●	●	●			
Limited		●		●			
On-premises, including late night (on-premises)		●	●	●			
On-premises (with restaurant conditions)		●		●			
Packaged liquor, including late night (packaged liquor)	●	●		●			●
Producer's		●		●			
Restaurant and cafe		●		●			

Displaying and printing required signage

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

By law, licensees must display signage around their licensed premises.

The signage is available at:
vic.gov.au/print-my-liquor-signage

Important information

- Ensure you have the most recent version by checking the keycode located on the bottom left of the sign. Licensees may be fined for displaying incorrect or out-of-date signage.
- Signage must be displayed in view of the public so that the information is clearly visible.
- The maximum penalty for non-display of signage exceeds \$900 under Section 102 of the *Liquor Control Reform Act 1998*.
- In addition to the minimum requirements, licensees may choose to display any of the optional posters available at vic.gov.au/print-my-liquor-signage. LCV staff can print the signage and mail them out upon request.

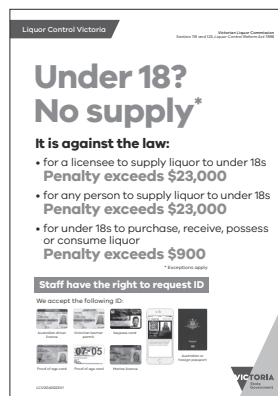
Printing guidelines

- Signage must be printed in the original form as downloaded from LCV website at: vic.gov.au/print-my-liquor-signage. No modification to the form or content of the signage is permitted.
- For durability/longevity, LCV recommends using a heavier paper stock (120–200gsm) but this is not a legal requirement.
- Signage must be printed in colour on A4 (210 x 297mm) paper.
- Signage must be printed at a sufficient quality to ensure that the keycode in the bottom left-hand corner is clearly legible by LCV Inspectors.



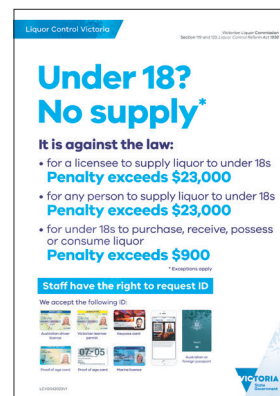
❓ **Correct**

You can laminate or frame signage providing all content, including the keycode, is clearly visible and not obscured. The signage have been designed with a sufficient margin to allow display in a simple frame.



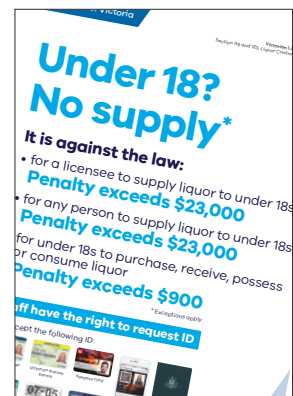
❓ **Incorrect**

Must be printed in colour



❓ **Incorrect**

Must be clearly printed without blurring or patches



❓ **Incorrect**

Must be aligned and printed without including the keycode

Liquor Control Victoria PO Box 1019, Richmond 3121
P: 1300 182 457 E: contact@liquor.vic.gov.au
liquor.vic.gov.au

Barring and banning 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. Licensees have several options for preventing the entry of troublesome patrons into their premises.

General powers to refuse entry

Every licensee can refuse entry to a person from or ask any person to leave their licensed premises. In exercising this right, licensees should consider 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.

Barring a person

Under the Act, licensees, permittees, responsible persons (for example, those in management or control of licensed premises), and police have the power to bar a person from entering or remaining on the licensed premises (including any area adjacent to the licensed premises that is owned or occupied by the licensee or permittee). A person can be barred for a specified period if:

- the person is drunk, violent or quarrelsome in the licensed premises or
- there is a reasonable belief that the safety of the person, or any other person in the licensed premises, is at substantial or immediate risk as a result of the consumption of alcohol by the person.

Maximum barring periods are:

- one month (if the person has not previously been served with a barring order barring the person from entering or remaining on the licensed premises);
- three months (if the person has on one previous occasion been served with a barring order barring the person from entering or remaining on the licensed premises); and
- six months (if the person has been served on at least two previous occasions with a barring order barring the person on the licensed premises).

To determine whether a person has previously been barred, regard may only be given to barring orders issued within the previous three years.

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.

Barring order

A barring order must be in the prescribed form. To complete the form and issue a barring order, you must know the person's name and, if possible, their address and date of birth. You must also maintain a record of the people you have barred under this process.

Barring order booklets containing 25 carbon copies of the form, licensees can order barring booklets by emailing contact@liquor.vic.gov.au

Licensees should include their licence number when ordering a barring order booklet.

Discuss banning 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 their licensed premises. The ban should be in the manner and to the extent provided by the liquor accord for a period that does not exceed 12 months.

In determining the period of the ban, licensees should consider the severity of the incident and consider banning periods with reasonable time limits.

Accord members may only disclose basic information about the banned patron among other accord members to communicate and implement the ban.

Liquor Control Victoria (LCV) or a police officer may disclose to a member/signatory of a liquor accord any of the following information in respect of a patron who is subject to the ban:

- the patron's name
- a photograph of the patron
- the period for which the patron is subject to the ban and
- any other information that LCV or police officer considers necessary for the effective and efficient enforcement of the ban.

A licensee must not use or disclose any information received from LCV or a police officer in respect of a patron who is subject to a ban except:

- to enforce a liquor accord ban or
- as otherwise required or permitted by law.

Designated areas

Some entertainment precincts in Victoria have been classified as [designated areas](#). Police can 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.

Liquor Control Victoria

Responsible Alcohol Advertising and Promotion Guidelines

VICTORIA
State
Government

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About these guidelines

Licensees have clear obligations under the Liquor Control Reform Act 1998 (the Act) to serve alcohol responsibly and ensure they promote or advertise their venue or products responsibly. This is because the way alcohol is promoted and sold influences the way customers consume alcohol and how they behave.

Certain types of alcohol advertisements and promotions can encourage excessive and irresponsible alcohol consumption, which may contribute to harms such as anti-social behaviour, alcohol-related violence and disorder, and adverse health effects. Other types of advertisements and promotions may not be in the public interest or are out-of-step with community standards.

Given the harm that may be caused by inappropriate alcohol advertising or promotional practices, the Victorian Liquor Commission (the Commission) has powers under the *Liquor Control Reform Act 1998* (the Act) to ban advertisements or promotions it considers likely to encourage or promote irresponsible alcohol consumption, or that are otherwise not in the public interest.

These guidelines:

- explain how the Commission's banning powers are applied
- set out seven principles licensees should adhere to when advertising or promoting alcohol or their venue
- provide examples and case studies to show the types of advertisements or promotions likely to attract a banning notice by the Commission.

While it is not possible to provide examples of all the kinds of advertisements or promotions that may be banned under the Act, the principles and examples in these guidelines provide a broad picture of what is or is not considered acceptable alcohol advertising or promotion.

Application to online and social media sites

Licensees are responsible for advertisements published on social media sites (such as Instagram, Facebook, TikTok and Twitter). This includes comments made by third parties about alcohol advertisements or promotions on their social media or web pages, as well as advertisements or promotions conducted by third parties engaged by the licensee (such as social media influencers or brand ambassadors). Licensees must ensure that any third parties they engage in promoting or advertising their products or venue comply with the principles outlined in these guidelines.

Application to on-premises consumption and packaged alcohol supply

Advertisements and promotions can significantly influence the behaviour of people purchasing and consuming alcohol. This applies to venues that provide on-premises consumption (such as bars, clubs and restaurants) and venues that sell packaged alcohol for consumption away from the premises (such as bottle shops and businesses delivering alcohol). The principles and examples of unacceptable practices set out in these guidelines apply to all types of licensees.

Licensees operating packaged-liquor outlets or online businesses supplying packaged alcohol are encouraged to carefully consider point-of-sale marketing displayed at their premises or website to ensure advertisements and promotions do not encourage irresponsible alcohol consumption or are otherwise not in the public interest.

What does the law say?

Under section 115A of the Act, the Commission may give a notice to a licensee banning them from advertising or promoting:

- the supply of alcohol; or

- the conduct of their licensed premises.

The Commission may do this if the advertisement or promotion will likely encourage irresponsible alcohol consumption or is otherwise not in the public interest. The Act provides that advertisements or promotions that are not in the public interest include those that are:

- likely to appeal to minors
- likely to encourage or condone violence or anti-social behaviour
- directly or indirectly sexual, degrading or sexist
- prescribed under regulations as advertisements or promotions that are not in the public interest.

Advertisements or promotions can come in various forms, including:

- signs, banners, flyers and posters
- newspaper or internet advertisements
- websites
- social media channels, such as Instagram, Facebook, TikTok or Twitter
- SMS.

How will the law be applied?

Step one

When the Commission is alerted to a particular advertisement or promotion (for example, by receiving a complaint or a referral or while investigating or auditing), it will apply the principles in these guidelines to assess whether the advertisement or promotion is likely to lead to irresponsible alcohol consumption or is otherwise not in the public interest.

Step two

The Commission may contact the licensee seeking a copy of the advertisement or promotion, and the licensee may wish to withdraw or modify the advertising or promotion at that stage. In certain circumstances, the Commission may immediately issue a banning notice (for example, when the ad or promotion severely contradicts the principles in these guidelines).

Step three

The Commission will assess any response received from the licensee. Should the response not result in the situation being rectified (such as amendment or advertisement modification) or an acceptable explanation, the Commission may issue a formal section 115A banning notice. Licensees may apply to the Commission to have the decision reviewed.

Step four

Failure by the licensee to comply with a banning notice may result in fines of up to 120 penalty units (\$23,077 as of 1 July 2023).

Unacceptable practices

Principle	Rationale	Examples of unacceptable practice	Case studies
Principles regarding irresponsible consumption of alcohol			
1. The advertising or promotion of alcohol must not encourage the rapid or excessive consumption of alcohol, nor should it use emotive descriptions, language or imagery likely to encourage irresponsible drinking.	This principle aims to prevent promotions that encourage people to drink in excess or faster than they normally would. It covers promotions such as games, competitions or “dares” that encourage excessive alcohol consumption or offer alcohol as a prize. Emotive language or descriptions such as “drink till you drop.” may encourage rapid or excessive alcohol consumption. In the context of packaged alcohol, advertisements or promotions that place emphasis on the alcohol content of a product also have the potential to lead to excessive or irresponsible alcohol consumption.	• Sculling or speed-drinking games, boat races, “toss the boss”, and other challenges or “dares” to induce people to drink rapidly or sample a particular alcoholic drink because of its higher alcohol content. • Promoting binge-events such as “Mad Drinking Monday”, or end-of-school-year celebrations, such as “Schoolies Week” or “after parties”. • Using language, slogans, images, labelling, or titling a promotion so it encourages rapid or excessive alcohol consumption (for example, “beat the clock”, “drink like a fish”, “beer prices hammered”, “we drink till we drop”, “drink till you get smashed”). • Advertisements or promotions encouraging the consumption of a product by emphasising its strength (unless emphasis is placed on the product’s low-alcohol content relative to the typical strength of similar beverages) or the intoxicating effect of alcohol (such as promotions highlighting the number of standard drinks in a product compared to the price of the product). • Portray the refusal of alcohol or choice of abstinence in a negative light.	Previous advertisements or promotions banned by the Commission under this principle include: • an advertisement published by a licensee that used the phrase “get trashed every week and get snapped”, as well as imagery of people showing signs of intoxication or general anti-social behaviour • a promotion that encouraged customers to “get hammered” and to pretend to be sober if anyone asked • an advertisement on a licensee’s social media channel that asked customers what flavour of a packaged-alcohol product made them “lose all their dignity” and asked them to raise their hand if they had been “personally victimised by that product”.

Principle	Rationale	Examples of unacceptable practice	Case studies
2. The advertising or promotion of alcohol must not involve extreme discounts that would encourage excessive consumption, encourage the stockpiling of drinks, or involve free or unlimited alcohol being provided without reasonable controls in place.	Extreme discounts on alcohol, such as 50% off the retail price, may lead to rapid or excessive alcohol consumption by customers, particularly when the discount is for a limited time within a trading period (which may also encourage stockpiling of drinks by customers) and there are no controls in place to limit the amount consumed by customers. For certain types of functions, alcohol, food and entertainment is included in the entry price (for example, race day functions, fundraising events, balls or special events). In some cases, the combination of the type of event and the unlimited supply of alcohol as part of a ticket or entry price can lead to excessive drinking over a period of time, especially if the promotion primarily focuses on the availability of free alcohol and appropriate measures have not been put in place to limit the amount of alcohol consumed. Promoting these functions as “all-you-can-drink” or “bottomless” events can encourage a culture of irresponsible alcohol consumption, especially where no controls are in place to minimise this type of behaviour. Similarly, extreme discounts on packaged alcohol, particularly packaged-alcohol products that are already inexpensive, may lead to irresponsible alcohol consumption, where reasonable controls are not in place to limit the amount of packaged alcohol customers can purchase.	• Promoting “all you can drink” within a limited timeframe or providing drink cards that must be redeemed within a short period of time. • Any competition where unlimited free alcohol is the prize, or part of the prize, and consumption is expected to take place on the licensed premises. This includes free giveaways as part of a draw or something similar, which involves unlimited free alcohol (such as winning free bottomless brunches). • Advertisements highlighting the availability of free alcohol without promoting other services offered by the venue. • Promotions linked to unpredictable events (such as “free drinks after every goal scored”). • Promotions involving extreme discounts (such as \$1 shots of spirits). • Promoting packaged cask wine at 50% off the recommended retail price, without any limits on the number of casks that may be purchased by a customer. • Multiple promotions in one trading period (such as “open bar for the first 10 minutes of each hour” or multiple recurring “happy hours”). • Promotions that encourage or reward the purchase or drinking of large quantities of alcohol in a single session or transaction (such as “buy six drinks in one round and get the seventh for free”). • Discounted or free drink offers conducted in rapid succession (such as “two-for-one spirits for the first 15 minutes of every hour”).	Previous advertisements or promotions banned by the Commission under this principle include: • a promotion of “TWO FOR ONE ALL DRINKS ALL DAY” on Mother’s Day • a promotion of “unlimited free beer and champagne” for two consecutive hours.

Principle	Rationale	Examples of unacceptable practice	Case studies
3. The advertising or promotion of alcohol must not feature non-standard serving techniques, non-standard sized drinks or the availability of alcohol in receptacles that encourage rapid drinking.	There are well-recognised standard drinking receptacles used for drinking particular types of alcohol. While variations exist in different Australian jurisdictions, in Victoria, standard-size glasses are generally used for serving wine, beer and spirits, which are discussed in the approved Responsible Service of Alcohol (RSA) training course. In some cases, new and innovative ways of serving alcohol may encourage irresponsible drinking (for example, drinking receptacles such as test tubes encourage individuals to consume alcohol quickly by sculling or downing the drink in one). A new serving method may also mean people are less aware of how much alcohol they are consuming. When advertising or promoting the sale of alcohol, licensees are encouraged to use standard drinking receptacles to minimise the risk of rapid or excessive drinking.	• Serving alcohol in a yard glass for sculling • Pouring alcohol straight into customers' mouths (such as pouring alcohol directly from a bottle or shooting alcohol from a water pistol). • Supplying multiple shot of alcohol for one person's consumption. • Serving spirits in a non-standard spirit's glass (such as a schooner glass). • Serving alcohol in test tubes or receptacles that are not free-standing and will thus likely be consumed rapidly. • Supplying large quantities of mixed spirits or other alcohol in jugs or other receptacles that are not intended to be shared (such as supplying champagne bottles with straws, or serving spirits, champagne or wine bottles without appropriate drinking glasses, or providing cocktails in buckets). Where the alcohol is intended to be shared, standard drinking receptacles should be provided with its purchase.	Previous advertisements or promotions banned by the Commission under this principle include: • a promotion of "TWO FOR ONE ALL DRINKS ALL DAY" on Mother's Day • a promotion of "unlimited free beer and champagne" for two consecutive hours.

Principle	Rationale	Examples of unacceptable practice	Case studies
Public interest principles			
4. The advertising or promotion of alcohol must not contain any directly or indirectly sexual, degrading, sexist, offensive or discriminatory content, such as sexual, degrading, sexist or offensive images, symbols, figures or innuendo which imply sexual or social success.	Linking alcohol promotion explicitly or implicitly with messages about achieving sexual or social success may contribute to a culture around alcohol use that places pressure on people to either drink more or to rely on alcohol as a “social lubricant” and a way of achieving social acceptance. Using sexual imagery in alcohol promotions or advertisements can foster message about sexual availability being linked with alcohol consumption. Advertisements or promotions that are insulting, offensive, or discriminatory are also not in the public interest. When considering whether an advertisement is offensive or not, the Commission will consider what an ordinary reasonable person within the general community would consider offensive. The use of humour is not an excuse for offensive advertisements or promotions.	• Promotions providing incentives for customers to dress provocatively or remove their clothing (such as wet T-shirt competitions, “free drinks for women wearing bikinis”, “take off an item of clothing for a free drink” or “\$50 drink card for women who hang their undies behind the bar”). • Using images that objectify women’s and men’s bodies, portraying men or women as sex objects or using sexual innuendo or sexual images, such as images depicting nudity. • Connecting alcohol consumption with achieving social or sexual success (such as “drink x brand and be the envy of all your friends”). • Discriminatory promotions based on gender or race, etc., (such as free drinks for women only) • Using language or images that are likely to insult or offend a reasonable person, or language or images that are discriminatory, vilifying or demeaning. This includes language or images that mock, ridicule or deride certain personal characteristics, such as disability. • Advertisements or promotions that use stereotypes to highlight racial differences.	Previous advertisements or promotions banned by the Commission under this principle include: • a promotion encouraging customers to expose themselves in exchange for free alcohol during a drinking competition • a video advertisement on a licensee’s website depicting dialogue which uses the term “slut” with reference to animated female patrons who are handed containers of vomit after asking for any drink specials • an advertisement depicting female genitalia giving birth to a licensee’s business logo.

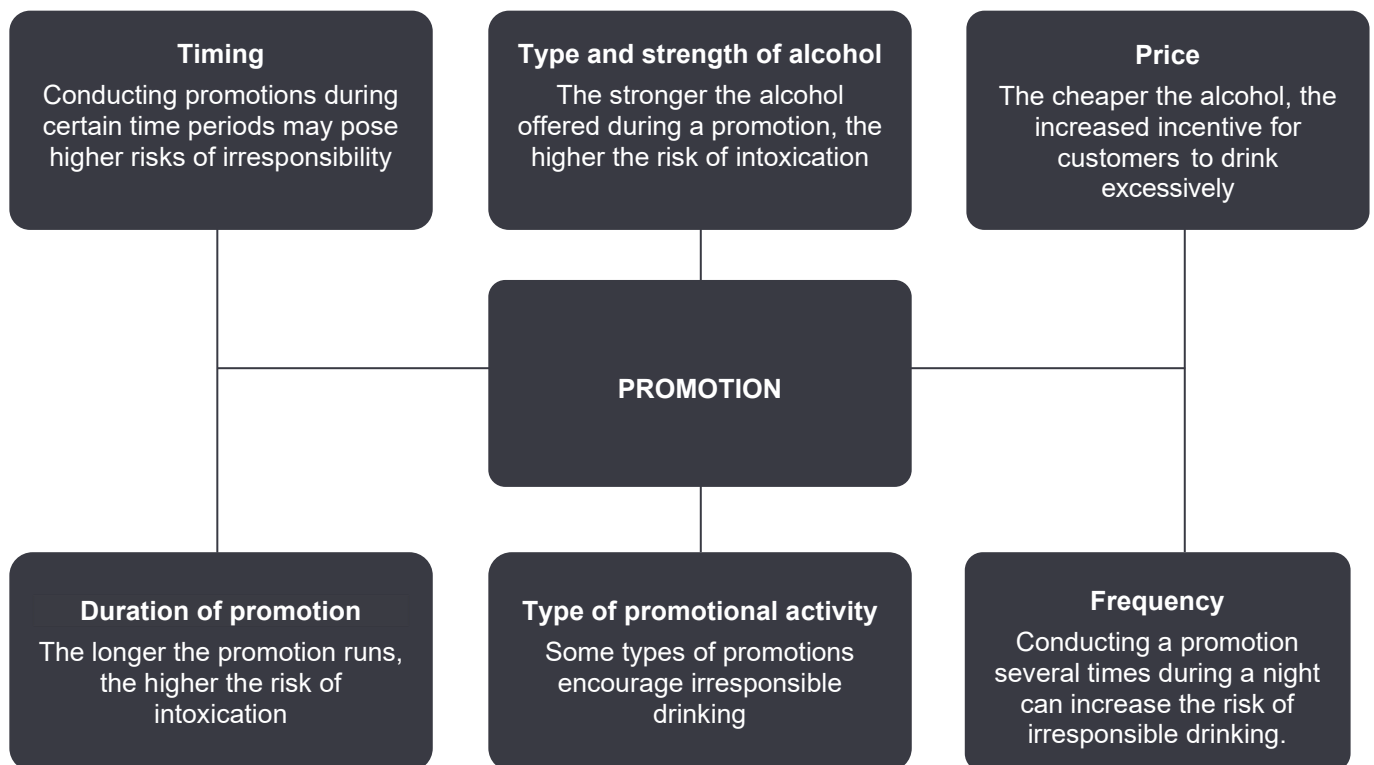
Principle	Rationale	Examples of unacceptable practice	Case studies
5. The advertising or promotion of alcohol must not encourage or suggest any association with risk taking, or with violent, aggressive, dangerous or anti-social behaviour.	The link between alcohol misuse and violence and anti-social behaviour is well established. Reducing the impact of alcohol-fuelled violence and anti-social behaviour on public safety is an important community goal, and there is clearly a public interest in breaking the link between alcohol and aggressive behaviour. For the purpose of this guideline, anti-social behaviour covers a range of conduct including acting in a manner that causes or is likely to cause harassment, alarm or distress to other people, such as intimidating, bullying, aggressive or threatening behaviour. It also includes socially unacceptable behaviour (such as vandalism, rowdy or noisy behaviour, creating a public nuisance) or offensive behaviour (such as urinating in public).	- Using images or messages associating alcohol consumption with risky or dangerous activities (such as sky diving, motor racing, drink driving or speed boating). - Using stereotypes that link the advertising or promotion of alcohol with celebrating aggressive or risk-taking behaviour. - Associating alcohol with activities that encourage or condone aggressive behaviour towards others (such as competitions or challenges that pit customers against each other, for example, arm wrestling).	A previous advertisement or promotion banned by the Commission under this principle include: a meme posted by a licensee on social media featuring an image of a man driving a car, accompanied with the text "Clean and sober, just means that I'm showered and heading to the alcohol store".
6. The advertising or promotion of alcohol must not suggest any association with, acceptance of, or allusion to, illicit drugs, nor encourage breaking of the law.	In addition to being illegal, taking illicit drugs can have serious health consequences and poses risks, particularly when combined with alcohol. There is a strong public interest in upholding the law. Licensees should ensure they are not advertising or promoting alcohol in a way that could be seen to be encouraging or condoning breaking the law.	- Using images, text or language that allude to taking drugs. - Using props, settings or scenarios that link the promotion of alcohol to illicit drugs. - Linking alcohol consumption to drink driving. - Linking alcohol consumption to breaking the law, depicting people intending to break or actually breaking the law. - Showing contempt for the law.	A previous advertisement or promotion banned by the Commission under this principle include: a video promotion posted on a social media site that included comments by the licensee encouraging customers to "short" salt from the chest of customers before drinking a tequila shot.

Principle	Rationale	Examples of unacceptable practice	Case studies
7. The advertising or promotion of alcohol must not encourage underage drinking or otherwise be likely to appeal to minors (persons under 18 years of age).	It is illegal under the Act to sell or supply alcohol to minors. Young adults are at high risk of alcohol-related injury, including road trauma, violence and sexual coercion. There is a clear public interest in preventing the harms associated with drinking by minors. Licensees should exercise particular care to minimise children's exposure to alcohol advertisements and promotions. In addition to this principle, the Act also prohibits placing static alcohol advertisements within 150 metres of the perimeter of a school. Further information on this prohibition is available on Liquor Control Victoria's website at vic.gov.au/responsible-alcohol-advertising-and-promotions	• Using imagery, designs, motifs, language, interactive games, animations, or media likely to appeal to minors. • Using role models, celebrities or other testimonials that primarily appeal to minors. • Using names or packaging that could be confused with confectionary, non-alcoholic drink, or otherwise appeal to minors. • Using settings primarily used by minors (such as schools or playgrounds), including depicting models in settings primarily used by minors, even where the model used in the advertisement or promotion is over 18 years of age. • Depicting models in school uniforms or other clothing typically worn by minors, or models who are or look under 18 years of age. • Using props or characters commonly associated with minors or their interests or activities (such as cartoon characters or TV characters targeted at minors). • Showing alcohol consumption and minors in the same frame. • Advertising or promoting alcohol in connection with non-related products or services typically purchased or used by minors. • Brand identification, including logos, on clothing, toys or other merchandise for use primarily by minors. • Advertising non-alcoholic drinks that have the look and feel of an alcoholic drink to minors (such as non-alcoholic beer or wine).	Previous advertisements or promotions banned by the Commission under this principle include: • the promotion of a product with packaging similar to a well-known chocolate beverage brand consumed by minors • a post by a licensee on a social media site featuring an image of a toddler, accompanied with the text "When the vodka kicks in and your confidence skyrockets".

Assessing risks when promoting alcohol consumption

Promotions at venues where customers consume on the premises

Several elements in a promotion can result in the irresponsible consumption of alcohol. When considering new alcohol promotions for their venues, licensees should carefully work through each element to assess the risks posed by the promotion. These elements interact and, in many cases, the risk that is raised by one element can be reduced or offset by adjusting another element of the promotion.



Unacceptable promotions

This is an example of a promotion that includes all the wrong elements:

- reduced-price alcohol is offered
- the promotion is offered multiple times over the course of the trading period
- the duration of the promotion is three hours
- the strength of the alcohol increases over the course of the promotion
- the promotion is conducted at a time when there is an increased risk of intoxication, particularly as the strength of the available drinks increases.

Licensees seeking to reduce the risk associated with alcohol promotions should consider the following factors:

1. **Type and strength of alcohol:** the higher the alcohol percentage by volume used in the promotion, the higher the risk that customers will become intoxicated. Consider running promotions offering lower-strength alcohol products.
2. **Price:** the cheaper the alcohol, the greater the incentive for customers to purchase and consume excessive amounts. Care should be taken with promotions involving free alcohol, especially for high-strength alcohol products. Consider limiting alcohol discounts during a promotion, ensuring any price reduction is not excessive.
3. **Duration:** the longer a promotion runs, the higher the risk of irresponsible alcohol consumption. By placing reasonable limits on the duration of their promotion, licensees can still provide opportunities to increase sales with reduced risk of irresponsible alcohol consumption (for example, a “happy hour” should not be “five hours of happiness”).
4. **Frequency:** a promotion conducted several times during a trading period can heighten the risk of irresponsible alcohol consumption (for example, “half-priced drinks for the first 10 minutes of each hour”). Consider limiting the number of promotions held during a single trading period.
5. **Timing or timeframe:** conducting promotions at certain times may pose a higher risk of irresponsible alcohol consumption. Promotions conducted before 10pm raise fewer risks as customers are less likely to have consumed excessive amounts of alcohol already and are more likely to have eaten a meal that reduces the effect of alcohol. After this time, the risk of customers becoming intoxicated increases. Licensees are encouraged not to conduct promotions at high-risk times.
6. **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 incentivise customers to drink more. Licensees should carefully consider the type of promotion they are conducting.

Responsible promotions relating to on-premises consumption

Licensees can make many good decisions about promotions in their venue to reduce the risk of irresponsible alcohol consumption.

These include:

- restricting the duration, timing and frequency of “happy hours” and free or discounted drinks promotions
- ensuring controlled distribution of “drink cards” and allowing their redemption beyond a single trading period (for example, redeeming a “drink card” over a one-month period)
- adopting a serving policy that restricts the number of drinks customers can obtain during a promotional period
- offering non-alcohol prizes or rewards for competitions (for example, meal vouchers or free entry or movie tickets)
- conducting promotions involving low and non-alcoholic drinks
- pricing drinks to encourage customers to drink in moderation (for example, low and non-alcoholic drinks may be priced lower than full-strength drinks)

- incorporating responsible drinking messages into advertisements and promotions
- ensuring promotions and advertisements clearly state they are intended for people aged 18 years and over
- referring any third-party promoters engaged in promoting a venue to these guidelines and maintaining firm control and oversight of activities undertaken on the licensee's behalf.

Conducting responsible promotions should be supported by responsible alcohol-serving strategies to ensure a safe and comfortable environment for customers.

These strategies may include:

- helping customers make informed decisions about their alcohol consumption by standardising servings or raising awareness of the number of standard measures in the serving being consumed
- offering free tap water regularly and ensuring food is available
- establishing and implementing policies and procedures to ensure all staff understand and observe responsible serving practices
- designating staff (RSA marshals) to monitor and coordinate the responsible serving of alcohol in high-risk premises to help reduce the risk of alcohol-related harm
- ensuring adequate security is on hand at peak trading times and providing briefings to security and service staff, emphasising the need to identify potential issues before they become problems
- having written house policies regarding a venue's strict adherence to RSA principles and communicating these to customers, including making customers aware of responsible drinking laws and that inappropriate behaviour and intoxication will not be tolerated
- ensuring minors and intoxicated people are not served alcohol
- displaying all required signage prominently
- operating venues within any prescribed patron capacity
- promoting safe transport options.

Responsible promotions relating to packaged-alcohol supply

Licensees can make a range of good decisions about promoting packaged alcohol to reduce the risk of irresponsible consumption. These include:

- placing limits on the quantity of discounted packaged alcohol that a customer can purchase at any given time
- conducting promotions involving low alcohol or alcohol that normally retails at higher prices
- ensuring any discounts on packaged alcohol are reasonable and not extreme
- not emphasising the strength of the alcohol or its intoxicating effect
- incorporating responsible drinking messages into any advertisements or promotions.

Responsible promotion should also be supported by responsible service of alcohol strategies, particularly at packaged liquor outlets. These strategies include:

- establishing and implementing policies and procedures to ensure all staff understand and observe responsible serving practices
- considering observing customers and refusing service to customers who frequent your store to purchase packaged alcohol several times a day
- maintaining a register of RSA-related incidents
- ensuring minors and intoxicated people are not supplied with alcohol, including refusing service where secondary supply to minors is suspected.

Other resources and national guidelines

Licensees are encouraged to consider other resources available in relation to responsible alcohol advertisements and promotions, such as the ABAC Responsible Alcohol Marketing Code (ABAC Code), which outlines key standards for responsible content and placement of alcohol marketing in Australia. Licensees may apply to have their marketing communications independently assessed by ABAC pre-vetters against the Code's standards. Further information on the ABAC Code and the pre-vetting procedure is available at abac.org.au

National rules also apply to alcohol advertisements on television. Information on these rules may be accessed on the Australian Communications and Media Authority website at acma.gov.au

Complaints

Complaints about inappropriate alcohol advertising and promotions should be made via LCV's website: vic.gov.au/complaints-liquor-industry

Demerit points

Demerit points improve compliance with liquor laws and encourage responsible industry practices.

Demerit points are penalties for certain non-compliance incidents. One incident equals one demerit point.

Non-compliance incident	Act section
Supply liquor to an intoxicated person	108(4)(a)
Permit drunken/disorderly person on licensed premises	108(4)(b)
Supply liquor to underage person other than as permitted (licensee/permittee offence)	119(1)(a)
Permit liquor to be supplied to an underage person other than as permitted (licensee/permittee offence)	119(1)(b)
Liquor is supplied to underage person on licensed premises other than permitted	119(2)
Permit underage person on licensed premises other than as permitted	120(1)

A non-compliance incident

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

- an infringement notice for the offence has been paid in full or in part or
- an infringement in respect of one of these offences has been lodged at the Infringements Court and an Enforcement Order has been issued or
- the offence has been successfully prosecuted, resulting in a finding of guilt or conviction against the licensee.

Demerit points affecting licences

or permit

Once a demerit point is recorded against the licence or permit, this demerit point lasts for three years. After three years, the demerit point is removed.

If demerit points are accumulated within a three-year period, the relevant licence or permit will be suspended as per the table below.

Total demerit points within the three-year period	Licence or permit suspension period
5 demerit points	24 hours
10 demerit points	7 days
15 demerit points	28 days

It is not possible to appeal a licence or permit suspension. However, a licensee may apply to the Minister to suspend, cancel or delay a suspension in certain circumstances.

The Demerit Points Register lists all licensed venues and their current demerit points.

Transfer of licence or permit

When a transfer of licence or permit occurs, any demerit points will be removed unless there is a relevant relationship between the parties (e.g. financial, employment, contractual, family).

If there is a relevant relationship between the parties, the new licensee can still apply to have the demerit points removed using the 'Removal of demerit point kit', which can be found at vic.gov.au/demerit-point-star-rating-systems-liquor-licensing

Star rating

The star rating supports the regulation of liquor licensing in Victoria. It operates in addition to a licensee's compliance history to encourage good business practices in licensed premises.

The star rating provides incentives for licensees to comply with Victoria's liquor licensing laws. Responsible licensees can receive a discount on their annual liquor licence renewal fees.

The star rating is a calculation based on whether a non-compliance incident has occurred in respect of a licensed premises.

It is calculated on 1 October each year. Licensees will receive a discount on their annual licence renewal fees where they have had two or more consecutive years without recording a non-compliance incident (demerit point).

The star rating is based on the following criteria:

Star rating	Criteria
*	3 or more non-compliance incidences within previous 12 months
**	1-2 non-compliance incidences within previous 12 months
***	No non-compliance incidences within previous 12 months
****	No non-compliance incidences within previous 24 months
*****	No non-compliance incidences within previous 36 months

Note: 12-month period runs from 1 October to 30 September.

The star rating system applies to licensees, excluding sexually explicit entertainment venues.

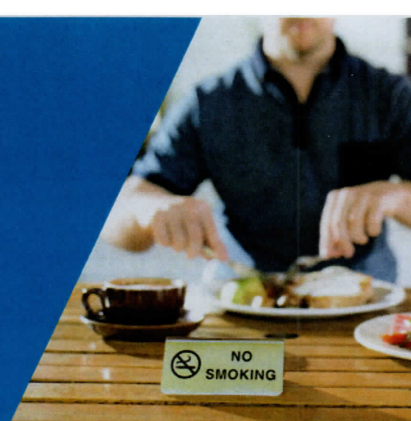
New licensees commence at a three-star rating.

You can check your star rating on your renewal notice.

Licensees are not required to display their star rating at their premises.

Smoke-free outdoor dining

Factsheet for businesses



Under the *Tobacco Act 1987*, smoking is banned in outdoor dining areas from 1 August 2017.

This factsheet provides general guidance on the smoking ban in outdoor dining areas.

Further detailed information is available in the *Smoke-free outdoor dining guide* available from May 2017 on the tobacco reforms website www.health.vic.gov.au/tobaccoreforms.

Outdoor dining areas

An outdoor dining area is an outdoor area that a business owner or manager permits to be used for the consumption of food provided on commercial basis.

This means during times food provided on a commercial basis is:

- actually being eaten, or
- available to be purchased and eaten in the area (regardless of whether anyone is actually eating).

Examples of outdoor dining areas include footpath dining, courtyards, balconies, and beer gardens that form part of, or are attached to, cafes, restaurants, take-away outlets, pubs, licensed premises and other similar businesses.

Outdoor dining areas also include outdoor food courts provided for customers of multiple take-away outlets.

Snacks and drinks

For the purpose of the smoking ban, food does not include snacks and drinks.

A snack is a pre-packaged shelf-stable food that:

- is sealed in the container or package in which the manufacturer intended it to be sold, and
- does not require any preparation prior to serving.

Shelf-stable is generally taken to mean food that can be stored safely for long periods (months) at room temperature.

Examples of snacks include pre-packaged potato crisps, nuts and chocolate bars. Snacks also include uncut and unpeeled fruit.

Pre-packaged sandwiches and hot chips are **not** snacks.

Drinks include alcoholic and non-alcoholic beverages such as coffee.

Separating outdoor drinking areas from outdoor dining areas

To minimise diners' exposure to smoke-drift, an outdoor drinking area (where smoking is permitted under certain conditions) must be separated from an outdoor dining area by either:

- a 4-metre buffer zone, or
- a wall at least 2.1 metres high (which could be a plastic cafe blind).

The venue that operates the outdoor drinking area is responsible for the separation of the two areas.

This requirement applies to areas at the same venue, as well as to neighbouring venues (a different venue that is located next to your venue).

If the separation requirement is not met, smoking is banned in the outdoor drinking area.

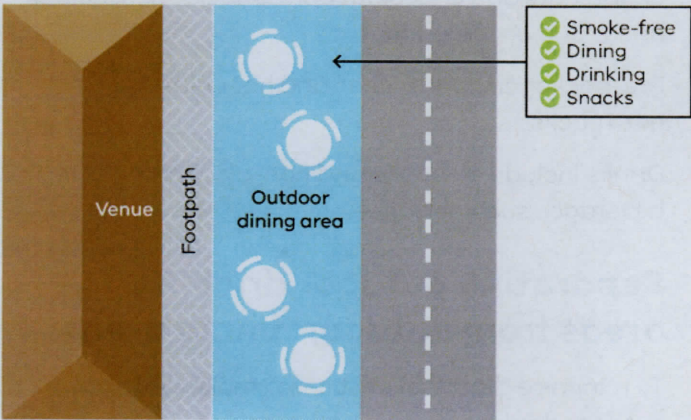
Complying with law

The following is general guidance about how to comply with the law.

Permanent outdoor dining

You can have a permanent outdoor dining area, in which food is permitted to be eaten at all times. In this case, the outdoor area must be smoke-free at all times, as shown in Figure 1.

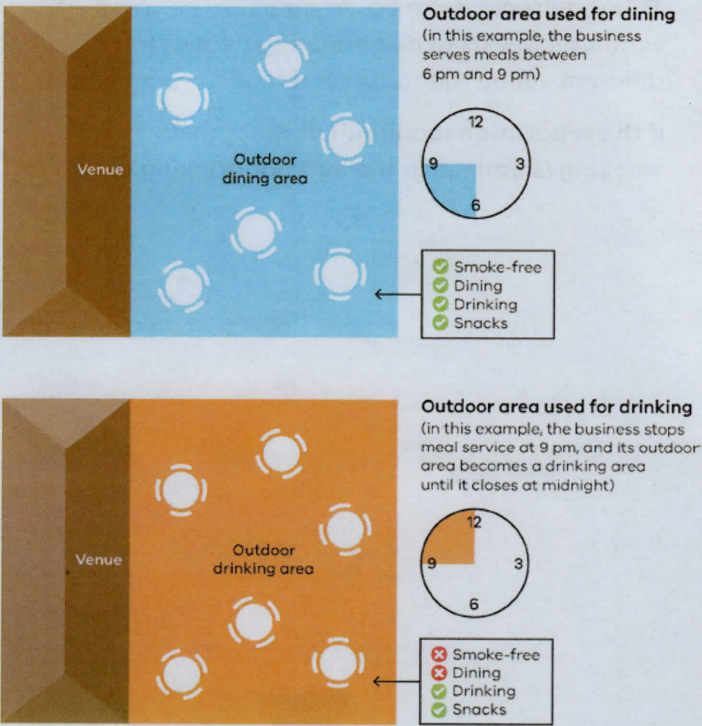
Figure 1: Permanent outdoor dining



Time-limited outdoor dining

You can permit food to be eaten in an outdoor area during certain times of the day, such as set lunch and dinner times. In this case, the outdoor area must be smoke-free during these times, as shown in Figure 2.

Figure 2: Time-limited outdoor dining



Smoke-free outdoor dining

Separating outdoor dining and outdoor drinking areas

You may be able to separate an outdoor drinking area (where smoking is permitted under certain conditions) from an outdoor dining area. The two areas must be separated by either:

- a 4-metre buffer zone, or
- a wall at least 2.1 metres high.

Figures 3 and 4 below show examples of the separation requirements at the same venue.

Figure 3: Separation by a 4-metre buffer zone

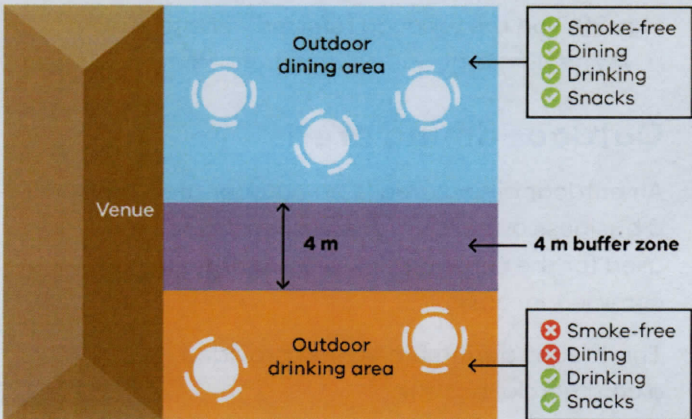
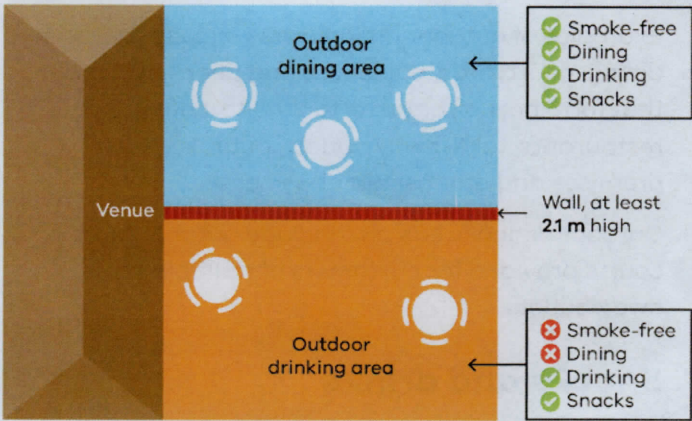


Figure 4: Separation by a wall at least 2.1 metres high



Go totally smoke-free

You can choose to make your venue totally smoke free. This will reduce the risk of non-compliance with the law. It is also the most effective way to protect customers and staff from smoke-drift.

Smoking restrictions in outdoor drinking areas

Further information about the smoking restrictions in outdoor drinking areas is available in the *Smoking restrictions in outdoor drinking areas guide*.

Signage required

Venues must display acceptable 'No smoking' signage to indicate smoke-free areas. The signs must be displayed so customers can see a sign when entering, or within, the outdoor dining area.

Signs can be ordered free of charge from the tobacco reforms website <www.health.vic.gov.au/tobaccoreforms>.

Enforcement

There is strong community support for banning smoking in outdoor dining areas. This means most people will voluntarily comply with the smoking ban and expect others to do so.

Inspectors, authorised under the *Tobacco Act 1987*, may provide information about the ban and enforce it when necessary. The first priority of the inspector is to make sure smokers and venues understand the ban.

Inspectors may not be able to respond to every complaint but, where circumstances allow, may attend in response.

Both the person in charge of the venue at the time and the individual smoker can be fined.

An on-the-spot fine of one penalty unit¹ may apply to an individual who smokes in an outdoor dining area. The maximum court penalty is five penalty units.

An on-the-spot fine of two penalty units may apply to the person in charge of the venue at the time. The maximum court penalty is 10 penalty units for an individual or 50 penalty units for a company.

Reasons for smoke-free outdoor dining

There is compelling rationale and strong support for smoke-free outdoor dining.

Smoke-free outdoor dining will:

- protect the community from the harmful effects of second-hand smoke
- de-normalise smoking behaviours, which is particularly important for discouraging children from taking up smoking

- support people who have recently quit smoking or who are trying to quit by removing smoking visual cues and triggers
- improve Victorians' outdoor dining experience.

Further information and resources

Businesses can request signs, posters and brochures to help educate and inform staff and customers of the ban.

To access these materials and for more information:

- visit the tobacco reforms website <www.health.vic.gov.au/tobaccoreforms>
- call the Tobacco Information Line on **1300 136 775**.

To view the exact wording of the law from 1 August 2017, visit the Victorian Government's legislation website <www.legislation.vic.gov.au> and search *Tobacco Act 1987*.

To receive this publication in an accessible format phone 1300 136 775 using the National Relay Service 13 36 77 if required, or email tobacco.policy@health.vic.gov.au

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Available at www.health.vic.gov.au/tobaccoreforms

(1703024)

¹ Penalty units are indexed annually. The value of one penalty unit for 2017–18 is \$158.57.

Applications for a new liquor licence or BYO permit

Permit type or licence	Features of application	Fee unit	Fee amount as at 29 July 2023
BYO permit		20.00	\$318.00
Full club	Venue capacity is 0-200 patrons	30.00	\$477.00
	Venue capacity is 201-400 patrons	40.61	\$645.70
	Venue capacity is 401 or more patrons	50.00	\$795.00
General	Venue capacity is 0-200 patrons	40.00	\$636.00
	Venue capacity is 201-400 patrons	44.00	\$699.60
	Venue capacity is 401 or more patrons	75.00	\$1,192.50
Late night (general) Late night (on-premises)	Venue capacity is 0-200 patrons	75.00	\$1,192.50
	Venue capacity is 201-400 patrons	82.50	\$1,311.80
	Venue capacity is 401 or more patrons	135.00	\$2,146.50
Late night (packaged liquor)	Floor space is 0-750 square metres	330.00	\$5,247.00
	Floor space is more than 750 square metres	660.00	\$10,494.00
Major event	Single applicant making one or more applications in relation to the event	200.00	\$3,180.00
	Multiple applicants making applications in relation to the event	30.00	\$ 477.00
On-premises	Venue capacity is 0-200 patrons	40.00	\$ 636.00
	Venue capacity is 201-400 patrons	45.81	\$ 728.40
	Venue capacity is 401 or more patrons	49.98	\$ 794.70
Packaged liquor	Floor space is 0-750 square metres	100.00	\$1,590.00
	Floor space is more than 750 square metres	165.00	\$2,623.50
Pre-retail		20.00	\$318.00
Producer's	Floor space is 0-150 square metres	19.87	\$315.90
	Floor space is more than 150 square metres	30.00	\$477.00
Remote seller's packaged liquor	Floor space is 0-750 square metres	40.00	\$636.00
	Floor space is more than 750 square metres	75.00	\$1,192.50
Renewable limited		44.00	\$ 699.60
Restaurant and cafe	Venue capacity is 0-200 patrons	30.00	\$ 477.00
	Venue capacity is 201-400 patrons	44.00	\$699.60
	Venue capacity is 401 or more patrons	60.00	\$954.00
Restricted club		15.00	\$238.50
Temporary limited	Applicant holds a permanent licence or BYO permit	15.00	\$238.50
	Applicant does not hold a permanent licence or BYO permit and is not an entity registered under the Australian Charities and Not-for-profits Commission Act 2012 (Cth)	6.00	\$ 95.40
	Applicant does not hold a permanent licence or BYO permit and is an entity registered under the Australian Charities and Not-for-profits Commission Act 2012 (Cth)	Nil	Nil

Applications for modifying an existing liquor licence or BYO permit

Types of application	Fee unit	Fee amount as at 29 July 2023
Amalgamated club licence	15.00	\$238.50
Approval of director	15.00	\$238.50
Approval of nominee	15.00	\$238.50
Demerit point removal following transfer where transferee has a relevant relationship with the transferor within the meaning of section 86AA of the Act	Nil	Nil
Endorsement of executors, trustees and administrators	15.00	\$238.50
Endorsement of owner or mortgagee of licensed premises	15.00	\$238.50
Promotional event authorisation on producer's licence	10.00	\$159.00
Relocation of existing licence or BYO permit	15.00	\$238.50
Request for consent to let or sublet licensed premises or assign right to supply liquor	15.00	\$238.50
Request for consent to permit other person to carry on, or be engaged in carrying on, the business of supplying liquor on licensed premises	15.00	\$238.50
Temporary approval to allow minors on licensed or authorised premises while entertainment for minors is provided	15.00	\$238.50
Transfer of existing licence or BYO permit	15.00	\$238.50
Variation of licence or BYO permit (vary conditions on existing licence, vary category of existing licence, vary licensed (red-line) area of existing licence, vary trading hours of existing licence)	15.00	\$238.50