

# Our Club

## Licensee responsibilities



Where clubs go wrong

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# Where clubs go wrong

## Overview

### Introduction

This section explains the consequences that may arise if your club breaches its obligations under the *Liquor Control Reform Act 1998* (the Act). It also provides you with a list of the common breaches your club should be aware of.

In addition, it lists all the financial penalties that can be incurred in the following categories:

- intoxication/drunken offences
- sell/supply/consume liquor offences
- designated area/banning notice offences
- underage offences
- signage/plans/licence display offences
- other offences.

### Resources

If you require additional information to what is provided in this section, please call the VCGLR on 1300 182 457.

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## General obligations

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### Introduction

As a committee member of a club, you have certain obligations associated with your club's liquor licence.

**See:** 'General obligations' (section 3 page 7).

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## Consequences of non-compliance

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### Introduction

As a committee member, it is important that you understand the liquor licence regulations and requirements that your club must adhere to as specified in the Act.

All too often staff and committee members only become aware of the conditions that must be met when a breach or issue occurs. To ensure your club does not 'go wrong', you should aim to mitigate the risk of breaching your obligations.

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### Inspections

Your club may be visited at any time by Victoria Police or a VCGLR inspector. During the visit, your club will be checked for compliance with the Act and your licence conditions.

It is therefore important that your club's committee is completely prepared for such an inspection.

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### Consequences

If you fail to comply with and breach the liquor law, your club may receive a penalty as a result of:

- an infringement notice being issued or
- court proceedings initiated by the VCGLR.

**See:** 'Offences and penalties' (pages 5–10) in this section for a list of the potential offences and the related penalties associated.

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### Severe breaches

A severe breach could result in the VCGLR seeking suspension or cancellation of the licence in addition to imposing a financial penalty. In some cases, imprisonment may also be a penalty that could be imposed.

One of the highest penalties under the Act is for selling liquor without a licence. The maximum fine exceeds \$38,000 or 24-month imprisonment.

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### Infringement notices

The Act stipulates that infringement notices may be issued as an alternative to having the matter heard before a court. They can be issued to licensees, underage persons, or any person breaching the specified sections of the Act.

The infringement notice penalty is lower than the maximum penalty that can be imposed by a court. Its payment constitutes a proven charge that may be taken into account in any subsequent court proceedings.

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### Compliance history risk fee

Although there are many types of breaches under the Act, some breaches will incur additional costs that will be added to your liquor licence renewal fee in what is known as a compliance history risk fee.

The breaches that will incur these fees are:

- supplying liquor to an intoxicated person
  - permitting drunken or disorderly people on the licensed premises
  - supplying liquor to an underage person
  - permitting an underage person on the licensed premises.
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## Consequences of non-compliance continued

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### Annual renewal fees

To see how these breaches can increase the club's liquor licence renewal fee, see [Liquor fees and fines](#)

### Demerit point system

The breaches that trigger the compliance history risk fee also result in your licence incurring demerit points. One offence will equal one demerit point.

Your licence will be automatically suspended if it reaches one of three demerit point 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.

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.

**See:** The VCGLR website at [vcglr.vic.gov.au](http://vcglr.vic.gov.au) for more information about the demerit point system.

## Breaches

### Common breaches

The VCGLR carries out inspections of clubs to check compliance with the Act.

	Description of common breaches for clubs
1	Licensee/ permittee supplying liquor other than in accordance with a liquor licence or BYO permit.
2	Fail to comply with any requirements imposed by the VCGLR concerning the size, format or manner of display of the notice
3	Failure of licensee/permittee to produce a plan of premises (red line plan) for inspection
4	Failure of licensee/permittee to display licence or permit in a conspicuous place in a manner inviting public attention
5	Failure of licensee/permittee to display notice required by the VCGLR
6	Supply liquor outside the authorised area approved on a liquor licence or BYO permit

**Note:** These breaches are those recorded by VCGLR inspectors. They do not include breaches recorded by Victoria Police.

The next most common breaches detected are included in the table below.

## Other common breaches

Description of common breaches
The licensee must ensure that any person who sells, offers for sale or serves liquor on the licensed premises of the licensee completes an approved RSA program
If the licensee is a body corporate, the licensee must ensure that the person responsible for the management or control of the licensed premises completes an approved responsible service of alcohol program
Selling or offering liquor for sale by person who is not a licensee
The licensee (except in the case of a body corporate) must complete an approved RSA program within three years from the date on which the licensee last completed an approved RSA program.

**Note:** These breaches are those recorded by VCGLR inspectors. They do not include breaches recorded by Victoria Police.

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## Offences and penalties

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### Introduction

For a list of all the breaches and related penalties that may be imposed in accordance with the Act visit, [Liquor fees and fines](#)

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## Check your understanding – non-compliance

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### Checkpoint

It's time to check your understanding of what has been covered so far. Please complete the questions below and check your answers against the answers provided at the end of this section of the resource kit.

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### Questions

1. What types of penalties can be issued for non-compliance?

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2. Who can infringement notices be issued to?

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3. Provide examples of when you may incur the compliance history risk fee.

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## Summary

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### Tips

- Review the list of offences and determine whether there are any immediate changes can be made at your club to mitigate against incurring potential penalties.
  - If there are any conditions you do not understand, call the VCGLR on 1300 182 457.
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### Further information

Please call the VCGLR if you require more information about liquor licence breaches and penalties.

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## Non-compliance

### Check your understanding answers

#### 1. What types of penalties can be issued for non-compliance?

- Financial due to an infringement notice, demerit point suspension or court order
- Imprisonment.

#### 2. Who can infringement notices be issued to?

Licensees, underage persons or any person breaching the specified sections of the *Liquor Control Reform Act 1998*.

#### 3. Provide examples of when you may incur the compliance history risk fee.

- supplying liquor to an intoxicated person
- permitting drunken or disorderly people on the licensed premises
- supplying liquor to an underage person
- permitting an underage person on the licensed premises.

## Checklist

### Checklist – where clubs go wrong

Use the following checklist to avoid incurring breaches.

- ☐ Ensure all staff and committee members of your club:
  - ☐ are familiar with their obligations under the *Liquor Control Reform Act 1998*
  - ☐ understand the breaches that can occur
  - ☐ are aware of the common breaches that can be avoided.
- ☐ Perform the following to mitigate against some of the common breaches:
  - ☐ Ensure all staff and committee members know where the red-line plan is kept
  - ☐ Display notices required by the VCGLR on the premises

**See:** 'Our liquor licence' (section 3 page 1) section of this resource kit.
  - ☐ Check that necessary persons are RSA trained
  - ☐ Ensure liquor is served and consumed within the club's red-line plan
  - ☐ Display the most current licence or permit on the premises
  - ☐ Check the nominee (if applicable) listed on the licence is still current and notify the VCGLR in writing if he or she has ceased to be the nominee.