



Victoria Government Gazette

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Liquor Control Reform Act 1998

DECISION-MAKING GUIDELINES

Pursuant to Section 172U(4) of the **Liquor Control Reform Act 1998**

Applications for Liquor Licences to Trade After 1.00 am

I, Anthony Carbines, Acting Minister for Casino, 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 in relation to applications to the Victorian Liquor Commission (Commission) for liquor licences to trade after 1.00 am in the municipalities of Melbourne, Port Phillip, Stonnington and Yarra (inner Melbourne municipalities).

These guidelines supersede the guidelines dated 29 June 2021. The guidelines apply to applications made to the Commission on or after 1 July 2023.

Background

The entertainment precincts located in inner Melbourne are important to the economy and to the cultural experience of residents, visitors from across Victoria, interstate and international tourists. These areas are of immense value to the large number of people who live in and visit Melbourne.

The Victorian Government is committed to supporting the cultural and economic activities that occur in the night-time economy; however it also recognises the relationship to alcohol-related harm from late night alcohol consumption.

Section 172D(1)(g) of the **Liquor Control Reform Act 1998** establishes that it is a function of the Commission to ensure that Government policy in relation to liquor is implemented.

Liquor regulation plays an important role in balancing the social, cultural and economic contributions of late-night venues with minimisation of amenity loss and alcohol related harm.

To manage potential harm from licences operating after 1.00 am in inner Melbourne municipalities, the Commission must have regard to these guidelines when considering whether to grant an application and whether it would detract from, or be detrimental to, the amenity of the area in which premises to which the application relates is situated, or that the granting of the application would be conducive to or encourage alcohol related harm.

These guidelines set out how the Commission must consider applications for licences seeking to trade after 1.00 am in inner Melbourne municipalities.

The guidelines apply to an application for the grant, relocation or variation of the following licence types:

- general;
- on-premises;
- late night (general, on-premises); and
- limited (temporary and renewable).

Applications to which these guidelines do not apply

These guidelines do not apply to an application for a liquor licence for premises that are or will be used as an accommodation hotel, being a hotel, whose primary purpose is providing accommodation and where the supply of alcohol is ancillary to that purpose.

Matters that must be considered by the Commission in assessing applications

It is the policy of the Victorian Government that the Commission consider the following matters when determining licence applications that allow the supply of liquor after 1.00 am in inner Melbourne municipalities.

SPECIAL

The matters set out below shall be considered by the Commission in the context of the risk profile of the application, including patron capacity of the venue, trading hours (for example, venues that close at 2.00 am and those that close 3.00 am or later) and compliance history.

In the case of an application to grant, relocate or vary a late night (general or on-premises) licence, the Commission must consider any existing licence conditions and may impose new licence conditions to manage the risk of alcohol-related harm and amenity loss.

In determining applications, the Commission must consider:

1. The ability of the applicant to manage noise and amenity loss, including –
 - (a) compliance of the application with relevant planning requirements including those that relate to trading hours, noise control and amenity issues; and
 - (b) history of adherence to all appropriate noise management requirements as outlined in the Environmental Protection Regulations 2021.
2. Where a variation is sought to change operating hours to late night, whether there is a satisfactory history of compliance with liquor laws, considering any –
 - (a) infringement penalties;
 - (b) findings of guilt for any offence under the **Liquor Control Reform Act 1998**;
 - (c) disciplinary action taken against the licensee by the Commission; and
 - (d) prior written warnings relating to an issue or behaviour at the venue.
3. Whether additional licence conditions may be required relating to the applicant's ability to manage the venue to minimise risks of harm from late-night trading, which must be proportionate to the venue's trading hours and compliance history, including the following –
 - (a) appropriate venue entry and exit arrangements to minimise crowding issues and manage queuing;
 - (b) appropriate lighting and supervision of venue entry and exit points;
 - (c) the introduction or expansion of security cameras;
 - (d) the provision of security personnel;
 - (e) providing a new or amended Venue Management Plan;
 - (f) responsible supply practices such as limiting the number of alcoholic drinks that can be purchased per order after 1.00 am and
 - (g) for venues deemed higher risk by the Commission, enhanced responsible service of alcohol requirements.
4. Whether the venue has a plan to prevent and respond to gender based violence, including sexual harassment, developed in consultation with staff or their representatives, which may include completion of training delivered by a WorkSafe accredited provider.

Dated 28 June 2023

ANTHONY CARBINES MP
Acting Minister for Casino, Gaming and Liquor Regulation

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