



Victorian Commission for Gambling and Liquor Regulation

Liquor licensing fact sheet

Breaches under the *Liquor Control Reform Act 1998* (from 1 July 2016)

The *Liquor Control Reform Act 1998* (the Act) provides for the issue of infringement notices for specified breaches. Infringement notices may be issued to licensees, underage persons or any person breaching specified sections of the Act.

An infringement notice is a fine issued as an alternative to having the matter heard before a court. The amount of the infringement notice is set at a figure lower than the maximum penalty that can be imposed by a court.

Licensees should be aware that payment of a fine may subsequently be taken into account in any disciplinary proceedings of the Victorian Commission for Gambling and Liquor Regulation (VCGLR) seeking suspension or cancellation of the licence.

NOTE: All government fees and fines are indexed annually. The dollar amounts shown in this document will change each financial year.

Compliance history risk fee

Certain breaches of the Act from the previous year may add additional costs to your liquor licence renewal fee. This is called a compliance history risk fee. Although there are many types of breaches under the Act, only six of these will trigger a compliance history risk fee. These breaches are listed in the table below.

Compliance History Trigger Offences	Section of the Act	Maximum penalty	Infringement notice
These offences are infringements which are taken into account when calculating the annual licence renewal fees.			
Supply liquor to intoxicated person	108(4)(a)	\$18,655	\$1866
Permit drunken/disorderly person on licensed premises	108(4)(b)	\$18,655	\$1866
Supply liquor to underage person, other than as permitted (licensee/permittee offence)	119(1)(a)	\$18,655	\$1866
Permit liquor to be supplied to underage person, other than as permitted (licensee/permittee offence)	119(1)(b)	\$18,655	\$1866
Liquor is supplied to underage person on licensed premises, other than as permitted	119(2)	\$18,655	\$1866
Permit underage person on licensed premises, other than as permitted	120(1)	\$18,655	\$1866

Sell/supply/consume liquor offences	Section of the Act	Maximum penalty	Infringement notice
Permit any other person to carry on the business of supplying liquor on licensed premises without the consent of the Commission	106(1)	\$9328	\$933
Sell liquor without a licence	107(1)	\$37,310 or 24 mths imprisonment	N/A
Supply liquor other than in accordance with licence	108(1)(a)(i)	\$9328	\$933
Permit/cause liquor to be supplied not in accordance with licence	108(1)(a)(ii)	\$9328	\$933
Permit consumption of liquor not in accordance with licence	108(1)(a)(iii)	\$9328	\$933
Supply liquor other than at licensed or authorised premises	108(1)(b)	\$9328	\$933
Take/receive liquor orders other than at a licensed premises	109(1)	\$2332	\$234
Unauthorised sale of liquor through vending machines	109A	\$9328	N/A
Bringing into/consuming liquor on licensed premises not in accordance with licence	111(a)	\$3887	\$389
Permit liquor to be brought into/consumed or supplied on licensed premises not in accordance with licence	111(b)	\$3887	N/A
Consume, supply, possess or permit liquor on unlicensed premises	113 (1)(1A) (1B) & (1C)	\$7773	\$311
Permit unauthorised consumption of liquor on party bus	113A (1)	\$7773	\$311
Obtain/consume liquor on licensed premises other than in accordance with the licence or the Act	114(1)(a)(i)&(ii)	\$3109	\$311
Falsely indicate that premises are licensed premises	116(a)	\$2332	\$233
Falsely indicate being licensed to supply/consume of liquor	116(b)	\$2332	\$233
Sale of alcohol-based food essences in container above permitted size	118A	\$4664	\$466

Intoxication/drunken offences	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to intoxicated person*	108(4)(a)	\$18,655	\$1866
Permit drunken/disorderly person on licensed premises*	108(4)(b)	\$18,655	\$1866
Procure liquor for intoxicated person	114 (1)(b)(i)	\$3109	\$311
Aid/abet intoxicated person to obtain liquor	114 (1)(b)(ii)	\$3109	\$311
Refusal or Failure by a person who is drunk, violent or quarrelsome, to leave licensed premises when requested	114(2)	\$7773	\$777

*see compliance history risk fee and trigger offences on the front page.

Signage/plans/licence display offences	Section of the Act	Maximum penalty	Infringement notice
Fail to display copy of licence at licensed premises	101	\$777	\$78
Failure to give a current plan or depiction of the licensed premises to the Commission	101A(3)	\$1555	N/A
Failure to keep a copy of the last plan or depiction of the licensed premises on the licensed premises	101B(1)	\$1555	N/A
Fail to produce a copy of the plan or depiction for inspection by a member of Victoria Police or a gambling and liquor inspector	101B(2)	\$1555	\$155
Fail to display notices as required by Commission	102(1)	\$777	\$78
Fail to display notice in form required by Commission	102(2)	\$777	\$78

Underage offences	Section of the Act	Maximum penalty	Infringement notice
Supply liquor to underage person, other than as permitted (licensee/permittee offence)*	119(1)(a)	\$18,655	\$1866
Permit liquor to be supplied to underage person, other than as permitted (licensee/permittee offence)*	119(1)(b)	\$18,655	\$1866
Liquor is supplied to underage person on licensed premises, other than as permitted*	119(2)	\$18,655	\$1866
Supply liquor to underage person (other persons)	119(3)	\$18,655	\$1866
Supply liquor to underage person by an employee, other than as permitted	119 (4)	\$3109	\$311
Permit underage person on licensed premises, other than as permitted*	120(1)	\$18,655	\$1866
Send underage person to obtain liquor	121	\$18,655	\$1866
Permit underage person to supply liquor on licensed premises, other than as permitted	122(1)	\$18,655	\$1866
Falsely represent oneself to be over 18 years	123(4)	\$777	\$78
Give evidence of age document to another	124(1)	\$3109	\$311
Deface/interfere with evidence of age document	124(2)	\$3109	\$311
Knowingly make false evidence of age document	124(3)(a)	\$3109	\$311
Knowingly give a false evidence of age document to another	124(3)(b)	\$3109	\$311
Supply false documents to obtain an evidence of age document	125(1)(a)	\$3109	\$311
Pass on any documents or material that does not relate to him or her for the purposes of evidence of age document	125(1)(b)	\$3109	\$311
Give a document or material to another person to support an application for a proof of age card that contains information that is false or misleading	125(2)	\$3109	\$311
Purchase/receive liquor, other than as permitted by persons under 18	123(1)(a)	\$777	\$78
Possess/consume liquor, other than as permitted by persons under 18	123(1)(b)	\$777	\$78
Enter/remain on licensed premises, other than as permitted by persons under 18	123(1)(c)	\$777	\$78

*see compliance history risk fee and trigger offences on the front page. These offences also affect the star rating and demerit point systems.

Responsible Service of Alcohol (RSA) training offences**	Section of the Act	Maximum penalty	Infringement notice
Failure by licensee (natural person) to complete an approved RSA program (either refresher or initial training) within 3 years of completing the last approved RSA program	108AA(2)	\$9328	\$933
Failure by licensee (body corporate) to ensure that the person responsible for the management or control of the licensed premises has completed an approved RSA program (either refresher or initial training) within 3 years of completing the last approved RSA program	108AA(3)	\$9328	\$933
Failure by the licensee to ensure that any person who sells, offers for sale or serves liquor on the licensed premises has completed an approved RSA program within the 3 years prior to beginning to sell, offer for sale or serve liquor on the licensed premises (New serving staff have a one month grace period to meet this requirement)	108AB(2)	\$9328	\$933
Failure by licensee to ensure that any person who sells, offers for sale or serves liquor on the licensed premises has completed an approved RSA program (either refresher or initial training) within 3 years of completing the last approved RSA program	108AC (2)	\$9328	\$933
Failure by the licensee to establish and maintain an approved RSA program register	108AD (2)	\$777	\$78
Failure by the licensee to produce an approved RSA program register	108AE (2)	\$777	\$78

** Applies to general, on-premises, packaged liquor and late night licence categories plus any other individual licence endorsed with RSA conditions.

Designated area/banning notices offences	Section of the Act	Maximum penalty	Infringement notice
Failure by licensee to comply with an advertising or promotion banning notice	115A	\$18,655	N/A
Refuse or give false particulars of name or address to Victoria Police for the purposes of a banning notice	148D(3)	\$777	N/A
Failure to comply with the request to provide name and address to Victoria Police for purposes of a banning notice, unless without reasonable excuse	148D(7)	\$777	N/A
Contravening a banning notice or failing to comply with Victoria Police direction	148F(1)&(2)	\$3109	\$311
Contravening an exclusion order or failing to comply with Victoria Police direction	148J(1)&(2)	\$9328	\$933
Knowingly permit a person to whom a banning notice or exclusion order applies to enter the licensed premises	148Q(1)&(2)	\$9328	N/A

Fire safety offences	Section of the Act	Maximum penalty	Infringement notice
Refusal or failure to comply with a requirement of a fire safety inspector	148Z	\$9328	N/A
Refuse to allow a fire safety inspector to enter licensed premises	148ZA	\$9328	N/A
Providing false or misleading particulars to a fire safety inspector	148ZB (a)&(b)	\$9328	N/A
Contravening a closure and evacuation notice or direction	148ZJ(1)	\$37,310	N/A
Failing to comply with a direction of a fire safety inspector or authorised person	148ZJ(2)	\$3109	\$311
Allowing a person to enter licensed premises after notice has been served	148ZK	\$18,655	N/A
Failure to display a sign about the notice at all entrances and exits	148ZL	\$1555	N/A

Barring order offences	Section of the Act	Maximum penalty	Infringement notice
Person who has been refused entry remains in the vicinity of the licensed premises	114(3)	\$3109	\$311
Person who has been refused entry re-enters the licensed premises	114(4)	\$3109	\$311
Failure to comply with barring order by entering or remaining on a licensed premises from which person is barred	106J(1)	\$3109	\$311
Failure to comply with barring order by re-entering or remaining in the vicinity of licensed premises from which person is barred	106J(2)	\$3109	\$311
Failure by licensee or permittee to keep record of barring order	106K(1)	\$777	\$78
Failure by licensee or permittee to produce records of barring orders where requested by Victoria Police or a gambling and liquor inspector	106K(2)	\$777	\$78
Licensee or permittee must not disclose barring order records except as required by the barring order provisions	106K(4)	\$777	\$78
Failure to destroy barring order records after 3 years	106K(5)	\$777	\$78
Failure to comply with request from Victoria Police to state name and address, or stating a name or address that is false	106H(3)(a)&(b)	\$777	\$78
Failure to produce evidence of name or address when requested	106H(7)	\$777	\$78

Other offences	Section of the Act	Maximum penalty	Infringement notice
Failure to notify the Commission within 14 days of a person ceasing to be a nominee	54(11)	\$777	78
Failure by owner or mortgagee to register name with the Commission	98(a)	\$777	\$78
Failure by owner or mortgagee to notify the Commission of any change of address	98(b)	\$777	\$78
Fail to provide refreshments on request at licensed premises	99	\$777	\$78
Failure to supply and have available suitable free drinking water on a licensed premises where alcohol is consumed on-site.	99A	\$4664	\$466
Fail to maintain residents' register in a form approved by the Commission	100(a)	\$1555	\$155
Fail to enter particulars in residents' register	100(b)	\$1555	\$155
Fail to keep residents' register on licensed premises	100(c)	\$1555	\$155
Permit/cause/make any false or misleading entries in the residents' register	100(d)	\$1555	N/A
Fail to produce residents' register for inspection by Victoria Police or a gambling and liquor inspector	100(e)	\$1555	\$155
Fail to notify Commission of cessation of company director within 14 days	103(1)	\$777	\$78
Fail to have the director of a body corporate approved by the Commission	103(2)	\$777	\$78
Failure to notify the Commission within 14 days that a person has ceased or has become an associate	103A(2)	\$777	\$155
Letting or sub-letting licensed premises, or the right to supply liquor, without consent of the Commission	105(1)	\$9328	\$933
Failure to notify the Commission in writing within 21 days of commencing to provide sexually explicit entertainment on the licensed premises	106B	\$1555	\$155
Permit unlawful games on licensed premises	108(1)(d)	\$9328	\$933
Fail to provide details of directors to a member of Victoria Police or a gambling and liquor inspector	108B(1)	\$1555	\$155
Failure by a licensee who is a club, to give a list of the names and addresses of members in its committee of management, to a member of Victoria Police or a gambling and liquor inspector	108B(2)	\$1555	\$155
Provide false or misleading information to a member of Victoria Police or gambling and liquor inspector	108B(3)	\$3109	N/A
Purporting to order or purchase packaged liquor from a licensee by a business acting on behalf of another person	110	\$2332	N/A
Keep liquor for supply or consumption in unlicensed club premises	112(1)	\$3887	N/A
Obtaining liquor by falsely representing oneself to be a resident of a licensed premises	114(1)(c)	\$3109	\$311
Permit betting on licensed premises, other than as permitted	115(1)	\$3109	\$311
Procuring a transfer of a licence or a BYO permit by fraud	117(1)	\$7773	N/A
Making a false or misleading statement	118(1)	\$9328	N/A
Refuse to give particulars of name or address or age	126(4)(a)	\$2332	\$233
Give false particulars of name or address or age	126(4)(b)	\$2332	\$233
Give false evidence of name or address or age	126(4)(c)	\$2332	\$233
Refuse or fail to give name and address to authorised persons*	130A(3)(a)	\$3109	\$311
Give false name or address to authorised persons	130A(3)(b)	\$3109	\$311
Obstruct authorised person from performing their duty under the Act	130E	\$9328	N/A

* For the purposes of this document, an authorised person means a Commissioner, a gambling or liquor inspector or a member of Victoria Police.

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.