



Victorian Commission for Gambling and Liquor Regulation

Liquor Licensing Fact Sheet

Barring and banning powers

Under the *Liquor Control Reform Act 1998* (the Act), licensees need to be aware of their responsibilities not to allow drunk, violent or quarrelsome persons to enter or remain on their licensed premises. There are a number of options available to licensees when it comes to barring troublesome patrons.

1. General powers to bar a person from your premises

Every licensee is able to refuse entry to, bar a person from, or ask any person to leave their licensed premises. In exercising this right, licensees should be mindful of equal opportunity and anti-discrimination principles.

No special laws or forms are required to do this. However, if a patron continues to be a problem, licensees may wish to carry out a more formal option of barring them from the premises.

2. Discuss banning a person under the local liquor accord

This option is available to licensees who are members/signatories of a liquor accord agreement. Under the Act, members of a liquor accord may agree to refuse entry to a troublesome patron from all of their licensed premises. In determining the period of the ban, licensees should consider the severity of the incident and suggest banning periods that have reasonable time limits (up to a maximum of 12 months). Accord members may only disclose basic information about the banned patron among other accord members in order to communicate and implement the ban.

3. Issue a barring order

Under the Act, licensees, responsible persons (those in management or control of a licensed premises) and police have the power to issue a barring order that is enforceable by police. Once a person is served with a barring order, they must leave the licensed premises and its vicinity (within 20 metres) and cannot return until the barring order expires.

If a person does not comply with the barring order, police may issue them with an on-the-spot fine or formally charge them with an offence.

An authorised barring order form must be used for this purpose. Barring order booklets (containing 25 carbon copy forms) are available for licensees to order by emailing contact@vcglr.vic.gov.au. Licensees should include their licence number when ordering a barring order booklet.

To issue a barring order, you must know the name of the person, and if possible, their address and date of birth. You must also maintain a record of the people you have barred under this process. There is space on the barring order booklet to record each person's details.

Maximum barring periods of one month for the first offence, three months for the second offence and six months for the third and subsequent offences apply under this process.

Designated Areas

Some entertainment precincts in Victoria have been classified as Designated Areas. Police have the power to ban a person from a Designated Area for up to 72 hours. Police can either ban the person from all licensed premises in the Designated Area or from the Designated Area itself.

For more information on barring options, liquor accords and designated areas see:

<https://www.vgccc.vic.gov.au/>

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