

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.

Contents:

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2. Application form – prescribed variation of existing licence to producer's licence
3. Guidelines for displaying public notice and public notice (this must be displayed as A3 size)
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6. 'Producer's licence' fact sheet

To confirm the current fee, please visit vic.gov.au/liquor-licence-application-fees

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 device's app store.

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

Email your application to:

contact@liquor.vic.gov.au

Or send it to:

Liquor Control Victoria
PO Box 1019
Richmond VIC 3121

Need help?

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

- visit Liquor Control Victoria (LCV) website at liquor.vic.gov.au
- telephone LCV on 1300 182 457
- email LCV at contact@liquor.vic.gov.au

Privacy

Liquor Control Victoria (LCV) is committed to protecting the privacy of your personal information. LCV endorses fair information handling practices and uses 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/or legislation administered by LCV. 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.

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 Liquor Control Victoria (LCV) 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. LCV may contact applicants to request additional documentation depending on the circumstances of their business. 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).

The red line plan

- A licence is granted for a defined area on the premises. A copy of the plan of the premises with the proposed licensed area outlined in red are required for an application to be accepted.
- Your plan must include the total floor square space in square metres of the licensed premises.
- The plan **must** meet requirements detailed in the 'Red line plan' fact sheet.

Please note

Applicants will be emailed 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. LCV will then complete the assessment and determine the application.

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 for processing, LCV will tell you the exact dates you must display your public notice in writing. 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

Liquor Control Reform Act 1998

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/incorporated association):

Australian Business Number (ABN):

Licence number:

Australian Company Number (ACN):

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

Full name:

Full name:

Position held:

Position held:

Home address:

Home address:

Full name:

Full name:

Position held:

Position held:

Home address:

Home address:

2. Contact details

Business hour contact details for you/your representative

Contact name:

Postal address:

Daytime telephone number:

Mobile phone number:

Email:

Prescribed variation of existing licence to producer's licence

3. Premises details

Trading name of the premises

Postal address:

Street address where you serve liquor

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 the spirit or it is 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 attend farmers' markets, craft markets, festivals and promotional events to my producer's licence.

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 start trading under the new licence immediately?

Yes

No. Give details of likely start date:

Purpose

Provide 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.

4. Variation details (cont'd)

Entertainment

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

No

Yes. Give details:

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

Will you be providing karaoke entertainment?

No

Yes. Give details:

5. Signature of applicants

Who must sign this notice?

If the licensee/permittee is:

- **a person:** that person
- **a company:** one director of the company
- **a partnership:** one partner
- **an incorporated association:** one executive committee member

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

Signature:

Date (dd/mm/yyyy):

Print name and position:

PUBLIC NOTICE

Liquor licence application

Details of liquor licence application lodged
with Liquor Control Victoria (LCV)

Liquor Control Reform Act 1998

Name of applicant: (person/partnership/company/club)		
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:		
Address of previous premises if relocating:		
The purpose of the application is to:		
The proposed days and hours of trade are:		
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 encourage harm.

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.

LCV 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 LCV:

- online at liquor.vic.gov.au
- via email at contact@liquor.vic.gov.au
- or via post to: Liquor Control Victoria, PO Box 1019, Richmond VIC 3121

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 LCV. If you are unable to print the public notices as A3 size, email contact@liquor.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.

Liquor Control Victoria



Guidelines for displaying public notices

Liquor Control Reform Act 1998
Issued by Liquor Control Victoria

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 and restaurant and cafe licences, 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@liquor.vic.gov.au or telephone 1300 182 457 to request a copy)

Example of Completed Notice

PUBLIC NOTICE Liquor licence application		Details of liquor licence application lodged with Liquor Control Victoria (LCV) <i>Liquor Control Reform Act 1998</i>	
Name of applicant: (person/partnership/company/club)	Smithies Pty Ltd	Start date (dd/mm/yyyy):	13 10 2022
Display period:	Variation of a General Licence	End date (dd/mm/yyyy):	11 11 2022
Type of application:	Application no:		
Name and address of premises to which the application relates:	Smithies Bar, 400 Smith Street, Smithville		
Address of previous premises if relocating:			
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.		
The proposed days and hours of trade are:	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?	✓ YES 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	✓ 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 encourage harm.

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.

LCV 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 LCV:

- online at [liquor.vic.gov.au](mailto:contact@liquor.vic.gov.au)
- via email at contact@liquor.vic.gov.au
- or via post to: Liquor Control Victoria, PO Box 1019, Richmond VIC 3121


Display requirements

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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 LCV. If you are unable to print the public notices as A3 size, email contact@liquor.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.

Liquor Control Victoria


Liquor Control Victoria

PO Box 1019, Richmond 3121
P: 1300 182 457 E: contact@liquor.vic.gov.au
liquor.vic.gov.au



Statement of display

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

Liquor Control Reform Act 1998

Details of application lodged with Liquor Control Victoria (LCV)

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 Victorian Liquor Commission (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

Liquor Control Victoria
PO Box 1019, Richmond VIC 3121
Phone: 1300 182 457

By email

contact@liquor.vic.gov.au

Red line plans of licensed premises

When a liquor licence or BYO permit is granted, it is for a defined area where liquor can be supplied or consumed. This is shown by a red line drawn on a plan of the premises. This red line plan needs to be submitted to Liquor Control Victoria (LCV) 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.
- 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 LCV.
- the relocation of a licence or BYO permit.

Internal changes to premises

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.

LCV requesting a plan

In addition to the above, under section 130(1)(a) of the *Liquor Control Reform Act 1998* an authorised person (such as an LCV 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. You must comply with the request and produce the requested plan.

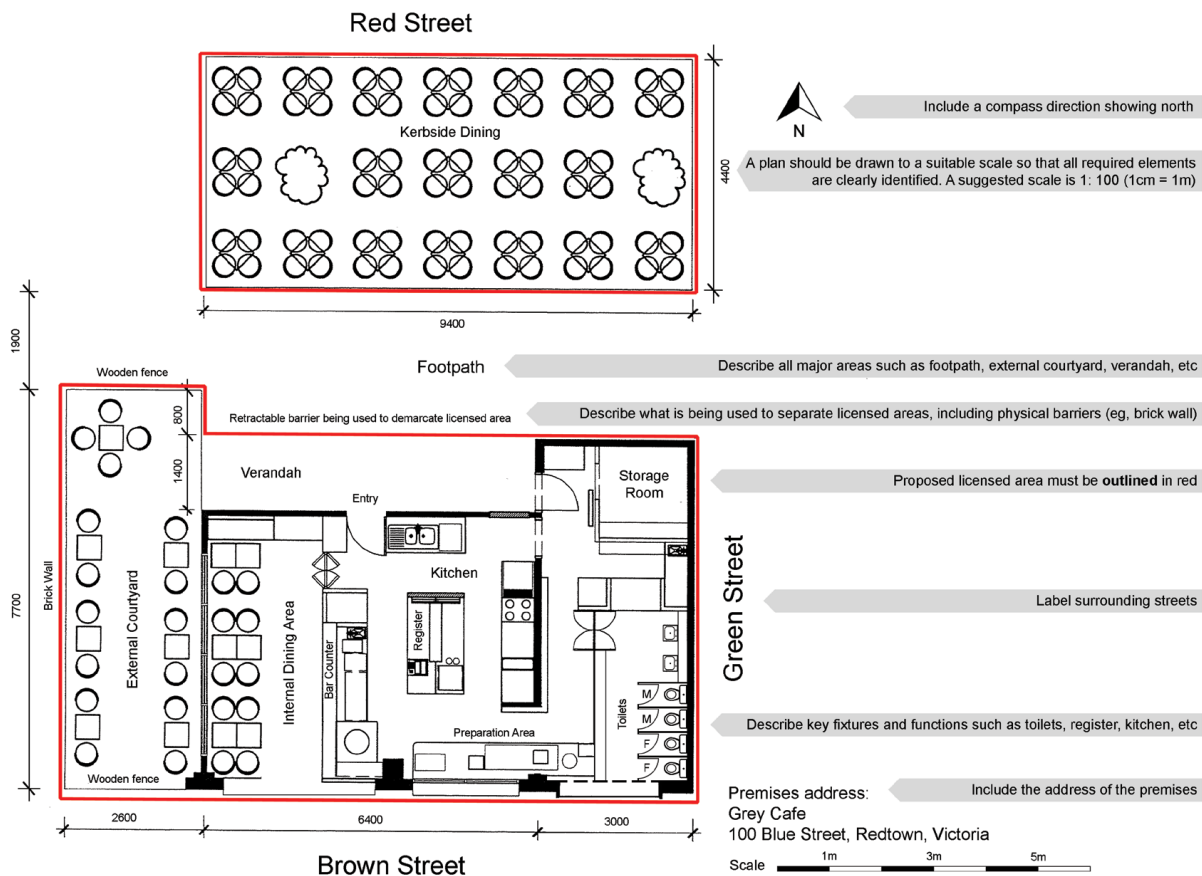
Plan format

A plan must contain the following elements:

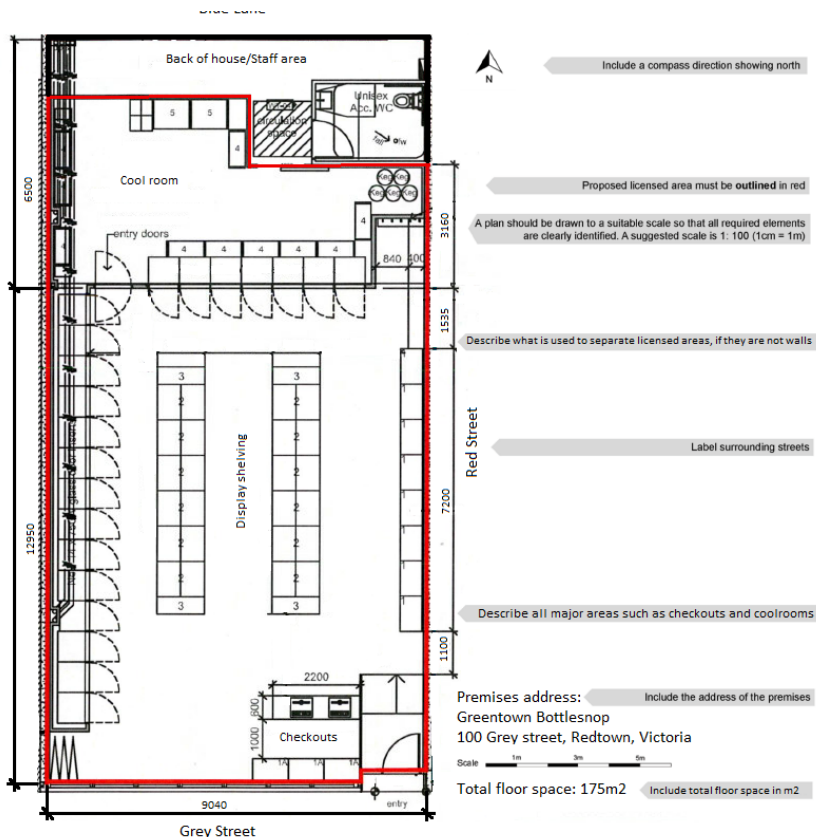
- be on A4 size paper
- be drawn in a neat and legible manner (either electronically or by hand)
- have an arrow or compass pointing North
- include the premises address
- include the name of the surrounding streets/roads
- describe any non-permanent or temporary structures that outline your licensed area, such as cafe barriers, ropes or other fencing arrangements you may have
- outline the proposed licensed area/s in a continuous red line
- show measurements of licensed areas
- include the total floor space of the licensed areas in square metres
- show and describe the key fixtures, example; the bar, dining area, the cash register, kitchen area, dance floor, toilets etc.

Plan format

An example of a plan for a venue supplying liquor on licensed premises



An example of a plan for a shop supplying packaged liquor



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 on the plan. LCV 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.

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

Storing an 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 an LCV 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.

If you do not have a copy of your approved plan, you can download a copy from the Liquor Portal at liquorportal.vcglr.vic.gov.au/liquorportal/. Creating an account is free.

Producer's licence

Victorian wineries, breweries, fermenters and distilleries produce some of the finest quality products 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
 - the product 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 assumes financial risk for its production.
- where the product is mead:
 - the licensee makes the product or it is made at the direction of the licensee; and
 - the licensee assumes financial risk for its production.
- where the product is sake:
 - the licensee brews the sake or it is brewed at the direction of the licensee; and
 - the licensee assumes the financial risk for its production.

Key points about a producer's licence

The licence 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 on their licence. This allows producers 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 register 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.

If the product is wine, the retail premises must be 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 Register under the *Wine Australia Act 2013*.