

Prescribed variation of existing licence to producer's licence

This kit contains all the forms and related materials required to apply for a variation of the category of an existing licence to a producer's licence.

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3. Public notice (this must be displayed as A3 size)
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 - 'Plans of licensed premises' fact sheet
 - 'Producer's licence' fact sheet

To confirm the current fee, please refer to 'Liquor licence fees' on our website at vgccc.vic.gov.au

How to apply

This is an interactive PDF form which allows you to:

- complete the form using a computer or tablet
- save your progress and continue at a later time
- print the completed form to sign and return.

You are still able to print the form and complete it by hand if you prefer.

This form has been design to be completed using the free Adobe Acrobat Reader software. To download this free software, [please visit the following link](#) or search for the free "Adobe Acrobat Reader" on your devices app store.

This form may not function as intended if you use any other software.

Send application to:

Victorian Commission for
Gambling and Liquor Regulation
GPO Box 1988
Melbourne Vic 3001

or lodge in person at:

Level 3, 12 Shelley Street
Richmond Vic 3121

or via email to:

contact@vgccc.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 vgccc.vic.gov.au
- telephone the VCGLR on 1300 182 457
- email the VCGLR at contact@vgccc.vic.gov.au

Privacy

The Victorian Commission for Gambling and Liquor Regulation (the VCGLR) is committed to protecting the privacy of your personal information. The VCGLR endorses fair information handling practices and uses of information in compliance with its obligations under the *Privacy and Data Protection Act 2014 (Vic)*. Personal information collected from you is only used for the purposes of the application for the licence or permit and Acts administered by the VCGLR.

Personal information is not disclosed to third parties unless required or authorised by law, or with your consent.

As part of the application process information provided may be forwarded to and retained by Victoria Police.

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Lodgement checklist

Prescribed variation of existing licence to producer's licence

This checklist details the documents required to accompany the lodgement of 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 vgccc.vic.gov.au.

There is no fee for this application.

Please ensure the following forms/documents are attached to this application

Tick all boxes below when a requirement has been met, then sign and date your confirmation at the end of this form.

Application form

Please ensure:

- All fields on the application form are completed.
- The nature of the business is detailed, clearly demonstrating why a producer's licence is sought.
- Trading hours are detailed for internal areas and (if applicable) any external areas where alcohol will be served.
- The application form is signed and dated by the applicant.

Planning permit or evidence that a planning permit is not required

Note: Planning permission is not required when applying to vary your licence to a producer's licence from a general licence. All other licence categories require a planning permit or evidence that a planning permit is not required.

- A copy of a planning permit from the local council (or responsible planning authority) which shows that you have planning permission to supply liquor as outlined in your application. For example, this should show that you have planning permission for the activities permitted by the licence type, the trading hours you are applying for and the area where you would like to supply liquor (red-line area).
- If a planning permit has not been granted at the time of application, you are required to provide a copy of an application for a planning permit made to the local council (or responsible planning authority).
- If the area where you would like to supply liquor includes the kerbside trading area, please provide a copy of a permit that shows you have permission to use that area.
- Alternatively, you can provide evidence that a planning permit is not required to supply liquor as outlined in your application. For example, a letter from the local council (or responsible planning authority) or a copy of the relevant planning scheme.

Four copies of the red-line plan

- A licence is granted for a defined area on the premises. Four copies of the plan of the premises with the proposed licensed area outlined in red are required for an application to be accepted.
- The plan **must** meet requirements detailed in the 'Plans of licensed premises' fact sheet.

Please note

Applicants will be sent an acknowledgement letter when the application and required documentation detailed in the above checklist are lodged. The letter may also outline a list of additional information required and the date by which it must be submitted. The VCGLR will then complete the assessment and determine the application.

One applicant to sign and date below to confirm all required documentation has been completed and is attached to this application.

Signature:

Print name:

Date (dd/mm/yyyy):

Prescribed variation of existing licence to producer's licence

How to lodge this application

By post to:

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

In person to:

Victorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street, Richmond

By email:

contact@vgccc.vic.gov.au

What happens next

You will be sent a letter that confirms we have received your application and outlines any further information required. Once we have received all the required information and documents, your application will be determined. You will be advised of the outcome in writing.

Other application requirements

Display of application

Note: Display of application is not required when applying to vary your licence to a producer's licence from a general licence. Display of application is required for all other licence categories.

A public notice must be displayed at the premises that are the subject of the application.

After the application has been accepted, you or your representative will be advised in writing of the period the public notice must be displayed. The enclosed 'Statement of display' must be returned at the end of the display period. Refer to the enclosed 'Guidelines for displaying public notices'.

Application

Prescribed variation of existing licence to producer's licence

Complete this application if you want to change the category of your licence to a producer's licence.

If you want to change your licence to a different category (e.g. on-premises licence or general licence), please complete the 'Variation to the category of licence' form.

1. Applicant details

Name of licensee

(person/partnership/company/body corporate/club):

Licence number:

Australian Business Number (ABN):

Australian Company Number (ACN):

Details of each individual, partner, director or executive committee member (please attach an extra sheet of paper if necessary):

Name:

Position held:

Residential address:

Name:

Position held:

Residential address:

Name:

Position held:

Residential address:

Name:

Position held:

Residential address:

2. Contact details

Business hour contact details for you/your representative

Contact name:

Daytime telephone number:

Mobile phone number:

Postal address:

Email:

3. Premises details

Premises name:

Premises address:

Postal address:

Premises email:

4. Variation details

Please check the 'Producer's licence fact sheet' for details of the activities permitted under the producer's licence category.

Declaration required to obtain a producer's licence

I/we certify that:

If the product is wine, cider or brandy:

- I grow my own fruit and assume financial risk for the production; or
- it is made under my direction from fruit grown in Australia by another person and I assume the financial risk for the production.

if the product is beer:

- I brew my own beer or the beer has been brewed under my direction; and
- I assume the financial risk for its production.

if the product is a spirit:

- I distil my own spirits or it has been distilled under my direction; and
- I assume the financial risk for its production

if the product is mead:

- I make the product or it is made under my direction; and
- I assume the financial risk for its production.

if the product is sake:

- I brew my own sake or the sake has been brewed under my direction; and
- I assume the financial risk for its production.

Licence consolidation

Apart from the licence you are varying, do you hold additional licences that you no longer require and wish to surrender due to the activities of those licences now being covered by the producer's licence? If so, please list the licence numbers of the additional licences you no longer require below.

Promotional event authorisation

I would like to add the promotional event authorisation to my producer's licence. Note this attracts an extra annual fee.

Retail premises

If you have an additional and separate premises that you want to operate as a retail premises under the producer's licence, please nominate the address below. Note additional planning permission is required. Licensees are only permitted to sell their own product from the additional retail premises for consumption away from the premises.

Address of additional retail premises:

Conditional approval

If the application for a new category of licence is granted, are you able to commence trading under the new licence immediately?

Yes

No

Give details of likely commencement date:

Purpose

Give a description of the nature of the business and the purpose for which the producer's licence is sought.

Trading hours

Ordinary trading hours are:

Sunday: Between 10 am and 11 pm

Good Friday and ANZAC Day: Between 12 noon and 11 pm

On any other day: Between 7 am and 11 pm

Please indicate the days and hours you wish to supply liquor. Refer to the 'Liquor licence fees' fact sheet for details of fees applicable.

Entertainment

Will you be providing amplified music other than background music on the premises?

Yes

Give details:

No

Will you be providing karaoke entertainment?

Yes

Give details:

No

Right to occupy premises

I am/we are the freehold owner(s) of the premises to which this application relates

or

I/we have an exclusive right to occupy the premises to which this application relates

5. Signature of applicants

Who must sign this notice?

If the licensee/permittee is:

- **a person:** that person
- **a partnership:** one partner
- **a company:** one director of the company
- **a club:** one committee member

I certify that the information contained in this application is true and correct

Signature:

Date (dd/mm/yyyy):

Print name and position:

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PUBLIC NOTICE

Liquor licence application

Liquor Control Reform Act 1998

v22-02

Details of liquor licence application lodged
with the Victorian Commission for Gambling
and Liquor Regulation (the Commission)

Name of applicant: (person/partnership/company/ incorporated association)	
Display period:	Start date (dd/mm/yyyy): _____ End date:(dd/mm/yyyy): _____
Type of application:	Application no: _____
Name and address of premises to which the application relates:	
The purpose of the application is to:	
Proposed hours of trade are: (noting that for restaurant and cafe, general, on-premises and late night licences, authorised hours are between 7am and 1am, subject to planning permission)	
Will these hours apply to an external area?	YES NO
The current days and hours of trade are: (if existing licensee)	
I/we have requested authority to supply liquor at the kerbside area	YES NO

Objections

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Grounds for objection

Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods

All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence

Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol.

The following are not valid reasons for objection:

- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

Trading hours of a liquor licence:

Please note that, as per the Liquor Control Reform Act 1998, the Commission cannot restrict trading hours for restaurant and cafe, general, on-premises and late night licences between 7am and 1am. Any objections to these hours for these licence categories must address specific concerns about the trading hours (for example amenity or noise). These hours do not override the trading hours allowed under the planning permit issued by local Council.

The Commission may refuse to accept an objection if:

- the person making the objection is not affected by the application,
- the objection is frivolous or vexatious, or
- the objection is not otherwise in accordance with the *Liquor Control Reform Act 1998*.

Objections must be made in writing to the VCGLR:

- online at vgccc.vic.gov.au
- via email at contact@vgccc.vic.gov.au
- or via post to: VCGLR, GPO Box 1988, Melbourne VIC 3001

Display Requirements

This notice must be displayed as A3 size.

This notice must be continuously displayed as A3 size on the site or premises that are the subject of the application for the period advised in writing by **the Commission**. If you are unable to print the public notices as A3 size, email contact@vgccc.vic.gov.au or telephone 1300 182 457 to request a copy.

The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements

Statement of Display forms cannot be lodged until the Public Notice display period has ended.



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Statement of display

To be completed after the 28 day public notice period has passed

Liquor Control Reform Act 1998

OFFICE USE ONLY

v17-11

Date rec'd / /

File no. _____

Details of application lodged with the Victorian Commission for Gambling and Liquor Regulation (the Commission)

Licence number: (if licence has already been granted)

File number: (this can be found on correspondence sent to you by the Commission)

Name of licence applicant: (person/partnership/company/club)

ACN: (if applicable)

Address of premises:

Display period required by the Commission:

Start date (dd/mm/yyyy):

End date:(dd/mm/yyyy):

Signature and certification of public notice display

Certification

I being the applicant, or on behalf of the applicant certify that:

- during the period specified in this form, a public notice of the size and in the format required by the Commission and containing all relevant details of the application was displayed on the premises or site to which the application relates; and
- the public notice was continuously and conspicuously displayed during the period advised by the Commission in accordance with the guidelines for the display of liquor licensing applications.

I understand that it is an offence under Section 118 of the *Liquor Control Reform Act 1998* to make a false or misleading statement and that penalties apply.

Signature of person making this declaration: Printed name:

Date (dd/mm/yyyy):

Address:

Daytime telephone number:

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
Level 3, 12 Shelley Street, Richmond

By email

contact@vgccc.vic.gov.au

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Guidelines for displaying public notices

Liquor Control Reform Act 1998

Issued by the Victorian Commission for Gambling and Liquor Regulation

Insert the full name of the applicant(s) as written on the application form.

Once the application has been accepted, the applicant will be advised in writing of the start and end date that the public notice must be continuously displayed.

Describe the type of application (eg new packaged liquor licence, variation to an on-premises licence, relocation of a general licence).

Insert the full name and address of the premises for which a licence is sought.

If relocating a licence, insert the address of the previous premises.

Provide details of your application.
(Applications to vary the conditions of existing licences must clearly contrast your proposed conditions with your current conditions).

This section must be completed for all applications. Hours of trade for consumption off the premises must be shown separately.
Insert "No change" if the hours on your existing licence are to remain unchanged.

Indicate "yes" or "no" if the proposed trading hours apply to an external area.

This section must be completed for all variation and relocation applications. Hours of trade for consumption on and off the premises must be shown separately.

On-premises licence holders may, with the consent of the local municipal authority, offer a kerbside area. Indicate "Yes" or "No" if you have requested an authority to supply liquor in such an area.

The public notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.
(If you are unable to print the public notices as A3 size, email contact@vgccc.vic.gov.au or telephone 1300 182 457 to request a copy)

Example of Completed Notice

PUBLIC NOTICE

Liquor licence application

Liquor Control Reform Act 1998

V22-02

Details of liquor licence application lodged with the Victorian Commission for Gambling and Liquor Regulation (the Commission)

Name of applicant: (person/partnership/company/ incorporated association)	Smithies Pty Ltd
Display period:	Start date (dd/mm/yyyy): 13/10/2010 End date:(dd/mm/yyyy): 11/11/2010
Type of application:	Variation of a General Licence Application no:
Name and address of premises to which the application relates:	Smithies Bar, 400 Smith Street, Smithville
The purpose of the application is to:	Operate a restaurant, operate a bar, extend my licensed area, increase the patron numbers to 500. Extend trading hours on Friday and Saturday nights to 1am.
Proposed hours of trade are: (noting that for restaurant and cafe, general, on-premises and late night licences, authorised hours are between 7am and 1am, subject to planning permission)	Sunday 10am to 12 Midnight Good Friday and ANZAC Day 12 noon to 12 Midnight On any other day 7am to 1am
Will these hours apply to an external area?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
The current days and hours of trade are: (if existing licensee)	Sunday 10am to 11pm Good Friday and ANZAC Day 12 noon to 11pm On any other day 7am to 11pm
I/we have requested authority to supply liquor at the kerbside area	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Objections

All objections will be treated as public documents. Full details of the objection, including the name and address of the objector will be provided to the applicant.

Grounds for objection

Any person may object to the grant of this application on the ground that it would detract from, or be detrimental to, the amenity of the area in which the premises are located.

Objection periods

All objections must state the grounds and the reasons for the objection and be made within 30 days of this notice being first displayed.

Additional grounds for objection to the grant relating to a packaged liquor licence

Any person may object to the grant of an application relating to a packaged liquor licence on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol.

The following are not valid reasons for objection:

- the business would not be successful
- another licensed business would be adversely affected, or
- there is insufficient need or demand to justify the grant of the application.

Trading hours of a liquor licence:

Please note that, as per the Liquor Control Reform Act 1998, the Commission cannot restrict trading hours for restaurant and cafe, general, on-premises and late night licences between 7am and 1am. Any objections to these hours for these licence categories must address specific concerns about the trading hours (for example amenity or noise). These hours do not override the trading hours allowed under the planning permit issued by local Council.

The Commission may refuse to accept an objection if:

- the person making the objection is not affected by the application,
- the objection is frivolous or vexatious, or
- the objection is not otherwise in accordance with the Liquor Control Reform Act 1998.

Objections must be made in writing to the VGCLR:

- online at vgccc.vic.gov.au
- via email at contact@vgccc.vic.gov.au
- or via post to: VGCLR, GPO Box 1988, Melbourne VIC 3001

Display Requirements

This notice must be displayed as A3 size.

This notice must be continuously displayed as A3 size on the site or premises that are the subject of the application for the period advised in writing by the Commission.

If you are unable to print the public notices as A3 size, email contact@vgccc.vic.gov.au or telephone 1300 182 457 to request a copy.

The notice must be displayed in a manner that invites public attention to the application on the main street frontage of the site or premises in a visible position and at eye level.

Statement of Display requirements

Statement of Display forms cannot be lodged until the Public Notice display period has ended.





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.

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, under section 130(1)(a) of the Liquor Control Reform Act 1998 an authorised person (such as a Compliance Inspector or member of Victoria Police) may at any time request information relevant to the operations or the management of the premises. This may include 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 (1cm = 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

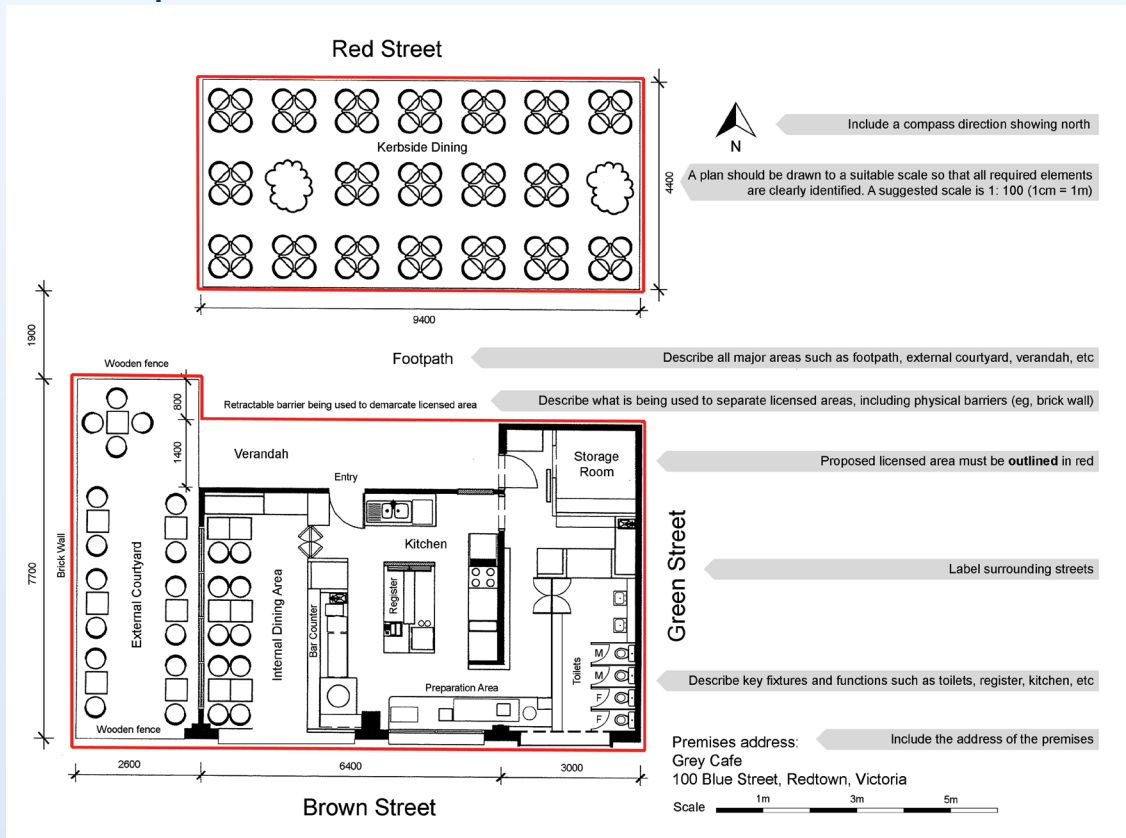
could result in a fine being issued.

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



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.

Liquor licence sheet

Producer's licence

Victorian wineries, breweries and distilleries produce some of the finest quality wines, beers and spirits in the world. In recognition of this and the important part they play in the state's tourism and hospitality industries, the Victorian Government has introduced changes to liquor licensing legislation to better suit the way these businesses operate.

To be eligible to hold this licence, it is a requirement that:

- where the product is wine, cider or brandy:
 - the licensee grows their own fruit and assumes financial risk for the production; or
 - it is made under the licensee's direction from fruit grown in Australia by another person and the licensee assumes the financial risk for the production
- where the product is beer:
 - the licensee brews their own beer or the beer has been brewed under the licensee's direction; and
 - the licensee assumes the financial risk for its production
- where the product is a spirit:
 - the licensee distils the spirit or it is distilled under the licensee's direction; and
 - the licensee has assumed the financial risk for its production
- where the product is mead:
 - the licensee makes the product or it is made under the licensee's direction; and
 - the licensee has assumed the financial risk for its production
- where the product is sake:
 - the licensee brews the sake or it is brewed under the licensee's direction; and
 - the licensee has assumed the financial risk for its production.

Key points about the producer's licence

The licence replaces the wine and beer producer's licence and authorises the supply of:

- the licensee's own product to any other licensee at any time and at any place (wholesale)
- the licensee's own product to the public from the licensed premises for both on and off-premises consumption
- any liquor, including the licensee's own product, from the licensed premises for on-premises consumption
- the licensee's own product to a person who makes an off-premises request (for example, orders by way of email, telephone, facsimile transmission, internet or other electronic communication)
- the licensee's own product from an additional retail premises for consumption away from the licensed premises.

Promotional event authorisation

Producer's licensees are able to apply for a promotional event authorisation that will be endorsed on their licence. This allows them to sell their product at as many farmers' markets, craft markets, festivals and other promotional events as they wish.

This does not include attendance at major events or horse racing events, for which a separate licence is required.

The restrictions that apply to the promotional event authorisation include, but are not limited to, the following:

- the licensee must keep a register of all events at which it has supplied its product and produce the records for inspection upon request by an authorised person
- the licensee must have the consent of the event organiser to supply liquor at the event
- any persons supplying liquor at a promotional event must have completed an approved Responsible Service of Alcohol (RSA) training program
- liquor may be supplied at a promotional event between the hours of 7am and 8pm.

Retail premises

Licensees may choose to specify an additional retail premises on their producer's licence. At this address, licensees are only permitted to sell their own product for consumption away from the premises. The retail premises must be in the same wine region as the primary premises on the licence.

Wine regions and their boundaries are specified in the Register of Protected Geographical Indications and Other Terms kept by the Registrar under the *Wine Australia Act 2013*.