



# Victoria Government Gazette

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## **Liquor Control Reform Act 1998** DECISION-MAKING GUIDELINES

### Pursuant to Section 5 of the **Victorian Commission for Gambling and Liquor Regulation Act 2011**

#### Applications for Liquor Licences to Trade after 1.00 am

I, Edward O'Donohue, being the Minister for Liquor and Gaming Regulation, and the Minister responsible for administering the **Liquor Control Reform Act 1998** (the Act), publish the following guidelines representing the policy of the Victorian Government concerning applications (including the grant, relocation or variation of a licence) for liquor licences to trade after 1.00 am. In particular, the policy covers licensing of premises in the municipalities of Melbourne (including the area known as Docklands), Stonnington, Yarra and Port Phillip (the affected municipalities) that operate for periods in excess of ordinary trading hours as defined in section 3 of the Act, including, but not exclusive to, licensed venues that operate on a 24-hour basis.

In releasing these decision-making guidelines, the Victorian Government has considered amongst other matters the following:

1. The objects of the Act as at the commencement of these guidelines as stated in section 4(1) are:
  - a. to contribute to minimising harm arising from the misuse and abuse of alcohol, including by –
    - i. providing adequate controls over the supply and consumption of liquor; and
    - ii. ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life; and
    - iii. restricting the supply of certain other alcoholic products; and
    - iv. encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community; and
  - b. to facilitate the development of a diversity of licensed facilities reflecting community expectations; and
  - c. to contribute to the responsible development of the liquor, licensed hospitality and live music industries; and
  - d. to regulate licensed premises that provide sexually explicit entertainment.
2. Further, section 4(2) of the Act provides that it is the intention of Parliament that every power, authority, discretion, jurisdiction and duty conferred or imposed by this Act must be exercised and performed with due regard to harm minimisation and the risks associated with the misuse and abuse of alcohol.
3. The Victorian Government has committed to delivering a system of responsible liquor licensing that contributes to a safer Victorian community.
4. On evidence available to the Victorian Government, there is a correlation between anti-social behaviour in the early hours of the morning, and the operation of licensed venues that supply liquor after 1.00 am.
5. The current evidence of alcohol-related anti-social behaviour is contrary to the objects of the Act in that it detracts from the amenity of community life, does not reflect community expectations and is harmful to the responsible development of the liquor, licensed hospitality and live music industries.
6. This policy restricts further growth in late night venues to enable other long-term strategies that have been implemented to improve the safety and amenity of entertainment precincts, to take effect.

**SPECIAL**

7. Ordinary trading hours are defined in section 3(1) of the Act, however the Victorian Commission for Gambling and Liquor Regulation has the ability to determine any other hours of operation.
8. The previous government issued a number of statements of policy under the **Victorian Civil and Administrative Tribunal Act 1998** in relation to the grant, relocation and variation of licences for trade after 1.00 am. Statements of policy were gazetted on 2 May 2008 and 24 December 2009, to be in effect until midnight on 31 December 2011.
9. The Victorian Government committed to maintaining the policy in relation to the grant, relocation and variation of licences for trade after 1.00 am for an additional 18 months after its 31 December 2011 conclusion date. On 18 March 2011, a statement of policy was issued extending the freeze until 30 June 2013.
10. On 7 June 2012, the policy was re-issued by the Victorian Government as decision-making guidelines under section 5 of the **Victorian Commission for Gambling and Liquor Regulation Act 2011**, with effect until midnight on 30 June 2013.

From the date of gazettal, these decision-making guidelines supersede the decision-making guidelines gazetted on 7 June 2012, in relation to the grant, relocation or variation of liquor licences for trade after 1.00 am.

These decision-making guidelines will apply from the date of gazettal until midnight on 30 June 2015.

Based on the above matters, amongst other things, the Victorian Government declares the following decision-making guidelines:

It is the policy of the Victorian Government that from the date of gazettal of these guidelines until the period ending at midnight on 30 June 2015, no liquor licence, subject to the specific terms nominated below, shall be granted or varied by the Victorian Commission for Gambling and Liquor Regulation with trading hours that exceed 1.00 am in the affected municipalities, unless exceptional circumstances can be demonstrated by the applicant to satisfy the Victorian Commission for Gambling and Liquor Regulation that trading hours after 1.00 am should be approved.

1. These decision-making guidelines do not affect:
  - pre-retail, wine and beer producer's, full club, restricted club, or restaurant and cafe licences;
  - transfers of licences where no change is sought to the conditions of the licence;
  - current applications submitted to the Director of Liquor Licensing prior to 2 May 2008 but not yet determined.
2. These decision-making guidelines apply to applications for the grant, relocation or variation of general, on-premises, packaged liquor, late night (general, on-premises and packaged liquor), limited (temporary and renewable) and major event licences, and BYO permits, made to:
  - the Director of Liquor Licensing or the Victorian Commission for Gambling and Liquor Regulation after 2 May 2008 but not determined by the date of gazettal of these guidelines;
  - the Victorian Commission for Gambling and Liquor Regulation on or following the date of gazettal of these guidelines.

Dated 14 June 2013

EDWARD O'DONOHUE MLC  
Minister for Liquor and Gaming Regulation

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