



# Victoria Government Gazette

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## **Victorian Commission for Gambling and Liquor Regulation Act 2011** 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, Marlene Kairouz, Minister for Consumer Affairs, Gaming and Liquor Regulation and the Minister responsible for the **Liquor Control Reform Act 1998**, publish these guidelines representing the policy of the Victorian Government concerning applications to the Victorian Commission for Gambling and Liquor Regulation (commission) for liquor licences to trade after 1.00 am in the municipalities of Melbourne (including the area known as Docklands), Stonnington, Yarra and Port Phillip (inner Melbourne municipalities).

These guidelines revoke and replace the guidelines dated 16 July 2015. The guidelines apply to applications made to the commission after 30 June 2019 and before midnight on 30 June 2021.

#### **Background**

The inner Melbourne municipalities attract large numbers of patrons to their entertainment precincts, many of whom will consume alcohol in, or purchase alcohol from, licensed premises. The harms caused by increased access, over-supply and the irresponsible consumption of alcohol include alcohol-fuelled violence and anti-social behaviour. On the evidence available to the Victorian Government, there has been correlation between anti-social behaviour in the early hours of the morning and the operation of licensed premises that supply liquor after 1.00 am.

Section 9(1)(g) of the **Victorian Commission for Gambling and Regulation Act 2011** establishes that it is a function of the commission to ensure that Government policy in relation to gambling and liquor is implemented. In order to restrict late-night liquor licences in the inner Melbourne municipalities, it is the intention of the Victorian Government that the commission have regard to these guidelines when considering whether the grant of an application would detract from or be detrimental to the amenity of the area in which premises to which the application relates are situated, or that the granting of the application would be conducive to or encourage the misuse or abuse of alcohol.

The guidelines apply to an application for the grant, relocation or variation of a general, on-premises, packaged liquor, late night (general, on-premises and packaged liquor), limited (temporary and renewable) and major event licence, and a BYO permit.

#### **Applications to which these guidelines do not apply**

The guidelines do not apply to:

- (1) an application for a pre-retail, producer's, full club, restricted club, or restaurant and cafe licence to supply liquor after 1.00 am in the inner Melbourne municipalities
- (2) an application for a liquor licence for a premises or venture deemed by the Minister, by notice published in the Government Gazette, to be of major cultural importance or major economic significance to the State
- (3) an application for a limited licence (temporary and renewable), temporary variation to an existing liquor licence or BYO permit, or major event licence to allow the supply of liquor after 1.00 am in the inner Melbourne municipalities where the application seeks approval to supply alcohol for New Year's Eve.

Nothing in the guidelines should be read as requiring the commission to grant, relocate or vary a liquor licence or BYO permit, or prevent the commission imposing a condition on the grant, relocation or variation of a licence or permit, where the commission forms the view that granting, relocating or varying a liquor licence or BYO permit is inconsistent with the objects set out in section 4(1)(a) of the **Liquor Control Reform Act 1998**.

**SPECIAL**

**Accommodation and licences allowing consumption on the premises**

- A. It is the policy of the Victorian Government that no new liquor licence or BYO permit shall be granted, or existing liquor licence or BYO permit relocated or varied by the commission to allow the supply of liquor after 1.00 am in the inner Melbourne municipalities, except where the commission is satisfied that:
- (1) the premises is, or will be, used as:
    - a. an accommodation hotel, being a hotel whose primary purpose is providing accommodation and where the supply of alcohol is ancillary to that purpose; or
    - b. a venue that supplies liquor for consumption on the premises provided that food is available at the venue at all times when alcohol can be supplied; and
  - (2) the applicant can satisfy the commission that:
    - (a) it has in place, or will put in place, a Venue Management Plan in the form required by the commission; and
    - (b) the economic and social benefit of granting the licence or permit will outweigh the impact of the licence or permit on alcohol misuse and abuse and community amenity; and
    - (c) the patron capacity of the premises or proposed premises does not, or will not, exceed 200 persons.

**Live music entertainment**

- B. It is the policy of the Victorian Government that no new liquor licence or BYO permit shall be granted or existing liquor licence or BYO permit relocated or varied by the commission to allow the supply of liquor after 1.00 am in the inner Melbourne municipalities, except where the commission is satisfied that:
- (1) the premises is, or will be, used as a venue that regularly provides live music entertainment; and
  - (2) the applicant can satisfy the commission that:
    - (a) it has in place, or will put in place, a Venue Management Plan in the form required by the commission; and
    - (b) the economic and social benefit of granting the licence or permit will outweigh the impact of the licence or permit on alcohol misuse and abuse and community amenity; and
    - (c) the patron capacity of the premises or proposed premises does not, or will not, exceed 500 persons at any time; and
    - (d) the impact of the venue on harm and amenity is low.

In determining the impact of the venue on harm and amenity, the commission shall consider<sup>1</sup>:

- (1) the layout of the venue, including the potential for overcrowding; and
- (2) for current licensees seeking to vary their licence to trade after 1.00 am, the compliance history of the licensee, including the payment of infringement penalties, a finding of guilt of any offence under the **Liquor Control Reform Act 1998** and any instances where the commission has taken disciplinary action against the licensee.

**Special events**

- C. It is the policy of the Victorian Government that no limited licence (temporary and renewable), temporary variation to an existing liquor licence or BYO permit, or major event licence shall be made or granted by the commission to allow the supply of liquor after 1.00 am in the inner Melbourne municipalities, except where the commission is satisfied that:

<sup>1</sup> The commission may also consider applying conditions on the licence to minimise potential harm and amenity impacts, including, for example: the requirement to install and maintain electronic surveillance equipment; the use of crowd controllers; restrictions on alcohol service such as the use of glassware or the sale of certain drinks.

- (1) the application seeks approval to supply alcohol for:
  - (a) a significant cultural festival; or
  - (b) a major tourist event; or
  - (c) a major live music event; or
  - (d) a major charity event; or
  - (e) the broadcasting in any medium of a live major international sporting event;  
and
- (2) the applicant can satisfy the commission that:
  - (a) it has in place, or will put in place, a Venue Management Plan in the form required by the commission; and
  - (b) it will comply with any food service conditions on the licence until alcohol service ceases.

Dated 27 June 2019

MARLENE KAIROUZ MP  
Minister for Consumer Affairs, Gaming and Liquor Regulation

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