

# Self-paced guide

Packaged liquor and late night (packaged liquor) licence



Victorian Commission for  
Gambling and Liquor Regulation

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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.

# Topic 1 - Introduction

## Introduction

This is a self-paced training guide outlining:

- what holding a packaged liquor or late night (packaged liquor) licence means for you
- the standard conditions on a packaged liquor or late night (packaged liquor) licence
- special conditions on some packaged liquor or late night (packaged liquor) licences.

## Who should use this guide?

Anyone who needs to know about packaged liquor or late night (packaged liquor) licences and its conditions.

This may include:

- new licensees or nominees
- existing licensees who don't feel they know enough about their licence
- company directors who hold a packaged liquor or late night (packaged liquor) licence
- managers or supervisors at licensed premises with a packaged liquor or late night (packaged liquor) licence.

## Learning outcomes

Once you have completed this guide, you should be able to:

- identify when and where you are permitted to supply alcohol to customers
- identify any special conditions that apply to your licence type
- identify possible breaches to a packaged liquor or late night (packaged liquor) licence
- identify the requirements in the packaged liquor Code of Conduct.

**Topics**

The following topics are included in this guide:

- Introduction
- About packaged liquor or late night (packaged liquor) licences
- Packaged liquor Code of Conduct
- Packaged liquor or late night (packaged liquor) licence conditions
  - standard conditions
  - remote checkout approvals.

**Before you begin**

Make sure you are clear about the type of licence you have or have applied for.

Locate your licence or a copy of the application form you submitted to the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

**How to use this guide**

This guide is self-paced so you can work through it in your own time and at your own pace.

**Icons you will see in this guide**

The following icons have been used throughout this guide:



This is a tip – something you may find useful.



Each topic has a **Check your understanding** section. It includes questions on the content covered and in some instances, uses a scenario and questions.



Once you've completed the **Check your understanding**, this icon directs you to the answers at the back of the guide.

## Topic 2 - About packaged liquor and late night (packaged liquor) licences

<b>What this topic covers</b>	This topic looks at the types of premises that hold a packaged liquor or late night (packaged liquor) licence and where alcohol can be served and consumed.
<b>Introduction</b>	<p>A <b>packaged liquor</b> licence permits the supply of alcohol to customers for consumption off the premises <b>until 11pm</b>.</p> <p>A <b>late night (packaged liquor)</b> licence permits the supply of alcohol to customers for consumption off the premises <b>past 1am</b>.</p>
<b>Where can alcohol be supplied and consumed?</b>	<p>A packaged liquor and late night (packaged liquor) licence authorises the supply of alcohol in sealed containers, for consumption <b>off your premises</b> only.</p> <p>The supply of alcohol to customers must be carried out within the red-line area on the plan, unless your licence states otherwise.</p> <p>For example, under the <i>Liquor Control Reform Act 1998</i> (the Act), the VCGLR has the authority to grant the supply of liquor on any other premises. This will be clearly stated on your licence if this is the case.</p> <p>This may include, in the case of a supermarket, a remote checkout approval, allowing the sale to occur via a supermarket checkout.</p>
<b>Tastings</b>	<p>Under a packaged liquor licence or late night (packaged liquor) licence, you can offer free 'tastings' in your premises, for example wine tastings.</p> <p>This is considered <b>gratuitous supply</b> of liquor. In other words, you are offering the alcohol to a customer and they may take part in the tasting for free and without any obligation to purchase</p> <p>Minors are not allowed to drink liquor on licensed premises under any circumstances.</p>
<b>Who can supply liquor?</b>	<p>Only people over 18 years of age are allowed to supply liquor.</p> <p>Minors can be employed to deliver packaged liquor to a person over 18 years of age for consumption off the licensed premises. What this means is that a person under 18 years of age can carry drinks to a customer's car, but is not allowed to take orders or money for liquor.</p>

**Are minors allowed on licensed premises?**

Minors are only allowed in a packaged liquor or late night (packaged liquor) licensed premises if they are employed in duties other than the supply of liquor or if they are in the company of a parent or a responsible adult acting in the place of a parent.

**What is your red-line plan?**

The red-line plan is the plan that you submitted with your application for your liquor licence, or if you are the transferee for an existing licensed premises, the plan submitted by the original or previous licensee.

This plan is important as it shows where alcohol can be supplied on your premises. If you have a mixed business retail store (supermarket or grocery store), you will likely have a specific area that alcohol can be displayed and supplied.

If you have an older licence, you may have a red-line plan that includes the entire building. In a supermarket, this would mean that minors would not be allowed into the food areas without being in the company of a parent or a responsible adult acting in the place of a parent. In this circumstance, it is recommended for the licensee to submit a new plan to the VCGLR detailing a dedicated liquor area as per the example on page 5.

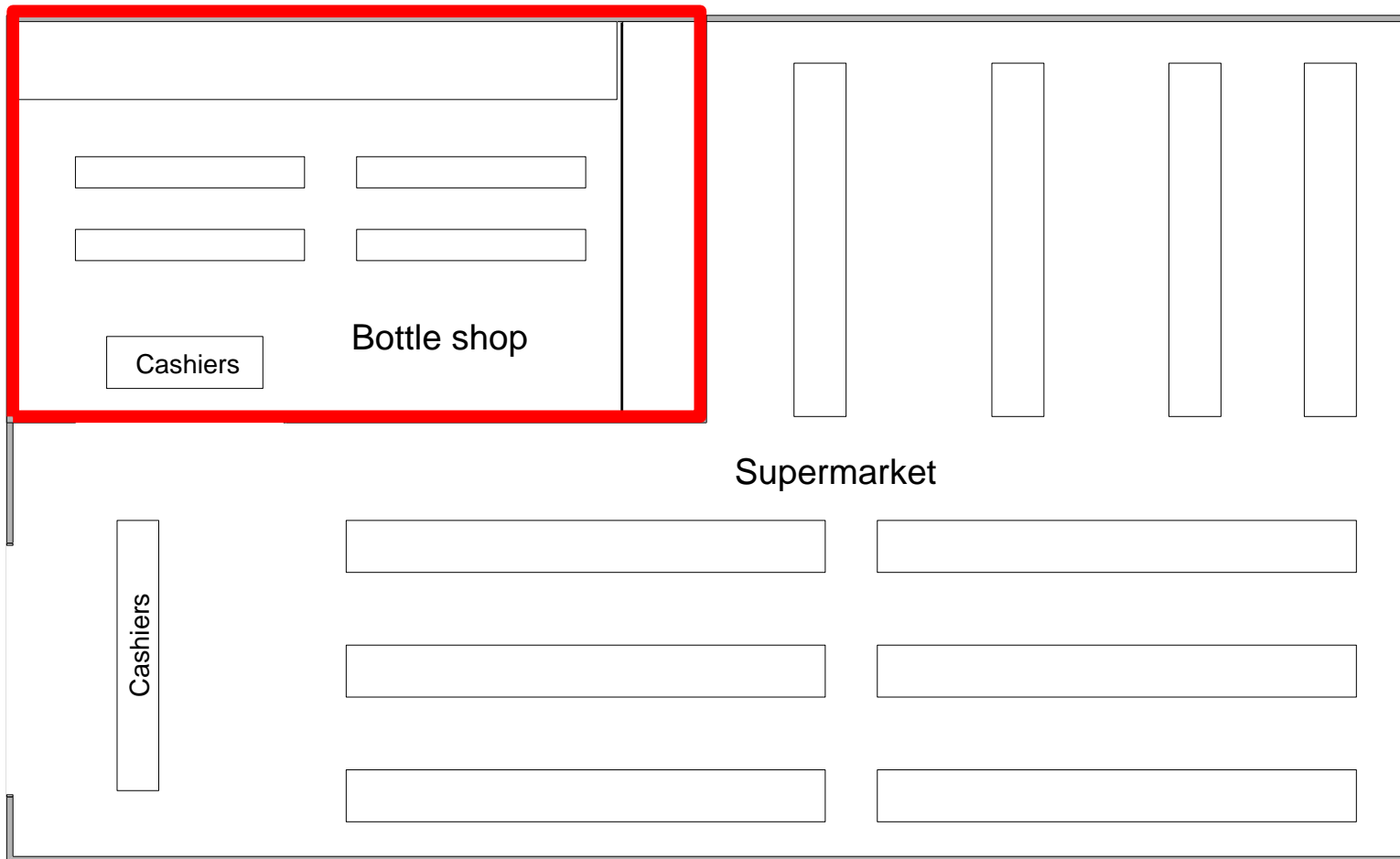
If you intend to do renovations to your licensed premises that changes your red-line plan, you will need to submit a new plan to the VCGLR for approval prior to making the proposed changes.

If you get a visit from Victoria Police or a VCGLR inspector, they will likely have a copy of your plan and may check that you are operating within the red-line area.

It is an obligation under the *Liquor Control Reform Act 1998* that you not only keep a copy of your red-line plan on your premises, but that you produce it if requested to by the police or a VCGLR inspector.

# Sample red-line plan

## Smalltown Supermarket and Bottleshop



# Check your understanding – about packaged liquor or late night (packaged liquor) licences



*It is time to check your understanding of what has been covered so far.*

*Please complete the questions below and check your responses against the answers provided at the back of this guide.*

**Q.1**

A woman purchases a bottle of wine in your store. She explains that she is on her way to a picnic and doesn't have a cork screw, and asks you to open the bottle for her.

Will you be in breach of your licence if you open the bottle for her?

**Yes / No**

Explain your answer:

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**Q.2**

At 11.00am on Saturday morning you walk into David's Supermarket in Hawthorn; they hold a packaged liquor licence.

Whilst walking around the store, you walk past a table set up with wine tasting. A staff member asks if you would like to taste one of the wines.

You say no.

The staff member asks you if you would like to try a new local beer instead.

This time you say yes.

Is David's Supermarket in breach of their licence?

**Yes / No**

Explain your answer:

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**Q.3** A customer can take alcohol from the bottle shop and pay for it with their supermarket shopping at the supermarket registers if there is **no** approval for a remote checkout in place.

**True / False**

***Use the red-line plan on page 5 to answer the following questions:***

**Q.4** Is it an offence to hold a wine tasting in the supermarket?

**Yes / No**

Explain your answer:

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**Q.5** The cashiers on the registers in the bottle shop must be over 18 years old?

**Yes / No**

Explain your answer:

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**Q.6** It is an offence for supermarket customers under 18 years old to go into the bottle shop without a responsible adult?

**Yes / No**

Explain your answer:

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*Now check your answers on page 21.*

## Topic 3 – Packaged liquor Code of Conduct

**What this topic covers** This topic looks at the Code of Conduct, why it was introduced and how it affects your business.

**Introduction** The Code of Conduct is a policy document that all packaged liquor and late night (packaged liquor) licensees must adhere to, in addition to the Liquor Control Reform Act.

It outlines the standards that packaged liquor licensees need to meet.

**What does it contain?** The Code of Conduct includes requirements about:

- irresponsible and inappropriate promotions
- required signage
- management and staff training in RSA
- occupational health and safety
- fair trading.

**The Code of Conduct** For information on the Code of Conduct or to download the Code of Conduct, go to the VCGLR website at [vcglr.vic.gov.au](http://vcglr.vic.gov.au).



You may wish to print a copy of the Code of Conduct and highlight the sections that you feel are particularly important.

You may want to give a copy to your staff, so that they are aware of the obligations.

**Minors on premises**

The Code of Conduct sets out that:

- No minors are to be permitted on the licensed premises unless they are accompanied by a parent, spouse or guardian or a responsible adult.
- The licensee shall ensure that any minor employed to work on licensed premises is not involved in the supply of liquor unless it is part of a training program approved by the VCGLR.
- 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.

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

### **Signage**

The Code of Conduct sets out that the following signs/information must be displayed:

- Do Not Attempt To Buy Liquor For Under 18s
- Intoxicated? Drunk? Disorderly?
- Under 18? No Supply
- the free call number for Directline
- any information about any municipal local law, which prohibits the consumption of alcohol in a public place.

### **House rules**

The licensee must develop 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 service of alcohol principles.

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 VCGLR inspector if requested.

### **Surveillance cameras**

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, a VCGLR inspector, or a person authorised in writing by the VCGLR, or otherwise retained for at least two (2) weeks where technology exists.

Where a licence has CCTV conditions (as above), the current standard condition requires the licensee to retain the images/footage for 30 days.

**Sale by means of mail, facsimile, telephone or internet**

If you intend to sell liquor by taking orders over the telephone or by facsimile or by mail order, you must display your liquor licence number in any advertisement or information published in writing or electronically in connection with such sales.

If you intend to advertise or supply liquor by means of the internet you 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 \$900]”

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.

# Check your understanding – Packaged liquor Code of Conduct



*It's time to check your understanding of what has been covered so far.*

*Please complete the questions below and check your responses against the answers provided at the back of this guide.*

**Q.1**

A 16-year old boy comes into your store with his 18-year-old brother. Is the 16-year-old boy allowed in the store?

**Yes / No**

Explain your answer:

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**Q.2**

Josh, 17 years old, applies for a part-time job as a storeman in your store. The job involves working in the storeroom and ensuring shelves are stocked.

Can you employ Josh?

**Yes / No**

Explain your answer:

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**Q.3**

A middle-aged couple and their teenage daughters come into your store on a Saturday afternoon. The couple are regulars and host many functions, often spending a lot of money in your store.

As they walk around the store, the girls pick up some pre-mixed drinks and put them in their parents' trolley.

At the cash register, you observe the cashier state that she cannot sell the pre-mixed drinks to the couple.

Why might she do this?

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**Q.4** As the couple are known to you, should the cashier make an allowance and serve them?

**Yes / No**

Explain your answer:

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**Q.5** Which of the following signs are you required to display in your liquor store?

(circle the correct answers)

- a) Do Not Attempt To Buy Liquor For Under 18s
- b) Under 18? No Supply
- c) Intoxicated? Drunk? Disorderly?
- d) Free call number for Directline
- e) any information about any municipal local law, which prohibits the consumption of alcohol in a public place.

**Q.6** As a licensee, you must develop a set of 'house rules' for the licensed premises.

Please state what the 'house rules' need to include:

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Now check your answers on page 24.

## Topic 4 – Standard licence conditions

<b>What this topic covers</b>	This topic looks at the conditions that may be applied to a packaged liquor or late night (packaged liquor) licence.
<b>Introduction</b>	Licence conditions outline what you can and cannot do in order to operate your licensed premises legally. Licence conditions are monitored and enforceable by Victoria Police and gambling and liquor inspectors.
<b>What do licence conditions specify?</b>	<p>There are standard conditions that all packaged liquor and late night (packaged liquor) licence holders have.</p> <p>Licence conditions specify:</p> <ul style="list-style-type: none"><li>• your authorised trading hours</li><li>• the amenity condition</li><li>• reference to the Code of Conduct</li><li>• other conditions that are relevant to the type of licensed premises you have.</li></ul>
<b>Ordinary trading hours</b>	<p>Unless requested or you hold a late night (packaged liquor) licence, your licence will have ordinary trading hours applied to it. Ordinary trading hours finish at 11pm on any day.</p> <p>Ordinary trading hours allow you to sell alcohol for <b>consumption off</b> the premises at the following times:</p> <ul style="list-style-type: none"><li>• <b>Sunday:</b> 10am to 11pm</li><li>• <b>ANZAC Day:</b> 12noon to 11pm</li><li>• <b>On any other day:</b> 9am to 11pm.</li></ul> <p><b>Note:</b> Unless your licence states otherwise, <b>you are not</b> permitted to trade on <b>Good Friday</b> or <b>Christmas Day</b>.</p>
<b>Late night trading hours</b>	If your packaged liquor store is authorised to trade <b>past 1am</b> , you are classified as a late night trader and you will have a <b>late-night (packaged liquor)</b> licence.

**Amenity**

Amenity is the effect that your venue and its customers may have on the surrounding area.

The *Liquor Control Reform Act 1998* defines amenity as:

“The quality that the area has of being pleasant and agreeable”.

Amenity includes:

- **Parking facilities**  
Do you have a car park? Do patrons park in nearby residential streets?
- **Traffic movement and density**  
Is there a lot of traffic in the surrounding area from patrons coming and going to your store?
- **Noise levels**  
What measures do you have in place to minimise noise from patrons leaving your store?
- **Possibility of nuisance or vandalism**  
Is your clientele likely to cause a nuisance to nearby residents? Is there a potential that they may cause noise, nuisance or damage to property or cars?
- **Harmony and coherence of the environment**  
What general effect does your premises have on the local community and neighbouring businesses/residents?

**Amenity condition**

The amenity condition on your licence is explained below:

Condition	What this means
The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of, or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised by this licence.	You are responsible for what happens in and around your premises. This includes the time that you are open for business and when customers are leaving your premises.
The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State	This condition relates to the Environment Protection Authority (EPA).  For further information, go to <a href="http://www.epa.vic.gov.au/noise">www.epa.vic.gov.au/noise</a> .



Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.	
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### Code of conduct

The code of conduct condition on your licence is explained below:

Condition	What this means
The licensee must comply with the Code of Conduct determined by the Minister pursuant to Section 11(5) of the <i>Liquor Control Reform Act 1998</i> .	You need to ensure you know what the requirements of the Code of Conduct.

### Approvals

There are additional conditions placed on some packaged liquor licenses that are referred to as approvals.

The approvals below is placed on some supermarket licences:

Condition – Section 11 (2) Supermarket Checkout Authorisation	What this means
The licensee is authorised to receive payment for liquor supplied on the licensed premises at any checkout located in the supermarket.	So long as you have this approval, any checkout can receive payments for liquor.
The person receiving the payment is of or over the age of 18 years.	The person on the checkout/register must be over 18 years old.
The authorisation is subject to the licensee displaying the VCGLR sign 'Under 18? No supply' at any such checkout and in a manner that invites customer's attention to the sign.	The 'Under 18? No supply' sign must be clearly displayed at checkouts in the supermarket.

The authorisation is also subject to the licensee remaining the owner of the	This condition is applicable for the current licensee only.
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supermarket business and shall lapse should this no longer be the case.	
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### **Responsible Service of Alcohol**

Licensees and staff selling, offering or serving liquor for a packaged liquor or late night (packaged liquor) licence, will need to undertake Responsible Service of Alcohol (RSA) training.

Licensees will need to undertake training before the liquor licence is granted. Staff will need to undertake training no more than one month after they begin selling, offering or serving alcohol on the licensed premises.

It is also mandatory for licensees and their staff to undertake RSA refresher training every three years. The RSA refresher course is delivered on-line at no cost.

### **RSA training register**

The obligation for a licensee to maintain a RSA register is no longer mandatory. Licensees can continue to voluntarily use the registers if they wish.

A licensee must still provide relevant RSA training information to VCGLR inspectors upon request. Information that may be requested includes:

- the name of the responsible person at the licensed premises
- the name of each person who is engaged in the sale and service of liquor and the date on which each person first sold or served liquor on the premises.



If a licensee holds any other licence containing a specific condition requiring it to keep an RSA register, the licensee is only required to hold a copy of the most recent RSA certificate or evidence of an approved RSA program completion issued to any staff member involved in the sale and service of liquor.

# Check your understanding – Standard licence conditions



*It's time to check your understanding of what has been covered so far.*

*Please complete the questions below and check your responses against the answers provided at the back of this guide.*

- Q.1** The RSA course must be completed by the licensee:
- a) within six months of being granted a licence.
  - b) within one month of being granted a licence.
  - c) prior to being granted a licence.
- Q.2** How often must a licensee and staff do the RSA Refresher course?
- a) Every 12 months
  - b) Every three years
  - c) Twice a year
- Q.3** You go into your local supermarket and bottle shop where they have two cashiers on registers in the supermarket and the bottle shop register is not staffed.
- You buy a bottle of wine and pay for it at one of the supermarket registers.
- What condition/approval must the supermarket/ bottle shop have so as to not breach their licence?
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**Q.4**

What is the definition of amenity in the *Liquor Control Reform Act 1998*?

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Now check your answers on page 25.

# Conclusion

**Congratulations!** You have completed the packaged liquor and late night (packaged liquor) licence self-paced guide.



For information on liquor licences, application/variation forms, fact sheets or training, go to the VCGLR website at [vcqlr.vic.gov.au](http://vcqlr.vic.gov.au).

# Answers



## Check your understanding – About packaged liquor and late night (packaged liquor) licences

- Q.1** A woman purchases a bottle of wine in your store. She explains that she is on her way to a picnic and doesn't have a cork screw, and asks you to open the bottle for her.
- Will you be in breach of your licence if you open the bottle for her?
- A.** *Yes, as a packaged liquor store, you may only sell liquor in sealed containers. Opening the wine would constitute an open container.*
- Q.2** At 11.00am on Saturday morning you walk into David's Supermarket in Hawthorn; they hold a packaged liquor licence.
- Whilst walking around the store, you walk past a table set up with wine tasting. A staff member asks if you would like to taste one of the wines.
- You say no.
- The staff members asks you if would like to try a new local beer instead.
- This time you say yes.
- Is David's Supermarket in breach of their licence?
- A.** *There is no offence.*
- Packaged liquor licensees are able to provide 'tastings' under Section 20 of the Liquor Control Reform Act 1998.*
- Q.3** A customer can take alcohol from the bottle shop and pay for it with their supermarket shopping at the supermarket registers if there is **no** approval for a remote checkout in place.
- A.** *False.*
- Q.4** Is it an offence to hold a wine tasting in the supermarket?
- A.** Yes, it must be held within the red-line area.

**Q.5** The cashiers on the registers in the bottle shop must be over 18 years old?

**A.** *Yes, only people over 18 years of age are allowed to supply liquor.*

**Q.6** It is an offence for supermarket customers under 18 years old to go into the bottle shop without a responsible adult?

**A.** *Yes, minors are only allowed in packaged liquor or late night (packaged liquor) licence if they are employed in duties other than the supply of liquor or if they are in the company of a parent or a responsible adult acting in place of a parent.*





## Check your understanding – Packaged liquor Code of Conduct

- Q.1** A 16-year old boy comes into your store with his 18-year-old brother. Is the 16-year-old boy allowed in the store?
- A.** *No, an older sibling is not considered to be a responsible adult.*
- Q.2** Josh, 17 years old, applies for a part-time job as a store man in your store. The job involves working in the storeroom and ensuring shelves are stocked.
- Can you employ Josh?
- A.** *Yes, the job does not involve supply of alcohol to customers.*
- Q.3** A middle-aged couple and their teenage daughters come into your store on a Saturday afternoon. The couple are regulars and host many functions often spending a lot of money in your store.
- As they walk around the store, the girls pick up some pre-mixed drinks and put them in their parents' trolley.
- At the cash register, you observe the cashier state that she cannot sell the pre-mixed drinks to the couple.
- Why might she do this?
- A.** *It states in the Code of Conduct that a sale must be declined if it appears that an adult is purchasing liquor for a minor.*
- Q.4** As the couple are known to you, should the cashier make an allowance and serve them?
- A.** *No. The law doesn't make allowances when it comes to serving minors*

- Q.5** Which of the following signs/information are you required to display in your liquor store?:
- (circle the correct answers)
- a) Do Not Attempt to Buy Liquor for Under 18s
  - b) Under 18? No Supply
  - c) Intoxicated? Drunk? Disorderly?
  - d) Free call number for Directline
  - e) any information about any municipal local law, which prohibits the consumption of alcohol in a public place.
- A.** *b) Under 18? No Supply*
- c) Intoxicated? Drunk? Disorderly?*
- e) Do Not Attempt to Buy Liquor for Under 18s*
- d) Free call number for Directline*
- e) any information about any municipal local law, which prohibits the consumption of alcohol in a public place.*
- Q.6** As a licensee, you must develop a set of house rules for the licensed premises. What does the house rules have to include?
- A.** *The responsibilities and obligations of staff in the sale and supply of alcohol in accordance with established responsible service of alcohol principles.*



## Check your understanding – Standard licence conditions

- Q.1** The RSA course must be completed by the licensee:
- a) within six months of being granted a licence.
  - b) within three months of being granted a licence.
  - c) prior to being granted a licence.
- A.** *c) prior to being granted a licence.*
- Q.2** How often must a licensee and staff do the RSA Refresher course?
- a) Every 12 months
  - b) Every three years
  - c) Twice a year
- A.** *b) Every three years*
- Q.3** You go into your local supermarket and bottle shop where they have two cashiers on registers in the supermarket and the bottle shop register isn't staffed.
- You buy a bottle of wine and pay for it at one of the supermarket registers.
- What condition/approval must the supermarket/ bottle shop have so as to not breach their licence?
- The licensee must have the Section 11 (2) Supermarket Checkout Authorisation on their licence which states that -*
- A.** *'A licensee is authorised to receive payment for liquor supplied on the licensed premises at any checkout located in the supermarket.'*
- Q.4** What is the definition of amenity in the *Liquor Control Reform Act 1998*?
- A.** *"The quality that the area has of being pleasant and agreeable".*