

# Transfer an existing licence or permit

MARCH 2016  
CD/16/89661

**This kit contains all the forms and related materials required to transfer an existing licence in Victoria.**

## Items

1. Useful information
2. Definitions
3. Lodgement checklist
4. Application form – Transfer an existing licence or permit
5. Right to occupy the premises declaration
6. Questionnaire
7. Companion guides:
  - ‘Training for licence applicants’ fact sheet
  - ‘Plans of licensed premises’ fact sheet
  - ‘Maximum patron capacity’ fact sheet

To confirm the current fee, please refer to 'Liquor licence fees' on our website at [vcglr.vic.gov.au](http://vcglr.vic.gov.au)

## Need help?

For more information on how to apply for a liquor or gambling licence or permit:

- visit the Victorian Commission for Gambling and Liquor Regulation (VCGLR) website at [vcglr.vic.gov.au](http://vcglr.vic.gov.au)
- telephone the VCGLR on 1300 182 457
- email the VCGLR at [contact@vcglr.vic.gov.au](mailto:contact@vcglr.vic.gov.au)



## Useful information

# Transfer an existing licence or permit

## Who may apply for the transfer of a licence?

An application to transfer a liquor licence can be made by either:

- the current licensee and the proposed licensee, or
- the owner or mortgagee of the licensed premises and the proposed licensee if the existing licensee has been evicted or has ended the tenancy, or deserted the premises.

## Application fee

The application fee must be paid at the time of application. There is no GST payable on this fee. Please refer to the 'Liquor licence fees' fact sheet for current details. The fee can be paid by cheque, money order or credit card. Cheques and money orders are to be made payable to 'Victorian Commission for Gambling and Liquor Regulation'.

## Declaration of the right to occupy the premises

For a licence to be issued, the proposed licensee must have the right to occupy the premises. You will need to provide a declaration of your right to occupy the premises once the lease agreement has been executed and/or settlement has occurred for the sale of the property and/or you have otherwise acquired the legal right to occupy the premises (i.e. you are the freehold owner of the premises, the Certificate of Title is in your name, your name is on the executed lease agreement, etc).

If you do not have the right to occupy when you lodge your application, you will need to provide a declaration once you have acquired the right to occupy the premises. Please send or email the VCGLR your declaration.

## You cannot supply alcohol until your application is approved

The transferee (proposed licensee) cannot supply alcohol until the transfer application is granted by the VCGLR and their name is on the premise's liquor licence.

## Maximum patron capacity

One of the following three documents is required to assist the VCGLR in determining a maximum patron capacity:

- a) the most recently issued planning permit which contains a maximum patron capacity  
or
- b) a copy of an occupancy permit showing a prescribed patron capacity  
or
- c) a report from a registered building surveyor that states:
  - the area in square metres available to the public for the whole of the internal premises (excluding toilets, passageways and the like) and (if applicable) for any external areas such as courtyards or decks  
and
  - the number of patrons that may be accommodated on the internal premises and (if applicable) on any external areas of the premises based on a ratio of one person per 0.75 square metres  
and
  - the number of patrons that may be accommodated based on the Building Code of Australia. Please ensure that the report displays the building surveyor registration number.

For more information please refer to the 'Maximum patron capacity' fact sheet.

## Red line plan

Please ensure you have viewed the current red line plan, which is a defined area where liquor can be supplied and/or consumed.

If you have not viewed the red line plan, please contact the VCGLR and a red line plan can be emailed to you at no charge. If you intend to alter the red line area (i.e. by extending or incorporating new areas), a separate variation application will need to be lodged.

## Variations

If you wish to vary the trading hours or conditions of the licence or intend to increase the size of the licensed area from what the VCGLR has authorised under an existing approval plan, you will need to complete the relevant variation form(s) found on the VCGLR website.

A variation application process will take longer than a transfer application process in most cases. As part of the variation application, the VCGLR requires the applicant to display a public notice on the site or premises for 28 days to allow members of the public the right to object to the grant of your variation application. All objections must be made within 30 days of the notice being first displayed.

This does not apply for a BYO permit application variation.

## Definitions

# Transfer an existing licence or permit

## Associate

According to the *Liquor Control Reform Act 1998*, an associate of an applicant is:

- (a) a person who:
  - (i) holds or will hold any **relevant financial interest**, or is or will be entitled to exercise any **relevant power** (either in his or her own right or on behalf of another person) in any business of the applicant involving the sale of liquor, and
  - (ii) by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that business, or
- (b) a person who is or will be a director (either in his or her own right or on behalf of another person) of any business of the applicant involving the sale of liquor, or
- (c) if the applicant is a natural person, a **relative** of the applicant unless the relative:
  - (i) is not, and has never been, involved in any business of the applicant involving the sale of liquor, or
  - (ii) will not be involved in the business the applicant proposes to conduct as licensee.

Where:

**'relative'** in relation to the applicant means:

- (a) the spouse or domestic partner of the applicant, or
- (b) a parent, son, daughter, brother or sister of the applicant, or
- (c) a parent, son, daughter, brother or sister of the spouse or domestic partner of the applicant.

**'relevant financial interest'** in relation to the business involving the sale of liquor means:

- (a) any share in the capital of the business, or
- (b) any entitlement to receive any income derived from the business, or
- (c) any entitlement to receive any payment as a result of money advanced.

**'relevant power'** means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others:

- (a) to participate in any directorial, managerial or executive decision, or
- (b) to elect or appoint any person as a director.

## Body corporate

A body corporate is an organisation which has a separate legal status to its members (i.e. it can own property, sue and be sued, and enter into contracts in its own name). Examples of body corporates include companies, incorporated associations, incorporated partnerships, municipal councils and co-operatives. Unincorporated clubs/associations and unincorporated partnerships are not body corporates. A minimum of one director must reside in Victoria unless a proposed nominee has been nominated.

## Licensee

A licensee is the holder of a liquor licence.

## Nominee

A body corporate may apply to the VCGLR for the approval of a person to be the nominee of the proposed licensee. Once approved, the nominee then becomes liable as if he or she were the licensee or permit holder. The nominee will cease being a nominee if he or she ceases to manage or control the licensed premises. Where this occurs, the licensee or permit holder needs to notify the VCGLR within 14 days. The nominee must reside in Victoria.

## Permit holder

A permit holder is the holder of a BYO permit.

## Proposed licensee

The proposed licensee is the proposed new holder of a licence or permit.

**Privacy** – the Victorian Commission for Gambling and Liquor Regulation is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014* and its obligations under the *Liquor Control Reform Act 1998*. All information provided in this application is available for public viewing, except for the questionnaire form (if applicable) which is forwarded to and retained by Victoria Police.

# Transfer an existing licence or permit

This checklist details the documents required to accompany your application. Supplying these with your application will allow the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to commence assessment of the application and can reduce processing time. Your application may be returned if the accompanying documents do not meet the requirements below.

The VCGLR may contact applicants to request additional documentation depending on the circumstances of their business. All forms and fact sheets referred to are available on the VCGLR website [vcglr.vic.gov.au](http://vcglr.vic.gov.au).

### Please tick relevant boxes to ensure the following forms/documents are attached to this application

- |  |   |
|--|---|
| <input type="checkbox"/> <b>Application form</b><br>Please ensure: <ul style="list-style-type: none"><li>• all fields on the application form are completed</li><li>• the nature of the business including likely trading hours and peak periods of trade is outlined</li><li>• the application form is signed and dated by the applicant</li><li>• that correct fees are attached, as detailed in the 'Liquor licence fees' fact sheet.</li></ul> | <input type="checkbox"/> <b>Questionnaire</b><br>Each person listed on the application, including any nominee, <b>must</b> complete a 'Questionnaire' attached in this application kit. For companies, partnerships or clubs, questionnaires are required from each director, partner or executive committee member respectively. Questionnaires will only be accepted if they are dated within the last three months.  |
| <input type="checkbox"/> <b>Responsible Service of Alcohol (RSA) training</b><br>Evidence of completion on an approved RSA training course for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.  | <input type="checkbox"/> <b>Maximum patron capacity documents (if applicable)</b><br>Patron capacity is the maximum number of patrons allowed on the licensed premises at any one time. Please refer to the 'Maximum patron capacity' fact sheet and the useful information section.  |
| <input type="checkbox"/> <b>New entrant training</b><br>A copy of an approved new entrant training certificate for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.  | <input type="checkbox"/> <b>Business name certificate</b><br>A business name certificate is required if an individual or partnership is applying for a liquor licence, or if the trading name of the business registered with Australian Securities and Investment Commission (ASIC) is different to the company's name or incorporated club's name. A copy of the business name certificate from ASIC is required. To register your business name, go to the ASIC website at <a href="http://asic.gov.au">asic.gov.au</a> for further information. |
| <input type="checkbox"/> <b>Declaration of the right to occupy the premises</b><br>For a licence to be issued, the proposed licensee must have the right to occupy the premises. If you already have the right to occupy the premises, you must sign and attach the declaration provided at the end of this form.  |   |

### What happens next

If your application is accepted, you will be emailed or sent an acknowledgement letter. This will confirm that the VCGLR has received your application and outline any further information required and the date by which it must be submitted. Once the VCGLR has received all required information and documents, your application will be determined. You will be advised of the outcome in writing.

### How to lodge this form

#### By post

Victorian Commission for Gambling and Liquor Regulation  
GPO Box 1988, MELBOURNE VIC 3001

#### In person

Victorian Commission for Gambling and Liquor Regulation  
49 Elizabeth Street, RICHMOND

#### By email

[contact@vcglr.vic.gov.au](mailto:contact@vcglr.vic.gov.au)



# Transfer an existing licence or permit

Liquor Control Reform Act 1998

OFFICE USE ONLY

03/16

Date Rec'd / /

Receipt No. \_\_\_\_\_

File No. \_\_\_\_\_

## 1. Details of premises

Licence or permit number

Business trading name of licensed premises

Owner of licensed premises

Street address of licensed premises


Postcode

## 2. Details of current licensee or owner/mortgagee

Who is the current licensee?

- The current licensee/permit holder **OR**
- The owner/mortgagee of the licensed premises because the licensee/permit holder has been legally evicted or has deserted the licensed premises

Name of current licensee/permit holder or owner/mortgagee  
(person/partnership/company/club)

Australian Business Number/Australian Company Number

Contact name

Daytime telephone number

Signature of current licensee

Who must sign this application – If the licensee/permit holder or owner/mortgagee is:

- A person** – That person      **A partnership** – All partners  
**A company** – One director of the company      **A club** – One committee member

Signature

Date

Print name and position

Signature

Date

Print name and position

## 3. Details of proposed licensee

Type of proposed licensee (tick one box)

- Person       Partnership  
 Company       Club

Name of proposed licensee or permit holder  
(person/partnership/company/club)

Australian Business Number\*/Australian Company Number\*\*

Contact name (business hours contact details)

Email address

Daytime telephone number (business hours contact details)

Mobile telephone number (business hours contact details)

Postal address for service of documents at


Postcode

\* ABN is a unique identifier issued by the Australian Business Register which is operated by the Australian Tax Office.

\*\* ACN is a unique nine-digit number issued by the Australian Securities and Investments Commission to companies.

- Correspondence may be sent by email. Please mark the box if you DO NOT wish to receive correspondence by email.



Give details of each person, partner, director, company secretary or executive committee member who is part of this application (if more than 4 people, attach a separate page which lists all names and addresses).

Each individual listed below will need to complete a 'Questionnaire', which forms part of this application.

Full name	Residential address	Position held/Relationship to applicant (i.e. director, company secretary, etc.)

#### 4. Authorised representative

The proposed licensee can authorise a person or an organisation (such as a legal representative) to access and discuss details about this application.

Do you want an authorised representative to make enquiries and provide information on your behalf regarding this application?

- NO  
 YES – please provide details below

Contact name

Organisation name

Daytime telephone number

Mobile telephone number

Postal address for service of documents


Postcode

Email address

- Correspondence may be sent by email. Please mark the box if you DO NOT wish to receive correspondence by email.

#### 5. Declaration of associates

The proposed licensee must provide the names, dates of birth and addresses of their associates. If the proposed licensee is a body corporate, this should include associates of the directors. Before completing this application for a liquor licence, ensure that you read and understand the explanation of what is meant by 'associate' on the Definitions section of this application form.

Associates are **not** required to complete a Questionnaire.

- The proposed licensee has no associates as defined in the *Liquor Control Reform Act 1998* OR  
 The names of all the proposed licensee's associates are (attach another sheet if necessary):

Full name	Residential address	Associate's relationship to proposed licensee	Date of birth
			/ /
			/ /
			/ /
			/ /

#### 6. Nominee details – body corporate only (body corporate can be companies, incorporated associations, incorporated partnerships, municipal councils and co-operatives)

A body corporate may apply for approval of a person as nominee of the applicant. The nominee must complete a 'Questionnaire'.

Please refer to the 'Training for licence applicants' fact sheet to determine if the nominee requires new entrant and/or RSA training.

Name of proposed nominee\*

\* Once approved, the nominee then becomes liable as if he or she were the licensee or permit holder. Please refer to the Definitions section.

## 7. Proposed person in day-to-day management or control of premises (body corporate only)

It is **MANDATORY** for body corporate applicants (company, incorporated association, a co-operative or a municipal council) to nominate the person in management or control of the premises who will run the day-to-day operations of the business.

Name of proposed person in management or control of premises

Daytime telephone number/mobile telephone number

The person who will be in management and control of the licensed premises must complete a VCGLR approved RSA training course and details of course completion must be provided on the 'Mandatory training' section.

## 8. Business trading name details

Will you be trading under a new business name?

YES – please provide the new business name below\*  
(as stated on your certificate of registered business name)

\* Please tick that you have attached a copy of your business name certificate from ASIC as it is required in order to finalise processing of your application (see lodgement checklist for further information)

Australian Business Number/Australian Company Number

NO

Note: If you will be trading under the existing business trading name it is your responsibility to transfer the business name with ASIC.

## 9. Nature of the business

Provide details of the nature of the business you are intending to conduct. Please note that if you are changing the nature of the business, a 'Variation to category of licence' application may need to be submitted. Contact the VCGLR for more details.


Some licensees choose not to open for the full amount of time they are licensed. What days and hours do you think you will trade?

What would be your likely peak periods of trade during the week (i.e. Monday to Sunday)?

How many patrons do you expect to have during your peak trading hours?

Are there any other variations that you may want to make to the licensed premises or liquor licence conditions?

YES

NO

If yes, please refer to the Variations information in the 'Useful Information' section, contact the VCGLR for further information or visit the VCGLR website.

## 10. Mandatory training - new entrant training and Responsible Service Alcohol (RSA) training

Please refer to the 'Training for licence applicants' fact sheet to determine if you require new entrant and/or RSA training.

Have all required person(s) completed a VCGLR approved **new entrant training** course?

YES – please attach a copy of your certificate.

NO – a copy of your certificate must be attached or this application form may be returned.

Have all required person(s) completed a VCGLR approved **RSA training** course within the past three years?

YES – please provide details below.

NO – details of course completion must be provided below or this application form may be returned.

Full name	Position	RSA Certificate number	Date of Completion	Training Provider





## Mandatory training (cont'd)

Full name	Position	RSA Certificate number	Date of Completion	Training Provider

## 11. Right to occupy

For a licence to be issued, the proposed licensee must have the right to occupy the premises. You will need to provide a declaration of your right to occupy the premises once the lease agreement has been executed and/or settlement has occurred for the sale of the property and/or you have otherwise acquired the legal right to occupy the premises.

- Please tick that you have attached the 'Right to occupy declaration' form with your application if you already have the right to occupy the premises to which this application relates.

If you do **not** have the right to occupy the premises to which this application relates, please provide the proposed date on which you expect to have the right to occupy the premises.

**Please send or email the VCGLR your declaration once you have the right to occupy the premises. The VCGLR cannot finalise your application until this declaration has been received.**

## Signature by proposed licensee

**Who must sign this application – If the proposed transferee is:**

**A person –**  
That person

**A company –**  
One director of the company

**A partnership –**  
All partners

**A club–**  
One committee member

**I/ we declare/certify that:**

- the information contained in this application, including attachments is true and correct.
- the existing approved plan of the licensed premises held by the VCGLR accurately depicts the floor layout of the premises.
- if a body corporate applicant, I am authorised to sign this application on behalf of the body corporate.

Signature

Date

Print name and position

Signature

Date

Print name and position

Signature

Date

Print name and position

Signature

Date

Print name and position

It is an offence under section 118 of the *Liquor Control Reform Act 1998* to make a statement that is false or misleading in relation to this application. An offence under section 118 of the *Liquor Control Reform Act* carries a maximum penalty of 60 penalty units.

## Payment method

Please select your payment method:

- Cheque       Money order       Credit card

For credit card payments, please enter your payment details on the next page.





## Credit card payment details

Visa     Mastercard     Amex

Amount

Card number

Name of cardholder

Card expiry date

 / 

Daytime telephone number of cardholder

Signature

Date

**Privacy** – the VCGLR is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014* and its obligations under the *Liquor Control Reform Act 1998*. This page will be destroyed once your payment has been processed.

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# Declaration - right to occupy

Liquor Control Reform Act 1998

Date rec'd / /

File no. \_\_\_\_\_

For a liquor licence to be issued, the proposed licensee must have the right to occupy the premises. A right to occupy the premises may arise from being a tenant under a lease agreement, as a freehold owner of the property, or through some other legal arrangement.

If you do not have the right to occupy the premises when you lodge your liquor licence application, you will need to sign this declaration once you have acquired the right to occupy the premises. Please mail or email your declaration to the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

## Section A: Declaration of the right to occupy the premises

(Please fill out the section that applies to your situation)

### 1. Freehold owner of property

I ..... declare that I am the freehold owner of the premises and have the right to occupy the premises at:

Address of premises

.....  
 .....  
 .....  
 Postcode

➡ Please proceed to Section B if you are a transfer applicant, if not proceed to Section C.

### 2. Tenants of premises

I ..... declare that I am the tenant of the premises and have the right to occupy the premises at:

Address of premises

.....  
 .....  
 .....  
 Postcode

➡ Please proceed to Section B if you are a transfer applicant, if not proceed to Section C.

### 3. Legal right to occupy premises

I ..... declare that I have acquired the right to occupy the premises at:

Address of premises

.....  
 .....  
 .....  
 Postcode

Please specify how you have acquired the right to occupy the premises:

.....  
 .....

➡ Please proceed to Section B if you are a transfer applicant, if not proceed to Section C.

## Section B: Date of settlement (transfers only)

Please specify the date settlement occurred: Date

Do not proceed to Section C if settlement has not occurred. The VCGLR cannot finalise your transfer application until this section has been completed.

## Section C: Applicant and witness declaration

Who must declare?

If the applicant or proposed licensee is:

- **A person:** That person
- **A company:** One director of the company
- **A partnership:** All partners\*
- **A club:** One committee member

(If a body corporate applicant) I am authorised to sign this application on behalf of the body corporate.

I ..... declare (Name of applicant)

that this statement is true and correct and that I am authorised to sign this declaration. I declare this in the presence of:

..... (Name of witness)

Signature of applicant

X  Date

Signature of witness\*\*

X  Date

Daytime contact number of witness

**It is an offence under section 118 of the Liquor Control Reform Act 1998 to make a statement that is false or misleading in relation to this application. Penalties may apply.**

**\* Please fill out and attach additional copies of this declaration if two or more signatures are required.**

**\*\* Any competent adult can be a witness.**

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# Questionnaire

*Liquor Control Reform Act 1998***OFFICE USE ONLY**

03/16

Date rec'd / /

File no. \_\_\_\_\_

The following information is required from each applicant for a liquor licence or permit. If the application is from a company, partnership or club, a questionnaire is required from each director, partner or executive committee member. If a nominee is to be appointed, then he or she is also required to provide the following information.

**Important information you must read and note before completing this form**

The information supplied on this form to the Victorian Commission for Gambling and Liquor Regulation (the Commission) will be disclosed to Victoria Police as part of your application under the *Liquor Control Reform Act 1998* (the Act). Victoria Police will use the information you supply to make an informed decision on whether to object to your application on the grounds that you or anyone named on this form are not suitable to be involved directly or indirectly in the sale of liquor.

**Please Note:**

- Complete all sections of this form in **BLOCK CAPITALS ONLY**.
- If you require any help in completing this form, assistance can be obtained from a legal practitioner or liquor consultant.
- Failure to provide requested information (no matter how minor) may be detrimental to the outcome of your application.
- Having a criminal record in itself may not prevent you or a body corporate you are involved with from being successful with your application.
- It is a criminal offence under Section 118 of the Act to provide false or misleading statements.

**Personal information**

Family name

First given name

Second given name

Date of birth

 Male Female**Residential address**

Flat/unit number Street number Lot number

Street name

Town/suburb

Postcode

State

**Contact details**

Home phone (incl. area code)

Mobile phone

Business phone (incl. area code)

Fax number (incl. area code)

Email address (please indicate correct case)

Driver licence number

State of issue

**Business address**

Flat/unit number Street number Lot number

Street name

Town/suburb

Postcode

State

**Business details**

Name of business

Details of any other person who will, or is likely, to or is likely to directly or indirectly have a management role or exercise control over the business.

Family name

First given name

Date of birth

 Male Female*continued over the page*

## Business details *continued*

Family name

First given name

Date of birth

Male

Female

If you require further space, please photocopy this section and attach it to the questionnaire.

## Criminal and other proceedings history

Have you ever been convicted of any offence in Australia or overseas? (not including traffic offences)

No

Yes  provide details in the history detail section

Have you been found guilty of any offence in Australia or overseas? (includes findings without conviction and good behaviour bonds) (not including traffic offences)

No

Yes  provide details in the history detail section

Have you ever been the subject of a diversion order?

No

Yes  provide details in the history detail section

Do you have any charges pending against you?

(not including traffic offences)

No

Yes  provide details in the history detail section

Have you ever been charged with drink driving or driving whilst disqualified?

No

Yes  provide details in the history detail section

Has the Commission (or prior to 6 February 2012, the Director of Liquor Licensing or VCAT) previously made a finding that you were unsuitable under the Act?

No

Yes  provide details in the history detail section

Have police previously objected to your suitability in an application under the Act?

No

Yes  provide details in the history detail section

Have you, or have you been a director or a nominee of a body corporate and been found guilty of an offence under the Act?

No

Yes  provide details in the history detail section

Have you, as an individual received an infringement notice, or been a director or nominee of a body corporate that has received an infringement notice under the Act?

No

Yes  provide details in the history detail section

Have you been a director, nominee of a licensee, or a person who was concerned in or who took part in the management of licensed premises, that was the subject of a disciplinary action under the *Victorian Commission for Gambling and Liquor Regulation Act 2011* or a disciplinary hearing (VCAT) under the *Liquor Control Reform Act 1998*?

No

Yes  provide details in the history detail section

Has a licensed venue where you have been a director, nominee or licensee incurred liquor licence demerit points?

No

Yes  provide details in the history detail section

## History details

If you have answered yes to any of the questions under the criminal and other proceedings history section, please provide full details below:

Date

Court

Offence

Result

Date

Court

Offence

Result

If you require further space, please photocopy this section and attach it to the questionnaire.

## Personal bankruptcy

Are you currently insolvent or under administration?

No

Yes  provide full details

Have you ever been declared bankrupt?

No

Yes  provide full details

**Please ensure this form is completed in full, as incomplete, or partially completed forms may require you to submit a further questionnaire and will delay your application.**

## Signature of applicant

I acknowledge that this declaration is true and correct and is made in the belief that a person making a false declaration is liable to prosecution for making a misleading statement.

Date

Name



## Victorian Commission for Gambling and Liquor Regulation

### Liquor licensing fact sheet

## Training for liquor licence applicants

Training for licence applicants helps potential licensees to understand their obligations under the *Liquor Control Reform Act 1998*. Applicants must complete mandatory training requirements before a liquor licence is granted. There are two courses that applicants must complete. These are:

- A. New entrant training
- B. Responsible Service of Alcohol (RSA)

It is the applicant's responsibility to ensure the correct course is completed and to provide evidence of completion with their application.

### A. New entrant training

#### What is new entrant training?

New entrant training is a training course developed by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to ensure that liquor licence applicants have an adequate knowledge of the liquor law. This includes:

- liquor licensing legislation
- understanding liquor licence obligations
- best practice in managing licensed premises.

Section 44 (2)(iii) of the *Liquor Control Reform*

*Act 1998* (the Act) provides that the VCGLR may refuse to grant a liquor licence application if the applicant does not have an adequate understanding of the Act.

#### What must I do?

Applicants are required to complete one of the following approved training courses to meet the new entrant training requirement:

- Achieve Liquor Licence Compliance
- Licensees' First Step
- Licensee Compliance Certificate
- Victorian Licensee's Training Course, or
- Club Seminar (restricted club or renewable limited club licence applicants only).

#### Where can I find a Registered Training Organisation?

There are a number of Registered Training Organisations (RTOs) that provide new entrant training. Please refer to the VCGLR website at [vcglr.vic.gov.au](http://vcglr.vic.gov.au) for a list of RTOs that provide new entrant training.

#### Which licence applications require evidence of new entrant training?

Applications for the following licences require evidence that the applicant has completed new entrant training:

- general
- on-premises
- packaged liquor
- late night (general, on-premises and packaged liquor)
- restaurant and cafe
- full club
- restricted club
- wine and beer producer's
- renewable limited
- transfer of an existing licence or permit.

#### Who must complete new entrant training?

The list below identifies who will need to complete new entrant training. If applying as:

- individuals – all natural persons
- partnerships – all partners
- company (body corporate) – at least one director
- club – at least one committee member
- association – at least one committee member.

In addition:

- all persons being appointed as a liquor licence nominee must complete new entrant training.
- all applicants seeking approval to sublet any part of the licensed premises, or to carry on the business of supplying liquor on the licensed premises, must complete new entrant training.



## B. Responsible Service of Alcohol (RSA)

### What is Responsible Service of Alcohol (RSA) training?

RSA training provides licensees and staff who work in licensed venues with the skills and knowledge necessary to contribute to a safe, enjoyable environment in licensed premises.

### Which licence applications require evidence of RSA training?

Applications for the following licences require evidence that the applicant has completed RSA training:

- general
- on-premises
- packaged liquor
- late night (general, on-premises and packaged liquor)
- restaurant and cafe
- full club
- restricted club
- wine and beer producer's
- renewable limited (only where face-to-face sales occur)
- transfer of an existing licence or permit.

### Who must complete RSA training?

The list below identifies who will need to complete RSA training. If applying as:

- individuals – all natural persons
- partnerships – all partners
- body corporate applicants (companies, incorporated associations, co-operatives or municipal councils,) – the person who is or will be in management and control of the licensed premises and who will run the day-to-day operations of the business.

**Evidence of an approved new entrant and approved RSA training course must be provided to the VCGLR prior to a liquor licence being granted, transferred or endorsed. You will be required to provide this evidence with submission of your application.**

For further information including frequently asked questions about new entrant and RSA training requirements, please visit the VCGLR website at [vcglr.vic.gov.au](http://vcglr.vic.gov.au).

Note: Body corporate applicants must advise the VCGLR of the name of the person who manages or will manage the day-to-day operations of the business on the application form.

### Where can I find a Registered Training Organisation?

There are a number of registered training organisations that provide RSA training. Please refer to the VCGLR website at [vcglr.vic.gov.au](http://vcglr.vic.gov.au) for a list of RTOs that provide RSA training.

### I've previously completed an RSA course, is it still valid?

The approved RSA training course must have been completed within the past three years.

If you completed your RSA training course more than three years ago, you can complete a RSA refresher course online at [vcglr.vic.gov.au](http://vcglr.vic.gov.au).

### Can I be exempted from RSA training?

In exceptional circumstances, a liquor licence applicant may seek an exemption from one or all of the RSA training obligations.

General, on-premises, packaged liquor or late night (general, on-premises and packaged) licence applicants must complete the 'Application for the exemption from the Responsible Service of Alcohol training requirements' form available at [vcglr.vic.gov.au](http://vcglr.vic.gov.au).

All other liquor licence applicants are required to write a letter to the VCGLR detailing the reasons for seeking an exemption before the licence is granted.

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## Victorian Commission for Gambling and Liquor Regulation

### Liquor licensing fact sheet

## Plans of licensed premises

When a liquor licence or BYO permit is granted, it is for a defined area where liquor can be supplied and/or consumed. This is shown by a red-line drawn on a plan of the premises. This plan needs to be submitted to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) as part of the application process and may be required upon request at any time.

### The plan of the premises must accompany applications for:

- a licence or BYO permit excluding a pre-retail licence or a BYO permit for party bus
- a variation of a licence or BYO permit that involves a change to the size or perimeter of the licensed premises
- a transfer of a licence or BYO permit if the current floor layout of the premises differs from the plan held at the VCGLR
- the relocation of a licence or BYO permit.

Four copies of the plan should be lodged when submitting an application form.

### Why do I need to submit four copies of the plan?

Four copies are required to enable:

- a copy to be endorsed as an approved plan and retained by the VCGLR
- a copy to be provided to Victoria Police as part of the application process
- a copy to be provided to the relevant local council as part of the application process
- an approved copy to be provided to the applicant on the grant of an application.

### Plan of premises should be given to the VCGLR if internal changes are made.

If a change is made to the internal area of licensed premises (for example, by adding or removing a particular structure), the licensee should submit an updated plan of the licensed premises.

### Plan of the premises to be given to the VCGLR if requested

In addition to the above, section 101A of the *Liquor Control Reform Act 1998* provides that the VCGLR may at any time request that a licensee submit a current plan of a licensed premises.

### What form should a plan take?

The VCGLR has specified that a plan must contain the following elements:

- be on suitably sized paper, minimum A4 size (graph paper is not acceptable)
- be drawn in ink and be neat and legible
- show the floor plan(s) of the owned or leased property
- outline in red the boundaries of the proposed area to be licensed
- if the proposed area does not follow a physical barrier (such as a wall), describe what is being used to separate the area
- show clear and consistent measurements on the plan
- include the address of the premises
- include a compass point showing north and names of the surrounding streets
- show basic functions or fixtures, for example, bar and dining area/kitchen area or in the case of a packaged liquor outlet, shelf areas where alcohol is displayed and the cash register is located
- a plan should be drawn to a suitable scale so that all elements above are clearly identified. A suggested scale is 1:100 (1 cm = 1m).

## Restaurant and cafe licences and On-premises licences

If applying for kerbside trading, identify the area to be licensed and separately outline this area in red on the plan. The VCGLR will mark this area with an A.A on the approved copy of the plan. This area is referred to as the Authorised Area.

### General licences

A general licence authorises the supply of liquor to patrons for consumption off the licensed premises, being a footpath or kerbside area. Therefore this area does not need to be identified on the plan.

Please note that licensees must comply with relevant local planning laws.

Where a proposed licensed or authorised area includes large outdoor spaces, a separate site plan must be provided that shows:

- the entire site including internal and external areas drawn to a suitable scale
- outline in red the proposed area that is to be licensed

- clear descriptions of how the proposed outdoor area will be distinguished (for example, fence, portable barriers, warning signs).

If the plan does not meet these requirements, the applicant will be required to resubmit the plan.

## What am I required to do with my approved plan?

A copy of the approved plan must be kept on the licensed premises and must be available for inspection on request by a member of Victoria Police or a Compliance Inspector.

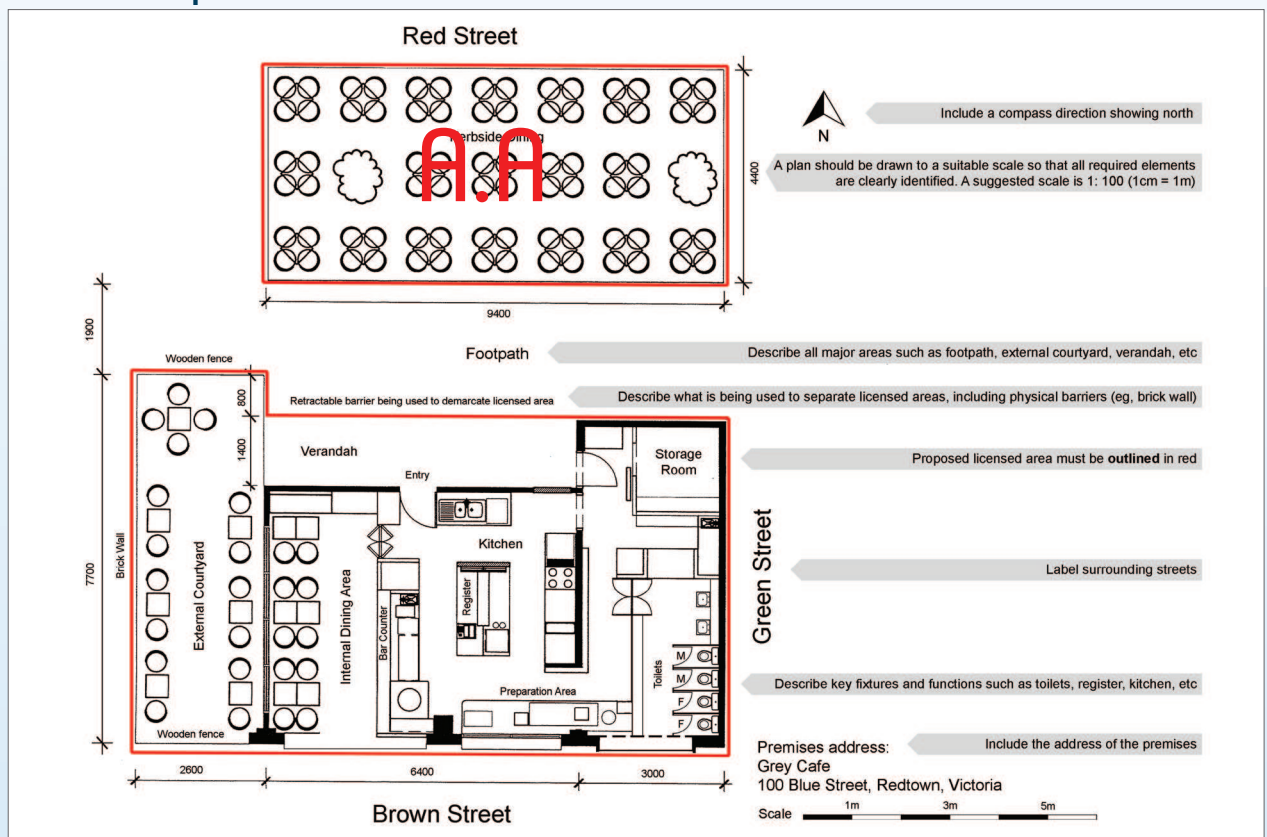
Failure to keep a copy of the plan on the licensed premises or produce a copy of the plan for inspection could result in a fine being issued.

## Where can I get a copy of my approved plan?

If you do not have a copy of your approved plan, you can obtain a copy from the VCGLR at no extra cost.

An example of a plan is provided below.

## Plan Example



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## Victorian Commission for Gambling and Liquor Regulation

### Liquor licensing fact sheet

## Maximum patron capacity

The Victorian Commission for Liquor and Gambling Regulation (VCGLR) has a maximum patron capacity policy that guides how patron capacity is determined for a liquor licence.

Maximum patron capacity is the maximum number of patrons allowed on a licensed premises at any one time. This is to prevent overcrowding inside the venue and to minimise impacts on local amenity. Patron capacity may be used to calculate the annual licence fee payable by each licensee.

Applicants will be required to provide specific documentation in order for the VCGLR to determine and endorse maximum patron capacity for a premises.

Under the *Liquor Control Reform Act 1998* the VCGLR can set a maximum patron capacity as a condition of a liquor licence. This is enforceable, and penalties apply for licensees who do not comply.

### Which licences have a maximum patron capacity?

Maximum patron capacity will be endorsed in respect of applications for the following new licences:

- general
- on-premises
- restaurant and cafe
- late night (on-premises and general)
- full club
- restricted club.

Some existing licences may also be endorsed with maximum patron capacities.

Maximum patron capacities may also be required on some major event licences where appropriate.

### What documents need to be provided?

One of the following three documents is required in order to determine the maximum patron capacity:

- the most recently issued planning permit which contains a maximum patron capacity or
- a copy of an occupancy permit showing a prescribed patron capacity or
- a report from a registered building surveyor that states:
  - the area in square metres available to the public for the whole of the internal premises (excluding toilets, passageways and the like) and (if applicable) for any external areas such as courtyards or decks and
  - the number of patrons that may be accommodated on the internal premises and (if applicable) on any external areas of the premises based on a ratio of one person per 0.75 square metres and
  - the number of patrons that may be accommodated based on the Building Code of Australia. Please ensure that the report displays the building surveyor registration number.

**Note:** The VCGLR may request a building report from a registered building surveyor showing a calculation based on a ratio of one person per 0.75 square metres if the VCGLR considers that the capacity provided in the planning or occupancy permit is inaccurate or inappropriate.

## Restaurant and cafe licences

For restaurant and cafe licences, tables and chairs must be available for at least 75 per cent of patrons. For example, if the licence states that maximum patron capacity is 100 patrons then there must be tables and chairs available for at least 75 patrons. Likewise, if there are tables and chairs available for only 50 patrons, a maximum of 66 patrons may be legally accommodated on the premises.

## External areas

The overall maximum patron capacity for a licensed area is generally no larger than the maximum capacity allowed for the internal area of the premises.

This is to prevent overcrowding, sanitation and fire safety risks associated with patrons moving from outdoor to indoor areas, for example, to get a drink, to exit the premises or if it rains.

In some circumstances, the VCGLR may consider increasing the overall maximum patron capacity to allow for external areas.

Applicants with external licensed areas who wish to apply for this increase can submit a building report from a registered building surveyor demonstrating that fire safety and sanitation arrangements for the additional patrons will meet the requirements of the Building Code of Australia.

Features of an external area that may support an increase to the overall maximum patron capacity include:

- an external area that is large compared to the internal area, such as a large beer garden
- effective weather proofing
- separate entrances and exits
- separate facilities such as bars and toilets.

## Function and accommodation areas

Function and accommodation areas may be excluded from the overall maximum patron capacity, and may be given their own separate capacity limits.

## Patron capacity for specific areas

In addition to the overall maximum patron capacity for the licensed area, the VCGLR may set separate patron capacities on specific areas within a licensed area, such as:

- balconies
- terraces and courtyards
- beer gardens.

Patron capacities allocated for specific areas are calculated in accordance with the methods listed above, as well as amenity considerations.

While the VCGLR considers amenity as part of the patron number calculation, the relevant local council also retains responsibility for managing issues of amenity in each council region.

## How do capacities on a liquor licence relate to other patron limits?

It is a condition of a licence that the maximum patron capacity specified on the liquor licence must not be exceeded. The VCGLR will make every effort to ensure that the maximum patron capacity is the same or lower than the limit prescribed on the planning or occupancy permit. However, the building owner is responsible for ensuring that building occupants comply with all regulatory and other requirements.

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