



## Welcome to the latest edition of *The Grapevine*

*The Grapevine* newsletter plays a significant role in keeping licensees informed about important changes to liquor policy. The newsletter also contains news about education and community initiatives that promotes harm minimisation and the responsible service of alcohol.

Make sure you stay up-to-date about the latest liquor licensing, regulation and education news and information at our website:

[www.justice.vic.gov.au/alcohol](http://www.justice.vic.gov.au/alcohol)



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## Williamstown licensees launch new accord

The Williamstown Local Liquor Accord launched its new accord agreement to an increased membership in June 2011.

The launch was attended by the Minister for Consumer Affairs, the Hon Michael O'Brien MP, who praised licensees for taking a proactive approach in addressing alcohol-related problems in the Williamstown area. Minister O'Brien also reiterated the value of accords in helping licensees understand their licence conditions and as an avenue for the Government to keep licensees informed about changes to liquor laws.

Local liquor accords are a joint initiative of liquor licensees, Victoria Police, the Director of Liquor Licensing, Responsible Alcohol Victoria and local councils. They play an important role in helping communities to develop local solutions to address alcohol-related problems affecting their area.

Currently, there are 89 local liquor accords operating in Victoria—62 in regional areas, and 27 in Melbourne.

DEPARTMENT OF JUSTICE

## Update from the Director of Liquor Licensing

In May, I attended the launch of the *Venue Compliance Essentials* folder, designed to assist licensees and managers of late night CBD venues to comply with their obligations under the *Liquor Control Amendment Act 1998*.

Developed by the Melbourne Licensees' Forum, the resource guide is a great example of people working together to ensure best business practice in venue management.

It is my belief that being better educated about liquor regulation is a key means to improving performance. I commend the

members of the Melbourne Licensees' Forum for their commitment to maintaining the inner city as a vibrant and safe entertainment district.

I encourage other licensees and managers operating venues around Victoria to follow their example by developing strategies and initiatives to help improve their businesses and their compliance with liquor laws.

Further information about the *Venue Compliance Essentials* folder can be found on page three of this newsletter.



Mark Brennan  
Director of Liquor Licensing

## Fee increase

On the 1 July each year, government fees and fines associated with non-compliance of liquor laws and regulations are increased automatically. The increases to application fees and fines for non-compliance with liquor laws occur immediately, while the increases to renewal fees take effect when the 2012 renewal fees are due.

Liquor Licensing Fact Sheet  
Liquor licence fees  
July 2011

Fees are charged on making an application for a liquor licence, and a range of other activities relating to the licensing system as provided for under the Liquor Control Reform Act 1998.

DEPARTMENT OF JUSTICE  
Victoria

Application fees

Application Type	Details	Fee
Application for a new licence	<ul style="list-style-type: none"> <li>Late night (general)</li> <li>Late night (on premises)</li> <li>Late night (packaged liquor)</li> <li>General</li> <li>On premises</li> <li>Restaurant and cafe</li> <li>Packaged liquor</li> <li>Full club</li> <li>Restricted club</li> <li>Thru-stall</li> <li>Vigner's</li> <li>Renewable limited</li> </ul>	\$396.40
Application for a BYO permit	<ul style="list-style-type: none"> <li>BYO permit</li> </ul>	\$213.00
Application for a temporary limited licence	<ul style="list-style-type: none"> <li>Temporary limited                             <ul style="list-style-type: none"> <li>where the applicant holds an existing licence/permit (other than a temporary limited licence or a major event licence)</li> <li>where the applicant does not hold an existing licence/permit (other than a temporary limited licence or a major event licence)</li> </ul> </li> </ul>	\$94.60 \$51.10
Application for a major event licence - single applicant	<ul style="list-style-type: none"> <li>Major event where a single applicant makes one or more licence applications in relation to the event (e.g. Big Day Out)</li> </ul>	\$813.90
Application for a major event licence - multiple applicants	<ul style="list-style-type: none"> <li>Major event where multiple applicants make licence applications in relation to the event (e.g. licences with respect to the St Kilda Festival)</li> </ul>	\$122.10 per licence
Application to modify a licence	<ul style="list-style-type: none"> <li>Variation of licence or BYO permit</li> <li>Amalgamated club</li> <li>Approval of nominee or director</li> <li>Relocation of licence or BYO permit</li> <li>Transfer of licence or BYO permit</li> <li>Temporary underage authority for an entertainment event</li> </ul>	\$178.70

This publication avoids the use of light language. Information about the law has been prepared in general categories. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Governed by the Victorian Government, 55 Adelaide Street, Melbourne, Victoria, 3000.

www.justice.vic.gov.au/alcohol  
Responsible Alcohol Victoria, 501-503, MELBOURNE VIC 3001  
Tel: 1300 656 387

Sample: Liquor licence fees fact sheet

## New guide launched to help better manage late night venues

Responsible Alcohol Victoria (RAV) has worked on a joint initiative with Victoria Police, City of Melbourne, Melbourne Fire Brigade and Melbourne Licensees' Forum to release a resource guide for licensed venues.

The *Venue Compliance Essentials* is a comprehensive guide to assist licensees in venue management and encourage best practice initiatives as well as to ensure that they comply with licensing conditions.

The resource is divided into two sections focusing on compliance and people safety and includes guidelines, templates and protocols on how to run a successful and safe business. It will help licensees understand their responsibilities and the impact of alcohol use and misuse, encourage the development of policies and protocols to manage these demands and provide a central point of reference for all required venue and liquor licensing documents.

Director of Liquor Licensing, Mark Brennan encouraged licensees to make use of the resource to help improve their businesses.

"The Venue Compliance Essentials will be the first point of reference for all venue owners and employees," he said.

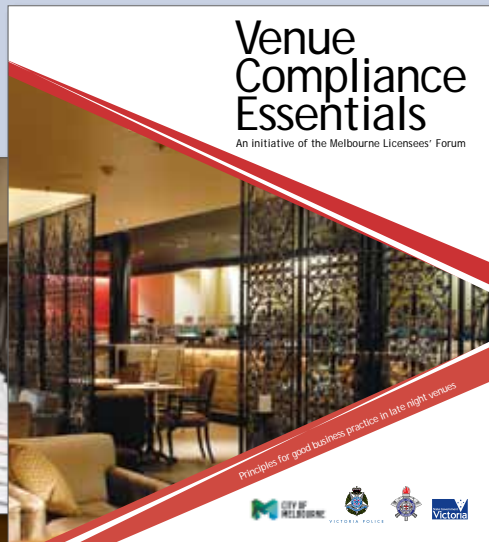
"Being better educated about liquor regulation is a key means to improving performance, it is my hope that licensees will improve the decisions they make in running their businesses and in turn, improve their compliance with liquor regulation."

Director of RAV, Brendan Facey praised those involved for working collaboratively on such an important tool for the industry. "An enormous amount of work went into the development of policies and protocols to enhance the industry's reputation," he said.

"It's great to see our staff working together with local councils, police and licensees to help minimise the impact of alcohol misuse in the community."

The *Venue Compliance Essentials* folder will be distributed to late night venues in Melbourne. Enquires should be directed to the City of Melbourne.

[www.melbourne.vic.gov.au](http://www.melbourne.vic.gov.au)



## Secondary supply

### New laws to help parents curb underage drinking

Parents are to be given greater control of their child's alcohol consumption following the Victorian Parliament's endorsement of reforms to the state's liquor laws.

The *Liquor Control Reform Amendment Act 2011* introduces a new offence for adults supplying alcohol to a minor (a person under the age of 18 years) in a private home without parental consent. The new offence carries the same penalty that liquor licensees face for supplying alcohol to a minor—a maximum fine of more than \$7000.

Any adult who intends to provide alcohol to a minor in their home must now have the consent of the minor's

parent(s) first. Consent can be provided verbally or in writing, but the adult must be confident that it is given by the minor's parent or legal guardian.

The new laws aim to involve parents in the way in which their children access alcohol. It is important for parents to have a conversation with their children about the dangers of alcohol abuse, which can cause serious harm to brain development in adolescence.

Victoria now joins New South Wales, Queensland and Tasmania in legislating restrictions on underage drinking in private homes.

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### Are underage patrons allowed in licensed premises?

With the introduction of new laws to address underage drinking in a private home, it is an opportune time to remind licensees about the circumstances in which an underage person can be on licensed premises.

A person under the age of 18 years must not be permitted to **enter** a licensed area unless the licensee has obtained underage approval from the Director of Liquor Licensing, or the underage person is:

- with a responsible adult
- having a meal
- a resident of the hotel in which the licensed area is located
- employed by the licensee, but not involved in the supply of alcohol
- taking a training program in hospitality.

In this context, a responsible adult is defined as a person over the age of 18 years and who is:

- the underage person's parent, step-parent, guardian or grandparent
- the underage person's spouse
- a person acting in place of a parent and could reasonably be expected to exercise responsible supervision of the younger person.

While it is not against the law for an underage person to be on licensed premises in these circumstances, licensees have the discretion to restrict underage people from entering their premises.

It is important that licensees understand that they must not allow an underage person to **drink** alcohol in their licensed premises, unless the person is in the company of a parent or legal guardian and they are having a meal.



## Step Back. Think

Premier Ted Baillieu has announced an exciting partnership between the Victorian Government and Step Back.Think that will see \$800,000 in funding go towards the community organisation's education initiatives and media campaigns over the next four years.

Step Back.Think was created by a group of friends after one of their close friends, James Macready-Bryan, was assaulted in the Melbourne CBD on his 20th birthday in October 2006. A single punch knocked James to the ground and left him with a brain injury, from which he will never recover.

The purpose of Step Back.Think is to educate people on the catastrophic consequences that can result from street violence. Step Back.Think seeks to eradicate street violence and to encourage young people to consider the consequences of their actions on a night out.

Step Back.Think already has strong partnerships with the Geelong Football Club, DrinkWise Australia and James Macready-Bryan Foundation as well as the Department of Justice's Championship Moves campaign.

Visit the website for further information at: [www.stepbackthink.org](http://www.stepbackthink.org)

## Enforceable undertaking – Collingwood Football Club

Last year, the Collingwood Football Club agreed to an enforceable undertaking with the Director of Liquor Licensing (the Director) after one of its licensed premises was found to have breached its licence conditions.

An enforceable undertaking is one of several enforcement options available to the Director in responding to compliance issues. It is a legal agreement in which a licensee carries out specific activities agreed to with the Director.

As part of its enforceable undertaking, the Collingwood Football Club has contributed \$30,000 toward the development of an education program for Victorian community clubs. The Collingwood Football Club is to be commended for the central role it is playing in this initiative to assist less resourced clubs.

Many clubs rely on the profit from alcoholic drink sales at social events as a source of funding. It is important that club committees understand their liquor law obligations and the licence conditions. In addition, good management practices around the responsible service of alcohol will ensure that the benefits they provide to the community are not undone by alcohol-related harm.

Responsible Alcohol Victoria is developing the community club education program with the Collingwood Football Club, which will provide club management committees with a training kit to help them understand the legal obligations of their liquor licence. This initiative is aligned with the Director's focus on education and training as the most effective tool in assisting licensees' to comply with Victoria's liquor laws.

## Justice Legislation Amendment Bill 2011

The Justice Legislation Amendment Bill 2011 (the Bill) introduced by the Victorian Government, has been passed with an effective date of 1 August 2011. The Bill is another step forward in the government's commitment to protect the community from alcohol-related harm.

The amendments:

- increase the penalty for being drunk and disorderly
- increase the penalty for failing to obey a direction to leave a licensed premises when drunk, violent or quarrelsome
- introduce a new offence for a person remaining in the vicinity (approximately 20 metres) of a licensed premises after they have been refused entry, asked to leave or issued a barring order
- introduce a new offence for a person re-entering a licensed premises within 24 hours of being asked to leave or refused entry
- introduce new powers for licensees and police to issue barring orders to bar individuals from entering or remaining on licensed premises for a specified period, non-compliance of which will be punishable by a fine.

These new powers and offences support licence holders as they focus on making individuals accountable for their behaviour. The government is delivering a responsible liquor licensing framework that focuses on issues of both prevention and enforcement.

Further information can be found on page seven of this newsletter.

## Exford decision

On 18 May 2011 in the Supreme Court of Victoria, the Director of Liquor Licensing (the Director) successfully appealed against a decision of the Victorian Civil and Administrative Tribunal (VCAT) to refuse to vary the liquor licence at the Exford Hotel.

The Director had varied the licence to end late night trading (between 11pm and 7am) at the hotel bottle shop, which was the only one in the Melbourne CBD with these extended trading hours. In response to the hotel's application for review, VCAT had set aside

the Director's decision. The Supreme Court has now referred the matter back to VCAT for reconsideration.

The Supreme Court stated that under the *Liquor Control Reform Act 1998*, the object to contribute to minimising harm arising from the misuse and abuse of alcohol is the primary consideration in liquor licensing decisions.

The decision has been appealed and is now sitting with the Court of Appeal.

## Late night venue audit

The Victorian Government is completing an audit of large, late night or high-risk licensed venues across Melbourne and regional Victoria. Responsible Alcohol Victoria will review the licence and security conditions to determine whether the conditions adequately address the risks of alcohol-related harm associated with these types of venues.

The audit will cover approximately 1,000 venues. This includes 700 venues that trade after 1am and have a capacity of 400 or more patrons, and 300 venues that do not meet these criteria but pose particular risks of alcohol-related harm due to their compliance history,

geographic location, or previous management of safety and amenity issues.

Compliance Inspectors will provide the Director of Liquor Licensing (the Director) with an audit findings report for each venue, recommending either that the licence conditions remain, or that the Director undertake a formal review of the conditions.

The audit is expected to be completed by 30 September 2011. A fact sheet with further information will be distributed to licensees on inspection of the premises.

## New barring powers to help licensees

New amendments to the *Liquor Control Reform Act 1998* have been introduced by the Victorian Government that will provide more support to licensees in managing their venues.

Licence and permit holders have always had the common law right to refuse entry or bar people from their venue for any reason as long as that reason is not discriminatory. Licensees who are signatories to a liquor accord have also been able to discuss and share certain information on barred persons with other members of the accord.

The new amendments however, allow a more formal process that gives licensees, managers and the police the authority to serve patrons in certain circumstances with a barring order (enforceable by Victoria Police). These circumstances include where the patron is drunk, violent or

quarrelsome in the licensed premises, or the licensee, permittee, staff member or police officer believes that the safety of the patron or any other patrons on the licensed premises is at significant risk.

When a person is served with a barring order, they must immediately leave the venue and its vicinity (approximately 20 metres) and not return for the period of the ban.

The barring order may be issued for periods of up to one month in the first instance, three months in the second instance and six months for the third and following instances. Police are able to issue on-the-spot fines to individuals who do not comply with the barring order.

The amendments also made it an offence for a person who has been asked to leave or refused entry, from returning to a venue or its vicinity for 24-hours without a valid reason.

A jacket or handbag that has been left behind would be regarded as a valid reason.

These amendments provide more support to licensees who are intent on doing the right thing and keeping troublesome patrons away from their venue.

The new changes to the legislation will be in force as of 1 August 2011.

A Barring Order Booklet will be mailed to all holders of general, on-premises and late night licences. The booklet will also be available on request to all licensees, just email your details (including your licence number and contact details) to [liquor@justice.vic.gov.au](mailto:liquor@justice.vic.gov.au).

A Barring Powers' fact sheet detailing the different options available to licensees and police will be available at:

[www.justice.vic.gov.au/alcohol](http://www.justice.vic.gov.au/alcohol)



Jack Martin and Erin Lyall from The Corner Hotel.  
Picture courtesy of Corner Hotel

## Licensees show their Champion Moves



Licensees from some of Melbourne's most iconic live music venues have banded together to encourage their patrons to look out for their mates and avoid alcohol-related harm.

The Championship Moves Concert Series is the latest project from the Department of Justice's Championship Moves education campaign, including nine gigs held throughout the state during May and June this year.

Participating bands featured in promotional videos endorsing

Championship Moves. Licensees supported the gigs by displaying campaign posters and coasters, and allowing a film crew to interview patrons on the night. The Lowrider gig at the Corner Hotel attracted over 650 people and patrons were happy to display their own championship moves on camera. "We are happy to be supporting a great initiative. The message to look out for your mates is simple and straightforward", said Jack Martin, venue manager of The Corner Hotel.

Campaign research has indicated that 80 per cent of young adults who have seen the Championship Moves campaign agree that it made them think about how to avoid alcohol-related harm.

Get involved! Show your support for Championship Moves by displaying coasters, t-shirts and posters in your venue.

Visit the licensee section at:  
[www.championshipmoves.com.au](http://www.championshipmoves.com.au)

The Grapevine is published at [www.justice.vic.gov.au/alcohol](http://www.justice.vic.gov.au/alcohol).

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.

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