



Victorian Commission for
Gambling and Liquor Regulation

Your obligations as a liquor licensee

Information for late night (packaged liquor) licence holders

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. Holding a liquor licence is a privilege, not a right, and selling alcohol comes with very real and serious obligations.

Serious penalties apply

The obligations that come with holding a liquor licence 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 licence suspended indefinitely.

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 alcohol (liquor) is promoted and sold in a way that encourages responsible and appropriate drinking.

What is a late night (packaged liquor) licence?

As the holder of a late night (packaged liquor) licence you are allowed to supply alcohol in sealed containers to people within your licensed area. 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 licence.

For a late night (packaged liquor) licence the people you sell the alcohol to must not drink it in your premises. The alcohol must be taken away.

Note: Free tastings are permitted within your licensed area.

Responsible service of alcohol

You must not supply alcohol to a person who is intoxicated.

A person is intoxicated if you believe their speech, balance, coordination or behaviour is noticeably affected by alcohol. If they're intoxicated, they are

allowed to stay on your premises but you must not serve them any more alcohol.

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) has issued guidelines on how to determine if a person is in a state of intoxication. These guidelines are available at vcglr.vic.gov.au.

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 supply alcohol to a person under 18 years.

You are also required to refuse the sale of alcohol to a person if you suspect that they are buying it for a minor.

You must not allow people under 18 years into the licensed area, unless they are with a responsible adult, or employed by you but not involved in the supply of alcohol.

You must not allow people under 18 years to be involved in the supply of alcohol, unless they are delivering packaged liquor after the sale has been made.

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.

Training

Completion of an accredited Responsible Service of Alcohol (RSA) course.

Licensees and staff involved in the supply of alcohol need to complete an RSA training course approved by the VCGLR.

Staff without an RSA certificate need to undertake training no more than one month after they begin serving alcohol on the licensed premises.

It is also mandatory for both licensees and staff to undertake RSA refresher training every three years. The RSA refresher course is available online at no cost at vcglr.vic.gov.au.

Licensees must retain a copy of the most up-to-date RSA certificate or evidence of an approved RSA program completion issued to any staff member involved in the sale and service of liquor and have them readily available for inspection.

Fire safety

Fire safety inspectors from the Metropolitan Fire Brigade (MFB) or the Country Fire Authority (CFA) 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 VCGLR, 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 VCGLR has revoked the closure and evacuation order.

You must have the following notices on display

Your current licence

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

Posters

For a late night (packaged liquor) licence there are four posters approved by the VCGLR that must be in an obvious position at your venue.

The four posters you need are:

- Intoxicated? Drunk? Disorderly?
- Under 18? No Supply
- Do not buy for under 18s
- The Free Call Number for Directline (a counselling, information and referral line).

Posters can be downloaded from the VCGLR 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.

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

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Impact on the surrounding area

Your premises 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 licence does not detract from the amenity of the area.

Business control in the supply of liquor

As a licensee the supply of liquor on your licensed premises can only be conducted by persons employed by or part of your business.

If another licensee wishes to supply liquor on or sublet any part of your licensed premises, you as the premises licensee must request consent in writing from the VCGLR.

The sub-let premises or the right to supply liquor form is available for download from the VCGLR website vcglr.vic.gov.au.

Specific conditions on your licence

As well as your general obligations, you will have conditions listed on your licence that are directed specifically at your premises. You need to comply with these conditions or you will be committing an offence.

Note: The example conditions listed below only apply to you if they are written on your licence.

The following are explanations of some of the common conditions.

Code of conduct

It is a condition of your licence that you comply with the Code of Conduct for Packaged Liquor licensees. The code is available at vcglr.vic.gov.au. It is important that you read this information.

The code has a number of requirements, but in particular, it states that you must develop a set of house rules for your packaged liquor business. These house rules need to cover the obligations and responsibilities of your staff in relation to the responsible serving of alcohol. There is a sample set of house rules available at vcglr.vic.gov.au. You may use this sample as a basis for your own document.

The code of conduct also contains other information that you need to check to make sure you are meeting these requirements.

Delivery of liquor after 11:30pm

Your licence may contain a condition that prohibits the delivery of liquor after 11:30pm at those times when off premises supply is permitted

Remote checkout

Some supermarkets may have a remote checkout approval on their licence.

Normally you would be supplying AND selling the alcohol within your red-line area. However, with this condition your customers are able to take the alcohol containers away from your liquor section and pay for it at the normal checkout.

In this case the person accepting the payment at the checkout must be over 18 years and have completed the RSA training requirements. Each checkout must also display the 'No Proof No Purchase' poster in an obvious place.

Note: There may be more or different conditions listed on your licence. You need to check your licence to make sure you are complying with all of them.

Administration and record keeping

You must keep a copy of the last red-line plan that was submitted for approval to the VCGLR.

You must notify the VCGLR in writing if anyone stops being a director or nominee within 14 days of the change.

You must apply for the approval of the VCGLR before any person can become a director of a company holding a liquor licence 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 VCGLR.

You must not allow anyone that is not employed by you to carry on a business of supplying liquor on the licensed premises without the consent of the VCGLR.

You must advise the VCGLR 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

VCGLR Inspectors 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 licensee'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 licence by the Victorian Commission for Gambling and Liquor Regulation. This information is correct at the time of printing.