



## 《1998年酒类控制改革法》 (Liquor Control Reform Act 1998) 的变化

2018年6月5日，维多利亚州议会通过了《2018年酒类和博彩立法修正案》。

《2018年酒类和博彩立法修正案》修正了《1998年酒类控制改革法》，通过多项重要的变化尽量降低社区内的酒类伤害并减少执照持有者面对的繁琐审批程序。

执照持有者有责任确保自己理解《1998年酒类控制改革法》所规定的应尽义务并作出任何必要的安排以确保自身遵循现行法规。

本信息表旨在为执照持有者及其员工概括介绍法律的变化。如需更多信息，请阅读维多利亚州博彩和酒类监管委员会（VCGLR）网站上的信息介绍和常见问题解答。

### 变化概述

下表概述《1998年酒类控制改革法》的新旧要求和法律变化的实施日期。

表格——变化概述

旧要求	新要求	生效日期或预期生效日期
某些执照持有者必须保存包含员工培训要求信息的RSA登记册	对于以前需要保存RSA登记册的执照持有者，保存RSA登记册的义务不再是强制性的。 执照持有者仍然有义务为在执照场所出售或准备酒水的员工保存一份RSA证书。	2018年7月18日
不适用	除非有特定豁免条件，否则任何人不得在学校周边150米范围内直接或间接展示静态酒类广告。	2018年7月18日
在考虑批准申请对一个地区的生活便利性的影响时，会根据《1998年酒类控制改革法》考虑一系列因素。	在确定授予、修改执照或改变执照地址是否会降低或损害一个地区的生活便利性时，根据《1998年酒类控制改革法》可以考虑的一系列因素中删除了以下内容： <ul style="list-style-type: none"> <li>• 有无停车设施；</li> <li>• 交通繁忙程度；以及</li> <li>• 噪音程度。</li> </ul>	2018年7月18日



## Changes to the *Liquor Control Reform Act 1998*

On 5 June 2018, the Victorian Parliament passed the *Liquor and Gambling Legislation Amendment Act 2018* (the LGLA Act).

The LGLA Act amends the *Liquor Control Reform Act 1998* (LCR Act), which means a number of important changes to address harm minimisation in the community and to reduce red tape for licensees.

It is the responsibility of licensees to ensure they understand their obligations under the LCR Act and make any necessary arrangements to remain compliant.

The purpose of this information sheet is to provide a summary of the changes to licensees and their staff. For more information read the Fact sheet and Frequently asked questions on the VCGLR website.

### Summary of changes

Below is a table that summarises the previous requirements under the LCR Act, the new requirements and the date these changes commence.

**Table – Summary of changes**

Previous requirement	New requirements	Date this came, or is expected to come, into effect
Certain licensees must retain an RSA register that includes information about staff training requirements	For licensees that were previously required to retain an RSA register, the obligation to retain RSA registers is no longer mandatory.  Licensees are still obliged to retain a copy of the RSA certificates for staff selling or serving liquor on the licensed premises.	18 July 2018
N/A	A person is prohibited from displaying or causing to be displayed, static alcohol advertising within 150 metres of the perimeter of a school unless certain exemptions apply.	18 July 2018
When considering the effect of the grant of an application on the amenity of an area, a range of factors may be considered under the LCR Act.	The following factors have been removed from the list of factors under the LCR Act that may be taken into account when determining whether the effect of the grant, variation or relocation of a licence would detract from or be detrimental to the amenity of an area: <ul style="list-style-type: none"> <li>the presence or absence of parking facilities;</li> <li>traffic movement and density; and</li> <li>noise levels.</li> </ul>	18 July 2018

旧要求	新要求	生效日期或预期生效日期
只生产啤酒、葡萄酒、苹果酒、白兰地或梨酒的执照持有者可以持有葡萄酒和啤酒生产者执照。	生产者执照取代了葡萄酒和啤酒生产者执照，生产者执照持有者可以生产啤酒、葡萄酒、苹果酒和烈酒。	2019年3月1日或更早的公布时间
没喝完的酒不能从使用餐馆和咖啡馆执照的场所带走。	餐馆和咖啡馆执照持有者可以允许18岁以上人士将用餐期间提供的没喝完的酒从执照场所带走，前提是： <ul style="list-style-type: none"> <li>没喝完的酒是装在上酒时所用的同一个可重新封口的容器中被带走的；而且</li> <li>每个人带走的酒不得超过一个可重新封口的容器。</li> </ul>	2018年7月18日
执照持有者在某些情况下可以向未成年人提供酒类在执照场所饮用，包括出于参与用餐目的以及在未成年人有父母、监护人或配偶陪伴的情况下向未成年人提供酒类。	执照持有者不得在任何情况下向未成年人提供酒类在执照场所饮用。执照持有者只有在以下情况下才能向未成年人提供酒类：未成年人是执照持有者的家人、雇员或学徒，且未成年人受雇向年满18岁人士送递酒类供其在执照场所以外饮用。 成年人只有在以下情况下才能在私宅里向未成年人提供酒类：提供酒类的成年人对酒类的提供展现出负责任的监督。 任何人若无合理的理由不得故意向未成年人送递酒类。	2018年9月13日
现有执照的转让在VCGLR批准申请之时生效。VCGLR如果确信所有要求都已得到满足并已收到所有相关文件，包括受让者的场所使用权声明，就会批准此类申请。	执照转让在VCGLR批准申请之日或受让者获得场所的法律使用权之日生效，以两者较晚日期为准。 这意味着VCGLR可以在收到受让者的场所使用权证据之前批准执照转让申请。但是，转让只有在受让者获得法律使用权时才会生效，受让者在此时将获准根据执照提供酒类。获得场所使用权的证据必须在获得该权利后24小时内提供给VCGLR。	2019年3月1日或更早的公布时间
如果执照或许可证被转让，新的执照持有者或许可证持有者可以向VCGLR申请免除前执照持有者或许可证持有者产生的违章扣分。	执照或许可证被转让时，只要受让者与前执照持有者或许可证持有者之间没有相关的关系，前执照持有者或许可证持有者产生的违章扣分将自动清除。	2019年3月1日或更早的公布时间

Previous requirement	New requirements	Date this came, or is expected to come, into effect
Wine and beer producer's licence may be held by licensees who produce beer, wine, cider, brandy or perry only.	Wine and beer producer's licence substituted by a producer's licence, which may be held by licensees who produce beer, wine, cider and spirit.	1 March 2019 or earlier if proclaimed
Unconsumed liquor cannot be taken from premises licensed under a restaurant and café licence.	<p>A restaurant and café licensee may permit a person over the age of 18 to take unconsumed liquor that has been provided in the course of a meal away from the licensed premises provided that:</p> <ul style="list-style-type: none"> <li>• the unconsumed liquor is taken away in the same resealable container in which it was supplied; and</li> <li>• no more than one resealable container of the liquor per person is taken away.</li> </ul>	18 July 2018
Licensees permitted to supply liquor to a minor for consumption on licensed premises under certain circumstances, including where the supply of liquor to the minor is for the purposes of partaking of a meal and where the minor is accompanied by a parent, guardian or spouse.	<p>Licensees prohibited from supplying liquor to a minor for consumption on licensed premises under any circumstances. Licensees are only permitted to supply liquor to a minor if the minor is a family member, employee or apprentice of the licensee, where the minor is employed to deliver the liquor to a person of or over the age of 18 years for consumption off the licensed premises.</p> <p>The supply of liquor to a minor by an adult in a private residence may only occur if the adult supplying the liquor demonstrates responsible supervision of the supply.</p> <p>A person must not knowingly deliver liquor to a minor without a reasonable excuse.</p>	13 September 2018
The transfer of an existing licence takes effect when the VCGLR grants the application. The VCGLR grants such applications if it is satisfied that all requirements have been met and when all relevant documents are received, including the transferee's declaration of right to occupy the premises.	<p>The transfer of licence takes effect on the date that the application is granted by the VCGLR or the date the transferee obtains the legal right to occupy the premises, whichever is later.</p> <p>This means that the VCGLR may grant a transfer of licence application prior to receiving evidence of the transferee's right to occupy the premises. However, the transfer will only take effect when the transferee obtains the legal right to occupy, at which time, the transferee will be permitted to supply liquor under the licence. Evidence of obtaining the right to occupy the premises must be provided to the VCGLR within 24 hours of obtaining that right.</p>	1 March 2019 or earlier if proclaimed
If a licence or permit is transferred, the new licensee or permittee may apply to the VCGLR to remove any demerit points incurred by the previous licensee or permittee.	When a licence or permit is transferred, demerit points incurred by the previous licensee or permittee are automatically removed, as long as the transferee does not have a relevant relationship with the previous licensee or permittee.	1 March 2019 or earlier if proclaimed

旧要求	新要求	生效日期或预期生效日期
<p>申请新执照、修改执照或改变执照地址时必须提供地方市政府的规划许可或无需规划许可的证据。</p>	<p>如果授予、修改执照或改变执照地址需要规划许可，VCGLR可以在地方市政府批准规划许可之前批准申请。</p> <p>执照的授予、修改或地址改变将在获得规划批准之日或VCGLR收到无需规划审批的其它证据之日生效。</p>	<p>2019年3月1日或更早的公布时间</p>

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Previous requirement	New requirements	Date this came, or is expected to come, into effect
<p>Applications for a new, variation or relocation of a licence must be accompanied by planning permission from the local council or evidence that planning permission is not required.</p>	<p>If a planning permit is required for the grant, variation, or relocation of a licence, the VCGLR may grant the application prior to the planning permit being approved by local council.</p> <p>The grant, variation or relocation of a licence will take effect on the day on which planning approval is obtained or the day on which other evidence is provided to the VCGLR that planning approval is not required.</p>	<p>1 March 2019 or earlier if proclaimed</p>

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*. This information is correct at the time of printing.

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