Liquor licence application kit

Late night packaged liquor licence

This kit contains all the forms and related materials required to apply for a late night packaged liquor licence in Victoria.

Contents:

1. Useful information and definitions
2. Lodgement checklist
3. Application form – late night packaged liquor licence
4. Right to occupy the premises declaration
5. Questionnaire
6. Declaration of associates
7. Public notice (this must be displayed as A3 size)
8. Statement of display
9. Guidelines for displaying public notices
10. Guidelines for advertising packaged liquor license applications
11. Code of conduct for packaged liquor licensees
12. Companion guides:
    - 'Plans of licensed premises' fact sheet
    - 'Training for licence applicants' fact sheet

To confirm the current fee, please refer to 'Liquor licence fees' on our website at vcglr.vic.gov.au

How to apply

This is an interactive PDF form which allows you to:

- complete the form using a computer or tablet
- save your progress and continue at a later time
- print the completed form to sign and return.

You are still able to print the form and complete it by hand if you prefer.

This form has been designed to be completed using the free Adobe Acrobat Reader software. To download this free software, please visit the following link or search for the free "Adobe Acrobat Reader" on your devices app store.

This form may not function as intended if you use any other software.

Send application to:
Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988
Melbourne Vic 3001

or lodge in person at:
Level 3, 12 Shelley Street
Richmond Vic 3121

or via email to:
contact@vcglr.vic.gov.au

Need help?

For more information on how to apply for a liquor or gambling licence or permit:

- visit the Victorian Commission for Gambling and Liquor Regulation (VCGLR) website at vcglr.vic.gov.au
- telephone the VCGLR on 1300 182 457
- email the VCGLR at contact@vcglr.vic.gov.au

Privacy

The Victorian Commission for Gambling and Liquor Regulation (the VCGLR) is committed to protecting the privacy of your personal information. The VCGLR endorses fair information handling practices and uses of information in compliance with its obligations under the *Privacy and Data Protection Act 2014* (Vic). Personal information collected from you is only used for the purposes of the application for the licence or permit and Acts administered by the VCGLR.

Personal information is not disclosed to third parties unless required or authorised by law, or with your consent. As part of the application process information provided may be forwarded to and retained by Victoria Police.

Useful information and definitions

Late night packaged liquor licence

Late night packaged liquor licence

This application must be completed when applying for a packaged liquor licence where trading hours extend beyond 1am.
A packaged liquor licence authorises the licensee to supply liquor on the licensed premises in sealed containers, bottles or cans for consumption off the licensed premises.

Late night liquor licence freeze

In addition to completing this form, applicants for a licence to trade past 1am in the municipalities of Melbourne (including Docklands), Stonnington, Yarra and Port Phillip must satisfy the VCGLR that:

- the premises is used as an accommodation hotel, a venue that regularly provides live music entertainment or a venue that supplies liquor for consumption on the premises provided food is available at all times when alcohol is supplied, where the patron capacity of the venue does not exceed 200 persons
- The venue regularly provides live music entertainment where the patron capacity does not exceed 500 patrons at any time
- the economic and social benefit of granting the licence will outweigh the impact of alcohol misuse and abuse and community amenity
- a venue management plan is in place.

Please download and lodge the 'late night liquor licence supplementary forms kit' available from vcglr.vic.gov.au

Application fee

The application fee must be paid at the time of application. If your application is granted, the renewal fee for the following year is due annually on 31 December, irrespective of when the licence is granted. A renewal notice will be issued prior to this date detailing how to make payment to the State Revenue Office and the cost. There is no GST payable on this fee. Please refer to the liquor licence fees fact sheet for current details. The fee can be paid by cheque, money order or credit card. Cheques and money orders are to be made payable to Victorian Commission for Gambling and Liquor Regulation.

Declaration of the right to occupy the premises

For a licence to be issued, the applicant must have the right to occupy the premises. You will need to provide a declaration of your right to occupy the premises once the lease agreement has been executed and/or settlement has occurred for the sale of the property and/or you have otherwise acquired the legal right to occupy the premises (i.e. you are the freehold owner of the premises, the Certificate of Title is in your name or your name is on the executed lease agreement etc).

If you do not have the right to occupy when you lodge your application, you will need to provide a declaration once you have acquired the right to occupy the premises. Please send or email the VCGLR your declaration.

Declaration of associates

The purpose of the declaration of associates form is to identify an applicant's associates. The application must be accompanied by completed declaration of associates form(s).

- If the applicant is an individual, the individual must complete the form.
- If the applicant is a partnership, each partner must complete the form separately.
- If the applicant is a body corporate, the body corporate must complete the form advising of its associates and each director of the body corporate must complete this form separately.

Current and Historical Company Extract – company applicants only

If you are applying for a licence in the name of a company you are required to provide a recent (no more than 90 days old) Current and Historical Company Extract from the Australian Security and Investments Commission (ASIC). Current and Historical Company Extract identifies the type, status, registered address, roles within the organisation, share structure, members and charges and documents lodged (current and historical) of organisations registered with ASIC.

When making a search application to ASIC, ensure that you specify that you require a Current and Historical Company Extract and not a Current Company Extract. A Current and Historical Company Extract identifies both current and historical information about the applicant, while the Current Extract identifies only current information.

You can purchase a Current and Historical Company Extract from the ASIC website at asic.gov.au.

Incorporated association information

If you are applying for a licence in the name of an incorporated association you must provide the certificate of incorporation, rules and minutes of the most recent meeting confirming the committee members.

Late night packaged liquor licence

Display of application

A public notice must be displayed at the premises to which this application relates. Once your application has been accepted for processing, the VCGLR will notify you or your representative in writing of the period the public notice must be displayed.

Important: You must NOT display your public notice until the VCGLR has advised you to do so.

After the display of notice has ended, you must then lodge a 'Statement of display' to the VCGLR certifying that you have undertaken a public notice of display. Please refer to the enclosed 'Guidelines for displaying public notices' and 'Statement of display'.

Copy of a newspaper advertisement

Please refer to the 'Guidelines to advertising packaged liquor licence applications'. An advertisement must be published no later than seven days after the application is lodged.

Planning permission

A copy of a planning permit from the local council (or responsible planning authority) which shows that you have planning permission to supply liquor as outlined in your application. For example, this should show that you have planning permission for the activities permitted by the licence type, the trading hours you are applying for and the area where you would like to supply liquor (red-line area).

If a planning permit has not been granted at the time of application, you are required to provide a copy of an application for a planning permit made to the local council (or responsible planning authority).

Alternatively, you can provide evidence that a planning permit is not required to supply liquor as outlined in your application. For example, a letter from the local council (or responsible planning authority) or a copy of the relevant planning scheme.

Red-line plan

When a liquor licence is granted, it is for a defined area. The defined area indicates where liquor can be supplied and consumed and is shown by a red-line drawn on a plan of the premises. A plan is required to be submitted to the VCGLR as part of the application process and may also be required upon request at any time.

Body corporate definition

A body corporate is an organisation which has a separate legal status to its members (i.e. it can own property, sue and be sued, and enter into contracts in its own name). Examples of body corporates include companies, incorporated associations, incorporated partnerships, municipal councils and co-operatives. Unincorporated clubs/associations and unincorporated partnerships are not body corporates.
A minimum of one director must reside in Victoria unless a proposed nominee has been nominated.

Nominee definition

A body corporate may apply to the VCGLR for the approval of a person to be the nominee of the applicant. Once approved, the nominee then becomes liable as if they were the licensee or permit holder. The nominee will cease being a nominee if they cease to manage or control the licensed premises. Where this occurs, the licensee or permit holder needs to notify the VCGLR within 14 days. The nominee must reside in Victoria.

Lodgement checklist

Late night packaged liquor licence

This checklist details the documents required to accompany your application. Supplying these with your application will allow the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to commence assessment of the application and can reduce processing time. Your application may be returned if the accompanying documents do not meet the requirements below. The VCGLR may contact applicants to request additional documentation depending on the circumstances of their business. All forms and fact sheets referred to are available on the VCGLR website vcglr.vic.gov.au.

Please tick that you have provided all the required documents with lodgement of your application

☐ **Application form**

Please ensure:

- all fields on the application form are completed
- the nature of the business is detailed, clearly demonstrating why a liquor licence is sought
- application form is signed and dated by the applicant
- that correct fees are attached, as detailed in the 'Liquor licence fees' fact sheet.

☐ **Planning permit OR evidence that a permit is not required**

A copy of the planning permit from the local council (or responsible planning authority) showing that you have planning permission to supply liquor as detailed in your application OR a copy of an application for a planning permit made to the local council (or responsible planning authority).

Alternatively, you can provide evidence that a planning permit is not required to supply liquor as outlined in your application. For example, a letter from the local council (or responsible planning authority) or a copy of the relevant planning scheme.

☐ **Responsible Service of Alcohol (RSA) training**

Evidence of completion on an approved RSA training course for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.

☐ **New entrant training**

A copy of an approved new entrant training certificate for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.

☐ **Declaration of the right to occupy the premises**

For a licence to be issued, the applicant must have the right to occupy the premises. If you already have the right to occupy the premises, you must sign and attach the declaration provided at the end of this form.

☐ **Questionnaire**

Each person listed on the application, including any nominee, must complete a 'Questionnaire' attached in this application kit. For companies, partnerships or clubs, questionnaires are required from each director, partner or executive committee member respectively. Questionnaires will only be accepted if they are dated within the last three months.

☐ **Copy of newspaper advertisement**

Please refer to the 'Guidelines to advertising packaged liquor licence applications'. An advertisement must be published no later than seven days after the application is lodged.

☐ **Declaration of Associates**

The declaration of associates form attached within this application kit must be completed by each of the following:

- If the applicant is an individual, the individual must complete the form.
- If the applicant is a partnership, each partner must complete the form separately.
- If the applicant is a body corporate, the body corporate must complete the form advising of its associates and each director of the body corporate must complete this form separately.

☐ **Four copies of the red-line plan**

A licence is granted for a defined area on the premises. Four copies of the plan of the premises with the proposed licensed area outlined in red are required for an application to be accepted. The plan must meet requirements detailed in the 'Plans of licensed premises' fact sheet.

Lodgement checklist

Late night packaged liquor licence

Please tick that you have provided all the required documents with lodgement of your application

☐ **Business name certificate (if applicable)**

A business name certificate is required if an individual or partnership is applying for a liquor licence, or if the trading name of the business registered with Australian Securities and Investment Commission (ASIC) is different to the company's name or incorporated club's name. A copy of the business name certificate from ASIC is required. To register your business name, go to the ASIC website at asic.gov.au for further information.

☐ **Current and Historical Company Extract**

A recent (no more than 90 days old) Current and Historical Company Extract is required if a company is applying for a liquor licence. A Current and Historical Company Extract can be purchased from the ASIC website at asic.gov.au. Refer to the 'Useful information' section for further information.

☐ **Incorporated association information**

If you are applying for a licence in the name of an incorporated association you must provide the certificate of incorporation, rules and minutes of the most recent meeting confirming the committee members.

☐ **Late night liquor freeze**

If applicable, please ensure the following is attached:

- late night liquor supplementary forms kit.

Please refer to the 'useful information' section for further information.

How to lodge this form

By post
Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988, Melbourne VIC 3001

In person
Victorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street, Richmond

By email
contact@vcglr.vic.gov.au

What happens next

If your application is accepted, you will be sent an email or acknowledgement letter. This will confirm that the VCGLR has received your application and outline any further information required and the date by which it must be submitted. Once the VCGLR has received all required information and documents, your application will be determined. You will be advised of the outcome in writing.

Application

Late night packaged liquor licence

Liquor Control Reform Act 1998

OFFICE USE ONLY v18-07
Date rec'd / /
Receipt no. _____
File no. _____

1. Details of premises

Trading name of premises to be licensed*
(as stated on your certificate of registered business name)

☐ * Please tick that you have attached a copy of your business name certificate from ASIC as it is required to finalise processing of your application
(see lodgement checklist for further information)

Street address of premises to be licensed

Postal address of premises to be licensed
(for service of documents if different from street address)

Premises email

☐ Correspondence may be sent by email. Please mark the box if you DO NOT wish to receive correspondence by email.

Owner (landlord) of premises to be licensed

Owner's (landlord) postal address (for service of documents if required)

2. Applicant details

Type of applicant (tick one box)

☐ Person ☐ Partnership ☐ Company ☐ Club

Name(s) of applicant (person/partnership/company/body corporate/club)

Contact name (business hours contact details)

Email address

☐ Correspondence may be sent by email. Please mark the box if you DO NOT wish to receive correspondence by email.

Australian Business Number (ABN)*

Australian Company Number (ACN)**

Daytime telephone number (business hours contact details)

Mobile telephone number (business hours contact details)

Give details of each person, partner, director or executive committee member who is part of this application (if more than four people, attach a separate page which lists all names and addresses).

Each individual listed below will need to complete a 'Questionnaire', which forms part of this application.

Full name	**Residential address**	**Position held / Relationship to applicant** (i.e. director etc.)

*ABN is a unique identifier issued by the Australian Business Register which is operated by the Australian Tax Office.
**ACN is a unique nine-digit number issued by the Australian Securities and Investments Commission to companies.

3. Nominee details – body corporate only (body corporate can be companies, incorporated associations, incorporated partnerships, municipal councils and co-operatives)

A body corporate may apply for approval of a person as nominee of the applicant. The nominee must complete a 'Questionnaire'.

Please refer to the 'Training for licence applicants' fact sheet to determine if the nominee requires new entrant and/or RSA training.

Name of proposed nominee*

* Once approved, the nominee then becomes liable as if he or she were the licensee or permit holder. Please refer to the 'Definitions' section.

4. Authorised representative

The applicant can authorise a person or an organisation (such as a legal representative) to access and discuss details about this application.

Do you want an authorised representative to make enquiries and provide information on your behalf regarding this application?

☐ NO

☐ YES – please provide details below

Contact name

Organisation name

Daytime telephone number

Mobile telephone number

Postal address for service of documents

Email address

☐ Correspondence may be sent by email. Please mark the box if you DO NOT wish to receive correspondence by email.

5. Proposed person in day-to-day management or control of premises (body corporate only)

It is **MANDATORY** for body corporate applicants (company, incorporated association, a co-operative or a municipal council) to nominate the person in management or control of the premises who will run the day-to-day operations of the business.

Name of proposed person in management or control of premises

Daytime telephone number/mobile telephone number

The person who will be in management and control of the licensed premises must complete the RSA training course and details of course completion must be provided on the 'Mandatory training' section.

6. Nature of the business

Provide details of the nature of the business you are intending to conduct and the purpose for which the liquor licence is sought.

7. Trading hours

Ordinary trading hours are:

Sunday:	Between 10am and 11pm
ANZAC Day:	Between 12noon and 11pm
On any other day other than Good Friday and Christmas day:	Between 9am and 11pm

Please indicate the days and hours you wish to supply liquor. Refer to the 'Liquor licence fees' fact sheet for details of fees applicable.

8. Conditional approval

If the licence is granted, are you able to commence trading immediately?

☐ YES

☐ NO – provide details of likely date of commencement.

9. Mandatory training - new entrant training and Responsible Service Alcohol (RSA) training

Please refer to the 'Training for licence applicants' fact sheet to determine if you require new entrant and/or RSA training.

Have all required person(s) completed a VCGLR approved **new entrant training** course?

☐ YES – please attach a copy of your certificate.

☐ NO – a copy of your certificate must be attached or this application form may be returned.

Have all required person(s) completed a VCGLR approved **RSA training** course within the past three years?

☐ YES – please provide details below.

☐ NO – details of course completion must be provided below or this application form may be returned.

Full name	Position	RSA certificate number	Date of completion	Training provider

10. Right to occupy

For a licence to be issued, the applicant must have the right to occupy the premises. You need to provide a declaration of your right to occupy the premises once the lease agreement has been executed and/or settlement has occurred for the sale of the property and/or you otherwise acquired the legal right to occupy the premises.

☐ Please tick that you have attached the 'Right to occupy the premises declaration' form with your application if you already have the right to occupy the premises to which this application relates.

If you do **not** have the right to occupy the premises to which this application relates, please provide the proposed date on which you expect to have the right to occupy the premises.

Please send or email the VCGLR your declaration once you have the right to occupy the premises. The VCGLR cannot finalise your application until this declaration has been received.

11. Declaration of predominant activity

I/we, as the applicant, certify that:

☐ the predominant activity to be carried out on the licensed premises is the sale by retail of liquor for consumption **off** the premises.

Signature by applicant

This application must be signed by the applicant if the applicant is:

A person –	**A company –**	**A partnership –**	**A club –**
That person	One director of the company	All partners	One committee member

I/ we declare/certify that:

- the information contained in this application, including attachments is true and correct.
- if a body corporate applicant, I am authorised to sign this application on behalf of the body corporate.

Signature:	Date (dd/mm/yyyy):	Signature:	Date (dd/mm/yyyy):
Print name and position:		Print name and position:	
Signature:	Date (dd/mm/yyyy):	Signature:	Date (dd/mm/yyyy):
Print name and position:		Print name and position:	

It is an offence under section 118 of the *Liquor Control Reform Act 1998* to make a statement that is false or misleading in relation to this application. An offence under section 118 of the *Liquor Control Reform Act 1998* carries a maximum penalty of 60 penalty units.

Payment method

Please select your payment method:

- ☐ Cheque
- ☐ Money order
- ☐ Credit card

For credit card payments, please enter your payment details on the next page.

This page intentionally left blank.

Credit card payment details

Visa ☐ Mastercard ☐ AMEX ☐

Amount ($):

Card number:

Name of cardholder: Card expiry date:

Signature Date (dd/mm/yyyy):

Daytime telephone contact number of card holder:

Privacy – the VCGLR is committed to responsible and fair handling of personal information consistent with the *Policy and Data Protection Act 2014* and its obligations under the *Liquor Control Reform Act 1998*. This page will be destroyed once your payment has been processed.

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Notification

Declaration - right to occupy

Liquor Control Reform Act 1998

OFFICE USE ONLY v17-04

Date rec'd / /

File no. _____

CD/15/67517

For a liquor licence to be issued, **the proposed licensee must have the right to occupy the premises**. A right to occupy the premises may arise from being a tenant under a lease agreement, as a freehold owner of the property, or through some other legal arrangement.

If you do not have the right to occupy the premises when you lodge your liquor licence application, you will need to sign and submit this declaration once you have acquired the right to occupy the premises. Please mail or email your declaration to the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

Section A: Right to occupy the premises

Address of premises where right to occupy is held:

Please provide details of how you have obtained the right to occupy the premises by completing the section below that applies to your situation.

1. Freehold owner of property

Name the certificate of title is held in (person(s)/company/club):

2. Tenants of premises

Name of the tenant on the lease (person(s)/company/club):

3. Legal right to occupy premises

Name on the agreement or other document providing legal right to occupy premises is held in (person(s)/company/club):

Please specify how you have acquired the legal right to occupy the premises:

Please proceed to Section B if you are a transfer applicant, if not proceed to Section C.

Section B: Date of settlement (transfers only)

Do not submit this form until settlement has occurred. The VCGLR cannot accept your declaration until settlement has occured.

Please specify the date settlement occurred:

(dd/mm/yyyy)

Section C: Applicant declaration

Who must declare?

If the applicant or proposed licensee is:

- **A person:** That person
- **A company:** One director of the company
- **A partnership:** One partner
- **A club:** One committee member

I/we declare that this statement is true and correct and that the person(s)/company/club listed under section A has the right to occupy the premises, and I/we are authorised to make and sign this declaration:

Name of person making this declaration:

Signature of person making this declaration: Date (dd/mm/yyyy):

Name of person making this declaration:

Signature of person making this declaration: Date (dd/mm/yyyy):

It is an offence under section 118 of the *Liquor Control Reform Act 1998* to make a statement that is false or misleading in relation to this application. Penalties may apply.

Victorian Commission for Gambling and Liquor Regulation

Victorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street, Richmond VIC 3121
GPO Box 1988, Melbourne VIC 3001

Email contact@vcglr.vic.gov.au
Telephone 1300 182 457
vcglr.vic.gov.au
ABN 56 832 742 797

LNPA-2009-nqxSU

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Liquor licensing

Questionnaire

Liquor Control Reform Act 1998

OFFICE USE ONLY v19-10

Date rec'd / /

File no. _____

CD/16/67560

The following information is required from each applicant for a liquor licence or permit. If the application is from a company, partnership or club, a questionnaire is required from each director, partner or executive committee member. If a nominee is to be appointed, then they are also required to provide the following information.

Important information you must read and note before completing this form

The information supplied on this form to the Victorian Commission for Gambling and Liquor Regulation (the Commission) will be disclosed to Victoria Police as part of your application under the *Liquor Control Reform Act 1998* (the Act).

Victoria Police will use the information you supply to make an informed decision on whether to object to your application on the grounds that you or anyone named on this form are not suitable to be involved directly or indirectly in the sale of liquor.

Please Note:

- Complete all sections of this form in **BLOCK CAPITALS ONLY.**
- If you require any help in completing this form, assistance can be obtained from a legal practitioner or liquor consultant.
- Failure to provide requested information (no matter how minor) may be detrimental to the outcome of your application.
- Having a criminal record in itself may not prevent you or a body corporate you are involved with from being successful with your application.
- It is a criminal offence under Section 118 of the Act to provide false or misleading statements.
- This form is to be completed and dated no more than three months prior to your application being submitted.

Personal information

Surname:

First name:

Middle name(s):

Date of Birth (dd/mm/yyyy):

Gender: Man ☐ Woman ☐

Self-described:

Residential address

Contact details

Daytime telephone number

Mobile telephone number

Business telephone number

Fax number

Email address

Drivers licence number

If you do not hold a drivers licence, please provide details of another form of photo identification

State of issue

Business address

Business details

Name of business

Details of any other person who will, or is likely to directly or indirectly have a management role or exercise control over the business.

Surname:

First name:

Middle name(s):

Date of Birth (dd/mm/yyyy):

Gender: Man ☐ Woman ☐

Self-described:

continued over the page

Business details *continued*

Surname:

First name:

Date of Birth (dd/mm/yyyy):

Gender: Man ☐ Woman ☐

Self-described:

If you require further space, please photocopy this section and attach it to the questionnaire.

Criminal and other proceedings history

Have you ever been convicted of any offence in Australia or overseas? *(not including traffic offences)*

☐ NO ☐ YES *provide details in the history detail section*

Have you been found guilty of any offence in Australia or overseas? (includes findings without conviction and good behaviour bonds) *(not including traffic offences)*

☐ NO ☐ YES *provide details in the history detail section*

Have you ever been the subject of a diversion order?

☐ NO ☐ YES *provide details in the history detail section*

Do you have any charges pending against you? *(not including traffic offences)*

☐ NO ☐ YES *provide details in the history detail section*

Have you ever been charged with drink driving or driving whilst disqualified?

☐ NO ☐ YES *provide details in the history detail section*

Has the Commission (or prior to 6 February 2012, the Director of Liquor Licensing or VCAT) previously made a finding that you were unsuitable under the Act?

☐ NO ☐ YES *provide details in the history detail section*

Have police previously objected to your suitability in an application under the Act?

☐ NO ☐ YES *provide details in the history detail section*

Have you, or have you been a director or a nominee of a body corporate and been found guilty of an offence under the Act?

☐ NO ☐ YES *provide details in the history detail section*

Have you, as an individual received an infringement notice, or been a director or nominee of a body corporate that has received an infringement notice under the Act?

☐ NO ☐ YES *provide details in the history detail section*

Have you been a director, nominee of a licensee, or a person who was concerned in or who took part in the management of licensed premises, that was the subject of a disciplinary action under the *Victorian Commission for Gambling and Liquor Regulation Act 2011* or a disciplinary hearing (VCAT) under the *Liquor Control Reform Act 1998*?

☐ NO ☐ YES *provide details in the history detail section*

Has a licensed venue where you have been a director, nominee or licensee incurred liquor licence demerit points?

☐ NO ☐ YES *provide details in the history detail section*

History details

If you have answered yes to any of the questions under the criminal and other proceedings history section, please provide full details below:

Date (dd/mm/yyyy):

Court:

Offence:

Result:

Date (dd/mm/yyyy):

Court:

Offence:

Result:

If you require further space, please photocopy this section and attach it to the questionnaire.

Personal bankruptcy

Are you currently insolvent or under administration?

☐ NO ☐ YES *provide full details*

Have you ever been declared bankrupt? *provide full details*

☐ NO ☐ YES *provide full details*

Please ensure this form is completed in full, as incomplete, or partially completed forms may require you to submit a further questionnaire and will delay your application.

Signature of applicant

I acknowledge that this declaration is true and correct and is made in the belief that a person making a false declaration is liable to prosecution for making a misleading statement.

Signature of applicant: Date (dd/mm/yyyy):

Name of applicant:

Declaration of associates

Liquor Control Reform Act 1998

OFFICE USE ONLY **v19-01**
Date rec'd / /
File no. _____

Directions for completing the form

This is an interactive PDF form which allows you to:

- complete the form using a computer or tablet
- save your progress and continue at a later time
- print the completed form to sign and return.

You may still print this form and complete it by hand if you prefer.

This form has been design to be completed using the free Adobe Acrobat Reader software. To download this free software, please visit the following link or search for the free "Adobe Acrobat Reader" on your devices app store.

This form may not function as intended if you use any other software.

Who should complete this form?

If the applicant is a **body corporate**:

- the body corporate must complete PART A: Declaration of associates – Body corporate (only) (page three).
- each director of the body corporate must also complete a separate PART B: Declaration of associates – Individual/s (pages four and five).

If the applicant is an **individual**:

- the individual must only complete PART B: Declaration of associates – Individual/s (pages four and five).

If the applicant is a **partnership**:

- each partner must complete a separate PART B: Declaration of associates – Individual/s (pages four and five).

Examples:

Where the applicant is a body corporate:

1. ABC Pty Ltd is applying for a restaurant and café liquor licence. There are two directors, John Smith and Jane Smith.
2. ABC Pty Ltd completes PART A: Declaration of associates – Body corporate (only).
3. John Smith and Jane Smith both complete separate PART B: Declaration of associates – Individual/s.

Where the applicant is an individual:

4. John Smith is applying for a BYO permit.
5. John Smith only needs to complete PART B: Declaration of associates – Individual/s.

Where the applicant is a partnership:

6. John Smith and Jane Smith are applying for a pre-retail liquor licence and have entered a partnership agreement.
7. John and Jane Smith both complete separate PART B: Declaration of associates – Individual/s.

Where the applicant is an Associated Incorporation:

1. ABC Inc is applying for a Full Club liquor licence. There are 4 Executive Committee members, John Smith, Jane Smith, Tony Smith and Carl Smith.
2. ABC Inc completes PART A: Declaration of associates - Body Corporate (only).
3. John Smith, Jane Smith, Tony Smith and Carl Smith complete separate PART B: Declaration of associates - Individual/s.

Definitions - Associate

Before completing this declaration, please ensure that you read and understand the explanation of what is meant by "associate".

Section 3AC of the *Liquor Control Reform Act 1998* ("the Act"), defines an associate as

1. For the purposes of this Act, an associate of a person (the "first person") is-

   a). a person who-

   i. holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in any business of the first person involving the sale of liquor; and

   ii. by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that business, or

Definitions - Associate (cont'd)

b). a person who is or will be a director, whether in right of the person or on behalf of another person, of any business of the first person involving the sale of liquor; or

c). if the first person is a natural person, a person who is a relative of the first person, other than a relative -

i. who is not, and has never been, involved in any business of the first person involving the sale of liquor; or

ii. who will not be involved in the business the first person proposes to conduct as a licensee or permittee.

4. In this section-

"relative", in relation to a person, means-

a). the spouse or domestic partner of the person, or

b). a parent, son, daughter, brother or sister of the person; or

c). a parent, son, daughter, brother or sister of the spouse or domestic partner of the person;

"relevant financial interest", in relation to a business involving the sale of liquor, means-

a). any share in the capital of the business; or

b). any entitlement to receive any payment as a result of money advanced;

"relevant power" means any power, whether exercisable by voting or otherwise and whether excisable alone or in association with others-

a). to participate in any directorial, managerial or executive decision; or

b). to elect or appoint any person as a director.

Please note: Further to the above, a person who is or will be able to exercise a significant influence over includes a shareholder owning 10 percent or more of the shares of any business of the first person involving the sale of liquor.

Definitions - Body Corporate

A body corporate is an organisation which has a separate legal status to its members (i.e. it can own property, sue and be sued, and enter into contracts in its own name).

Examples of body corporates include companies, incorporated associations, incorporated partnerships, municipal councils and co-operatives.

Unincorporated clubs/associations and unincorporated partnerships are not body corporates.

The director of a body corporate includes –

- any person occupying or acting in the position of director of the body corporate, by whatever name called (including partner, office holder, chief executive officer, executive committee member) and whether or not validly appointed to occupy or duly authorised to act in the position; and
- any person in accordance with whose directions or instructions the directors of the body corporate are instructed to act.

Please note that Directors of a Council, university or TAFE institute are not required to complete a declaration.

Who should be declared as an associate?

Examples of persons who may be captured as associates include, but are not limited to, the following:

- each director, public officer, secretary, chief executive, chief financial officer, committee member of a body corporate.
- shareholders who are able to exercise a significant influence over or with respect to the management or operation of any business of the applicant/director of the body corporate involving the sale of liquor.
- where the applicant is a trustee of a trust, associates may include trust unit holders or beneficiaries who, by virtue of the Trust Deed, have voting rights enabling them to remove or change the trustee, or to influence decisions of the trustee.

PART A: Declaration of associates - Body Corporate (only) to complete

NOTE: Individuals, partnerships and directors of a body corporate are not required to complete this part. Please proceed to **Part B.**

1: Name of body corporate making declaration

2: Businesses involving the sale of liquor

Provide details of all businesses that the body corporate has that involve the sale of liquor (including the business which is the subject of this declaration).

Business name/ Company name	**Type of business**	**Registered address**	**ACN/ABN**

3: Declaration of associates - Relevant financial interest/relevant power and significant influence or director

For each business listed above in question two, provide details of all individuals who are associates. This includes:

- directors (either in their own right or on behalf of another person) of the business.
- individuals that hold a relevant financial interest in the business AND is/will be able to exercise a significant influence over the management or operation of the business.
- individuals that will be entitled to exercise any relevant power in the business (either in their own right or on behalf of another person) AND is/will be able to exercise a significant influence over the management or operation of the business.

Name of individual	**Residential address**	**Date of birth** (dd/mm/yyyy)	**Business name/ (as listed in Part 2)**	**Tick if also a director of this business**
				☐
				☐
				☐

4: No associates to declare (if applicable)

☐ I have read the definition of associates and confirm that the body corporate has no associates as defined in the *Liquor Control Reform Act 1998.*

Signature/declaration of person/body corporate who is making this declaration

I declare that:

- the information contained in this form is true and correct
- if a body corporate is making this declaration by declaring its associates, I am authorised to sign this application on behalf of the body corporate.

Name:

Position (if body corporate):

Signature:

Date (dd/mm/yyyy):

PART B: Declaration of associates - Individual/s to complete

NOTE: Directors of the body corporate in PART A, applications in an individual's name and all members of a partnership need to complete this form. Please refer to the 'Who should complete this form' section on page one.

1: Name of individual completing this declaration

2: Relationship to applicant (for example director of body corporate)

3: Businesses involving the sale of liquor

Provide details of all businesses that you have an interest in, that involve the sale of liquor (including the business which is the subject of this declaration).

Business name/ Company Name	**Type of business**	**Registered Address**	**ACN/ABN**

4: Declaration of associates - Relevant financial interest/relevant power and significant influence or director

If you are part of a body corporate completing this form, the directors that are part of that body corporate do not need to be listed below. For every business you are involved in listed above in question three, provide details of all individuals who are associated with those businesses. This includes:

- directors (either in their own right or on behalf of another person) of the business
- individuals that hold a relevant financial interest in the business AND is/will be able to exercise a significant influence over the management or operation of the business
- individuals that will be entitled to exercise any relevant power in the business (either in their own right or on behalf of another person) AND is or will be able to exercise a significant influence over the management or operation of the business.

Name of individual	**Residential address**	**Date of birth** (dd/mm/yyyy)	**Business name/ (as listed in Part 3)**	**Tick if also a director of this business**
				☐
				☐
				☐

5: Declaration of associates - Relatives

Please refer to the definition on page one of this form prior to completing this section.

Name	**Residential address**	**Date of birth** (dd/mm/yyyy)

6: No associates to declare (if applicable)

☐ I have read the definition of associates and confirm that I have no associates as defined in the *Liquor Control Reform Act 1998.*

Signature/declaration of individual who is making this declaration

I declare that the information contained in this form is true and correct

Name:

Date (dd/mm/yyyy):

Signature:

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PUBLIC NOTICE
Liquor licence application
Liquor Control Reform Act 1998

v20-08

Details of liquor licence application lodged with the Victorian Commission for Gambling and Liquor Regulation (the Commission)

Name of applicant: (person/partnership/company/club)	
Display period:	Start date (dd/mm/yyyy): End date:(dd/mm/yyyy):
Type of application:	Application no:
Name and address of premises to which the application relates:	
Address of previous premises if relocating:	
The purpose of the application is to:	
The proposed days and hours of trade are:	
Will these hours apply to an external area?	☐ YES ☐ NO
The current days and hours of trade are: (if existing licensee)	
I/we have requested authority to supply liquor at the kerbside area	☐ YES ☐ NO

Objections

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Grounds for objection

Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods

All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence

Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol.

The following are not valid reasons for objection:

- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

The Commission may refuse to accept an objection if:

- the person making the objection is not affected by the application,
- the objection is frivolous or vexatious, or
- the objection is not otherwise in accordance with the *Liquor Control Reform Act 1998*.

Objections must be made in writing to the VCGLR:

- online at vcglr.vic.gov.au
- via email at contact@vcglr.vic.gov.au
- or via post to: VCGLR, GPO Box 1988, Melbourne VIC 3001

Display Requirements

This notice must be displayed as A3 size.

This notice must be continuously displayed as A3 size on the site or premises that are the subject of the application for the period advised in writing by **the Commission.**
If you are unable to print the public notices as A3 size, email contact@vcglr.vic.gov.au or telephone 1300 182 457 to request a copy.

The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements
Statement of Display forms cannot be lodged until the Public Notice display period has ended.

Victorian Commission for Gambling and Liquor Regulation

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Statement of display

To be completed after the 28 day public notice period has passed

Liquor Control Reform Act 1998

OFFICE USE ONLY v17-11

Date rec'd / /

File no. _____

Details of application lodged with the Victorian Commission for Gambling and Liquor Regulation (the Commission)

Licence number: (if licence has already been granted)

File number: (this can be found on correspondence sent to you by the Commission)

Name of licence applicant: (person/partnership/company/club)

ACN: (if applicable)

Address of premies:

Display period required by the Commission:

Start date (dd/mm/yyyy):

End date:(dd/mm/yyyy):

Signature and certification of public notice display

Certification

I being the applicant, or on behalf of the applicant certify that:

- during the period specified in this form, a public notice of the size and in the format required by the Commission and containing all relevant details of the application was displayed on the premises or site to which the application relates; and
- the public notice was continuously and conspicuously displayed during the period advised by the Commission in accordance with the guidelines for the display of liquor licensing applications.

I understand that it is an offence under Section 118 of the *Liquor Control Reform Act 1998* to make a false or misleading statement and that penalties apply.

Signature of person making this declaration:

Printed name:

Date (dd/mm/yyyy):

Address:

Daytime telephone number:

How to lodge this form

By post

Victorian Commission for Gambling and Liquor Regulation

GPO Box 1988, Melbourne VIC 3001

In person

Victorian Commission for Gambling and Liquor Regulation

Level 3, 12 Shelley Street, Richmond

By email

contact@vcglr.vic.gov.au

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Guidelines for displaying public notices

Liquor Control Reform Act 1998

Issued by the Victorian Commission for Gambling and Liquor Regulation

Insert the full name of the applicant(s) as written on the application form.

Once the application has been accepted, the applicant will be advised in writing of the start and end date that the public notice must be continuously displayed.

Describe the type of application (e.g. new packaged liquor licence, variation to an on-premises licence, relocation of a general licence).

Insert the full name and address of the premises for which a licence is sought.

If relocating a licence, insert the address of the previous premises.

Provide details of your application.
(Applications to vary the conditions of existing licences must clearly contrast your proposed conditions with your current conditions).

This section must be completed for <u>all</u> applications. Hours of trade for consumption off the premises must be shown separately.
Insert "No change" if the hours on your existing licence are to remain unchanged.

Indicate "yes" or "no" if the proposed trading hours apply to an external area.

This section must be completed for all variation and relocation applications. Hours of trade for consumption on and off the premises must be shown separately.

On-premises licence holders may, with the consent of the local municipal authority, offer a kerbside area. Indicate "Yes" or "No" if you have requested an authority to supply liquor in such an area.

The public notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.
(If you are unable to print the public notices as A3 size, email contact@vcglr.vic.gov.au or telephone 1300 182 457 to request a copy)

Example of Completed Notice

PUBLIC NOTICE
Liquor Licence Application

Liquor Control Reform Act 1998

04/16

Details of liquor licence application lodged with the Victorian Commission for Gambling and Liquor Regulation (the Commission)

Name of applicant (person/ partnership/company/club)	Smithies Pty Ltd
Display period	Start date: 13 / 10 / 2010 End date: 11 / 11 / 2010
Type of application	Variation of a General Licence
Name and address of premises to which the application relates	Smithies Bar, 400 Smith Street, Smithville
Address of previous premises if relocating	
The purpose of the application is to	Operate a restaurant, operate a bar, extend my licensed area, increase the patron numbers to 500. Extend trading hours on Friday and Saturday nights to 1am.
The proposed days and hours of trade are	Sunday 10am to 12 Midnight Good Friday and ANZAC Day 12 noon to 12 Midnight On any other day 7am to 1am
Will these hours apply to an external area?	Yes ☑ No ☐
The current days and hours of trade are (if existing licensee)	Sunday 10am to 11pm Good Friday and ANZAC Day 12 noon to 11pm On any other day 7am to 11pm
I/we have requested authority to supply liquor at the kerbside area	Yes ☑ No ☐

Example only

Objections

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Grounds for objection
Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods
All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence
Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol.

The following are not valid reasons for objection:
- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

The Commission may refuse to accept an objection if:
- the person making the objection is not affected by the application,
- the objection is frivolous or vexatious, or
- the objection is not otherwise in accordance with the *Liquor Control Reform Act 1998*.

Objections must be made in writing to:
The Victorian Commission for Gambling and Liquor Regulation, GPO Box 1988, Melbourne VIC 3001

Display Requirements

This notice must be displayed as A3 size.

This notice must be continuously displayed as A3 size on the site or premises that are the subject of the application for the period advised in writing by **the Commission.**
If you are unable to print the public notices as A3 size, email contact@vcglr.vic.gov.au or telephone 1300 182 457 to request a copy.

The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements
Statement of Display forms cannot be lodged until the Public Notice display period has ended.

Victorian Commission for Gambling and Liquor Regulation

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Victorian Commission for Gambling and Liquor Regulation

Liquor licensing guidelines

Advertising packaged liquor licence applications

Under section 37 of the *Liquor Control Reform Act 1998* the Victorian Commission for Gambling and Liquor Regulation (VCGLR) is required to issue guidelines with respect to the display, advertisement and notification of applications.

The following guidelines apply to all applications for the grant, variation or relocation of a packaged liquor licence.

Advertisement of application in an acceptable newspaper

The applicant will ensure that a notice of the application appears within the 'Notices' section of a newspaper generally circulating in the area in which the premises are situated or are to be situated.

Timing of newspaper advertisement

The notice in an acceptable newspaper must appear no later than seven days after the application is lodged at the VCGLR.

The notice must not appear prior to the lodging of the application.

Evidence of compliance

A copy of the printed notice, extracted from the newspaper and showing the date of publication, must be provided to the VCGLR by the applicant before the application may be determined.

The notice must be as follows:

Packaged liquor licence application

I/We [insert applicants name] applied to the Victorian Commission for Gambling and Liquor Regulation on [date] for the [insert grant/variation/relocation] of a packaged liquor licence at/to [insert the address of the premises to which the application relates, in the case of a relocation, insert the address to which the licence is to be moved]. [In the case of a variation, insert the nature of the variation, i.e. increase in hours, increase in licensed area].

Any person may object to the grant of this application on the grounds that:

- it would detract from, or be detrimental to, the amenity of the area in which the premises are situated, and/or
- it would be conducive to or encourage the misuse or abuse of alcohol.

An objection must state the reasons for the objection.

All objections are treated as public documents.

Objections must be made in writing to:

Victorian Commission for Gambling
and Liquor Regulation
GPO Box 1988
Melbourne VIC 3001

Objections must be made no later than 30 days after the date of this notice.

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.

Level 3, 12 Shelley Street, RICHMOND VIC 3121
1300 182 457 vcglr.vic.gov.au
contact@vcglr.vic.gov.au

Victorian Commission for Gambling and Liquor Regulation

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Victorian Commission for Gambling and Liquor Regulation

Liquor licensing Code of Conduct

Packaged liquor licensees

This Code of Conduct is determined pursuant to section 11(5) of the *Liquor Control Reform Act 1998*.

1. Purpose

The purpose of the Code of Conduct is to promote the objects of the Act being to contribute to minimising harm arising from the misuse and abuse of alcohol, to facilitate the development of a diversity of licensed facilities reflecting community expectations, and to contribute to the responsible development of the liquor and licensed hospitality industries.

2. Aim and scope of the Code

The aim of the Code of Conduct is:

- to establish and require best practice by licensees in meeting the objects of the *Liquor Control Reform Act 1998* (the Act)
- to promote fair and equitable trading practices amongst industry participants, consistent with the *Fair Trading Act 1999* and the *Small Business Commissioner Act 2003*
- to discourage conduct in breach of the *Fair Trading Act 1999* and the *Competition and Consumer Act 2010*
- to articulate the rights and obligations of all parties.

The conditions in this Code will apply to all packaged liquor licences. The definition of a packaged liquor licence is provided at attachment 1 to this Code.

The conditions in this Code will apply to a general licence under which a licensee supplies packaged liquor as the whole of the licensee's ordinary business of supplying liquor that is subject to a condition under clause 26(2)(a) of Schedule 3 to the Act.

3. Code Committee

3.1 In order to give effect to the aim of the Code, there shall exist a Packaged Liquor Code Committee (Code Committee). The Code Committee shall be comprised of a Chair, a Commissioner of the Victorian Commission for Gambling and Liquor Regulation and members from the following organisations:

- Master Grocers Australia
- Liquor Retailers Australia
- Coles Liquor
- Woolworths Ltd
- the Office of the Small Business Commissioner.

3.2 The Code Committee shall convene on a regular basis, at the request of the Victorian Commission for Gambling and Liquor Regulation.

Victorian Commission for Gambling and Liquor Regulation

4. Activity in Licensed Premises

Licensees must observe existing requirements of the Act in relation to ascertaining the proof of age of patrons and refusal to supply alcohol to intoxicated persons. To support these requirements the following actions are required.

Signage

4.1 The Victorian Commission for Gambling and Liquor Regulation, pursuant to section 102 of the Act, requires licensees to display the following signs in a manner that invites customers' attention:

- Intoxicated? Drunk? Disorderly?
- Under 18? No supply
- Do not attempt to buy liquor for under 18s.

4.2 The following information is to be displayed prominently in the licensed area:

- the free call number for Directline the Victorian Government's 24 hour, 7 day counselling, information and referral line for people with alcohol and drug problems is 1800 888 236
- where appropriate, information on any municipal local law, which prohibits the consumption of alcohol in a public place.

Marketing and Promotion

4.3 The licensee must not engage directly or indirectly in the following practices:

- promotions that may encourage patrons to consume liquor irresponsibly and excessively
- promotion of liquor that includes incentives, which encourage consumers to consume the product in a risky or rapid manner
- the advertising or marketing of alcohol products, which is directed to or is primarily appealing to minors or others in high risk categories.

4.4 Alcohol advertising by a licensee, except on licensed premises, should be discouraged from being close to a primary or secondary school.

5. Minors on Premises

5.1 No minors are to be permitted on the licensed premises unless they are accompanied by a parent, spouse or guardian or a responsible adult.

5.2 The licensee shall ensure that any minor employed to work on licensed premises is not involved in the supply of liquor other than in an approved training program.

5.3 The licensee must maintain a list/register of minors employed on the premises (which may be the business time and wages record book) and which is available upon request for viewing by an authorised officer of the Victoria Police or a gambling and liquor inspector under the meaning of the *Liquor Control Reform Act 1998*.

5.4 The licensee must, where there are reasonable grounds for considering that an adult is purchasing alcohol for a minor, decline the purchase of the alcohol.

6. Responsibilities of Licensees

6.1 The licensee must develop, within three months of the publishing of the Code of Conduct in the Government Gazette, a set of house rules for the licensed premises, which will set out the responsibilities and obligations of staff in the sale and supply of alcohol in accordance with established responsible serving of alcohol principles.

6.2 The house rules must be retained on the premises in the possession of the licensee or responsible person and be made available to an authorised member of the Victoria Police or a gambling and liquor inspector under the meaning of the Liquor Control Reform Act 1998 if requested.

6.3 Where the licensee has installed and maintains a surveillance recording system able to clearly identify individuals and which shows time and date and provides continuous images of all relevant entrances and exits, a copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police or a gambling and liquor inspector under the meaning of the Liquor Control Reform Act 1998, or a person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation, or otherwise retained for at least 2 weeks where technology exists.

6.4 The licensee must take all reasonable steps to manage and supervise all aspects of the business in accordance with the *Occupational Health and Safety Act 2004*.

7. Responsible Service of Alcohol

7.1 The Victorian Commission for Gambling and Liquor Regulation will not grant an application for a packaged liquor licence unless satisfied that the applicant and any other person responsible for the management or control of the licensed premises has completed a Responsible Service of Alcohol (RSA) training course approved by the Victorian Commission for Gambling and Liquor Regulation.

7.2 The licensee must ensure that all staff who are employed to sell, offer for sale, or serve alcohol have completed a RSA training course approved by the Victorian Commission for Gambling and Liquor Regulation within the three years prior to their commencement in employment at the licensed premises or that all staff who are employed to sell, offer for sale, or serve alcohol complete an approved RSA program within one month of their commencement in employment at the licensed premises.

7.3 The licensee must maintain a register of certificates of completion of the RSA training course approved by the Victorian Commission for Gambling and Liquor Regulation completed by licensees and employees, which is available upon request for viewing by an authorised officer of Victoria Police or a gambling and liquor inspector under the meaning of the *Liquor Control Reform Act 1998*.

7.4 The licensee must ensure that the licensee and responsible person complete the RSA refresher course within three years of completing their last RSA program.

7.5 The licensee must ensure that any person who sells, offers for sale or serves liquor on the licensed premises completes the RSA refresher course within three years of completing their last RSA program.

8. Sale by means of mail, facsimile, telephone or the internet

8.1 A licensee who sells liquor by taking orders over the telephone or by facsimile or by mail order must display their liquor licence number in any advertisement or information published in writing or electronically in connection with such sales.

8.2 A licensee who advertises on or supplies liquor by means of the internet must display the following notice prominently on the site at all times so that customers will notice its contents.

"WARNING

Under the *Liquor Control Reform Act 1998* it is an offence

- To supply alcohol to a person under the age of 18 years [Penalty exceeds $19,000]
- For a person under the age of 18 years to purchase or receive liquor [Penalty exceeds $800]"

8.3 A licensee must ensure that liquor is purchased by a person aged 18 or over. The licensee must ensure that delivery arrangements include requiring proof of age to be sighted where appropriate.

9. Unfair Market Practices

9.1 The purpose of the *Small Business Commissioner Act 2003* is to establish the Office of the Small Business Commissioner (OSBC) to enhance a competitive and fair operating environment for small business in Victoria.

9.2 Under the *Small Business Commissioner Act 2003*, the Small Business Commissioner may receive 'unfair market practice' complaints from small businesses. This includes small, independent, liquor stores (and their relevant industry association) complaining about the use of market power in an anticompetitive manner by large market players.

If a packaged liquor licensee considers that its small business is the subject of an unfair market practice, it may contact the OSBC. The OSBC may investigate the complaint, or it may seek to mediate the complaint between the small business and the respondent in order to seek to resolve the complaint. Alternatively, the OSBC may make representations about the complaint to an appropriate person or body (e.g. the Victorian Commission for Gambling and Liquor Regulation, or another body, such as the Australian Competition and Consumer Commission).

In order to investigate unfair market practice complaints, licensees of packaged liquor licences may contact the OSBC or the Australian Competition and Consumer Commission (ACCC).

The contact details for the OSBC are:

Office of the Small Business Commissioner
GPO Box 4509RR
MELBOURNE VIC 3001
Telephone: 13 22 15 toll free: 1800 136 034
Website: www.sbc.vic.gov.au

The contact details for the Australian Competition and Consumer Commission are:

Level 35, The Tower
Melbourne Central
360 Elizabeth Street
MELBOURNE VIC 3000

10. Misleading and deceptive and unconscionable conduct

10.1 All licensees shall comply with the requirements of the *Victorian Fair Trading Act 1999* and the *Competition and Consumer Act 2010* to ensure that misleading, deceptive and 'unconscionable conduct' does not occur in business trading.

10.2 In considering whether conduct is unconscionable, a court or tribunal will have regard to the relative bargaining strength of the parties, whether conditions imposed were reasonably necessary to protect the supplier's legitimate interests, the ability to understand documentation, the need for no undue influence or use of pressure tactics in the transaction, the amount goods or services can be acquired for in similar transactions, the requirements of industry codes, any failure to disclose intended conduct or risks, the extent of willingness to negotiate terms and conditions of any contract and the extent to which the supplier acted in good faith.

10.3 The *Fair Trading Act 1999* is administered by Consumer Affairs Victoria (CAV). The CAV Telephone Helpline is 1300 55 81 81.

10.4 The *Competition and Consumer Act 2010* is administered by the Australian Competition and Consumer Commissioner (ACCC). The ACCC Infocentre Telephone is 1300 302 502.

11. Compliance with the Code

11.1 Under section 11(8) of the *Liquor Control Reform Act 1998*, the Small Business Commissioner appointed under the *Small Business Commissioner Act 2003* may investigate the compliance by licensees of packaged liquor licences with this Code of Conduct.

11.2 The Victorian Commission for Gambling and Liquor Regulation may investigate complaints made by licensees under the Code of Conduct.

12. Code Review

12.1 Two years after the commencement of the Code and thereafter on a biennial basis, an evaluation shall be conducted on the performance and effectiveness of the Code in relation to:

- benefits
- cost of administration
- visibility to the public
- market practices
- industry awareness.

12.2 The Code Review will be conducted by the Minister for Consumer Affairs, in consultation with the Code Committee and other relevant parties, including packaged liquor licensees.

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.

Level 3, 12 Shelley Street, Richmond VIC 3121
1300 182 457 www.vcglr.vic.gov.au

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Victorian Commission for Gambling and Liquor Regulation

Liquor licensing code of conduct

Packaged liquor licensees

Extracts from the *Liquor Control Reform Act 1998*

Attachment 1

4. Objects

The objects of this Act are:

(a) to contribute to minimising harm arising from the misuse and abuse of alcohol, including by:

(i) providing adequate controls over the supply and consumption of liquor, and

(ii) ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life, and

(iii) restricting the supply of certain other alcoholic products, and

(iv) encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community, and

(b) to facilitate the development of a diversity of licensed facilities reflecting community expectations, and

(c) to contribute to the responsible development of the liquor and licensed hospitality industries, and

(d) to regulate licensed premises that provide sexually explicit entertainment.

11. Packaged liquor licence

(1) A packaged liquor licence authorises the licensee to supply liquor on the licensed premises in sealed containers, bottles or cans:

(a) during ordinary trading hours, and

(b) between 11pm on any particular day until 1am on the following day, if so determined by the Commission and specified in the licence, and

(c) subject to section 15A, between a time (not being earlier than 5am) before the commencement of ordinary trading hours and the commencement of ordinary trading hours on a particular day, if so determined by the Commission and specified in the licence - for consumption off the licensed premises.

(2) If:

(a) the licensed premises under a packaged liquor licence is located within premises used primarily as a supermarket, and

(b) the licensee is the owner of the supermarket business, and

Victorian Commission for Gambling and Liquor Regulation

(c) the Commission so determines and specifies in the licence - the packaged liquor licence also authorises the licensee to receive payment for liquor supplied on the licensed premises at any checkout located in the supermarket if the person receiving the payment is of or over the age of 18 years.

(3) A packaged liquor licence is subject to:

(aa) a condition that the predominant activity carried on in the area set aside as the licensed premises is the sale by retail of liquor for consumption off the licensed premises, and

(aad) a condition that the licensee comply with the code of conduct (if any) determined by the Minister under subsection (5) as in force from time to time, and

(a) the condition set out in section 16 (compliance with planning scheme) and

(b) if the licence authorises the licensee to supply liquor outside ordinary trading hours, the condition set out in section 17(1) and

(c) if the licensee is a body corporate, the condition set out in section 18 (approval of directors) and

(d) any other conditions determined by the Commission and specified in the licence.

(5) The Minister, by notice published in the Government Gazette, may determine a code of conduct, consistent with the objects of this Act, for licensees of packaged liquor licences.

(6) The Minister may, at any time by notice published in the Government Gazette, vary or revoke the code of conduct under subsection (5).

(7) The Minister must not determine a code of conduct, or vary or revoke it, until the Minister has consulted packaged liquor licensees.

(8) The Small Business Commissioner appointed under the *Small Business Commissioner Act 2003* may investigate the compliance by licensees of packaged liquor licences with a code of conduct under subsection (5).

3. Definitions

"ordinary trading hours" means:

(c) in relation to a packaged liquor licence or late night (packaged liquor) licence:

(i) the hours between 9am and 11pm on each day, other than Sunday, Good Friday, ANZAC Day or Christmas Day, and

(ii) the hours between 10am and 11pm on Sunday, and

(iii) the hours between 12 noon and 11pm on ANZAC Day.

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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).

Victorian Commission for Gambling and Liquor Regulation

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.

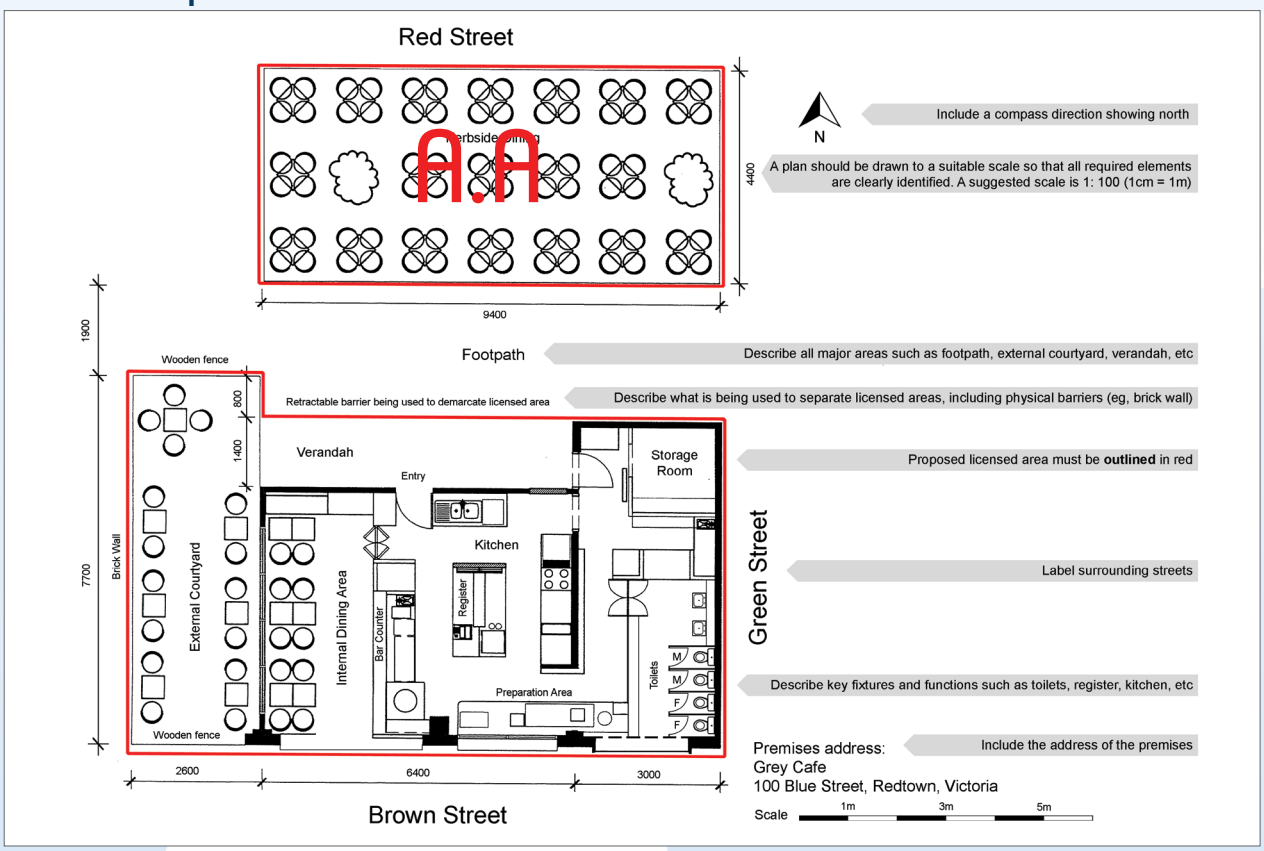
Failure to keep a copy of the plan on the licensed premises or produce a copy of the plan for inspection could result in a fine being issued.

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

Training for liquor licence applicants

Training for licence applicants helps potential licensees to understand their obligations under the *Liquor Control Reform Act 1998*. Applicants must complete mandatory training requirements before a liquor licence is granted. There are three courses that applicants must complete depending on the licence type they are applying for. These are:

A. New entrant training

B. Responsible Service of Alcohol (RSA)

C. Advanced Responsible Service of Alcohol (RSA)

It is the applicant's responsibility to ensure the correct course is completed and to provide evidence of completion with their application.

A. New entrant training

What is new entrant training?

New entrant training is a training standard developed by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to ensure that liquor licence applicants have an adequate knowledge of the liquor law. This includes:

- liquor licensing legislation
- understanding liquor licence obligations
- best practice in managing licensed premises.

Section 44 (2)(iii) of the *Liquor Control Reform Act 1998* (the Act) provides that the VCGLR may refuse to grant a liquor licence application if the applicant does not have an adequate understanding of the Act.

What must I do?

Applicants are required to complete one of the following approved training courses to meet the new entrant training requirement:

- Licensees' First Step
- Achieve Liquor Licence Compliance
- Victorian Licensee's Training Course
- Achieve Liquor Licensing Knowledge (also available in Mandarin)
- New Entrant Liquor Licensee Training Course
- Club Seminar (restricted club or renewable limited club licence applicants only)

Where can I find a Registered Training Organisation?

There are a number of Registered Training Organisations (RTOs) that provide new entrant training. Please refer to the VCGLR website at vcglr.vic.gov.au for a list of RTOs that provide new entrant training.

Which licence applications require evidence of new entrant training?

Applications for the following licences require evidence that the applicant has completed New entrant training:

- general
- on-premises
- packaged liquor
- late night (general, on-premises and packaged liquor)
- restaurant and cafe
- full club
- restricted club
- producer's
- renewable limited
- transfer of an existing licence or permit.

Who must complete new entrant training?

The list below identifies who will need to complete new entrant training. If applying as:

- individuals – all natural persons
- partnerships – all partners
- company (body corporate) – at least one director
- club – at least one committee member
- association – at least one committee member.

In addition:

- all persons being appointed as a liquor licence nominee must complete new entrant training.
- all applicants seeking approval to sublet any part of the licensed premises, or to carry on the business of supplying liquor on the licensed premises, must complete new entrant training.

Victorian Commission for Gambling and Liquor Regulation

VICTORIA State Government

B. Responsible Service of Alcohol (RSA)

What is Responsible Service of Alcohol (RSA) training?

RSA training provides licensees and staff who work in licensed venues with the skills and knowledge necessary to contribute to a safe and enjoyable environment in licensed premises.

Which licence applications require evidence of RSA training?

Applications for the following licences require evidence that the applicant has completed RSA training:

- general
- on-premises
- packaged liquor
- late night (general, on-premises and packaged liquor)
- restaurant and cafe
- full club
- restricted club
- producer's
- renewable limited (only where face-to-face sales occur)
- transfer of an existing licence or permit.

Who must complete RSA training?

The list below identifies who will need to complete RSA training. If applying as:

- individuals – all natural persons
- partnerships – all partners
- body corporate applicants (companies, incorporated associations, co-operatives or municipal councils)
  - the person who is or will be in management and control of the licensed premises and who will run the day-to-day operations of the business.

Note: Body corporate applicants must advise the VCGLR of the name of the person who manages or will manage the day-to-day operations of the business on the application form.

Where can I find a Registered Training Organisation (RTO)?

There are a number of registered training organisations that provide RSA training. Please refer to the VCGLR website at vcglr.vic.gov.au for a list of RTOs that provide RSA training.

I've previously completed an RSA course, is it still valid?

The approved RSA training course must have been completed within the past three years.

If you completed your RSA training course more than three years ago, you can complete a free RSA refresher course online at vcglr.vic.gov.au.

Can I be exempted from RSA training?

In exceptional circumstances, a liquor licence applicant may seek an exemption from one or all of the RSA training obligations.

General, on-premises, packaged liquor or late night (general, on-premises and packaged) licence applicants must complete the 'Application for the exemption from the Responsible Service of Alcohol training requirements' form available at vcglr.vic.gov.au.

All other liquor licence applicants are required to write a letter to the VCGLR detailing the reasons for seeking an exemption before the licence is granted.

C. Advanced Responsible Service of Alcohol

What is the Advanced Responsible Service of Alcohol (RSA) training?

The Advanced RSA training program was developed by William Angliss Institute in conjunction with the VCGLR. It is designed for licensees, managers and staff of late night venues who often face a range of challenges and issues.

For further information about the course and how to book, please visit the William Angliss Institute website at shortcourses.angliss.edu.au

Which licence applications require evidence of Advanced RSA training?

Applicants for a new late night (general) licence or late night (on-premises) licence that authorises the supply of liquor after 1am for on-premises consumption must complete the Advanced RSA training program.

This requirement does not apply in relation to late night (on-premises) licences with restaurant and cafe conditions.

When must Advanced RSA training be completed?

For new applicants, the Advanced RSA training program must be completed within six months of the licence being granted. This is in addition to RSA training and new entrant training which must be completed prior to the licence being granted.

For licensees that receive a demerit point, the Advanced RSA training program must be completed within six months of the demerit point being recorded in the demerits register.

Who must complete the training program?

The Advanced RSA training program must be completed by the holder of the licence and by the responsible person for the premises.

1. The holder of the licence means, in relation to a licence held by:

- a natural person, that person
- a partnership, one partner
- a body corporate incorporated under the *Corporations Act 2001*, one director, and
- an association incorporated under the *Associations Incorporation Reform Act 2012*, one committee member.

2. Responsible person is defined by section 3 of the *Liquor Control Reform Act 1998* as the person responsible for the management or control of licensed premises.

Where the holder of the licence is effectively the responsible person, only the holder of the licence is required to complete the training program.

Evidence of approved new entrant and approved RSA training courses must be provided to the VCGLR prior to a liquor licence being granted, transferred or endorsed. You will be required to provide this evidence with submission of your application.

For further information about new entrant, RSA and Advanced RSA training requirements, please visit the VCGLR website at vcglr.vic.gov.au.

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