

Application to the Commission for internal review

This kit contains the necessary paperwork required to make an application to the Commission for internal review of a liquor licencing decision in Victoria.

Note: You must be an 'eligible person' in order to make this application. A list of 'eligible persons' is provided in s152 of the *Liquor Control Reform Act 1998* (the Act). Please consider if you fall within this list and seek legal advice if needed. If you are not an 'eligible person', we will not be able to consider this application.

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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 designed 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 completed application to:

Manager, Secretariat and Registry
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:

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



Application to the Commission for internal review

Liquor Control Reform Act 1998

OFFICE USE ONLY

v18-10

Date rec'd / /

Receipt no. _____

File no. _____

A. Applicant details

Name:

Postal address for correspondence:

Email address:

I would like to receive all correspondence and notices via this email address.

Daytime telephone number (business hours contact details)

Mobile telephone number (business hours contact details)

My involvement in the original decision is:

I am an applicant or licensee/permittee

I am an objector

Was your objection acknowledged by the Commission?

Yes

No

I am an owner or mortgagee of licensed premises

I am a person prejudicially affected by the licensee/permittee's failure to renew their licence/permit

I applied to have my name and address endorsed on the licence/permit and am one of the following:

An intended or actual legal personal representative of a deceased licensee or permittee

A guardian or administrator of licensee/permittee

An official receiver, trustee or assignee of a licensee/ permittee who became an insolvent under administration

An administrator of a licensee/permittee and the licensee/permittee is an externally administered body/corporate.

A person who requests that the Commission extend the time for making an objection under the Act, or accepts a late objection.

Note: You must be an 'eligible person' in order to make this application. A list of 'eligible persons' is provided in s152 of the Act. Please consider if you fall within this list and seek legal advice if needed. If you are not an 'eligible person', we will not be able to consider this application.

B. Details of licence or permit

Licensed premises trading name (if applicable):

Type of licence:

Licence number (if applicable):

Name of licensee/permittee:

Address of licensed premises:

C. Details of decision to be reviewed

Date of decision (dd/mm/yyyy):

The decision was to (tick one box only):

Grant, vary, transfer or relocate a licence/BYO permit

Refuse to grant, vary, transfer or relocate a licence/BYO permit

Impose a condition

Approve or refuse to approve a person as the nominee or director of the licensee/permittee

Grant or refuse to grant a renewal of a licence/BYO permit

Grant or refuse to grant the surrender of a licence/BYO permit

Release the licensee/permittee from their obligations under the Act and suspend the licence/BYO permit until a replacement licensee/permittee is found

(continued over)



Grant or refuse an application for endorsement on licence/ BYO permit by any of the following persons:

- Intended or actual legal personal representative of a deceased licensee or permittee
- Guardian or administrator of licensee/permittee
- Official receiver, trustee or assignee of a licensee/ permittee who becomes an insolvent under administration
- Administrator of licensee/permittee where licensee/ permittee is an externally administered body corporate
- An owner or mortgagee of the licensed premises referred to above

Suspend the licence

Grant or refuse an application to be exempted from the requirement to provide free drinking water to patrons

Grant or refuse consent or impose conditions on the licensee/ permittee letting or sub-letting any part of the licensed premises or assigning the right to supply liquor

Grant or refuse consent or impose conditions on the licensee/permittee allowing other persons to supply liquor

Approve or refuse to approve or impose conditions for an application to be exempted from approved Responsible Service of Alcohol program requirements

Give notice banning the licensees from advertising or promoting the supply of liquor or the conduct of the licensed premises

Give notice banning the licensees from advertising or promoting the supply of liquor or the conduct of the licensed premises

Approve or refuse to approve or impose conditions for the entertainment for people aged under 18 on licensed premises

Issue a fire safety notice of closure and evacuation, under s148ZD of the Act

Extend or refuse to extend the time for making an objection, or accept a late objection.

Please attach a copy of the decision to this application.

Note: The decision can only be reviewed if it is a 'reviewable decision' under the Act. A list of 'reviewable decisions' is provided in s 152 of the Act. Please consider if the decision falls within this list and seek legal advice if needed. If the original decision is not a 'reviewable decision', we will not be able to consider this application.

D. Time limits for application

Date you first received notice of the Decision:

Date you received a Statement of Reasons (if applicable):

Have more than 28 days passed since both of the dates above?

No

Yes

If yes, then you must seek an extension of time to make this application. To obtain an extension of time, you must demonstrate that 'exceptional circumstances' exist to justify an extension of time.

Please indicate why you think 'exceptional circumstances' exist (attach further pages as needed):

E. Delaying the effects of a decision

Are you seeking to have the effects of the decision delayed until this review is completed?

No

Yes

If yes, you must state below your reason for seeking to have the effects of the decision delayed (attach further pages as needed). If you do not, the Commission will not consider your request for the decision to be delayed:

F. Reasons for review application

Please provide a short summary of why you are applying to the Commission for review of the decision (attach further pages as needed):

G. Additional information

Please tick if this applies to you:

I am able to provide additional information which was not provided to the original decision maker. If yes, please attach copies.

Please provide a short summary of why this information was not provided to the original decision maker (attach further pages as needed):

H. Checklist

Please tick the boxes before signing this form.

I have:

Completed Parts A, B, C, D, E, F and G of this form

Attached a copy of the decision I am requesting be reviewed

Signed and dated this form.

I. Signature

I declare/certify that:

- the information contained in this application, including attachments, is true and correct
- if a body corporate applicant, I am authorised to sign this application on behalf of the body corporate.

Signature:

Date (dd/mm/yyyy):

Name:

Signature:

Date (dd/mm/yyyy):

Name:

It is an offence under section 118 of the Liquor Control Reform Act to make a statement that is false or misleading in relation to this application. This carries a maximum penalty of 60 penalty units.

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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 and other parties to the review.

How to lodge this application and accompanying documents

By post to:

Manager, Secretariat and Registry
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:

secretariat@vcglr.vic.gov.au





Information Sheet – Internal reviews of liquor licence applications

Background

This Information Sheet explains how the Victorian Commission for Gambling and Liquor Regulation (the Commission) usually conducts internal reviews of decisions about liquor licences under the Liquor Control Reform Act 1998 (the Act).

What is an internal review?

Most decisions to grant, vary, locate or transfer a liquor licence or BYO permit are made by Commission staff or individual commissioners. However, if an eligible person¹ is not satisfied with a decision made by a staff member/individual commissioner, they can apply to the Commission for an internal review of the decision. Generally, applications for internal review are made by a liquor licensee, Victoria Police, a Local Council or a person who has made an objection.

How do I apply for internal review?

You need to request the internal review in writing using the Application to the Commission for internal review form, which is available from our website (https://www.vcglr.vic.gov.au/sites/default/files/uploadApplication_to_the_Commission_for_internal_review.pdf).

The application for internal review must be made within 28 days of receiving the decision.² The Commission can only extend that timeframe if it is satisfied that exceptional circumstances exist.

How will the Commission deal with my application?

When we receive your application, we must notify any person who provided information or material, or gave evidence, to the original decision maker, such as, for example, a person who objected to the original decision. These persons are known as 'parties'. Parties may participate in the internal review process and provide submissions to the Commission.

We can make our decision 'on the papers' (that is: on the basis of the written information you include in your application), or after a hearing (if you request one or we think one is needed). Your application will be considered by three commissioners. If the original decision was made by an individual commissioner, that commissioner will not be involved in the internal review.

Delaying the effects of a decision

Generally, the decision being reviewed remains in effect until the internal review is completed. For example, a licensee who has been granted a licence can supply liquor in accordance with that licence until completion of the internal review.

However, you may request that the commission delay the operation of the decision (otherwise known as 'staying a decision') until the completion of the internal review – meaning the decision being reviewed will not have effect until the internal review is completed. For example, if the Commission

¹ Section 152 of the Act sets out the types of decisions which are able to be reviewed and the persons who are eligible to apply for internal review regarding those decisions.

² See section 153 of the Act.

decided to stay a decision to grant a licence, the licensee cannot supply liquor under that licence until completion of the internal review.

If you want delay the effects of a decision, you need to write to us and tell us why. The Commission will write to other parties and give them an opportunity to put forward their perspectives. Within ten days of the applicant's request, the Commission will decide whether or not to delay the effects of the decision.

Decisions 'on the papers'

Where we believe we can conduct the internal review on the papers, we will write to you (and any other parties) asking whether a hearing is required or whether all parties agree to us deciding the matter in this way.

Uncontested application

An uncontested application is where there are no other parties, apart from the licensee, participating in the internal review. In these circumstances, we will invite you to provide written submissions and evidence within a specified timeframe, and if we have any other information which affects the internal review, we will give this to you for comment or response.

We will then make a decision based on all of the written information we have received.

Contested application

A contested application is where there are multiple parties who disagree on what decision the Commission should make. Where this occurs:

- we will invite the applicant to provide it with written submissions and evidence within a specified timeframe;
- these submissions and evidence will then be provided to the other parties involved;
- the other parties will, in turn, be invited to provide their own written submissions and evidence within a specified timeframe;
- those material will be provided to the original applicant; and
- the original applicant will be invited to respond within a specified timeframe (if necessary).

If we have any other information which affects the internal review, we will provide that to all parties, and give everyone an opportunity to respond or provide further information (which needs to be provided within the time frame specified). However, if a party does not respond in time, we may make our decision on the information already available to us. This includes any information or material that was available to the original decision maker.

Hearing

If the Commission considers that a matter is complex and it would be helpful to hear from the parties in person, we will invite the parties to attend a hearing.

Preliminary meetings

In certain circumstances, we may decide to hold a preliminary meeting with all parties. At such a meeting, a single commissioner will work with the parties to:

- identify key issues relevant to the internal review;
- set an agreed timetable for the exchange of submissions, and documents by parties;
- identify relevant witnesses (if any) and estimate the likely duration of any hearing; and
- set an agreed time and date for the hearing.

The outcome of this meeting will be summarised in writing in an agreed timetable document. This will be provided to all parties and is expected to be adhered to.

Preliminary meetings can be in person or by telephone. Parties will be advised of the time and date of a preliminary meeting.

What happens at a hearing?

If you request a hearing, or we decide one is needed, we will arrange time and date that suits all parties and the Commission. If any party requires an interpreter, please let us know as soon as possible so that we can arrange for one to be present.

At the hearing, each party will have the opportunity to explain their view and put forward any relevant evidence or submissions. This may include hearing from witnesses. In addition, other parties or the Commission will have the opportunity to ask questions.

The hearing will be generally be conducted in public, unless we consider that the circumstances require a private hearing. A party can also request a private hearing - see Practice Note G-02 for further information about private hearings.

There is usually a lawyer present who helps the Commission conduct the hearing. See Practice Note G-01 for more information about this person's role.

Do I need a lawyer? Can I bring a support person?

We aim to conduct hearings with as little formality and technicality as possible. You are not required to have a lawyer represent you but may do so if you wish. You can also bring along a support person.

What happens if I don't attend a hearing?

If you don't attend a scheduled hearing, we will make a decision on the basis of all of the information already before us. If you cannot attend the scheduled hearing (for example, you are unwell), you can ask for the hearing to take place on another day.

Decision

After considering the internal review, the Commission may affirm the original decision, vary it, or make a new decision.

At the end of the hearing, we will not usually make an immediate decision, but will consider all the information we have received and make our decision at a later time.

You will be notified of our decision in writing and receive a written statement of the reasons for our decision.

Effective Date: This information sheet was approved by the Commission on 31 August 2017 and applies to all internal review applications made to the Commission after this date.

The Commission has approved this Information Sheet to explain how it generally handles internal reviews, but may vary the way it handles an internal review at its absolute discretion.

INTERNAL REVIEW FLOWCHART

