

SEPT 2018

Self-paced guide

Producer's licence



Victorian Commission for
Gambling and Liquor Regulation



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Topic 1 - Introduction

Introduction

This is a self-paced training guide outlining:

- what holding a producer's licence means for you
- the standard conditions on a producer's licence
- special conditions on some producer's licences.

Who should use this guide?

Anyone who needs to know about a producer's licence 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 producer's licence
- managers or supervisors at licensed premises with a producer's 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 producer's licence.

Topics

The following topics are included in this guide:

- Introduction
- About producer's licences
- Producer's licence conditions
 - standard conditions
 - promotional event authorisation.

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**. 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 producer's licences

What this topic covers	This topic looks at the types of premises that hold a producer's licence and where alcohol can be served and consumed.
Introduction	A producer's licence covers a range of activities for those who want to produce wine, cider, beer or spirit.
Requirements of producer's licence	<p>To be eligible to hold this licence, it is a requirement that:</p> <ul style="list-style-type: none">• where the product is beer:<ul style="list-style-type: none">- it is brewed by or at the direction of the licensee; and- the licensee assumes the financial risk for its production.• where the product is wine, cider or a spirit that is brandy:<ul style="list-style-type: none">- it is made from fruit grown by the licensee who has assumed the financial risk of production; or- it has been made under the direction of the licensee from fruit grown in Australia that was not grown by the licensee who has assumed financial risk of the production.• where the product is a spirit that is not brandy:<ul style="list-style-type: none">- it has been distilled by or at the direction of the licensee; and- the licensee assumes the financial risk for its production.
Where can alcohol be supplied and consumed?	<p>A producer's licence authorises the supply of:</p> <ul style="list-style-type: none">• the licensee's own product to any other licensee at any time and at any place (wholesale)• the licensee's own product to the public from the licensed premises for both on and off-premises consumption• Minors are not allowed to drink liquor on licensed premises under any circumstances• any liquor, including liquor that is not the licensee's own product, from the licensed premises for on-premises consumption• packaged liquor that is the licensee's own product to a person who makes an off-premises request (for example, orders by way of email, telephone, facsimile transmission, internet or other electronic communication)

- the licensee's own product from an additional retail premises for consumption away from the retail premises.

Promotional event authorisation

Producer's licensees are able to apply for a promotional event authorisation to be imposed on the licence.

A promotional event authorisation allows you to sell your product at farmers' markets, craft markets, festivals and other promotional events.

This does not include attendance at major events or horse racing events, for which a separate licence is required.

A promotional event authorisation requires a special condition to be attached to the licence and attracts an additional annual fee.

Retail premises

As a holder of a producer's licence, you may choose to specify a retail premises on your licence that is in addition to the primary address. At the retail premises, licensees are only permitted to sell their own product for consumption away from the premises. The retail premises must be in the same wine region as the primary premises on the licence.

What is your red-line plan?

The red-line plan is the plan that you submitted with your application for your producer's licence and approved by the VCGLR, or if you are the transferee of an existing licensed premises, the plan submitted by the original or previous licensee and approved by the VCGLR.

This plan is important as it shows where alcohol can be supplied and consumed on the licensed premises.

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

If you are visited by a member of Victoria Police or a VCGLR Inspector, they will likely request that you provide a copy of your plan and they 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 also produce it if requested by Victoria Police or a VCGLR Inspector.

Special events

You may from time-to-time hold special events (that are not promotional events) at your venue such as functions, or be part of a local festival or community event.

If the special event requires you to trade outside your producer's licence trading hours, licence conditions or red-line area, you may need to apply for a temporary limited licence or if it is a major event, a major event licence.

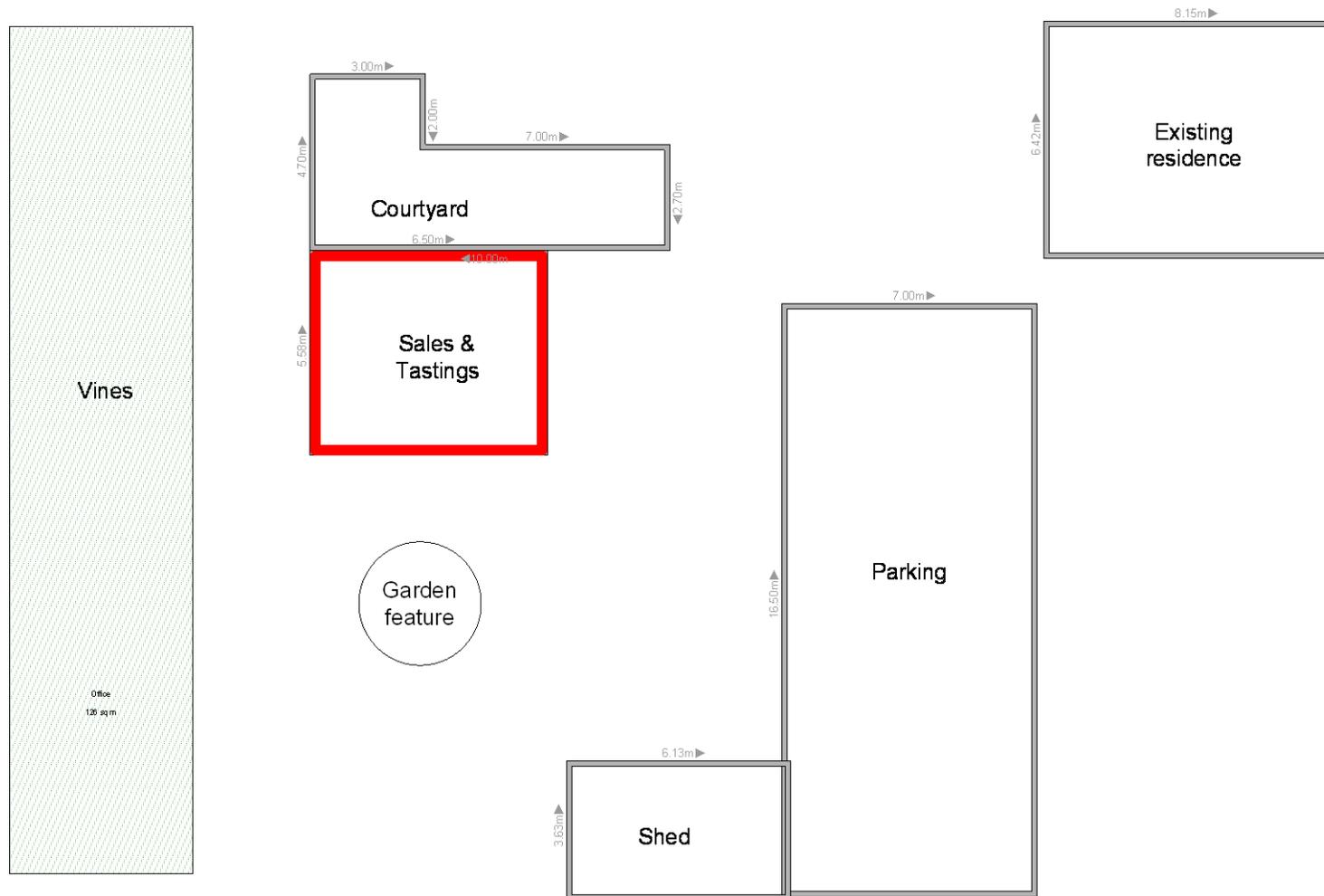
A temporary limited licence or major event licence is granted in addition to your producer's licence and is only in force for the times and locations specified on the additional licence.

See also:

Self-paced guide for a limited licence.

Sample red-line plan

The Yellow Grape Winery



Check your understanding – Producer's licences



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 customer(s) only drinks one glass out of a bottle of wine they've purchased with their lunch in your winery restaurant. Can they take the bottle of wine home with them?

Yes / No

Explain your answer:

Q.2

List one requirement of a producer's licence:

Q.3

What does a promotional event authorisation allow a producer's licensee to do?



Now check your answers on page 15

Topic 3 – Producer's licence conditions

What this topic covers This topic looks at the conditions that may be imposed on a producer's licence.

Introduction Licence conditions outline the activities that can be conducted at the licensed premises. Non-compliance with licence conditions may result in enforcement action by Victoria Police and VCGLR inspectors.

What do licence conditions specify? A producer's licence will include conditions that specify:

- how liquor may be supplied;
- the authorised trading hours;
- matters regarding the amenity of the area in which the licensed premises is situated; and
- any other matters determined by the VCGLR.

Ordinary trading hours Unless requested, your licence will authorise you to supply liquor during ordinary trading hours. Ordinary trading hours finish at 11pm on any day.

Ordinary trading hours allow you to sell alcohol to the public at the following times:

- **Sunday, Good Friday and ANZAC Day:** 10am to 11pm
- **On any other day:** 7am to 11pm.

Remember, you have a 30-minute grace period after the end of the authorised trading hours for patrons to finish the drinks they have already purchased. However, the supply of liquor must not occur during this grace period.

Under a producer's licence, you are able to sell your own product (wholesale) to any other licensee at any time and at any place.

Amenity Amenity is the effect that your venue and its patrons 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”.

As noted above, there will be a condition on your licence regarding amenity. This condition is explained below:

Amenity condition

Condition	What this means
<p>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.</p> <p>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 Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.</p>	<p>You are responsible for what happens in and around your licensed premises. This includes the time that you are open for business and when customers are leaving your premises.</p> <p>This condition relates to the Environment Protection Authority (EPA).</p> <p>For further information, go to www.epa.vic.gov.au/noise.</p>

Relevant considerations about amenity may include:

- **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 winery or brewery?
- **Noise levels**
What measures do you have in place to minimise noise from your venue if you have amplified music, or from patrons leaving your winery or brewery?
- **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 venue have on the local community and neighbouring businesses/residents?

Promotional event authorisation

If you have a promotional event authorisation on your licence, there will be a number of restrictions that apply. These include but are not limited to the following:

Condition	What this means
<p>The licensee must keep a register of all events at which it has supplied its product and produce the records for inspection upon request by an authorised person.</p>	<p>You must keep records of all the promotional events at which you have supplied your product.</p> <p>The register could be in the form of a diary, electronic spreadsheet or a dedicated notebook.</p> <p>The register needs to be easily accessible and must be produced on request to an authorised person (i.e., member of Victoria Police or VCGLR inspector).</p>
<p>The licensee must have the consent of the event organiser to supply liquor at the event.</p>	<p>You must have the consent of the organiser of the farmers' market, craft market, festival or other promotional event you are attending, prior to serving or supplying your product at the market or event.</p>
<p>Any person supplying liquor at a promotional event in most circumstances must have completed an approved Responsible Service of Alcohol (RSA) training program.</p>	<p>Any persons involved in the supply of liquor must have completed an approved Responsible Service of Alcohol (RSA) training program.</p> <p>You must provide relevant RSA information to VCGLR inspectors upon request. Information may include:</p> <ul style="list-style-type: none"> • the name of the responsible person • the name of each person who is engaged in the sale and service of liquor

Promotional event authorisation (continued)

	<ul style="list-style-type: none"> • A copy of the most recent RSA certificate.
Condition	What this means
<p>Liquor may only be supplied at a promotional event between the hours of 7am and 8pm.</p>	<p>The sale and supply of liquor at a promotional event is generally authorised between the hours of 7am and 8pm, even if the event extends beyond these times.</p>

Check your understanding – Producer's 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

Select the time at which ordinary trading hours finish:

- a) 10pm
- b) 11pm
- c) 12 midnight.

Q.2

Simone sells your wine in her restaurant. She calls to arrange to collect her next order at 8am on Sunday morning.

Is it a breach of your licence to sell Simone wine at that time on a Sunday?

Yes / No

Explain your answer:

Q.3

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



Now check your answers on page 16.

Conclusion

Congratulations! You've completed the producer's licence self-paced guide.



For information on liquor licences, application/variation forms, fact sheets or training, go to the VCGLR website at vcglr.vic.gov.au.

Answers



Check your understanding – About producer's licences

- Q.1** A customer(s) only drinks one glass out of a bottle of wine they have purchased with their lunch in your winery restaurant. Can they take the bottle of wine home with them?
- A.** *Yes, they may take it home providing it is within the off-premises trading hours.*
- Q.2** List one requirement of a producer's licence.
- A.** Any of the following answers:
- where the product is beer:
 - it is brewed by or at the direction of the licensee; and
 - the licensee assumes the financial risk for its production.
 - where the product is wine, cider or a spirit that is brandy:
 - it is made from fruit grown by the licensee who has assumed the financial risk of production; or
 - it has been made under the direction of the licensee from fruit grown in Australia that was not grown by the licensee who has assumed financial risk of the production.
 - where the product is a spirit that is not brandy:
 - it has been distilled by or at the direction of the licensee; and
- the licensee assumes the financial risk for its production.
- Q.3** What does a promotional event authorisation allow a producer's licensee to do?
- A.** *A promotional event authorisation allows a producer's licensee to sell their product at as many farmers' markets, craft markets, festivals and other promotional events as they wish.*



- Q.1** Select the time at which ordinary trading hours finish:
- A.** b) 11pm.
- Q.2** Simone sells your wine in her restaurant. She calls to arrange to collect her next order at 8am on Sunday morning.
- Is it a breach of your licence to sell Simone wine at that time on a Sunday?
- A.** *No, it is not a breach of your licence. She has a liquor licence so you can sell her wine at any time on any day.*
- Q.3** What is the definition of amenity in the *Liquor Control Reform Act*?
- A.** *The quality that the area has of being pleasant and agreeable.*