



## Your obligations as a liquor licensee

### Information for producer's 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.

But holding a liquor licence is a privilege, not a right, and selling alcohol 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 alcohol (liquor) is promoted and sold in a way that encourages responsible and appropriate drinking.

#### What is a producer's licence?

This licence replaces the wine and beer producer's licence and authorises the supply of:

- alcohol that is your own product to any other licensee at any time and at any place (wholesale)
- your own product to the public from your licensed premises for both on and off-premises consumption
- any liquor, including your own product, from your licensed premises for on-premises consumption

- your 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)
- your own product from an additional retail premises for consumption away from the licensed premises.

#### Promotional event authorisation

As a holder of a producer's licence you may also apply for a promotional event authorisation that will be endorsed on your licence. This allows you to sell your product at as many farmers' markets, craft markets, festivals and other promotional events as you wish.

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

The restrictions that apply to the promotional event authorisation include, but are not limited to, the following:

- you must keep a register of all events at which you have supplied your product and produce the records for inspection upon request by an authorised person
- you must have the consent of the event organiser to supply liquor at the event
- any persons supplying liquor at a promotional event must have completed an approved Responsible Service of Alcohol (RSA) training program
- liquor may be supplied at a promotional event between the hours of 7am and 8pm.

## Information for producer's licence holders

### 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.

### To be eligible to hold a producer's licence you must meet the following requirements

Where the product is wine, cider or brandy:

- you grow your own fruit and you have assumed the financial risk for the production; or
- the fruit is grown under your direction by another person and you bear the financial risk for the production.

Where the product is beer:

- you brew your own beer; or
- you assume the financial risk for its production by another person.

Where the product is a spirit:

- you distil your own spirit or it is distilled under your direction; and
- you assume the financial risk for its production.

### 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](http://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 licensed area and if they're already on your premises 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
- 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 circumstance.

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.

## Fire safety

Fire safety inspectors from the Metropolitan Fire Brigade or the Country Fire Authority 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](http://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 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 producer's licence there are two posters approved by the VCGLR that must be in an obvious position at your venue.

The two posters you need are titled:

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

Posters can be downloaded from the VCGLR website [vcglr.vic.gov.au](http://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 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](http://vcglr.vic.gov.au) website [vcglr.vic.gov.au](http://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 licensed 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 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.

## Additional requirement for suppliers of wholesale liquor

The holder of a producer's licence may be required to collect and report information about their wholesale liquor transactions annually. Please see the VCGLR's website at [vcglr.vic.gov.au](http://vcglr.vic.gov.au) for more information.

## 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.

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.