



Victorian Commission for
Gambling and Liquor Regulation

Your obligations as a liquor licensee

Information for late night (on-premises) 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 (on-premises) licence?

As the holder of a late night (on-premises) licence you are allowed to supply alcohol 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 (on-premises) licence, the people you supply the alcohol to are able to drink it within your licensed area only. You cannot supply alcohol to take away.

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 the VCGLR website 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 allow people under 18 years into the licensed area, unless you have an underage approval from the VCGLR, or the younger person is:

- with a responsible adult
- having a meal
- a resident of the premises
- employed by you but not involved in the supply of alcohol
- taking part in 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.

Any time that liquor is available you must also have some type of food available.

It can be free or available for people to buy. It can be as simple as nuts or chips.

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.

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.

All staff need to undertake training no more than one month after they begin serving, selling or offering for sale 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.

Sexually explicit entertainment

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

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

You must display the following notices

Your current licence

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

Posters

For a late night (on-premises) licence there are three posters approved by the VCGLR that must be in an obvious position at your venue.

The three posters you need are titled:

- Intoxicated? Drunk? Disorderly?
- Under 18? No Supply
- Under 18? No Entry.

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.

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 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 venue.

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

Note: The below examples of conditions will only apply to you if they are written on your licence.

The following are explanations of some of the common conditions.

Patron capacities

You must not have more people in your venue than what is listed on your licence.

If your planning or occupancy permit specifies a different number, you should use the smaller number as your limit.

Footpath trading authorisation

You are only allowed to supply alcohol for people to drink on the footpath outside of your licensed premises if you have approval from the VCGLR and council. You must only supply alcohol in the area shown on your red-line plan and only during the hours stated on your licence.

Security cameras

If you are required to install security cameras this will be listed as a condition on your licence. The condition will include information on the required clarity, positioning, timing, signage and how long the images need to be kept.

Recorded images must be retained for at least 28 days and must be available upon request for immediate viewing and/or removal by Victoria Police, or a person authorised by the VCGLR, so you need to make sure there's always someone available who knows how to use the system.

Crowd controller requirements

If you have a requirement to have crowd controllers, this will be written on your licence. It will include information on the required amount, location and the length of time crowd controllers must be present and on duty.

Authorised off site catering

If you have approval to do catering at an outside location, you may only supply alcohol there within the trading hours specified on your licence.

Note: There may be more or different conditions listed on your individual licence. You must check your licence to see if you have any other requirements.

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.

If you provide accommodation, you must have a record of your residents available on the premises.

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.