

Breaches under the *Liquor Control Reform Act 1998*

From 1 July 2023

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. 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

Sell/supply/consume liquor offences	Section of the Act	Maximum penalty	Infringement notice
Falsely indicate being licensed to supply or to allow consumption of liquor	116(b)	\$2,885	\$288
Sale of alcohol-based food essences in container above permitted capacity	118A	\$5,769	\$577
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	\$5,769	\$577

Intoxication/drunken 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
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	\$23,077	\$2,308
Procure liquor for intoxicated person on licensed premises	114(1)(b)	\$3,846	\$385
Aid/abet intoxicated person to obtain liquor on licensed premises	114(1)(b)	\$3,846	\$385
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)	\$9,616	\$962

Signage/plans/licence display offences	Section of the Act	Maximum penalty	Infringement notice
Fail to display copy of licence at licensed premises	101	\$962	\$96
Failure to keep a copy of the last plan or depiction of the licensed premises on the licensed premises	101B(1)	\$1,923	N/A
Fail to produce a copy of the plan or depiction for inspection by a police officer or a liquor inspector	101B(2)	\$1,923	\$192

Signage/plans/licence display offences	Section of the Act	Maximum penalty	Infringement notice
Fail to display notices as required by Commission	102(1)	\$962	\$96
Fail to display notice in form required by Commission	102(2)	\$962	\$96

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)	\$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
Supply liquor to a person under 18 other than as a licensee or permittee	119(3)(a)	\$23,077	\$2,308
Supply liquor to a person under 18 other than as an employee of a licensee	119(3)(b)	\$23,077	\$2,308
Supply liquor to a person under 18, by an employee, other than as permitted	119(4)	\$3,846	\$385
Knowingly deliver liquor to a person who is under 18 years of age	119A(1)	\$23,077	\$2,308
Permit person under 18 on licensed premises, other than as permitted*	120(1)	\$23,077	\$2,308
Send person under 18 to obtain liquor	121	\$23,077	\$2,308
Permit person under 18 to supply liquor on licensed premises, unless engaged in training program approved by the Commission	122(1)	\$23,077	\$2,308
Falsely represent oneself to be over 18 years in order to purchase liquor or enter licensed premises	123(4)	\$962	\$96
Give evidence of age document to another	124(1)	\$3,846	\$385
Deface/interfere with evidence of age document	124(2)	\$3,846	\$385
Knowingly make false evidence of age document	124(3)(a)	\$3,846	\$385
Knowingly give a false evidence of age document to another	124(3)(b)	\$3,846	\$385
Supply false information, documents, or material to obtain a proof of age document	125(1)(a)	\$3,846	\$385

Underage offences	Section of the Act	Maximum penalty	Infringement notice
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)	\$3,846	\$385
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)	\$3,846	\$385
Purchase/receive liquor, other than as permitted by persons under 18	123(1)(a)	\$962	\$96
Possess/consume liquor, other than as permitted by persons under 18	123(1)(b)	\$962	\$96
Enter/remain on licensed premises, other than as permitted by persons under 18	123(1)(c)	\$962	\$96

* 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)	\$11,539	\$1,154
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)	\$11,539	\$1,154
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)	\$11,539	\$1,154
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)	\$11,539	\$1,154

Responsible Service of Alcohol (RSA) training offences**	Section of the Act	Maximum penalty	Infringement notice
Failure by the licensee to keep on licensed premises RSA certificates	108AD (2)	\$962	\$96
Failure by the licensee when requested to produce any RSA certificates for inspection	108AE (2)	\$962	\$96
Failure by the licensee to give information to police officer or a liquor inspector	108AE (3)	\$962	\$96

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

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	\$11,539	N/A
Refuse to allow a fire safety inspector to enter licensed premises	148ZA	\$11,539	N/A
Providing false or misleading particulars to a fire safety inspector	148ZB (a)&(b)	\$11,539	N/A
Contravening a closure and evacuation notice	148ZJ(1)	\$46,154	N/A
Failing to comply with a direction of a fire safety inspector or authorised person	148ZJ(2)	\$3,846	\$385
Allowing a person to enter licensed premises after notice has been served	148ZK	\$23,077	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	\$1,923	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)	\$23,077	N/A
Knowingly permit a person to whom a banning notice or exclusion order applies to enter the licensed premises	148Q(1)&(2)	\$11,539	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)	\$23,077	\$2,308

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)	\$3,846	\$385
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)	\$3,846	\$385
Failure to comply with barring order by entering or remaining on a licensed premises from which person is barred without reasonable excuse	106J(1)	\$3,846	\$385
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)	\$3,846	\$385
Failure by licensee or permittee to keep record of barring order, including a variation or revocation	106K(1)	\$962	\$96
Failure by licensee or permittee to produce records of barring orders where requested by a police officer or a liquor inspector	106K(2)	\$962	\$96
Licensee or permittee must not disclose barring order records except as required by the barring order provisions	106K(4)	\$962	\$96
Failure to destroy barring order records after 3 years after expiry or revocation	106K(5)	\$962	\$96

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	\$962	N/A
Failure to notify the Commission within 14 days of a person ceasing to be a nominee	54(11)	\$962	\$96
Fail to register name and notify change of address with the Commission by owner or mortgagee	98	\$962	\$96
Fail to provide refreshments on request at licensed premises	99	\$962	\$96
Failure to supply and have available suitable freedrinking water on a licensed premises where alcohol is consumed on-site.	99A(1)	\$5,769	\$577
Fail to maintain residents' register in a form approved by the Commission	100(a)	\$1,923	\$192
Fail to enter particulars in residents' register	100(b)	\$1,923	\$192
Fail to keep residents' register on licensed premises	100(c)	\$1,923	\$192
Permit/cause/make any false or misleading entries in the residents' register	100(d)	\$1,923	N/A
Fail to produce residents' register for inspection by a police officer or a liquor inspector	100(e)	\$1,923	\$192
Fail to notify Commission of cessation of company director within 14 days	103(1)	\$962	\$96
Fail to have the director of a body corporate approved by the Commission	103(2)	\$962	\$96
Fail to notify the Commission within 14 days that a person has ceased to be an associate	103A(2)(a)	\$962	\$192
Fail to notify the Commission within 14 days that a person has become an associate	103A(2)(b)	\$962	\$192
Letting or sub-letting any part of the licensed premises, or assign the right to supply liquor, without consent of the Commission	105(1)	\$11,539	\$1,154
Failure to notify the Commission in writing within 21days of commencing to provide sexually explicit entertainment on the licensed premises	106B	\$1,923	\$192
Permit unlawful games on licensed premises	108(1)(d)	\$11,539	\$1,154
Failure by licensee (body corporate) to give list of names and addresses of directors to a police officer or a liquor inspector	108B(1)	\$1,923	\$192
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)	\$1,923	\$192

Other offences	Section of the Act	Maximum penalty	Infringement notice
Provide false or misleading information to a police officer or a liquor inspector	108B(3)	\$3,846	N/A
Keep liquor for supply or consumption in unlicensed club premises	112(1)	\$4,808	N/A
Obtaining liquor by falsely representing oneself to be a resident of a licensed premises	114(1)(c)	\$3,846	\$385
Betting or allowing a person to bet on licensed premises, other than as permitted	115(1)	\$3,846	\$385
Procuring a transfer of a licence or a BYO permit by fraud or false representation	117(1)	\$9,616	N/A
Making a false or misleading statement	118(1)	\$11,539	N/A
Refuse to give particulars of name or address or age	126(4)(a)	\$2,885	\$288
Give false particulars of name or address or age	126(4)(b)	\$2,885	\$288
Give false evidence of name or address or age	126(4)(c)	\$2,885	\$288
Refuse or fail to give name and address to authorised persons*	130A(3)(a)	\$3,846	\$385
Give false name or address to authorised persons	130A(3)(b)	\$3,846	\$385
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)	\$11,539	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)	\$11,539	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)	\$11,539	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)	\$11,539	N/A

Other offences	Section of the Act	Maximum penalty	Infringement notice
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)	\$11,539	N/A
Prevent, directly or indirectly, a person from attending before an authorised person, producing to an authorised person any document, equipment or other thing or answering any question of, or supplying any information to, an authorised person when that person is required to do so under this Act	130E(f)	\$11,539	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	\$11,539	\$1,154

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



Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Fact Sheet Barring powers

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

1. General powers to bar a person from your premises

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

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

2. Discuss excluding a person under the local liquor accord

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

3. Issue a barring order

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

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

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

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

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

Designated Areas

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

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

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Barring Order

Liquor Control Reform Act 1998

Regulation 57A

(Insert sequential numbering)

Reference Number

Type of order - choose one

- ☐ **Barring Order (s. 106D) –**
Complete Parts A, B and D **OR** ☐ **Change or cancel a Barring Order**
(s. 106I) – Complete Parts A, C and D

PART A - Barred person and licensed premises

Name of barred person

Address (if known)

Postcode

Date of birth (if known)

Licensed premises trading name

Liquor licence number

Premises address

Postcode

PART B - Length of time and details of Barring Order

Commencement date

Commencement time

Expiry date

Expiry time

Reason for Barring Order

- ☐ Person is drunk, violent or quarrelsome in the licensed premises (section 106D(a))
- OR**
- ☐ Person serving the order reasonably believes the safety of the person being barred, or any other person in the licensed premises, is at substantial or immediate risk as a result of that person's consumption of alcohol (section 106D(b))

Brief description of reason for issuing Barring Order

PART C - Change or cancel an issued Barring Order

Reference number of issued Barring Order

- ☐ Change order ☐ Cancel order

Outline the change to the order (if applicable)

Part D - Details of person issuing this order

Name

- ☐ Licensee ☐ Responsible person
- ☐ Permittee ☐ Member of the police force

Victoria Police registered number
(if applicable)

Signature

Date

WARNING

If you have been served with this Barring Order, it is an offence for you to:

- remain on or re-enter the licensed premises, without a reasonable excuse; or
- remain in or re-enter the vicinity of the licensed premises without a reasonable excuse, for the length of time of the order.
(The vicinity of a licensed premises means a public place that is within 20 metres of the licensed premises.)

These offences carry a maximum fine in excess of \$2,000.

For more information about your rights and obligations, see reverse

White - Barred person

Yellow - Licensed premises

NOTICE to the BARRED PERSON

If you are the person receiving this Barring Order.

You must not remain in or re-enter the licensed premises noted in Part A of this form for the period specified in Part B.

You may be barred for

- Up to one month - on your first Barring Order from the licensed premises
- Up to three months - on your second Barring Order from the licensed premises
- Up to six months - where you have received two or more Barring Orders from the licensed premises.

Offence to fail to comply with Barring Order

If you have been given this Barring Order, it is an offence for you to remain in or re-enter the licensed premises, or the vicinity of the licensed premises, without a reasonable excuse. The Barring Order only relates to the licensed premises found in Part A of this form.

The vicinity of the licensed premises includes any public place within 20 metres of the licensed premises, such as a footpath or car park.

A reasonable excuse may include:

- that your work is located near the licensed premises
- that you are waiting at a taxi rank near the licensed premises
- that you left your jacket at the licensed premises.

Fines

If you do not comply with this Barring Order, the police may issue you with an on-the-spot fine exceeding \$240.

If the police decide to prosecute you for not complying with this Barring Order, a fine exceeding \$2400 may apply.

Changing or Cancelling this Barring Order

The person that issued this Barring Order has the power to change or cancel it. If you believe this Barring Order has been incorrectly issued to you, you may wish to contact the issuer to discuss the matter.

Alternatively, the Director of Liquor Licensing (the Director) has the power to change or cancel any Barring Order. If you wish to make a request to the Director to consider changing or cancelling this Barring Order, you must complete the required form available from www.justice.vic.gov.au/alcohol and send it to the Director via post or email.

For more information about this Barring Order, including changing or cancelling a Barring Order, please call 1300 650 367 or go to www.justice.vic.gov.au/alcohol.



Intoxication Guidelines

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

What is the law in Victoria?

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

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

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

Signs of intoxication may include the following:

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

Conditions that exhibit similar symptoms and signs to intoxication

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

Legal definition of intoxication

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

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

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Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Fact Sheet

Plans of licensed premises

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

The plan of the premises must accompany applications for:

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

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

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

Four copies are required to enable:

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

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

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

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

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

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

What form should a plan take?

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

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

Restaurant and cafe licences and On-premises licences

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

General licences

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

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

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

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

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

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

What am I required to do with my approved plan?

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

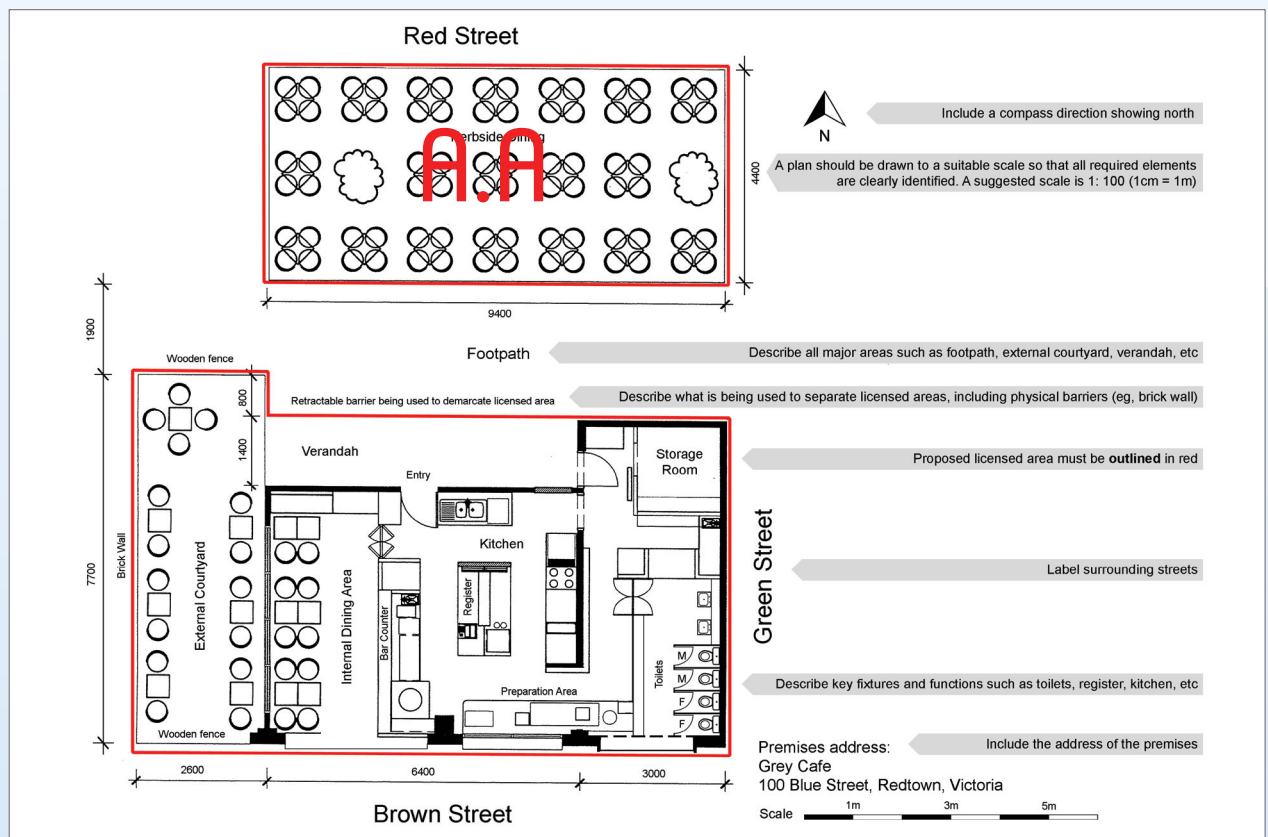
Failure to keep a copy of the plan on the licensed premises or produce a copy of the plan for inspection could result in a fine being issued.

Where can I get a copy of my approved plan?

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

An example of a plan is provided below.

Plan Example



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Victorian Commission for Gambling and Liquor Regulation

Liquor licensing fact sheet

Maximum patron capacity

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

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

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

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

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

Which licences have a maximum patron capacity?

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

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

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

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

How does the VCGLR determine maximum patron capacity?

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

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

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

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

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

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

Restaurant and cafe licences

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

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Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Fact Sheet Required signage for licensed premises

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

Licensees must display the following signage around their licensed premises.

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

Correct signage for display (effective 29 June 2018)

Posters							
Keycode	VCGLR0012018V1	VCGLR0022018V1	VCGLR0032018V1	VCGLR0042018V1	VCGLR0052018V1	VCGLR0062018V1	—
Licence type							
Packaged liquor, including late night (packaged liquor)	●	●		●			●
General, including late night (general)		●	●	●			
On-premises, including late night (on-premises)		●	●	●			
On-premises (with restaurant conditions)		●		●			
Restaurant and cafe		●		●			
Club (full and restricted)		●		●			
Producer's		●		●			
Limited		●		●			
BYO permit		●					
BYO Permit (Party bus)					●	●	

Important information

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

Frequently asked questions

Where do I get the posters?

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

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

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

What happens if I display an old poster?

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

Will the VCGLR still provide hard copies if requested?

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

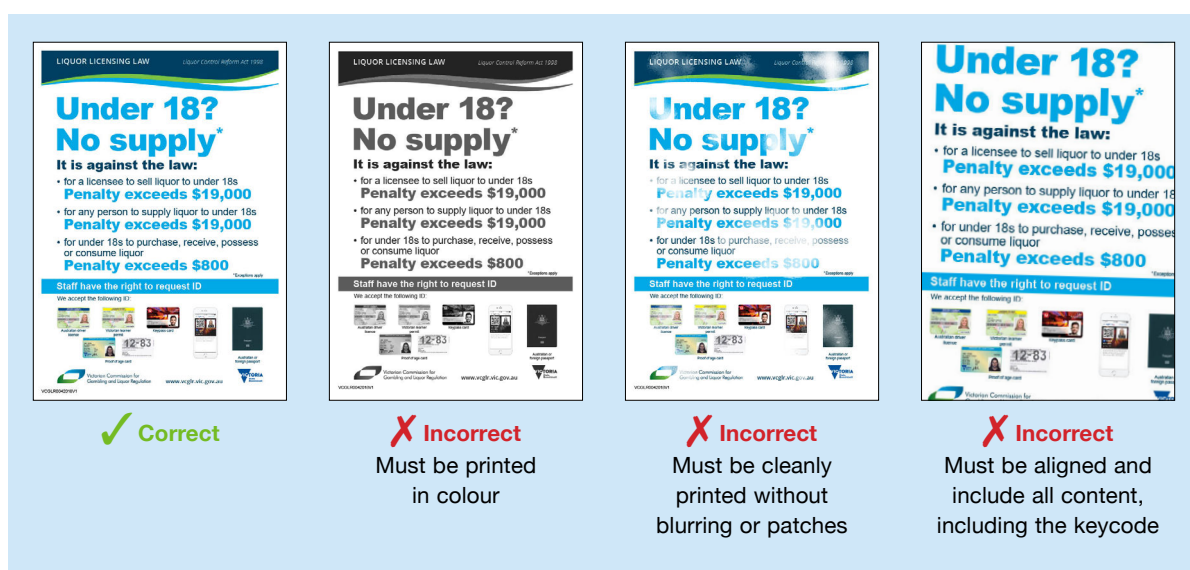
Where can I go for more information?

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

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Printing guidelines

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



Do the posters have to be printed on special paper?

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

Can I laminate or frame the posters?

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

Where can I go for more information?

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

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Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Fact Sheet

Responsible liquor advertising & promotions

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

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

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

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

Principles concerning the irresponsible consumption of liquor

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

Public interest principles

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

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

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

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

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

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

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

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

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Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Fact Sheet

Demerit points system

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

The demerit points system contributes to improved compliance with liquor laws and a responsible liquor industry. Under the demerit points system, licences incur demerit points for a non-compliance incident.

This system commenced 20 February 2012.

What is the demerit points system?

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

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

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

The number of demerit points that apply to a licence is published on Licences and Applications Online and can be accessed at www.vcglr.vic.gov.au. Licensees will also be advised in writing when they have incurred a new demerit point.

How will demerit points affect licences?

Licences will be suspended at the following thresholds:

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

It is not possible to appeal a licence suspension.

What is a non-compliance incident?

A non-compliance incident relates to the following offences.

Offences	Section of the <i>Liquor Control Reform Act 1998</i>
Supply liquor to 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 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 is said to have occurred if one of these offences has been detected and:

- an infringement notice for this offence has been paid in full or partially paid; 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.



Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Fact Sheet Star rating system

The star rating system supports the regulation of liquor licensing in Victoria. This system operates in addition to the compliance history risk fee system to encourage good business practices in licensed premises.

The star rating system provides greater incentives for licensees to comply with Victoria's liquor licensing laws. Under the star rating system, responsible licensees will receive a discount on their annual liquor licence renewal fees.

What is the star rating system?

A star rating is calculated on the basis of whether a non-compliance incident has occurred in respect of the licensed premises. 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. This is calculated on 1 October of each year.

All new liquor licences begin at the three star level. They will then receive a star rating based on the following criteria:

- One star** – Three or more non-compliance incidents in the previous 12 months
- Two star** – One to two non-compliance incidents in the previous 12 months
- Three star** – No non-compliance incidents in the previous 12 months
- Four star** – No non-compliance incidents in the previous 24 months
- Five star** – No non-compliance incidents in the previous 36 months.

The star rating system applies to licensees (excluding sexually explicit entertainment venues) and rewards responsible licensees. Star ratings are published on Licences and Applications Online and can be accessed at www.vcglr.vic.gov.au. Licensees are not required to display their star rating at their premises.

What is a non-compliance incident?

A non-compliance incident relates to the following offences.

Offences	Section of the <i>Liquor Control Reform Act 1998</i>
Supply liquor to 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 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)

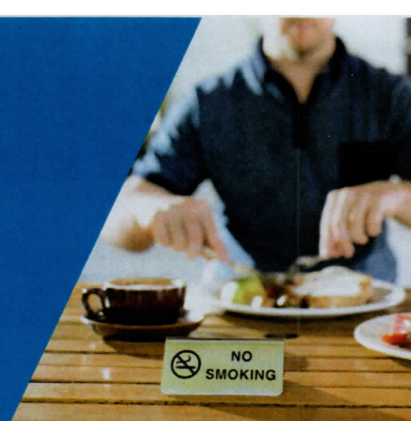
A non-compliance incident occurs when one of these offences is detected, and:

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

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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.

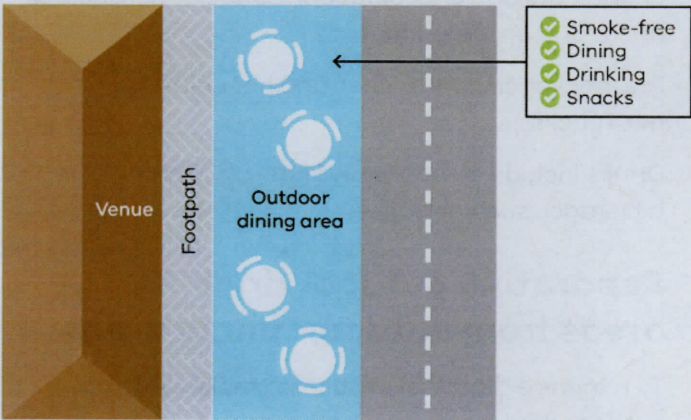
Complying with law

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.

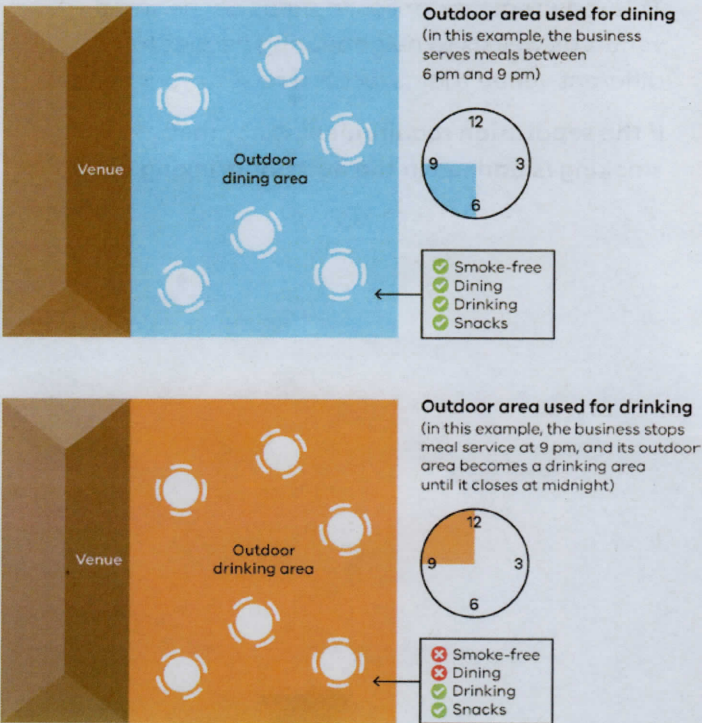
Figure 1: Permanent outdoor dining



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



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

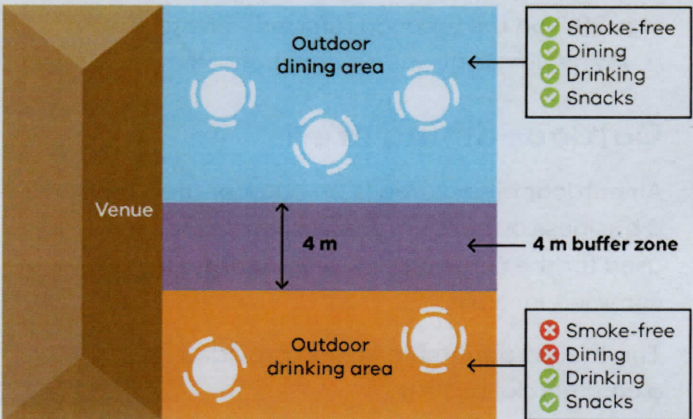
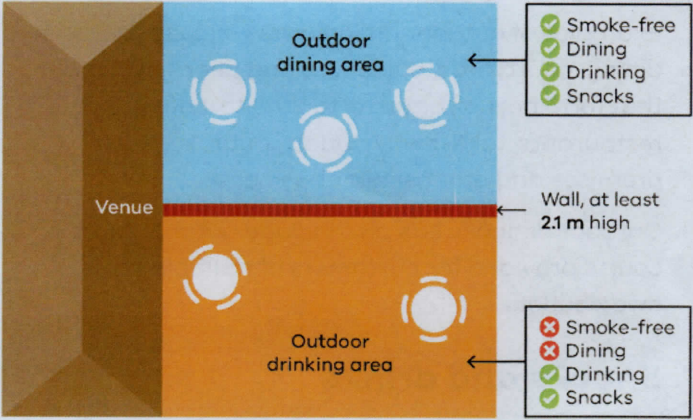


Figure 4: Separation by a wall at least 2.1 metres high



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.

Liquor licensing fact sheet

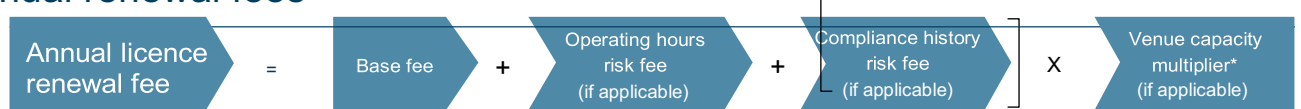
Liquor licence fees (from 1 July 2022)

Fees are charged when making an application for a liquor licence, and annually thereafter on 31 December irrespective of when the licence is granted as provided for under the *Liquor Control Reform Act 1998*.

Application fees

Application type	Details	Fee
Application for a new licence	- Late night (general) - Late night (on-premises) - Late night (packaged liquor) - General - On-premises - Restaurant and cafe - Packaged liquor - Full club - Restricted club - Pre-retail - Producer's - Renewable limited	\$496.00
Application for a BYO permit	BYO permit	\$266.50
Application for a temporary limited licence	- Temporary limited - where the applicant holds an existing licence/permit (other than a temporary limited licence or a major event licence)	\$118.30
	where the applicant does not hold an existing licence/ permit (other than a temporary limited licence or a major event licence)	\$63.90
Application for a major event licence - single applicant	Major event where a single applicant makes one or more licence applications in relation to the event.	\$1018.30
Application for a major event licence - multiple applicants	Major event where multiple applicants make licence applications in relation to the event	\$152.70 per licence
Application to modify a licence	- Variation of licence or BYO permit - Amalgamated club - Approval of nominee or director - Relocation of licence or BYO permit - Transfer of licence or BYO permit - Temporary underage authority for an entertainment event	\$223.50
Application for promotional event authorisation	Producer's licence. This fee applies when the promotional event authorisation is the only extra condition to be added. If other conditions are also to be changed, the standard variation fee listed above will apply.	\$118.30

Annual renewal fees



Select licence category

Late night (general) Late night (on-premises)	=	\$1,039.90	+	\$4,159.30 if not authorised to trade past 3am or \$8,318.50 if authorised to trade past 3am	+	\$4,159.30 if one or two or \$8,318.50 if three or more relevant paid infringements and/or successful prosecutions have occurred during the 12-month period (1 October–30 September) prior to the issue of the annual renewal fee invoice. The only offences that trigger the compliance history risk fee relate to supplying alcohol to underage or intoxicated persons and permitting underage or drunken/disorderly persons on the licensed premises.	X	Venue capacity multiplier applies based on the applicable patron capacity as per the table below.
▲ General On-premises	=	\$1,039.90	+	\$2,079.60 applies if authorised to trade past 11pm	+		X	Venue capacity multiplier applies to these licence categories if the compliance history risk fee applies.
Restaurant and cafe Restricted club	=	\$256.00	+	N/A	+		X	
Full club	=	with gaming \$1,039.90 without gaming machines \$511.80	+	N/A	+		X	
Packaged liquor Late night (packaged liquor)	=	\$2,079.60	+	\$6,238.90 if authorised to trade during non-standard hours**	+		X	N/A
Pre-retail	=	\$1,039.90	+	N/A	+		X	N/A
▲▲ Producer's Renewable limited BYO permit	=	\$256.00	+	N/A	+		X	N/A

*Venue capacity multiplier

Number of patrons	Multiplier	Number of patrons	Multiplier	Number of patrons	Multiplier
0–200	1	501–600	2	901–1000	3
201–300	1.25	601–700	2.25	1001–1100	3.25
301–400	1.5	701–800	2.5	1101–1200	3.5
401–500	1.75	801–900	2.75	1201–1300	3.75
				1301+	4

Patron numbers for the venue capacity multiplier are determined by either the total maximum capacity specified as a licence condition, or if no capacity is specified on the licence, the lesser of the numbers permitted under the relevant planning or occupancy permit. In the absence of this information, Liquor Control Victoria is able to determine venue capacity based on a ratio of one patron per 0.75 square metres for the area available to the public for on premises consumption. Note: where patron numbers for accommodation and function areas are specified on a licence they may be excluded from the venue capacity multiplier in some cases.

Licensed venues that hold a four or five-star rating will be eligible to receive a discount on their annual liquor licence renewal fees.

** A risk fee of \$6,238.90 applies for packaged liquor licenses authorised to trade during and any of the following non-standard hours

- before 9am and/or after 11pm Monday to Saturday
- before 10am and/or after 11pm Sunday
- before 12 noon and/or after 11pm ANZAC Day.

Sexually Explicit Entertainment

\$39,238.70 if no non-compliance incidents

\$58,857.90 if one or two non-compliance incidents

\$78,477.30 if three or more non-compliance incidents

- ▲ General licences that only supply liquor for consumption off the premises will incur fees equivalent to a packaged liquor licence.
- ▲▲ Producer's licences with the promotional event authorisation will incur an additional fee of \$118.30 per year.

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.