



Victorian Commission for Gambling and Liquor Regulation

Liquor licensing fact sheet

Sample Packaged Liquor Licence House Rules

Under the *Liquor Control Reform Act 1998*, packaged liquor licences are subject to a condition that requires licensees comply with the Packaged Liquor Code of Conduct issued by the Minister. The Code of Conduct requires licensees to develop a set of house rules for the licensed premises.

The purpose of the house rules are to set out the responsibilities and obligations of staff in the sale and supply of liquor in accordance with established responsible service of alcohol principles.

The house rules must be read by staff on induction and must be retained on the premises in the possession of the licensee or the responsible person. It is also the responsibility of the licensee or the responsible person to ensure that staff are made aware of any changes or updates to the house rules.

If requested, a copy of the house rules must be made available to inspectors from the Victorian Commission for Gambling and Liquor Regulation (VCGLR) or members of Victoria Police.

To assist packaged liquor licensees in complying with this requirement, the VCGLR has developed a set of sample house rules that may be used as a guide or a template. Licensees may add to or alter the sample house rules to meet the needs of their specific business.

Disclaimer

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.

HOUSE RULES FOR *(Insert premises name)*

(Licensee name) trading as *(Trading name of business)* of *(address of premises)* **(the Premises)** holds a packaged liquor licence number *(insert licence number)* **(the Licence)**, granted under the *Liquor Control Reform Act 1998* **(the Act)**.

The person/s responsible for the Licence is/are:

(List the names of people who are responsible, including their title and contact number).

The Licence

The Licence permits the Licensee to supply liquor on the Premises in sealed containers, bottles or cans for consumption off the Premises, during the following trading hours:

(insert business trading hours)

A copy of the Licence is to be displayed in a conspicuous place on the Premises and in a manner that invites public attention. Staff members are to read the Licence to ensure that they are familiar with the conditions of the Licence.

Signage

In addition to the Licence, the Licensee must also display the following signs as required under the Act:

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

The Licensee, the responsible person or staff members are to ensure that clear, undamaged and up-to-date signs are displayed on the Premises at all times in view of the public. You may check to see if you have the most recent version of the signs by comparing the key code located on the bottom left of the sign against the VCGLR website, vcglr.vic.gov.au.

There may also be other signs that are required to be displayed at the Premises in relation to local council information or by-laws that prohibits the consumption of alcohol in a public place.

Some of these signs are available to be downloaded and printed from the VCGLR website – vcglr.vic.gov.au

Responsible Service of Alcohol training

Responsible Service of Alcohol (RSA) training is mandatory for all licensees and staff selling or offering liquor for sale under a packaged liquor licence.

The Licensee (if it is a natural person) or the responsible person (in the case of a body corporate licensee) should have completed an approved RSA course when they first obtained the Licence. They must further ensure that they complete an RSA online refresher course every three years while they remain Licensee / responsible person.

Any staff member who sells or offers liquor for sale on the Premises must complete an approved RSA course within one month from the date on which they first sell or offer liquor for sale on the Premises. They must also complete the approved RSA online refresher course every three years while they continue to sell or offer liquor for sale on the Premises.

The Licensee is responsible for supervising and maintaining adequate records of training attendance and copies of certificates, which are to be kept in a register on the Premises and made available to VCGLR inspectors or members of Victoria Police upon request.

Minors

It is an offence under the Act for a licensee or their staff to supply packaged liquor to a person under 18 years of age.

The Licensee, the responsible person and staff members working at the Premises must ensure that packaged liquor is not supplied to a minor.

Minors on the Premises

Minors are prohibited from being on a premises licensed under a packaged liquor licence, unless they are accompanied by a responsible adult or if they are employed to work on the licensed premises (but not involved in the sale of liquor).

The Licensee, the responsible person and staff members working at the Premises must ensure that minors are not permitted on the Premises unless they are in the company of a responsible adult.

If a minor is employed to work on the Premises, the Licensee must ensure that the minor is not involved in any aspect of the sale of liquor. A minor may only be employed to undertake certain tasks on the Premises, such as delivering packaged liquor to a customer for consumption off the Premises after the sale has occurred.

Acceptable forms of ID

Staff members working on the Premises should ensure that liquor is not sold to a minor by asking for identification (**ID**) from persons who appear to be under the age of 25. The following forms of ID are preferred

- Australian driver licence
- Victorian learner permit
- Proof of age card or an equivalent from another state or territory of Australia
- Keypass card
- Australian or foreign passport.

Sales of liquor should be refused to any person who appears to be under the age of 25 and is unable to produce suitable ID. The Licensee, the responsible person and staff members at the Premises also have the power to seize an ID (except a driver licence) produced by a person, if they reasonably suspect that the ID does not belong to the person who produced it or that it contains false or misleading information about the person's name or age. Any ID that is seized must be given to a member of Victoria Police.

Secondary supply

If there are reasonable grounds to suspect that an adult is purchasing liquor for a minor, the Licensee, the responsible person or staff members at the Premises must decline the sale. The following examples may be reasonable grounds to suspect that secondary supply is occurring:

- Minors in a store accompanied by an 18 year old who is making a large purchase
- Parents purchasing liquor for a child obviously under 18
- You decline to serve some minors and a short time later an adult enters your store and makes the same order they made
- You see a group of minors hanging around in front of the store, and then an adult enters and makes a large order of various drinks popular with young people.

Intoxicated and drunk customers

It is an offence under the Act for a licensee to supply liquor to a person who is in a state of intoxication. The Act states that "a person is intoxicated if his or her speech, balance, coordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor".

In addition to the legal definition above, the VCGLR has published guidelines in respect to determining when a person is in a state of intoxication, which is available for download from its website. According to the guidelines, some signs that a person may be intoxicated are:

- Becoming loud and boisterous;
- Becoming argumentative;
- Annoying staff and patrons;
- Using offensive language;
- Fumbling and difficulty picking up objects;
- Swaying;
- Difficulty walking straight; and
- Rambling conversation.

Staff members must refuse service to any customers who they reasonably suspect to be intoxicated. If you are uncomfortable with refusing service, speak to the Licensee or the responsible person/manager on duty.

It is also an offence under the Act for a licensee to permit a drunken or disorderly person to be on the licensed premises.

Staff members should speak to the Licensee or responsible person/manager on duty if they suspect that a drunken or disorderly person has entered the Premises. The Licensee or responsible person/manager may then be required to ask that customer to leave. If a drunk or disorderly customer refuses to leave the Premises, the Licensee, the responsible person/manager on duty or the relevant staff member should contact Victoria Police.

Incidents Register

Staff members are required to record any incident that occurs on the Premises, including incidents involving minors and intoxicated, drunk or disorderly persons.

The Licensee must establish a register that records all incidents that occur at the Premises, which can be used as a learning tool and assist in communication between staff and management. The register will assist with preventing similar incidents from occurring in the future as it will be monitored by management and used to identify strategies that need to be developed in addressing recurring issues.

The register must record the date and time of the incident, as well as the people involved, what occurred, how it was dealt with and whether police were called.

Marketing and promotion

It is an offence under the Act for a licensee to engage in or advertise any practice that:

- encourages customers to consume alcohol irresponsibly or excessively;
- encourages consumers to consume alcohol in a risky or rapid manner; and
- is aimed or directed primarily at minors or other high risk categories.

The Licensee must adhere to the responsible liquor advertising and promotions guidelines as published on the VCGLR website.

Useful Contacts

VCGLR -1300 182 457 or via email at contact@vcglr.vic.gov.au.

(insert name of local police station and contact number for non-emergency issues)

(insert name of local council and contact number)

(insert any other contacts that may be useful to your staff members)

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