



Victorian Commission for Gambling and Liquor Regulation

Your obligations as a liquor licensee

Information for BYO permit holders (restaurants and clubs)

Victoria boasts a vibrant hospitality and tourism industry with a culture of appreciating fine food and entertainment. The sale and enjoyment of alcohol is a part of this.

But holding a BYO permit is a privilege, not a right, and it comes with very real and serious obligations.

The way you run your business has a direct impact on the safety of your customers and the community outside your doorstep. You have a responsibility to ensure that your premises encourages responsible and appropriate drinking.

What is a BYO permit?

As the holder of a BYO permit you can allow people to drink alcohol in your permit area during the trading hours listed on your permit. This area is also known as the red-line area as that is how it was drawn on the original plan that was approved with your permit.

Responsible service of alcohol

You must not allow a drunken or disorderly person to be on your premises.

There is a difference between a person being intoxicated and being drunk. A person would typically be regarded as drunk if they are intoxicated to the point where they have lost control of their faculties or behaviour. If they're drunk OR disorderly you must not let them into your venue and if they're already there you must remove them.

You must not allow people under 18 years into the permitted area, unless you have an underage approval from the Victorian Commission for Gambling and Liquor Regulation, or the younger person is:

- with a responsible adult
- having a meal
- employed by you but not involved in the supply of alcohol
- taking a training program in hospitality.

A responsible adult is defined as a person who is over 18 years and who is:

- the younger person's parent, step-parent, guardian or grandparent
- the younger person's spouse
- a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the younger person.

You must not allow people under 18 years to drink alcohol on your licensed premises under any circumstances.

You must not allow people under 18 years to be involved in the supply of alcohol.

Free drinking water

You are required to make suitable free drinking water available to patrons on licensed premises where alcohol is consumed on-site. The law does not specify how the water is to be provided. This will be up to your own discretion.

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Serious penalties apply

The obligations that come with holding a BYO permit are taken very seriously by the Victorian Government. While this guide is a starting point, it is your responsibility to make sure you are aware of all your responsibilities. If you do not comply you may be fined, incur demerit points or have your permit suspended indefinitely.

Fire safety

Fire safety inspectors from the Metropolitan Fire Brigade or the Country Fire Authority now have the power to enter licensed premises, without notice, to inspect for serious fire threats. If a serious fire threat is discovered, the fire safety inspector will advise the Victorian Commission for Gambling and Liquor Regulation, which has the power to immediately evacuate and close the licensed premises. If this occurs, your premises must not re-open until a fire safety inspector has declared it safe and the Victorian Commission for Gambling and Liquor Regulation has revoked the closure and evacuation order.

Sexually explicit entertainment

If your venue provides sexually explicit entertainment, you are required to inform the Victorian Commission for Gambling and Liquor Regulation within 21 days of commencing that entertainment. The notification form to be used can be found at vcglr.vic.gov.au.

As a permittee you must meet all of your general obligations under the law, your planning permit and your specific BYO permit conditions.

You must have the following notices on display

Your current permit

This must be displayed in an obvious place where anybody can read the conditions.

Posters

For a BYO permit there is one poster approved by the Victorian Commission for Gambling and Liquor Regulation that must be in an obvious position at your venue.

The poster you need is titled:

- Intoxicated? Drunk? Disorderly?

Posters can be downloaded from the Victorian Commission for Gambling and Liquor Regulation website vcglr.vic.gov.au. You are welcome to print more copies if you would like to put them up in more than one area at your venue.

Impact on the surrounding area

Your venue must not cause problems with the amenity of the surrounding area.

Amenity is defined as the quality that an area has of being pleasant and agreeable.

The amenity of an area can be made worse by:

- unacceptable levels of patron noise, including music
- parking problems
- excessive traffic – hoon behaviour
- nuisance or vandalism
- build-up of rubbish
- indecent or offensive behaviour
- drunkenness on the street.

You have a legal responsibility to ensure the operation of your permit does not detract from the amenity of the area.

Specific conditions on your permit

As well as your general obligations, you may have conditions listed on your permit that are directed specifically at your venue.

You need to comply with these conditions or you will be committing an offence.

Administration and record keeping

You must keep a copy of the last red-line plan that was submitted for approval to the Victorian Commission for Gambling and Liquor Regulation.

You must notify the Victorian Commission for Gambling and Liquor Regulation in writing if anyone stops being a director or nominee within 14 days of the change.

You must apply for the approval of the Victorian Commission for Gambling and Liquor Regulation before any person can become a director of a company holding a liquor permit or before anyone can be appointed as a nominee.

You must not let or sub-let any part of the premises without the consent of the Victorian Commission for Gambling and Liquor Regulation.

You must advise the Victorian Commission for Gambling and Liquor Regulation of any changes to your associates within 14 days of the change.

An associate is anyone who has significant influence in any of your alcohol related businesses. This influence might be in how the business is managed or it might be a purely financial interest.

If in doubt as to whether someone is an associate you should include them.

VCGLR can inspect you

Inspectors from VCGLR ensure that people who are licensed to sell alcohol meet their obligations under the *Liquor Control Reform Act 1998*, including any conditions of their specific licence. They can issue warnings, infringement notices (fines) or recommend disciplinary action for licensees who fail to comply.

Disclaimer: The information in this publication is of a general nature only and is not intended as advice for any specific circumstance or as a replacement for professional legal advice. It is a permittee's obligation to understand and comply with the requirements of the *Liquor Control Reform Act 1998* and all specific conditions that may have been imposed on a permit by the Victorian Commission for Gambling and Liquor Regulation. This information is correct at the time of printing.