

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 21 days 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.