

Authorised Version No. 109
Liquor Control Reform Act 1998

No. 94 of 1998

Authorised Version incorporating amendments as at
16 December 2023

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
Part 1—Preliminary	1
1 Purpose	1
2 Commencement	1
3 Definitions	1
3A What is <i>amenity</i> ?	25
3AA Evidence constituting detraction from or detriment to amenity of area	26
3AB What is intoxication?	27
3AC Who is an <i>associate</i> ?	27
3B Where supply occurs if off-premises request made	29
4 Objects	30
5 Liquor Control Advisory Council	31
6 Act not to apply in certain cases	31
6A Exemption from Act—bed and breakfast businesses	34
6B Exemption from Act—florist or giftmaker	35
6C Exemption from Act—hairdressers	36
6D Exemption from Act—butchers	37
6E Exemption from Act—hospitals	37
6F Exemption from Act—residential care services	38
6G Exemption from Act—retirement villages	38
6H Exemption from Act—cruise ships	39
Part 2—Licences and BYO permits	40
Division 1—Categories of licences and permits	40
7 What are the categories of licences and permits that may be issued under this Act?	40
8 General licence	40
9 On-premises licence	43
9A Restaurant and cafe licence	46
10 Club licence	49
11 Packaged liquor licence	52
11A Late night licence	55
11B Remote seller's packaged liquor licence	60

<i>Section</i>	<i>Page</i>	
12	Pre-retail licence	61
13	Producer's licence	62
14	Limited licence	65
14A	Major event licence	66
14B	Determination of major event	66
15	BYO permit	69
15A	ANZAC Day restrictions	70
15B	Exemptions from ANZAC Day restrictions—Duty free shops and aircraft	71
15C	Exemptions from ANZAC Day restrictions—Residents and guests	72
15D	Exemptions from ANZAC Day restrictions—Wineries	73
15E	Sexually explicit entertainment licence condition—fees	74
16	Licence and permit condition—compliance with planning scheme	75
17	Licence condition—extended hours	75
18	Licence and permit condition—approval of directors	76
18B	Licence condition—security cameras	77
18C	Licence conditions—supply of liquor if off-premises request made	78
18D	Minister may specify additional conditions in relation to supply of packaged liquor	81
Division 2—Additional authority of licences		82
19	30-minute period for consumption of liquor after hours	82
20	Gratuitous supply of liquor	82
21	Bringing of liquor onto licensed premises	82
21A	Taking away of unconsumed liquor from licensed premises	83
Division 3—Restrictions on grant of licences and BYO permits		85
22	Certain premises not to be licensed	85
24	Further restriction on grant of packaged liquor and late night (packaged liquor) licences	88
25	Restrictions on grant of club licences	88
26	Restriction on grant of limited licence	89
26A	Restriction on grant of major event licence	90
26B	Restriction on the grant of certain licences—approved responsible service of alcohol programs	90
26C	Approval of responsible service of alcohol programs	91
Division 4—Applications for grant, variation, transfer and relocation of licences and BYO permits		92
27AA	Definitions	92
27	Who can apply for a licence or BYO permit?	93
28	Form of application	94
29	Application for variation of licence or BYO permit	95

<i>Section</i>	<i>Page</i>	
30	Procedure on application for variation by Chief Commissioner or licensing inspector	97
31	Application for relocation of licence or BYO permit	98
32	Application for transfer of licence or BYO permit	98
33	Copy of application to be given to police and local council	100
34	Public display of licence application	101
35	Advertisement of licence application	103
36	Notification of particular persons	105
37	Guidelines	105
Division 5—Objections		105
38	Objection on ground of amenity or harm	105
39	Objection by Chief Commissioner	106
40	Objection by local council	107
41	Objection to licence by licensing inspector	108
42	Commission may refuse to accept objection	109
43	Withdrawal of objection	110
Division 6—Determination of applications		110
44	Determination of uncontested applications	110
47	Determination of contested application	113
48	Commission may permit amendments and disregard errors	116
49	Licence and BYO permit conditions	116
49A	Grant, variation or relocation of licence and BYO permit takes effect in certain circumstances	116
49B	Supply of liquor under licence or BYO permit that is not in effect	117
50	Period of licence or BYO permit	118
50A	Notice of right to use premises as licensed premises	118
50B	Time transfer of licence or BYO permit takes effect	118
50C	Notice of right to occupy	119
51	Form of licence or BYO permit and endorsements	119
52	Copy of licence or BYO permit	119
53	Liability of joint and incorporated licensees or permittees and unincorporated clubs	119
53A	Criminal liability of officers of bodies corporate—accessorial liability	120
53B	Criminal liability of officers of bodies corporate—failure to exercise due diligence	122
53C	Criminal liability of officers of bodies corporate—failure to exercise due diligence (evidential burden of proof)	124
54	Nominee of licensee or permittee	126
55	Transfer of club licence to incorporated association	128
56	Concurrent dealing with transfer and relocation	128
57	Effect of transfer or relocation	128

<i>Section</i>	<i>Page</i>
Division 7—Variation of licence or BYO permit by Commission	129
58 Variation of licence or BYO permit at initiative of Commission	129
58A Correcting mistakes	130
Division 7A—Late hour entry declarations	133
58B Commission may make late hour entry declarations	133
58C Making a late hour entry declaration	134
58CA Temporary late hour entry declaration	135
58D Commission may revoke or vary a late hour entry declaration	136
Division 8—Renewal of licences and BYO permits	137
59 Licence to be renewed within 3 months	137
60 Licence renewal after 3 months	138
61 Notice of failure to renew licence or BYO permit	139
62 Power to owner and others to renew licence	139
Division 8A—Cancellation of licence or BYO permit at request of owner or mortgagee	141
62A Application for cancellation of a licence or BYO permit by owner or mortgagee	141
62B Licensee or permittee must be notified of application for cancellation	141
62C Licensee or permittee may object to cancellation of licence or BYO permit	142
62D Decision to cancel licence or BYO permit	142
Division 9—Surrender and lapse of licence or BYO permit	142
63 Surrender of licence or BYO permit	142
64 Release of licensee or permittee	143
65 Partner leaving partnership	143
66 Licence or permit lapses if not endorsed	144
Division 10—Provision of information	145
66AA Definitions	145
66AB Specification of certain licences	146
66AC Specification of certain licences as small business licences	146
66AD Requirement to provide wholesale information	147
66A Information in relation to fees	148
Part 3—Special procedures for certain licences	150
Division 1—Club licences for amalgamated clubs	150
67 Application by amalgamated club for a club licence	150
68 Objection to grant of licence to amalgamated club	151
69 Grant of licence to amalgamated club	151

<i>Section</i>	<i>Page</i>
70	152
Division does not affect Division 4 of Part 2	
Division 2—Casino premises	152
71	152
72	152
73	152
74	153
Division 3—Australian Grand Prix	153
75	153
76	153
77	154
78	154
79	155
Part 4—Authorisation of others to carry on licensed business	156
80	156
81	157
82	157
83	157
84	158
85	158
86	159
Part 4A—Demerits Register	160
86AA	160
86A	161
86B	161
86C	162
86D	162
86E	162
86F	164
86G	164
86H	165
86HA	165
86I	165
86IA	166
86IB	167

<i>Section</i>	<i>Page</i>
86J Demerit point automatically deducted after 3 years	167
86K Commission may publish details of licences and permits	168
Part 6—Inquiries and disciplinary provisions	169
Division 1—Disciplinary action against licensee or permittee	169
90 Definitions	169
91 Inquiry into whether there are grounds to take disciplinary action	173
92 Licensee or permittee to be given notice of any inquiry under this Division	174
92A Other interested persons to be given notice of any inquiry under this Division	175
93 Commission's determination following inquiry into existence of grounds for disciplinary action	177
93A Disciplinary action that is a cancellation, suspension or variation of licence or permit	178
93B Disciplinary action that is a fine	179
93C Disciplinary action that is a letter of censure	179
93D Disqualification	180
93E Endorsement of licence or permit by Commission	181
Division 2—Licence or permit cancellation or suspension in other circumstances	182
94 Inquiry into amenity or disuse	182
94A Commission must give notice of proposal to conduct inquiry under section 94	183
94B Other interested persons to be given notice of proposal to conduct inquiry under section 94	184
95 Cancellation, suspension or variation of licence or BYO permit by Commission	186
96A Suspension by police	188
96B Suspension by Commission	189
96C Evidentiary matters	190
Division 3—Effect of suspension	191
97 Effect of suspension of licence or permit	191
Division 4—Breach notices	191
97A Service of breach notice	191
97B Variation or suspension of licence	192
Part 7—Obligations of owners, mortgagees, licensees and permittees	194
98 Owners and mortgagees of licensed premises	194
99 Refreshments to be available	194
99A Free drinking water to be provided at licensed premises	194

<i>Section</i>	<i>Page</i>	
99B	Exemption from requirement to provide free drinking water—without application	195
99C	Exemption from requirement to provide free drinking water—on application	196
99D	Matters Commission must consider when exempting licensees from free drinking water requirements	196
100	Residents' register	197
101	Copy of licence or permit to be displayed on premises	198
101B	Plan of premises to be retained and produced for inspection	198
102	Notices required by the Commission must be displayed	199
103	Change of directors	200
103A	Change of associates	201
104	Approval of directors	201
105	No letting or sub-letting without consent	202
106	Control of business of supply of liquor	204
106A	Lessees etc. are liable for offences	205
106B	Requirement to notify Commission that sexually explicit entertainment provided on licensed premises	206
Part 7A—Barring orders		207
106C	Definitions	207
106D	Barring orders	207
106E	Police must produce proof of identity	207
106F	Content of barring order	207
106G	Duration of barring order	208
106H	Requirement to give name and address	208
106I	Variation and revocation of barring order	210
106J	Offences	211
106K	Licensee or permittee must keep records of barring orders	212
Part 8—Offences and enforcement		214
Division 1—General offences		214
107	Unlicensed selling of liquor	214
108	Offences by licensee and permittee	215
108AA	Licensee must complete refresher approved responsible service of alcohol programs	218
108AB	Licensee must ensure staff complete approved responsible service of alcohol programs	218
108AC	Licensee must ensure staff complete refresher approved responsible service of alcohol programs	219
108AD	Licensee must keep RSA certificates	220
108AE	Licensee must produce RSA certificates for inspection	220
108AF	Exemption from approved responsible service of alcohol program requirements—without application	221
108AG	Exemption from approved responsible service of alcohol program requirements—on application	222

<i>Section</i>	<i>Page</i>	
108AH	Matters Commission must consider when exempting licensees from responsible service of alcohol program requirements	223
108B	Corporate licensee must provide details of directors	223
109	Taking orders for liquor at unlicensed premises	224
109A	Sale of liquor through vending machines	225
109B	Written notice for delivery of liquor supplied by off-premises request	225
109C	Person must not deliver liquor supplied by off-premises request to intoxicated persons	226
110	Holding out	226
111	Bringing liquor to premises outside trading hours	226
112	Keeping liquor in unlicensed club	226
113	Consuming or having liquor on unlicensed premises	227
113A	Consumption of liquor on party buses	228
114	Offences by persons other than licensee or permittee	230
115	Betting on licensed premises	232
115A	Prohibited advertising or promotion	234
115B	Certain advertising prohibited within 150 metres of school	235
115C	No compensation	236
116	Falsely indicating that premises are licensed	237
117	Procuring transfer by fraud	237
118	False or misleading statements	238
Division 1A—Restrictions on the supply of liquor and other alcoholic products		239
118A	Restrictions on retail supply of alcohol-based food essences	239
118B	Regulations prohibiting supply of classes of liquor	239
Division 2—Underage drinking		240
119	Supplying liquor to minors	240
119A	Person must not deliver liquor to a person who is under 18 years of age	242
120	Allowing minors on licensed or authorised premises	243
121	Sending minor to obtain liquor	246
122	Permitting minor to supply liquor	246
123	Offences by minors	247
124	Wrongful dealing in evidence of age document	249
125	Offence to falsely procure proof of age card	250
Division 3—Investigatory powers		251
125A	Application of powers conferred on protective services officers under this Division	251
126	Power to demand suspected minor to give his or her age	251
127	Seizure of evidence of age document	253
128	Seizure of liquor from minors	255

<i>Section</i>	<i>Page</i>	
129	Right of entry	256
130	Powers of authorised persons	257
130A	Power to require names and addresses	259
130B	Search warrants	260
130C	Announcement before entry	261
130D	Copy of warrant to be given to occupier	262
130E	Offences relating to obstruction of authorised persons	262
130F	Protection against self-incrimination	263
131	Power to seize liquor in certain cases	264
132	Police to assist if person asked to leave premises	265
133C	Access to seized documents	265
133D	Use of equipment to examine or process documents	266
133E	Use or seizure of electronic equipment at premises	267
Division 3A—Undertakings by licensees		268
133F	Undertakings	268
133G	Register of undertakings	269
Division 3B—Injunctive relief		269
133H	Injunctions to restrain conduct	269
133I	Injunctions to do an act or thing	270
133J	Interim injunctions	272
133K	Power to rescind or vary injunctions	273
133L	Undertakings as to damages and costs	273
Division 4—Legal proceedings		273
134	Presumption as to holder of licence or permit	273
135	Averments	274
136	Sufficient evidence of certain matters	274
137	Copies of certain documents	276
138	Property forfeited	276
139	Concurrent proceedings	277
140	Notice of conviction	277
Division 5—Infringement notices		278
141	Power to serve an infringement notice	278
144	Infringement penalties	285
146	Effect of expiation	286
Division 6—Liquor accords		286
146A	Definitions	286
146B	Liquor accord terms	286
146C	Competition and Consumer Act and Competition Code	287
146D	Information disclosure in relation to liquor accord bans	287
146DA	Licensee or permittee must not disclose confidential information	288

<i>Section</i>	<i>Page</i>
146DB Licensee or permittee may consult with police in relation to liquor accord	288
Division 7—Advanced RSA programs	289
146E Approval of advanced RSA programs	289
146F Direction to complete approved advanced RSA program	289
Part 8A—Banning notices and exclusion orders	290
Division 1—Designated areas	290
147 Order declaring designated area	290
148 Court proceedings regarding Order	291
148A Variation and revocation of Order	291
Division 2—Banning notices	292
148B Issue of banning notice	292
148C Content of banning notice	294
148D Requirement to give name and address	296
148E Variation and revocation of banning notice	298
148F Offence to contravene banning notice or fail to comply with police directions	298
148G Direction to leave designated area or licensed premises	299
148H Police may use reasonable force to remove person	300
Division 3—Exclusion orders	301
148I Exclusion orders	301
148J Offence to contravene exclusion order or fail to comply with police directions	303
148K Direction to leave designated area or licensed premises	304
148L Police may use reasonable force to remove person	305
148M Variation of exclusion order	305
Division 4—General	306
148O Licensed premises include authorised premises	306
148P Disclosure of information for enforcement purposes	306
148Q Offence to permit contravention of banning notice or exclusion order	307
148R Annual report by Chief Commissioner	307
Part 8B—Closure and evacuation of licensed premises for fire and emergency purposes	311
Division 1—Preliminary	311
148S Definitions	311
Division 2—Power of entry and inspection	312
148T Appointment of fire safety inspector	312
148U Fire safety inspector's identity card	312

<i>Section</i>	<i>Page</i>	
148V	Production of identity card	313
148W	Entry and search of certain premises for serious fire threat	313
148X	Search of premises after entry authorised by any other Act	314
148Y	Requirement to assist the fire safety inspector during search of certain premises	315
148Z	Refusal or failure to comply with requirement	315
148ZA	Offence to refuse entry to a fire safety inspector	315
148ZB	Offence to give false or misleading information	316
Division 3—Closure and evacuation notices		316
148ZC	Advice of fire safety inspector as to serious fire threat	316
148ZD	Issue of closure and evacuation notice	317
148ZE	Service of closure and evacuation notice	318
148ZF	Issue and service of subsequent notice	319
148ZG	Content of closure and evacuation notice	319
148ZH	Direction to leave licensed premises	321
148ZI	Fire safety inspector may request assistance of police	321
148ZJ	Offence to fail or refuse to comply with a closure and evacuation notice or direction	322
148ZK	Offence to allow entry	322
148ZL	Sign must be displayed	323
148ZM	Injunction to prevent or restrain a contravention	323
148ZN	Notification of completion of rectification work	323
148ZO	Inspection by fire safety inspector of rectification work	324
148ZP	Revocation of closure and evacuation notice and subsequent notice	324
148ZQ	Giving advice or a decision in writing or orally	325
Division 5—General		326
148ZS	Disclosure of information for enforcement purposes	326
148ZT	Disclosure of information by the Commission	327
148ZX	Power to serve an infringement notice	329
148ZY	Infringement penalties	329
Part 9—Administration		330
Division 1—Statements of reasons		330
149	Request for statement of reasons for decision	330
150	Content of statement of reasons and by when they must be given	330
Division 2—Internal review		331
151	Definitions	331
152	Reviewable decisions	332
153	Applications for internal review	337
154	Notification of certain persons of application for internal review	338

<i>Section</i>	<i>Page</i>	
155	Commission on review must not include commissioner who made the reviewable decision	338
156	Commission on review must include Chairperson or a Deputy Chairperson	338
157	Decisions on internal review	339
158	Review of reviewable decisions relating to refusals to grant licence or BYO permit	340
159	Review of reviewable decisions relating to late hour entry declarations	340
160	Applications for internal review do not affect operation of reviewable decisions	341
Division 2A—Compulsory conferences		342
161	Main purposes of compulsory conference	342
162	Commission may refer internal review to compulsory conference	343
163	Notice of compulsory conference	343
164	Conduct of compulsory conference	344
165	Objection to commissioner who conducted compulsory conference being part of Commission on review under Division 2	344
166	Failure to attend a compulsory conference	345
167	Evidence inadmissible in internal review by Commission	345
Division 3—Review by VCAT		346
169	Application for review of internal review decisions under Division 2 of this Part	346
170	Time limit for applying for review	347
Division 4—Licensing inspectors		347
172	Licensing inspectors	347
Division 5—Appeals on questions of law		348
172A	Appeal to Supreme Court	348
Part 9A—Victorian Liquor Commission		349
Division 1—Establishment, functions and powers		349
172B	Establishment of Commission	349
172C	Commission represents the Crown	349
172D	Functions of Commission	350
172E	Powers of Commission	351
Division 2—Membership of Commission		351
172F	Constitution of Commission	351
172G	Eligibility for appointment	351
172H	Chairperson	352

<i>Section</i>	<i>Page</i>
172I Deputy Chairperson	352
172J Additional commissioners	352
172K Sessional commissioners	353
172L Term of appointment and remuneration	354
172M Acting appointments	354
172N Vacancies and resignation	355
172O Validity of decisions	356
172P Disclosure of interests	356
172Q Protection from liability	357
172R Identity cards	357
Division 3—Staffing and delegation	358
172S Staffing the Commission	358
172T Delegation	358
Division 4—Performance and exercise of the Commission's functions and powers	360
172U Basic requirement	360
172V Ministerial directions	361
172W How may Commission's functions and powers be performed or exercised?	361
172X Meetings and inquiries generally	362
172Y Meetings	363
172Z Are Commission meetings and inquiries open to the public?	363
Division 5—Liquor inspectors	364
172ZA Appointment	364
172ZB Criminal records check	365
172ZC Functions and powers of liquor inspectors	366
172ZD Identity cards	367
Part 9B—Investigations and inquiries of Commission	368
Division 1—Investigations	368
172ZE General power of investigation	368
Division 2—Inquiries	369
Subdivision 1—Inquiries generally	369
172ZF Inquiries by Commission	369
172ZG Conduct of inquiry	370
Subdivision 2—Community interest inquiries	370
172ZH Community interest inquiries	370
172ZI Procedure for community interest inquiries	371
172ZJ Minister may require interim report	372
172ZK Final report to be provided to Minister	372

<i>Section</i>	<i>Page</i>
Part 10—General	373
173 Service of notices and other documents	373
174 Extension of time for objections	374
175 Application of Gambling Regulation Act 2003	374
176 Issue of proof of age cards	375
177 Treasurer may make payments	376
178 Treasurer may require information	376
178A Delegation	377
179 Records to be made and kept by certain licensees	377
180 Regulations	379
Part 11—Repeals, consequential amendments and transitionals	382
182 Savings and transitional provisions	382
183 Transitional provision—Statute Law Amendment (Directors' Liability) Act 2013	382
184 Transitional provision—Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014	383
Schedules	385
Schedule 1—Club licences	385
Schedule 2—Specified offences for the purposes of banning notices and exclusion orders	388
Schedule 3—Savings and transitional provisions	390
Schedule 4—Transitional provisions—Victorian Commission for Gambling and Liquor Regulation Act 2011	411
Schedule 5—Transitional provisions—Liquor and Gambling Legislation Amendment Act 2018	422
Schedule 6—Transitional provisions—Liquor Control Reform Amendment Act 2021	424
Schedule 7—Transitional provisions—Gambling and Liquor Legislation Amendment Act 2022	432
Schedule 8—Transitional provisions— Casino and Liquor Legislation Amendment Act 2022	437
=====	
Endnotes	441
1 General information	441
2 Table of Amendments	443
3 Explanatory details	454

Authorised Version No. 109
Liquor Control Reform Act 1998
No. 94 of 1998

Authorised Version incorporating amendments as at
16 December 2023

The Parliament of Victoria enacts as follows:

Part 1—Preliminary

1 Purpose

The purpose of this Act is to reform the law relating to the supply and consumption of liquor.

2 Commencement

- (1) This Part comes into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in subsection (2) does not come into operation before 1 July 1999, it comes into operation on that day.

3 Definitions

- (1) In this Act—

alcohol-based food essence means a food flavouring preparation in liquid form intended for human consumption with an alcoholic content greater than 0.5% by volume at a temperature of 20° Celsius;

S. 3(1) def. of *alcohol-based food essence* inserted by No. 88/2001 s. 4(a).

Liquor Control Reform Act 1998
No. 94 of 1998
Part 1—Preliminary

S. 3(1) def. of
*alcohol-
related
violence or
disorder*
inserted by
No. 73/2007
s. 10.

alcohol-related violence or disorder means
violence or disorder resulting from or related
to the consumption of alcohol (whether or
not the alcohol is consumed in the place
where the violence or disorder occurs);

S. 3(1) def. of
amenity
inserted by
No. 39/2002
s. 4(1).

amenity has the meaning given by section 3A;

S. 3(1) def. of
*approved
advanced
RSA program*
inserted by
No. 64/2014
s. 40.

approved advanced RSA program means a
training program approved by the
Commission under section 146E;

S. 3(1) def. of
*approved
responsible
service of
alcohol
program*
inserted by
No. 57/2010
s. 4(2),
amended by
No. 58/2011
s. 51(3).

approved responsible service of alcohol program
means—

- (a) an initial training program approved by
the Commission under section 26C; or
- (b) in relation to a person who has
previously completed an initial training
program referred to in paragraph (a), a
refresher training program approved by
the Commission under section 26C;

S. 3(1) def. of
*approved
responsible
service of
alcohol
program
register*
inserted by
No. 57/2010
s. 4(2),
repealed by
No. 20/2018
s. 21(1).

* * * * *

associate has the meaning given in section 3AC;

S. 3(1) def. of *associate* inserted by No. 92/2004 s. 9(1), substituted by No. 73/2007 s. 8.

* * * * *

S. 3(1) def. of *Australian lawyer* inserted by No. 8/2009 s. 4(1), repealed by No. 17/2014 s. 160(Sch. 2 item 56).

authorised gaming visitor means a person—

- (a) who is on licensed premises in respect of which a venue operator's licence is in force; and
- (b) in the case of licensed premises within the municipal district of a Council mentioned in the Schedule to the **Public Holidays Act 1993**, who resides more than 5 kilometres from the licensed premises; and
- (c) in the case of licensed premises that are not within the municipal district of a Council mentioned in the Schedule to the **Public Holidays Act 1993**, who resides more than 10 kilometres, or any other distance which is determined by the Minister under subsection (2), from the licensed premises; and
- (d) whose name, residential address and date of admission to the licensed premises is recorded on the register of authorised gaming visitors required to be kept under section 10(4)(b)(ii);

Liquor Control Reform Act 1998
No. 94 of 1998
Part 1—Preliminary

S. 3(1) def. of
*authorised
member of
the police
force*
repealed by
No. 57/2010
s. 4(3)(a).

* * * * *

S. 3(1) def. of
*authorised
notifier*
inserted by
No. 71/2011
s. 4(a),
amended by
No. 37/2014
s. 10(Sch.
item 96.1(b)).

authorised notifier means—

- (a) Victoria Police; or
- (b) a court, tribunal or other entity involved in the administration of the criminal justice system in Victoria; or
- (c) any other authority or person responsible for the enforcement, investigation or prosecution of offences under this Act; or
- (d) a member, employee or delegate of an entity referred to in paragraph (a), (b) or (c);

S. 3(1) def. of
*authorised
person*
inserted by
No. 8/2009
s. 4(1),
substituted by
No. 58/2011
s. 51(2),
amended by
Nos 37/2014
s. 10(Sch.
item 96.1(c)),
26/2022
s. 17(b).

authorised person means—

- (a) a commissioner; or
- (b) a liquor inspector; or
- (c) a police officer;

S. 3(1) def. of
*authorised
premises*
amended by
No. 59/2009
s. 4(1).

authorised premises means premises referred to in section 9(1)(b), 9A(1)(b) or 11A(3)(b);

<p><i>banning notice</i> means a notice given under section 148B;</p>	<p>S. 3(1) def. of <i>banning notice</i> inserted by No. 73/2007 s. 4.</p>
<p><i>barring order</i> means an order served under section 106D, whether or not the order is varied under section 106I;</p>	<p>S. 3(1) def. of <i>barring order</i> inserted by No. 12/2011 s. 3(1).</p>
<p><i>bed and breakfast business</i> means a business that provides temporary accommodation, other than dormitory style accommodation, for not more than 8 adults in the course of that business;</p>	<p>S. 3(1) def. of <i>bed and breakfast business</i> inserted by No. 57/2010 s. 4(1), substituted by No. 21/2014 s. 4(2).</p>
<p><i>breach notice</i> means a notice served by the Commission under section 97A;</p>	<p>S. 3(1) def. of <i>breach notice</i> inserted by No. 73/2007 s. 11, amended by No. 58/2011 s. 104(Sch. item 4.1(a)).</p>
<p><i>butcher business</i> means a business whose primary function is to sell raw meat or fish on a retail basis for human consumption, but does not include a business where meat is sold to be consumed on the premises;</p>	<p>S. 3(1) def. of <i>butcher business</i> inserted by No. 57/2010 s. 4(1).</p>
<p><i>BYO permit</i> means a BYO permit granted under this Act;</p>	
<p><i>Chief Commissioner</i> means the Chief Commissioner of Police appointed under the Victoria Police Act 2013;</p>	<p>S. 3(1) def. of <i>Chief Commissioner</i> substituted by No. 37/2014 s. 10(Sch. item 96.1(d)).</p>

S. 3(1) def. of *Commission* inserted by No. 58/2011 s. 51(1), substituted by No. 26/2022 s. 17(c).

Commission means the Victorian Liquor Commission established by section 172B;

S. 3(1) def. of *commissioner* inserted by No. 58/2011 s. 51(1), substituted by No. 26/2022 s. 17(d).

commissioner means a member of the Commission appointed under Division 2 of Part 9A;

S. 3(1) def. of *compliance inspector* inserted by No. 8/2009 s. 4(1), repealed by No. 58/2011 s. 51(4).

* * * * *

S. 3(1) def. of *community interest inquiry* inserted by No. 26/2022 s. 17(a).

community interest inquiry means an inquiry referred to in section 172ZH;

S. 3(1) def. of *contested application* substituted by No. 73/2007 s. 9.

contested application means—

- (a) an application for the grant, variation, transfer or relocation of a licence or BYO permit in respect of which any objections are received under Division 5 of Part 2 within the period set out in that Division for those objections (or that period as extended under section 174); or
- (b) an application under section 30 for the variation of a licence or BYO permit in respect of which an objection is received under section 30(b) within the

period set out in that section for that objection (or that period as extended under section 174);

convenience store means a milk bar, mixed business or other premises of not more than 240 square metres on which food, drinks and other convenience goods are sold;

S. 3(1) def. of *convenience store* inserted by No. 92/2004 s. 9(1), amended by No. 49/2021 s. 4(3).

co-operative has the same meaning as in the Co-operatives National Law (Victoria);

S. 3(1) def. of *co-operative* amended by No. 9/2013 s. 42(Sch. 2 item 12).

Council has the same meaning as in the **Local Government Act 2020**;

S. 3(1) def. of *Council* amended by No. 9/2020 s. 390(Sch. 1 item 62.1).

cruise ship means a ship that—

- (a) has sleeping facilities for at least 100 passengers, other than crew members; and
- (b) is used to transport passengers for a fee, whether within or outside State waters or in the course of overseas or interstate journeys;

S. 3(1) def. of *cruise ship* inserted by No. 21/2014 s. 4(1).

designated area means an area declared under section 147 to be a designated area for the purposes of Part 8A;

S. 3(1) def. of *designated area* inserted by No. 73/2007 s. 4.

S. 3(1) def. of
*designated
place*
inserted by
No. 43/2011
s. 29,
substituted by
No. 37/2014
s. 10(Sch.
item 96.1(e)).

designated place has the same meaning as in the
Victoria Police Act 2013;

S. 3(1) def. of
Director
repealed by
No. 58/2011
s. 51(4).

* * * * *

director of a body corporate includes—

- (a) any person occupying or acting in the position of director of the body corporate, by whatever name called and whether or not validly appointed to occupy or duly authorised to act in the position; and
- (b) any person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act;

S. 3(1) def. of
*domestic
partner*
inserted by
No. 92/2004
s. 9(1),
substituted by
No. 12/2008
s. 73(1)(Sch. 1
item 37.1).

domestic partner of a person means—

- (a) a person who is in a registered relationship with the person; or
- (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides

domestic support and personal care to the person—

- (i) for fee or reward; or
- (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

driver licence means a driver licence issued under the **Road Safety Act 1986**;

emergency area, in relation to a state of emergency, means the area in which the state of emergency exists as specified in the declaration under section 198 of the **Public Health and Wellbeing Act 2008**;

S. 3(1) def. of *emergency area* inserted by No. 28/2022 s. 146(2).

event includes a series of events;

S. 3(1) def. of *event* inserted by No. 59/2009 s. 4(3).

evidence of age document means—

- (a) a proof of age card or a card issued in another State or a Territory that is the equivalent of a proof of age card; or
- (b) a driver licence or a licence issued in another State or a Territory that is the equivalent of a driver licence; or
- (c) an Australian or foreign passport; or
- (d) a document issued—
 - (i) by a person; or

(ii) on behalf of a government
department or agency—

approved by the Minister that bears a
photograph of the person to whom it is
issued and enables that person's age to
be determined;

S. 3(1) def. of
*exclusion
order*
inserted by
No. 73/2007
s. 4.

exclusion order means an order made by a court
under section 148I;

S. 3(1) def. of
*family
violence*
inserted by
No. 49/2021
s. 4(1).

family violence has the same meaning as in the
Family Violence Protection Act 2008;

S. 3(1) def. of
*florist or
giftmaker
business*
inserted by
No. 57/2010
s. 4(1).

florist or giftmaker business means a business
whose primary function is to sell flowers,
food or other products that are packaged as,
or intended to be, gifts;

S. 3(1) def. of
food court
inserted by
No. 92/2004
s. 9(1).

food court means an area set aside on a retail
premises for the consumption of food or
drink by the customers of premises used for
the sale of food or drink that are next to, or
near, the area;

S. 3(1) def. of
*gambling and
liquor
inspector*
inserted by
No. 58/2011
s. 51(1),
repealed by
No. 26/2022
s. 17(e).

* * * * *

guardian, in relation to a person who is under the age of 18 years, means a person who is authorised by law to manage the affairs of that young person;

S. 3(1) def. of *guardian* inserted by No. 92/2004 s. 3.

guest—

S. 3(1) def. of *guest* amended by Nos 92/2004 s. 9(2), 59/2009 s. 30(a).

(a) in relation to licensed premises under a general licence or late night (general) licence, means a person introduced to the premises by a resident; and

(b) in relation to licensed premises under a club licence, means a person introduced to the club by a member in accordance with the rules of the club;

hairdresser business means a business whose primary function is to provide hairdressing or barber services;

S. 3(1) def. of *hairdresser business* inserted by No. 57/2010 s. 4(1).

harm means harm arising from the misuse and abuse of alcohol, including—

S. 3(1) def. of *harm* inserted by No. 49/2021 s. 4(1).

(a) harm to minors, vulnerable persons or communities, including groups within communities; and

(b) family violence; and

(c) anti-social behaviour, including behaviour that causes personal injury or property damage;

highway service centre means a building or place that is used to provide refreshments and vehicle services to highway (including freeway) users which—

S. 3(1) def. of *highway service centre* inserted by No. 49/2021 s. 4(1).

(a) includes a petrol station; and

S. 3(1) def. of
*homeless
person*
inserted by
No. 73/2007
s. 4.

- (b) includes one or more businesses that supply take away food and drink; and
 - (c) operates 24 hours a day, 7 days a week;
- homeless person* has the same meaning as in the **Magistrates' Court Act 1989**;

S. 3(1) def. of
hospital
inserted by
No. 21/2014
s. 4(1).

- hospital* means any of the following—
- (a) a denominational hospital within the meaning of the **Health Services Act 1988**;
 - (b) a designated public hospital within the meaning of the **Health Services Act 1988**;
 - (c) a metropolitan hospital within the meaning of the **Health Services Act 1988**;
 - (d) a private hospital within the meaning of the **Health Services Act 1988**;
 - (e) a privately-operated hospital within the meaning of the **Health Services Act 1988**;
 - (f) a public hospital within the meaning of the **Health Services Act 1988**;

S. 3(1) def. of
*infringement
notice*
inserted by
No. 71/2011
s. 4(a).

infringement notice has the same meaning as in the **Infringements Act 2006**;

S. 3(1) def. of
*infringement
penalty*
inserted by
No. 71/2011
s. 4(a).

infringement penalty has the same meaning as in the **Infringements Act 2006**;

Liquor Control Reform Act 1998
No. 94 of 1998
Part 1—Preliminary

*	*	*	*	*	S. 3(1) def. of <i>inquiry</i> inserted by No. 58/2011 s. 51(1), repealed by No. 26/2022 s. 17(e).	
*	*	*	*	*	S. 3(1) def. of <i>insolvent under administration</i> repealed by No. 4/2008 s. 32(Sch. item 18).	
					<i>late hour entry declaration</i> means a declaration made under section 58B;	S. 3(1) def. of <i>late hour entry declaration</i> inserted by No. 8/2006 s. 4(1).
					<i>late night trading hours</i> in relation to a licence or BYO permit, means a continuous period from 1 a.m. on a particular day, where the licence or permit also authorises the supply of liquor up to 1 a.m. on that day;	S. 3(1) def. of <i>late night trading hours</i> inserted by No. 59/2009 s. 4(3).
					<i>licence</i> means a licence granted under this Act;	
					<i>licensed premises</i> means the premises in respect of which a licence (other than a pre-retail licence) or BYO permit is granted but does not include premises referred to in section 13(1)(a) (producer's licence);	S. 3(1) def. of <i>licensed premises</i> amended by Nos 71/2011 s. 4(b), 20/2018 s. 4(1)(a).
					<i>licensee</i> means the holder of a licence;	
					<i>licensing inspector</i> means a person appointed as a licensing inspector under section 172;	

liquor means a beverage, or other prescribed substance, intended for human consumption with an alcoholic content greater than 0.5% by volume at a temperature of 20° Celsius;

S. 3(1) def. of *liquor inspector* inserted by No. 26/2022 s. 17(a).

liquor inspector means a person appointed as a liquor inspector under section 172ZA;

S. 3(1) def. of *liquor that is the licensee's product* inserted by No. 20/2018 s. 4(2), substituted by No. 49/2021 s. 4(2).

liquor that is the licensee's product means liquor that is—

(a) beer, wine, cider or a spirit that—

(i) in the case of beer, has been brewed by or at the direction of the licensee and the licensee has assumed the financial risk of the production of the beer; and

(ii) in the case of wine, cider or a spirit that is brandy—

(A) has been made from fruit grown by the licensee who has assumed the financial risk of the production; or

(B) has been made under the direction of the licensee from fruit grown in Australia that was not grown by the licensee who has assumed the financial risk of the production; and

(iii) in the case of a spirit that is not brandy, has been distilled by or at the direction of the licensee and the licensee has assumed the financial risk of the production of the spirit; or

- (b) mead that has been made by or at the direction of the licensee and the licensee has assumed the financial risk of the production of the mead; or
- (c) sake that has been brewed by or at the direction of the licensee and the licensee has assumed the financial risk of the production of the sake; or
- (d) any other prescribed substance;

live music event means an event at which takes place the creation or manipulation of sound for artistic, cultural or religious purposes, and which is performed to an audience;

S. 3(1) def. of *live music event* inserted by No. 21/2014 s. 4(1).

major event means an event determined or taken under section 14B to be a major event;

S. 3(1) def. of *major event* inserted by No. 59/2009 s. 4(3).

municipal district has the same meaning as in the **Local Government Act 2020**;

S. 3(1) def. of *municipal district* inserted by No. 49/2021 s. 4(1).

nominee of a licensee or permittee, means a person approved under section 54 as nominee of that licensee or permittee;

non-compliance incident, in relation to a licence or permit, means—

S. 3(1) def. of *non-compliance incident* inserted by No. 71/2011 s. 4(a).

- (a) the payment of an infringement penalty in an infringement notice served on the licensee or permittee for an offence under section 108(4), 119 or 120; or

- (b) the making of an order under section 59 of the **Infringements Act 2006** in respect of an offence under section 108(4), 119 or 120; or
- (c) the commencement of a payment plan in respect of an infringement notice served on the licensee or permittee for an offence under section 108(4), 119 or 120; or
- (d) the successful prosecution of the licensee or permittee for an offence under section 108(4), 119 or 120;

S. 3(1) def. of *off-premises request* inserted by No. 28/2022 s. 146(1).

off-premises request means a request for the supply of liquor, whether made by mail, telephone, facsimile, internet or other electronic communication, by a person who is not on the licensee's licensed premises at the time the request is made;

S. 3(1) def. of *ordinary trading hours* amended by Nos 96/2003 s. 14(1), 59/2009 s. 4(2), 71/2011 s. 4(c), 21/2014 s. 4(3), 20/2018 s. 4(1)(b), 49/2021 s. 4(4), 28/2022 s. 146(3).

ordinary trading hours means—

- (a) in relation to a general licence, late night (general) licence, on-premises licence, late night (on-premises) licence or restaurant and cafe licence—
 - (i) the hours between 7 a.m. and 11 p.m. on each day, other than Sunday, Good Friday or ANZAC Day; and
 - (ii) the hours between 10 a.m. and 11 p.m. on Sunday; and
 - (iii) the hours between 12 noon and 11 p.m. on Good Friday and ANZAC Day;

- (b) in relation to a club licence—
 - (i) any time on any day other than Sunday, Good Friday or ANZAC Day; and
 - (ii) the hours between 10 a.m. and 11 p.m. on Sunday; and
 - (iii) the hours between 12 noon and 11 p.m. on Good Friday and ANZAC Day;
- (c) in relation to a packaged liquor licence, a late night (packaged liquor) licence or a remote seller's packaged liquor licence—
 - (i) the hours between 9 a.m. and 11 p.m. on each day, other than Sunday, Good Friday, ANZAC Day or Christmas Day; and
 - (ii) the hours between 10 a.m. and 11 p.m. on Sunday; and
 - (iii) the hours between 12 noon and 11 p.m. on ANZAC Day;
- (d) in relation to a producer's licence—
 - (i) the hours between 7 a.m. and 11 p.m. on each day, other than Sunday, Good Friday or ANZAC Day; and
 - (ii) the hours between 10 a.m. and 11 p.m. on Sunday, Good Friday and ANZAC Day;
- (e) in addition to the ordinary trading hours referred to in paragraph (a) in relation to a restaurant and cafe licence, the hours between 1 a.m. and 3 a.m. on 1 January;

owner of premises, means the person for the time being entitled to receive either on their own account or as mortgagee or other encumbrancer the rent of the premises or who would be so entitled if the premises were let at a rent;

S. 3(1) def. of *pandemic declaration* inserted by No. 28/2022 s. 146(2).

pandemic declaration means a pandemic declaration made under section 165AB of the **Public Health and Wellbeing Act 2008**;

S. 3(1) def. of *pandemic management area* inserted by No. 28/2022 s. 146(2).

pandemic management area has the same meaning as in the **Public Health and Wellbeing Act 2008**;

S. 3(1) def. of *party bus* inserted by No. 88/2009 s. 4.

party bus has the meaning set out in section 113A;

S. 3(1) def. of *permit* inserted by No. 71/2011 s. 4(a).

permit means a BYO permit;

S. 3(1) def. of *permitted percentage* inserted by No. 39/2002 s. 4(1), repealed by No. 39/2002 s. 16(a).

* * * * *

permittee means the holder of a BYO permit;

Liquor Control Reform Act 1998
No. 94 of 1998
Part 1—Preliminary

* * * * *

S. 3(1) def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 96.1(a)), repealed by No. 26/2022 s. 17(e).

premises includes a vehicle, vessel and aircraft;

primary premises, in relation to a producer's licence under section 13, means premises occupied and used by the licensee—

S. 3(1) def. of *primary premises* inserted by No. 71/2011 s. 4(a), amended by No. 20/2018 s. 4(1)(c).

- (a) for the production, storage or distribution of liquor that is the licensee's product; and
- (b) for the supply of liquor that is the licensee's product for consumption on or off the premises; and
- (c) for the supply of liquor that is not the licensee's product for consumption on the licensed premises; and
- (d) for the supply of packaged liquor that is the licensee's product to a person who makes an off-premises request;

promotional event includes but is not limited to a craft market, farmers' market, commercial market, festival, agricultural show, food and wine event, gallery opening, fair or local event but does not include a major event or horse-racing event;

S. 3(1) def. of *promotional event* inserted by No. 71/2011 s. 4(a).

proof of age card means a document issued by the Commission under section 176;

S. 3(1) def. of *proof of age card* amended by No. 58/2011 s. 104(Sch. item 4.1(b)).

Liquor Control Reform Act 1998
No. 94 of 1998
Part 1—Preliminary

S. 3(1) def. of
protective services officer
inserted by
No. 43/2011
s. 29,
substituted by
No. 37/2014
s. 10(Sch.
item 96.1(f)).

protective services officer has the same meaning
as in the **Victoria Police Act 2013**;

S. 3(1) def. of
Register
inserted by
No. 71/2011
s. 4(a).

Register means the Demerits Register established
under section 86A;

S. 3(1) def. of
related body corporate
inserted by
No. 39/2002
s. 4(2)(a),
repealed by
No. 39/2002
s. 16(a).

* * * * *

S. 3(1) def. of
related entity
amended by
No. 44/2001
s. 3(Sch.
item 73.1),
substituted by
No. 39/2002
s. 4(2)(b),
repealed by
No. 39/2002
s. 16(a).

* * * * *

S. 3(1) def. of
relevant police member
inserted by
No. 73/2007
s. 4,
repealed by
No. 57/2010
s. 4(3)(b).

* * * * *

residence, in sections 119 and 123, means—

- (a) a building or part of a building used as a separate residence; and
- (b) any land, building or part of a building used for a purpose ancillary to the use of a building or part of a building as a separate residence—

but does not include licensed premises;

resident, in relation to licensed premises, means a person (other than the licensee or permittee) residing or lodging on the licensed premises;

residential care service has the same meaning as in the **Health Services Act 1988**;

S. 3(1) def. of *residential care service* inserted by No. 21/2014 s. 4(1).

responsible adult, in relation to a person who is under the age of 18 years, means a person who is of or over the age of 18 years and who is—

S. 3(1) def. of *responsible adult* inserted by No. 92/2004 s. 3.

- (a) the younger person's parent, step-parent, guardian or grandparent; or
- (b) the younger person's spouse; or
- (c) a person who is acting in place of a parent and who could reasonably be expected to exercise responsible supervision of the younger person;

responsible person means a person responsible for the management or control of licensed premises;

S. 3(1) def. of *responsible person* inserted by No. 12/2011 s. 3(1).

S. 3(1) def. of *retail premises* inserted by No. 71/2011 s. 4(a), amended by No. 20/2018 s. 4(1)(d).

retail premises, in relation to a producer's licence under section 13, means premises occupied and used by the licensee for the supply of liquor that is the licensee's product for consumption off the premises;

S. 3(1) def. of *retirement village* inserted by No. 21/2014 s. 4(1).

retirement village has the same meaning as in the **Retirement Villages Act 1986**;

S. 3(1) def. of *RSA certificate* inserted by No. 20/2018 s. 21(2).

RSA certificate means a document that is a copy of the most recent certificate or report evidencing completion of an approved responsible service of alcohol program issued to—

- (a) the licensee or responsible person; or
- (b) each person who sells, offers for sale or serves liquor on the licensed premises;

S. 3(1) def. of *Secretary* inserted by No. 8/2009 s. 4(1), amended by No. 26/2022 s. 17(f).

Secretary means Secretary to the Department of Justice and Community Safety;

S. 3(1) def. of *sexually explicit entertainment* inserted by No. 57/2010 s. 4(4), amended by Nos 57/2010 s. 30, 7/2022 s. 71.

sexually explicit entertainment means live entertainment that may be performed for an audience, by a person or persons performing an act of an explicit sexual nature;

<i>specified offence</i> , in relation to a banning notice or an exclusion order, means an offence specified in Schedule 2;	S. 3(1) def. of <i>specified offence</i> inserted by No. 73/2007 s. 4.
<i>spouse</i> of a person means a person to whom the person is married;	S. 3(1) def. of <i>spouse</i> inserted by No. 92/2004 s. 9(1).
<i>state of emergency</i> means a state of emergency declared under section 198 of the Public Health and Wellbeing Act 2008 ;	S. 3(1) def. of <i>state of emergency</i> inserted by No. 28/2022 s. 146(2).
<i>state of intoxication</i> has the meaning given by section 3AB(1);	S. 3(1) def. of <i>state of intoxication</i> inserted by No. 8/2006 s. 4(2).
<i>successful prosecution</i> means a prosecution which results in a licensee or permittee being convicted or found guilty of an offence against section 108(4), 119 or 120;	S. 3(1) def. of <i>successful prosecution</i> inserted by No. 71/2011 s. 4(a).
<i>supply</i> includes sell, offer or expose for sale, exchange, dispose of and give away;	S. 3(1) def. of <i>supply</i> amended by No. 88/2001 s. 4(b).
<i>TAFE institute</i> has the same meaning as in the Education and Training Reform Act 2006 ;	S. 3(1) def. of <i>TAFE institute</i> inserted by No. 8/2009 s. 4(2).
<i>tax officer</i> has the same meaning as in the Taxation Administration Act 1997 ;	
* * * * *	S. 3(1) def. of <i>Tribunal</i> repealed by No. 58/2011 s. 51(4).

uncontested application means an application for the grant, variation, transfer or relocation of a licence or BYO permit in respect of which no objection is received under Division 5 of Part 2 within the period set out in that Division for that objection (or that period as extended under section 174);

S. 3(1) def. of *university* inserted by No. 8/2009 s. 4(2).

university has the same meaning as in the **Education and Training Reform Act 2006**;

S. 3(1) def. of *vending machine* inserted by No. 92/2004 s. 9(1), amended by No. 49/2021 s. 4(5).

vending machine means a machine or device that is designed to enable the purchase of items stored in the machine or device by the insertion of money, a token, a card or a similar object into the machine or device or by way of contactless card payment;

S. 3(1) def. of *venue operator's licence* substituted by No. 114/2003 s. 12.1.3 (Sch. 6 item 9.1), amended by No. 71/2011 s. 4(d).

venue operator's licence has the same meaning as in the **Gambling Regulation Act 2003**.

S. 3(1) def. of *vigneron* repealed by No. 71/2011 s. 4(e).

* * * * *

S. 3(1) def. of *voting power* inserted by No. 39/2002 s. 4(2)(a), repealed by No. 39/2002 s. 16(a).

* * * * *

- (2) For the purposes of paragraph (c) of the definition of *authorised gaming visitor* the Minister may determine that an alternative distance of not less than 5 kilometres should apply if the Minister is satisfied that it is in the interests of the community to do so.
- (3) For the purposes of the definition of *domestic partner* in subsection (1)—
- (a) *registered relationship* has the same meaning as in the **Relationships Act 2008**; and
- (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and
- (c) a person is not a domestic partner of another person only because they are co-tenants.
- (4) A reference in this Act to the vicinity of licensed premises means a public place that is within 20 metres of the licensed premises, but is not the licensed premises.

S. 3(3)
inserted by
No. 12/2008
s. 73(1)(Sch. 1
item 37.2).

S. 3(4)
inserted by
No. 12/2011
s. 3(2).

3A What is *amenity*?

- (1) For the purposes of this Act, the amenity of an area is the quality that the area has of being pleasant and agreeable.
- (2) Factors that may be taken into account in determining whether the grant, variation or relocation of a licence would detract from or be detrimental to the amenity of an area include—

S. 3A
inserted by
No. 39/2002
s. 5.

S. 3A(2)(a)–(c)
repealed by
No. 20/2018
s. 29.

* * * * *

- (d) the possibility of nuisance or vandalism;
 - (e) the harmony and coherence of the environment;
 - (f) any other prescribed matters.
- (3) Nothing in subsection (2) is intended to limit the definition of amenity.

S. 3AA
inserted by
No. 58/2011
s. 52.

3AA Evidence constituting detraction from or detriment to amenity of area

For the purposes of this Act, evidence of any of the following factors, which may occur inside, or a place outside a licensed premises that is sufficiently proximate to, that premises, are taken to constitute evidence of detraction from, or detriment to, the amenity of the area in which the licensed premises is situated—

- (a) violent behaviour;
- (b) drunkenness;
- (c) vandalism;
- (d) using profane, indecent or obscene language;
- (e) using threatening, abusive or insulting language;
- (f) behaving in a riotous, indecent, offensive or insulting manner;
- (g) disorderly behaviour;
- (h) causing nuisance;
- (i) noise disturbance to occupiers of other premises;

- (j) obstructing a footpath, street or road;
- (k) littering.

3AB What is intoxication?

S. 3AB
inserted by
No. 8/2006
s. 5.

- (1) For the purposes of this Act, a person is in a state of intoxication if his or her speech, balance, co-ordination or behaviour is noticeably affected and there are reasonable grounds for believing that this is the result of the consumption of liquor.
- (2) The Commission must issue guidelines containing information about how to determine whether a person is in a state of intoxication for the purposes of this Act, the **Casino Control Act 1991** or the **Gambling Regulation Act 2003**.

S. 3AB(2)
amended by
Nos 72/2007
s. 62, 58/2011
s. 104(Sch.
item 4.2).

3AC Who is an *associate*?

S. 3AC
inserted by
No. 73/2007
s. 12.

- (1) For the purposes of this Act, an *associate* of a person (the *first person*) is—
 - (a) a person who—
 - (i) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in any business of the first person involving the sale of liquor; and
 - (ii) by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that business; or
 - (b) a person who is or will be a director, whether in right of the person or on behalf of any other person, of any business of the first person involving the sale of liquor; or

- (c) if the first person is a natural person, a person who is a relative of the first person, other than a relative—
- (i) who is not, and has never been, involved in any business of the first person involving the sale of liquor; or
 - (ii) who will not be involved in the business the first person proposes to conduct as a licensee or permittee.

(2) In this section—

relative, in relation to a person, means—

- (a) the spouse or domestic partner of the person; or
- (b) a parent, son, daughter, brother or sister of the person; or
- (c) a parent, son, daughter, brother or sister of the spouse or domestic partner of the person;

relevant financial interest, in relation to a business involving the sale of liquor, means—

- (a) any share in the capital of the business; or
- (b) any entitlement to receive any income derived from the business; or
- (c) any entitlement to receive any payment as a result of money advanced;

relevant power means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others—

- (a) to participate in any directorial, managerial, or executive decision; or

(b) to elect or appoint any person as a director.

3B Where supply occurs if off-premises request made

S. 3B
inserted by
No. 92/2004
s. 10.

For the purposes of this Act, if liquor is provided to a person who was not on licensed premises at the time the person ordered the liquor, the supply of the liquor to the person occurs at the place where the liquor provided was appropriated to the person's order.

Examples

Examples to
s. 3B
substituted by
Nos 64/2014
s. 41, 28/2022
s. 147.

- 1 A customer requests the home delivery of a carton of beer by phone from the manager of premises licensed to supply liquor for consumption off the premises. The customer pays for the beer by providing credit card details over the phone. The manager selects the beer from the fridge and a staff member delivers the beer to the customer's house. In this scenario the beer is supplied to the customer at the fridge because that is where it was appropriated to the customer's request.
- 2 A customer requests a home delivery of a carton of beer from the licensee of a remote seller's packaged liquor licence. The licensee does not have a retail premises open to the public and the licensee's licensed premises is a warehouse where liquor is stored. The customer places and pays for the request online. A staff member of the licensee selects the beer from the licensee's warehouse and packs it into a box for delivery. In this scenario the beer is supplied to the customer at the warehouse because that is where it was appropriated to the customer's request.

* * * * *

S. 3C
inserted by
No. 49/2021
s. 5,
repealed by
No. 28/2022
s. 148.

4 Objects

S. 4
amended by
No. 59/2009
s. 5(3) (ILA
s. 39B(1)).

(1) The objects of this Act are—

S. 4(1)(a)
amended by
Nos 59/2009
s. 5(1),
49/2021
s. 6(1).

- (a) to contribute to minimising harm 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

S. 4(1)(a)(iii)
inserted by
No. 88/2001
s. 5.

- (iii) restricting the supply of certain other alcoholic products; and

S. 4(1)(a)(iv)
amended by
No. 59/2009
s. 5(2).

- (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

S. 4(1)(c)
amended by
Nos 57/2010
s. 5(1),
71/2011 s. 5.

(c) to contribute to the responsible development of the liquor, licensed hospitality and live music industries; and

S. 4(1)(d)
inserted by
No. 57/2010
s. 5(2).

(d) to regulate licensed premises that provide sexually explicit entertainment.

S. 4(2)
inserted by
No. 59/2009
s. 5(3),
amended by
No. 49/2021
s. 6(2).

(2) 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.

5 Liquor Control Advisory Council

S. 5 (Heading)
inserted by
No. 92/2004
s. 11(1).

- (1) There is established a Liquor Control Advisory Council to advise the Minister on problems of alcohol abuse and on any other matters referred to it by the Minister. S. 5(1) substituted by No. 92/2004 s. 11(2).
- (2) The Council consists of a Chairperson and as many other members as the Minister considers it appropriate to appoint. S. 5(2) substituted by No. 92/2004 s. 11(2).
- (3) In appointing a person to be a member of the Council, the Minister must be satisfied that the person has appropriate knowledge, experience or skills. S. 5(3) substituted by No. 92/2004 s. 11(2).
- (4) A member holds office for the period, not exceeding 5 years, specified in the instrument of appointment and is eligible for re-appointment.
- (5) A member is entitled to be paid any travelling and other allowances approved by the Minister.
- (6) The **Public Administration Act 2004** does not apply to a member of the Council in respect of the office of member. S. 5(6) amended by No. 108/2004 s. 117(1) (Sch. 3 item 115.1).
- (7) The Minister may remove a member from office. S. 5(7) amended by No. 92/2004 s. 11(3).
- (8) The Council may regulate its own procedure.

6 Act not to apply in certain cases

This Act does not apply—

- (a) to a person supplying spirituous or distilled perfume in good faith as perfumery; or

Liquor Control Reform Act 1998
No. 94 of 1998
Part 1—Preliminary

S. 6(c)
amended by
No. 97/2005
s. 182(Sch. 4
item 33),
substituted by
No. 13/2010
s. 51(Sch. 1
item 34).

S. 6(c)(ii)
amended by
No. 70/2013
s. 3(Sch. 1
item 26.1).

S. 6(e)
amended by
No. 58/2011
s. 104(Sch.
item 4.3).

- (b) to liquor supplied or consumed as part of a religious service; or
- (c) to the supply or administration of liquor only as medicine or for medical purposes by or under the direction of—
 - (i) a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student); or
 - (ii) a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student); or
- (d) to the supply or consumption of liquor at the Houses of Parliament by the permission and under the control of the Parliament; or
- (e) to an auctioneer selling liquor by auction with the approval of the Commission on account of—
 - (i) a person—
 - (A) who has failed to renew their licence; or
 - (B) who has surrendered their licence; or
 - (C) whose licence has been cancelled—
within the preceding 3 months; or
 - (ii) a person who intends to surrender their licence within 3 months after the sale; or
 - (iii) a person whose licence will expire within 3 months after the sale and who does not intend to renew the licence; or

- (f) to the official receiver or trustee in bankruptcy of a bankrupt estate selling liquor that is the property of that estate for the purposes of winding up that estate; or
- (g) to an executor or administrator of the estate of a deceased person selling liquor that is the property of that estate for the purposes of winding up that estate; or
- (h) to an insurer selling liquor to which the insurer has acquired title by virtue of a settlement of a claim made in good faith under a policy of insurance but not by purchase; or
- (i) to a person not carrying on a business of supplying liquor who supplies liquor to a licensee; or
- (j) to any of the following persons or entities selling by auction any liquor taken in execution or under any warrant of distress or forfeited—
 - (i) the Assistant Director, Asset Confiscation Operations in the Enforcement Management Division of the Department of Justice;
 - (ii) the sheriff or a person authorised by the sheriff;
 - (iii) a bailiff;
 - (iv) a police officer;

S. 6(j)
substituted by
No. 8/2006
s. 6,
amended by
No. 58/2011
s. 104(Sch.
item 4.4(a)).

S. 6(j)(iv)
amended by
Nos 8/2009
s. 5(a),
37/2014
s. 10(Sch.
item 96.2).

S. 6(j)(v)
inserted by
No. 8/2009
s. 5(b),
amended by
No. 58/2011
s. 104(Sch.
item 4.4(b)).

(v) the Commission;

S. 6(j)(vi)
inserted by
No. 8/2009
s. 5(b),
amended by
Nos 58/2011
s. 104(Sch.
item 4.4(c)),
26/2022
s. 23(1).

(vi) a liquor inspector; or

(k) to the granting of allowances of liquor to the crew of a vessel.

S. 6A
inserted by
No. 57/2010
s. 6.

6A Exemption from Act—bed and breakfast businesses

(1) A person who carries on a bed and breakfast business is exempt from any requirement of this Act to hold a licence in relation to the supply of liquor to a person staying at the bed and breakfast business if the following conditions are complied with—

S. 6A(1)(a)
repealed by
No. 21/2014
s. 5(1).

* * * * *

(b) the liquor is not supplied to a minor; and

(c) the proprietor of the business or the business purchased the liquor on a retail basis; and

S. 6A(1)(d)
amended by
No. 58/2011
s. 104(Sch.
item 4.5),
substituted by
No. 21/2014
s. 5(2).

(d) not more than 750ml of liquor is supplied in any one day per room that is occupied for the purposes of temporary accommodation.

Liquor Control Reform Act 1998
No. 94 of 1998
Part 1—Preliminary

* * * * *

S. 6A(2)(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.5),
repealed by
No. 21/2014
s. 5(3).

Note

It is an offence under section 107 for a person who is not a licensee to sell or offer liquor for sale.

Notes to s. 6A
substituted as
note by
No. 21/2014
s. 5(4).

6B Exemption from Act—florist or giftmaker

S. 6B
inserted by
No. 57/2010
s. 6.

- (1) A person who carries on a florist or giftmaker business is exempt from any requirement of this Act to hold a licence in relation to the supply of liquor by that business if the following conditions are met—
- (a) the business only supplies liquor that is packaged together with flowers, food or other gifts; and
 - (b) the liquor is not supplied to a minor; and
 - (c) the business does not accept orders to supply liquor from a minor; and
 - (d) the proprietor of the business or the business purchased the liquor on a retail basis; and
 - (e) not more than 1·5 litres of liquor is supplied to each recipient in any one day; and
 - (f) the value of the liquor and its container is not more than 50 per cent of the total sale price of the supplied items.

Liquor Control Reform Act 1998
No. 94 of 1998
Part 1—Preliminary

S. 6B(2)(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.6),
repealed by
No. 21/2014
s. 6(1).

* * * * *

Notes to s. 6B
substituted as
note by
No. 21/2014
s. 6(2).

Note

It is an offence under section 107 for a person who is not a licensee to sell or offer liquor for sale.

S. 6C
inserted by
No. 57/2010
s. 6.

6C Exemption from Act—hairdressers

- (1) A person who carries on a hairdresser business is exempt from any requirement of this Act to hold a licence in relation to the supply of liquor to a customer by that business if the following conditions are met—
- (a) the liquor is not supplied to a minor; and
 - (b) the liquor is consumed on the business premises; and
 - (c) the liquor is supplied without charge and the supply is ancillary to the provision of hairdressing or barber services.

S. 6C(2)(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.7),
repealed by
No. 21/2014
s. 7(1).

* * * * *

Notes to s. 6C
substituted as
note by
No. 21/2014
s. 7(2).

Note

It is an offence under section 107 for a person who is not a licensee to sell or offer liquor for sale.

6D Exemption from Act—butchers

- (1) A person who carries on a butcher business is exempt from any requirement of this Act to hold a licence in relation to the supply of liquor by that business if the following conditions are met—
- (a) the liquor is not supplied to a minor; and
 - (b) the liquor supplied is in sealed containers, bottles or cans for consumption off the business premises; and
 - (c) the liquor supplied is a type of liquor prescribed by the regulations; and
 - (d) not more than 1·5 litres of liquor is supplied to each recipient in any one day.

* * * * *

S. 6D
inserted by
No. 57/2010
s. 6.

S. 6D(2)(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.8),
repealed by
No. 21/2014
s. 8(1).

Note

It is an offence under section 107 for a person who is not a licensee to sell or offer liquor for sale.

Notes to s. 6D
substituted as
note by
No. 21/2014
s. 8(2).

6E Exemption from Act—hospitals

A person who owns or operates a hospital is exempt from any requirement of this Act to hold a licence in relation to the supply of liquor to a patient of the hospital, or a visitor of the patient, if the following conditions are met—

- (a) the liquor is not supplied to a minor; and
- (b) the person purchased the liquor on a retail basis; and
- (c) not more than 2 standard drinks are supplied to each recipient in any one day.

S. 6E
inserted by
No. 21/2014
s. 9.

Note

It is an offence under section 107 for a person who is not a licensee to sell or offer liquor for sale.

S. 6F
inserted by
No. 21/2014
s. 9.

6F Exemption from Act—residential care services

A person who owns or operates a residential care service is exempt from any requirement of this Act to hold a licence in relation to the supply of liquor to a resident of the residential care service, or a visitor of the resident, if the following conditions are met—

- (a) the liquor is not supplied to a minor; and
- (b) the person purchased the liquor on a retail basis; and
- (c) not more than 2 standard drinks are supplied to each recipient in any one day.

Note

It is an offence under section 107 for a person who is not a licensee to sell or offer liquor for sale.

S. 6G
inserted by
No. 21/2014
s. 9.

6G Exemption from Act—retirement villages

A person who owns or operates a retirement village is exempt from any requirement of this Act to hold a licence in relation to the supply of liquor to a resident of the retirement village, or a visitor of the resident, if the following conditions are met—

- (a) the liquor is not supplied to a minor; and
- (b) the person purchased the liquor on a retail basis; and
- (c) not more than 2 standard drinks are supplied to each recipient in any one day.

Note

It is an offence under section 107 for a person who is not a licensee to sell or offer liquor for sale.

6H Exemption from Act—cruise ships

S. 6H
inserted by
No. 21/2014
s. 9.

A person who owns or operates a cruise ship is exempt from any requirement of this Act to hold a licence in relation to the supply of liquor by that person, if the following conditions are met—

- (a) the liquor is only supplied to the registered passengers or crew members of the cruise ship; and
- (b) the liquor is only supplied for consumption aboard the cruise ship.

Note

It is an offence under section 107 for a person who is not a licensee to sell or offer liquor for sale.

Part 2—Licences and BYO permits

Division 1—Categories of licences and permits

7 What are the categories of licences and permits that may be issued under this Act?

S. 7
substituted by
No. 59/2009
s. 6.

The following licences and permits may be issued under this Act—

- (a) general licence;
- (b) on-premises licence;
- (c) restaurant and cafe licence;
- (d) club licence;
- (e) packaged liquor licence;
- (f) late night licence;
- (fa) remote seller's packaged liquor licence;

S. 7(fa)
inserted by
No. 49/2021
s. 7,
amended by
No. 28/2022
s. 149.

- (g) pre-retail licence;
- (h) producer's licence;

S. 7(h)
amended by
Nos 71/2011
s. 6, 20/2018
s. 5.

- (i) limited licence;
- (j) major event licence;
- (k) BYO permit.

8 General licence

- (1) A general licence authorises the licensee—
 - (a) to supply liquor on the licensed premises—
 - (i) during ordinary trading hours; and

Liquor Control Reform Act 1998
No. 94 of 1998
Part 2—Licences and BYO permits

-
- * * * * *
- (iii) subject to section 15A, between a time (not being earlier than 5 a.m.) before the commencement of ordinary trading hours and the commencement of ordinary trading hours on a particular day, if so determined by the Commission and specified in the licence—
- for consumption on and off the licensed premises; and
- (b) to supply liquor on the licensed premises at any time to a resident of the licensed premises or a guest of such a resident for consumption on the licensed premises; and
- (ba) to supply liquor on the licensed premises between 11 p.m. on any particular day until 1 a.m. on the following day for consumption on the licensed premises and, if so determined by the Commission and specified in the licence, for consumption off the licensed premises; and
- (c) if the licensee resides on the licensed premises, to supply liquor on that part of the licensed premises set aside for the licensee's private residence at any time to a guest of the licensee for consumption on that part of the licensed premises; and
- S. 8(1)(a)(ii) substituted by No. 59/2009 s. 7, amended by No. 58/2011 s. 104(Sch. item 4.9), repealed by No. 49/2021 s. 8(1).
- S. 8(1)(a)(iii) inserted by No. 59/2009 s. 7, amended by Nos 8/2010 s. 4, 58/2011 s. 104(Sch. item 4.9).
- S. 8(1)(ba) inserted by No. 21/2014 s. 10, substituted by No. 49/2021 s. 8(2).
- S. 8(1)(c) amended by No. 49/2021 s. 8(3).

S. 8(1)(d)
inserted by
No. 49/2021
s. 8(4),
amended by
No. 28/2022
s. 150(a).

(d) to supply liquor to a person who makes an off-premises request.

(2) A general licence is subject to—

(a) the condition set out in section 16 (compliance with planning scheme); and

(b) if the licence authorises the licensee to supply liquor outside ordinary trading hours (except as provided in subsection (1)(b) or (c)), the condition set out in section 17(1); and

(c) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and

S. 8(2)(ca)
inserted by
No. 21/2001
s. 4,
repealed by
No. 39/2002
s. 16(b), new
s. 8(2)(ca)
inserted by
No. 71/2011
s. 7(1).

(ca) the condition that the supply of liquor only for consumption off the licensed premises must not be the whole of the licensee's ordinary business of supplying liquor; and

S. 8(2)(cb)
inserted by
No. 49/2021
s. 8(5),
amended by
No. 28/2022
s. 150(b).

(cb) the condition that the licensee notifies the Commission before commencing the supply of liquor by off-premises request; and

S. 8(2)(cc)
inserted by
No. 49/2021
s. 8(5),
amended by
No. 28/2022
s. 150(c).

(cc) if the licensee commences the supply of liquor by off-premises request, the conditions set out in section 18C (supply of liquor if off-premises request made); and

- (cd) the condition that the licensee must not allow liquor to be delivered except during ordinary trading hours; and S. 8(2)(cd) inserted by No. 49/2021 s. 8(5).
- (ce) the condition that the licensee comply with any Ministerial order that imposes additional requirements on licences that authorise the supply of packaged liquor; and S. 8(2)(ce) inserted by No. 49/2021 s. 8(5).
- (d) any other conditions determined by the Commission and specified in the licence. S. 8(2)(d) amended by No. 58/2011 s. 104(Sch. item 4.10).
- (3) For the purposes of subsection (2)(ca), gratuitous supply of liquor under section 20 does not affect whether the supply of liquor only for consumption off the licensed premises is the whole of the licensee's ordinary business of supplying liquor. S. 8(3) inserted by No. 71/2011 s. 7(2).
- (4) Nothing in this section affects any existing obligation that applies to the licensed premises under a planning scheme within the meaning of the **Planning and Environment Act 1987**. S. 8(4) inserted by No. 49/2021 s. 8(6).

9 On-premises licence

- (1) An on-premises licence authorises the licensee—
- (a) to supply liquor on the licensed premises—
- (i) during ordinary trading hours; and
- (ii) between 11 p.m. on any particular day until 1 a.m. on the following day; and S. 9(1)(a)(ii) substituted by No. 59/2009 s. 8(1), amended by Nos 58/2011 s. 104(Sch. item 4.11), 49/2021 s. 9.

S. 9(1)(a)(iii)
inserted by
No. 59/2009
s. 8(1),
amended by
Nos 8/2010
s. 5(1),
58/2011
s. 104(Sch.
item 4.11).

(iii) subject to section 15A, between a time (not being earlier than 5 a.m.) before the commencement of ordinary trading hours and the commencement of ordinary trading hours on a particular day, if so determined by the Commission and specified in the licence—

for consumption on the licensed premises;
and

S. 9(1)(b)
amended by
No. 92/2004
s. 12(a),
substituted by
No. 59/2009
s. 8(2),
amended by
No. 58/2011
s. 104(Sch.
item 4.11).

(b) to supply liquor on any other premises authorised by the Commission and specified in the licence—

S. 9(1)(b)(i)
amended by
No. 57/2010
s. 7.

(i) during ordinary trading hours; and

S. 9(1)(b)(ii)
amended by
Nos 57/2010
s. 7, 58/2011
s. 104(Sch.
item 4.11).

(ii) between 11 p.m. on any particular day until 1 a.m. on the following day, if so determined by the Commission and specified in the licence; and

S. 9(1)(b)(iii)
amended by
Nos 8/2010
s. 5(2),
58/2011
s. 104(Sch.
item 4.11).

(iii) subject to section 15A, between a time (not being earlier than 5 a.m.) before the commencement of ordinary trading hours and the commencement of ordinary trading hours on a particular day, if so determined by the Commission and specified in the licence—

for consumption on those premises.

Liquor Control Reform Act 1998
No. 94 of 1998
Part 2—Licences and BYO permits

(c) if specifically authorised by the Commission, to supply liquor in an open container for consumption in a food court next to, or near, the licensed premises.

S. 9(1)(c) inserted by No. 92/2004 s. 12(b), amended by No. 58/2011 s. 104(Sch. item 4.11).

(2) An on-premises licence is subject to—

* * * * *

S. 9(2)(a) repealed by No. 59/2009 s. 8(3).

(b) the condition set out in section 16 (compliance with planning scheme); and

(c) if the licence authorises the licensee to supply liquor outside ordinary trading hours, the condition set out in section 17(1); and

(d) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and

(e) any other conditions determined by the Commission and specified in the licence.

S. 9(2)(e) amended by No. 58/2011 s. 104(Sch. item 4.12).

* * * * *

S. 9(3) amended by No. 73/2007 s. 13(1), repealed by No. 59/2009 s. 8(4).

* * * * *

S. 9(4)(5) inserted by No. 73/2007 s. 13(2), repealed by No. 59/2009 s. 8(4).

9A Restaurant and cafe licence

S. 9A
inserted by
No. 59/2009
s. 9.

(1) A restaurant and cafe licence authorises the licensee—

(a) to supply liquor on the licensed premises—

(i) during ordinary trading hours; and

S. 9A(1)(a)(ia)
inserted by
No. 49/2021
s. 10(1).

(ia) between 11 p.m. on any particular day until 1 a.m. on the following day; and

S. 9A(1)(a)(ii)
amended by
Nos 8/2010
s. 6(1),
58/2011
s. 104(Sch.
item 4.13).

(ii) subject to section 15A, at any other times determined by the Commission and specified in the licence—

for consumption on the licensed premises where the predominant activity carried out at all times on the premises is the preparation and serving of meals to be consumed on the licensed premises; and

S. 9A(1)(b)
amended by
Nos 8/2010
s. 6(2),
58/2011
s. 104(Sch.
item 4.13),
substituted by
No. 49/2021
s. 10(2).

(b) subject to section 15A, to supply liquor on any other premises authorised by the Commission and specified in the licence, during ordinary trading hours and between 11 p.m. on any particular day until 1 a.m. on the following day for consumption on those premises; and

S. 9A(1)(c)
inserted by
No. 49/2021
s. 10(2).

(c) to supply liquor on the licensed premises in sealed containers, bottles or cans for consumption off the licensed premises during ordinary trading hours; and

S. 9A(1)(d)
inserted by
No. 49/2021
s. 10(2),
amended by
No. 28/2022
s. 151(a).

(d) to supply liquor to a person who makes an off-premises request.

- (2) A restaurant and cafe licence is subject to—
- (a) the conditions set out in subsection (3), and
 - (b) the condition set out in section 16 (compliance with planning scheme); and
 - (c) if the licence authorises the licensee to supply liquor outside ordinary trading hours, the condition set out in section 17(1); and
 - (d) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and
 - (da) the condition that any liquor supplied in sealed containers, bottles or cans must be supplied together with a takeaway adult meal or delivery adult meal prepared on the premises of the licensee; and **S. 9A(2)(da) inserted by No. 49/2021 s. 10(3).**
 - (db) the condition that the supply of liquor to a person for a takeaway adult meal or delivery adult meal must not be more than 750 millilitres capacity in the case of wine or six containers of not more than 375 millilitres capacity each in the case of beer, cider or pre-mixed spirits; and **S. 9A(2)(db) inserted by No. 49/2021 s. 10(3).**
 - (dc) the condition that the licensee notifies the Commission before commencing the supply of liquor—
 - (i) on the licensed premises in sealed containers, bottles or cans for consumption off the premises; or
 - (ii) by off-premises request; and **S. 9A(2)(dc)(ii) amended by No. 28/2022 s. 151(b).**

S. 9A(2)(dd)
inserted by
No. 49/2021
s. 10(3),
amended by
No. 28/2022
s. 151(c).

(dd) if the licensee commences the supply of liquor by off-premises request, the conditions set out in section 18C (supply of liquor if off-premises request made); and

S. 9A(2)(de)
inserted by
No. 49/2021
s. 10(3).

(de) the condition that the licensee comply with any Ministerial order that imposes additional requirements on licences that authorise the supply of packaged liquor; and

S. 9A(2)(e)
amended by
No. 58/2011
s. 104(Sch.
item 4.14).

(e) any other conditions determined by the Commission and specified in the licence.

- (3) A restaurant and cafe licence is subject to the following conditions—
- (a) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time; and
 - (b) the licensee must not permit—
 - (i) the live performance of any musical works; or
 - (ii) the playing of any recorded musical works—

on the premises at higher than background music level at any time outside ordinary trading hours.
- (4) The condition in subsection (3)(b) does not apply to music performed or played on licensed premises outside ordinary trading hours as part of a function that is—
- (a) held in an area of those premises that is set aside for the exclusive use of persons who have booked a table in that area and their guests; and

(b) attended only by those persons and guests.

(5) In this section—

background music level, in relation to premises,
means a level that enables patrons to conduct
a conversation at a distance of
600 millimetres without having to raise their
voices to a substantial degree.

(6) Nothing in this section affects any existing
obligation that applies to the licensed premises
under a planning scheme within the meaning of
the **Planning and Environment Act 1987**.

S. 9A(6)
inserted by
No. 49/2021
s. 10(4).

10 Club licence

(1) A club licence may be a full club licence or a
restricted club licence.

(2) A full club licence authorises the licensee to
supply liquor on the licensed premises—

(a) during ordinary trading hours; and

(b) subject to section 15A, at any other times
determined by the Commission and specified
in the licence—

S. 10(2)(b)
amended by
Nos. 8/2010
s. 7(1),
58/2011
s. 104(Sch.
item 4.15).

to a member of the club for consumption on or off
the licensed premises and to an authorised gaming
visitor or a guest of a member for consumption on
the licensed premises.

(2A) A full club licence also authorises the licensee to
supply liquor on the licensed premises to a
member of the club, an authorised gaming visitor
or a guest of a member between 11 p.m. on
31 December and 1 a.m. on 1 January for
consumption on the licensed premises.

S. 10(2A)
inserted by
No. 21/2014
s. 11.

S. 10(2B)
inserted by
No. 49/2021
s. 11(1),
amended by
No. 28/2022
s. 152(a).

(2B) A full club licence also authorises the licensee to supply liquor to a member of the club who makes an off-premises request.

S. 10(3)
amended by
Nos 8/2010
s. 7(2),
58/2011
s. 104(Sch.
item 4.16).

(3) Subject to section 15A, a restricted club licence authorises the licensee to supply liquor at the times determined by the Commission and specified in the licence to a member of the club, an authorised gaming visitor or a guest of a member for consumption on the licensed premises.

S. 10(3A)
inserted by
No. 49/2021
s. 11(2).

(3A) In addition to subsections (2), (2A), (2B) and (3), a club licence authorises the licensee—

- (a) to supply liquor to members of the public at club events or functions on the licensed premises; and
- (b) to supply liquor on the licensed premises in other circumstances determined by the Commission and specified in the licence.

(4) A club licence is subject to—

S. 10(4)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.17).

(a) a condition that the rules of the club comply with Schedule 1 (except to the extent determined by the Commission under section 25(1)(a)); and

S. 10(4)(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.18).

(b) a condition that the secretary of the club keep on the licensed premises, in a form and manner approved by the Commission—

- (i) a members register containing the name and address of each member of the club and particulars of payment of the last subscription for membership paid by the member; and

- (ii) in the case of a club in respect of which a venue operator's licence is in force, a register of authorised gaming visitors containing the name and residential address of each authorised gaming visitor admitted to the licensed premises and the date of that admission; and
- (c) a condition that the registers be kept open for inspection at any time by a licensing inspector, a police officer, a liquor inspector, the Commission or a person employed under Part 3 of the **Public Administration Act 2004** in the administration of this Act who is authorised in writing by the Commission; and
- (d) a condition that the secretary of the club ensure that there are kept proper accounts and records of the transactions and affairs of the club and such other records as will sufficiently explain the financial operations and financial position of the club; and
- (e) the condition set out in section 16 (compliance with planning scheme); and
- (f) if the licence authorises the licensee to supply liquor outside ordinary trading hours, the condition set out in section 17(1); and
- (g) any other conditions determined by the Commission and specified in the licence.

S. 10(4)(c)
amended by
Nos 108/2004
s. 117(1)
(Sch. 3
item 115.1),
8/2009 s. 6,
57/2010 s. 8,
58/2011
s. 104(Sch.
item 4.19),
37/2014
s. 10(Sch.
item 96.2),
26/2022
s. 23(1).

S. 10(4)(g)
amended by
No. 58/2011
s. 104(Sch.
item 4.20).

S. 10(4A)
inserted by
No. 49/2021
s. 11(3).

(4A) A full club licence is also subject to—

S. 10(4A)(a)
amended by
No. 28/2022
s. 152(b).

(a) a condition that the licensee notifies the Commission before commencing the supply of liquor by off-premises request; and

S. 10(4A)(b)
amended by
No. 28/2022
s. 152(c).

(b) if the licensee commences the supply of liquor by off-premises request, the conditions set out in section 18C (supply of liquor if off-premises request made); and

(c) the condition that the licensee must not allow liquor to be delivered except before 11 p.m. only; and

(d) the condition that the licensee comply with any Ministerial order that imposes additional requirements on licences that authorise the supply of packaged liquor.

S. 10(5)
amended by
Nos 58/2011
s. 104(Sch.
item 4.21),
49/2021
s. 11(4).

(5) Despite subsections (1), (2), (2A), (2B), (3) and (3A), the Commission may impose a condition on a club licence prohibiting the supply of liquor on the licensed premises during any time that a law other than this Act forbids the club from trading at the premises.

S. 10(6)
repealed by
No. 49/2021
s. 11(5).

* * * * *

11 Packaged liquor licence

(1) A packaged liquor licence authorises the licensee to supply liquor on the licensed premises in sealed containers, bottles or cans—

(a) during ordinary trading hours; and

- (b) between 11 p.m. on any particular day until 1 a.m. on the following day, if so determined by the Commission and specified in the licence; and
- (c) subject to section 15A, between a time (not being earlier than 5 a.m.) before the commencement of ordinary trading hours and the commencement of ordinary trading hours on a particular day, if so determined by the Commission and specified in the licence; and
- (d) at any time on Christmas Day or on Good Friday determined by the Commission and specified in the licence—
- S. 11(1)(b) substituted by No. 59/2009 s. 10, amended by No. 58/2011 s. 104(Sch. item 4.22).
- S. 11(1)(c) inserted by No. 59/2009 s. 10, amended by Nos 8/2010 s. 8, 71/2011 s. 8(1), 58/2011 s. 104(Sch. item 4.22).
- S. 11(1)(d) inserted by No. 71/2011 s. 8(2), amended by No. 58/2011 s. 104(Sch. item 4.22).

for consumption off the licensed premises.

(2) If—

- (a) the licensed premises under a packaged liquor licence is located within premises used primarily as a supermarket; and
- (b) the licensee is the owner of the supermarket business; and
- (c) the Commission so determines and specifies in the licence—
- S. 11(2)(c) amended by No. 58/2011 s. 104(Sch. item 4.23).

the packaged liquor licence also authorises the licensee to receive payment for liquor supplied on the licensed premises at any checkout located in the supermarket if the person receiving the payment is of or over the age of 18 years.

Liquor Control Reform Act 1998
No. 94 of 1998
Part 2—Licences and BYO permits

S. 11(2A)
inserted by
No. 49/2021
s. 12(1),
amended by
No. 28/2022
s. 153(a).

(2A) A packaged liquor licence also authorises the licensee to supply liquor to a person who makes an off-premises request so long as the licensee's predominant activity remains the sale by retail of liquor for consumption off the licensed premises.

S. 11(3)(aa)
inserted by
No. 21/2001
s. 5.

(3) A packaged liquor licence is subject to—
(aa) a condition that the predominant activity carried on in the area set aside as the licensed premises is the sale by retail of liquor for consumption off the licensed premises; and

S. 11(3)
(aab)(aac)
inserted by
No. 39/2002
s. 6(1),
repealed by
No. 57/2010
s. 9(1).

* * * * *

S. 11(3)(aad)
inserted by
No. 39/2002
s. 6(1),
repealed by
No. 49/2021
s. 12(2).

* * * * *

- (a) the condition set out in section 16 (compliance with planning scheme); and
- (b) if the licence authorises the licensee to supply liquor outside ordinary trading hours, the condition set out in section 17(1); and
- (c) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and

S. 11(3)(ca)
inserted by
No. 49/2021
s. 12(3),
amended by
No. 28/2022
s. 153(b).

(ca) the condition that the licensee notifies the Commission before commencing the supply of liquor by off-premises request; and

- | | |
|---|--|
| (cb) if the licensee commences the supply of liquor by off-premises request, the conditions set out in section 18C (supply of liquor if off-premises request made); and | S. 11(3)(cb) inserted by No. 49/2021 s. 12(3), amended by No. 28/2022 s. 153(c). |
| (cc) the condition that the licensee must not allow liquor to be delivered except during ordinary trading hours; and | S. 11(3)(cc) inserted by No. 49/2021 s. 12(3). |
| (cd) the condition that the licensee comply with any Ministerial order that imposes additional requirements on licences that authorise the supply of packaged liquor; and | S. 11(3)(cd) inserted by No. 49/2021 s. 12(3). |
| (d) any other conditions determined by the Commission and specified in the licence. | S. 11(3)(d) amended by No. 58/2011 s. 104(Sch. item 4.24). |

*	*	*	*	*	S. 11(4) inserted by No. 39/2002 s. 6(2), repealed by No. 57/2010 s. 9(2).
---	---	---	---	---	--

*	*	*	*	*	S. 11(5–(7) inserted by No. 39/2002 s. 6(2), repealed by No. 49/2021 s. 12(4).
---	---	---	---	---	--

*	*	*	*	*	S. 11(8) inserted by No. 6/2003 s. 15, repealed by No. 16/2017 s. 30.
---	---	---	---	---	---

11A Late night licence

- (1) A late night licence may be—
- (a) a late night (general) licence; or

S. 11A inserted by No. 59/2009 s. 11.

- (b) a late night (on-premises) licence; or
- (c) a late night (packaged liquor) licence.

(2) A late night (general) licence authorises the licensee—

- (a) to supply liquor on the licensed premises—
 - (i) during ordinary trading hours; and
 - (ii) subject to section 15A, at any other times determined by the Commission and specified in the licence—

S. 11A(2)(a)(ii)
amended by
Nos 8/2010
s. 9(1),
58/2011
s. 104(Sch.
item 4.25).

for consumption on and off the licensed premises; and

- (b) to supply liquor on the licensed premises at any time to a resident of the licensed premises or a guest of such a resident for consumption on the licensed premises; and

S. 11A(2)(ba)
inserted by
No. 21/2014
s. 12,
substituted by
No. 49/2021
s. 13(1).

- (ba) to supply liquor on the licensed premises between 11 p.m. on any particular day until 1 a.m. on the following day for consumption on the licensed premises and, if so determined by the Commission and specified in the licence, for consumption off the licensed premises; and

S. 11A(2)(c)
amended by
No. 49/2021
s. 13(2).

- (c) if the licensee resides on the licensed premises, to supply liquor on that part of the licensed premises set aside for the licensee's private residence at any time to a guest of the licensee for consumption on that part of the licensed premises; and

S. 11A(2)(d)
inserted by
No. 49/2021
s. 13(3),
amended by
No. 28/2022
s. 154(a).

- (d) to supply liquor to a person who makes an off-premises request.

- (3) A late night (on-premises) licence authorises the licensee—
- (a) to supply liquor on the licensed premises—
 - (i) during ordinary trading hours; and
 - (ia) between 11 p.m. on any particular day until 1 a.m. on the following day; and
 - (ii) subject to section 15A, at any other times determined by the Commission and specified in the licence—
- for consumption on the licensed premises;
and
- (b) subject to section 15A, to supply liquor on any other premises authorised by the Commission and specified in the licence at any times determined by the Commission and specified in the licence, for consumption on those premises; and
 - (c) if specifically authorised by the Commission, to supply liquor in an open container for consumption in a food court next to, or near, the licensed premises.
- (4) A late night (packaged liquor) licence authorises the licensee to supply liquor on the licensed premises in sealed containers, bottles or cans—
- (a) during ordinary trading hours; and
 - (b) subject to section 15A, at any other times determined by the Commission and specified in the licence; and
- S. 11A(3)(a)(ia) inserted by No. 49/2021 s. 13(4).**
- S. 11A(3)(a)(ii) amended by Nos 8/2010 s. 9(2), 58/2011 s. 104(Sch. item 4.26).**
- S. 11A(3)(b) amended by Nos 8/2010 s. 9(3), 58/2011 s. 104(Sch. item 4.26).**
- S. 11A(3)(c) amended by No. 58/2011 s. 104(Sch. item 4.26).**
- S. 11A(4)(b) amended by Nos 8/2010 s. 9(4), 71/2011 s. 9(1), 58/2011 s. 104(Sch. item 4.27).**

S. 11A(4)(c)
inserted by
No. 71/2011
s. 9(2),
amended by
No. 71/2011
s. 34.

(c) at any time on Christmas Day or on Good Friday determined by the Commission and specified in the licence—

for consumption off the licensed premises.

(5) A late night licence is subject to—

- (a) the condition set out in section 16 (compliance with planning scheme); and
- (b) the condition set out in section 17(1); and
- (c) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and
- (d) in the case of a late night (packaged liquor) licence, the condition set out in section 11(3)(aa); and

S. 11A(5)(d)
amended by
No. 49/2021
s. 13(5)(a).

(da) in the case of a late night (general) licence, the condition that the supply of liquor only for consumption off the licensed premises must not be the whole of the licensee's ordinary business of supplying liquor; and

S. 11A(5)(da)
inserted by
No. 71/2011
s. 9(3).

(db) in the case of a late night (general) licence or a late night (packaged liquor) licence, the condition that the licensee notifies the Commission before commencing the supply of liquor by off-premises request; and

S. 11A(5)(db)
inserted by
No. 49/2021
s. 13(5)(b),
amended by
No. 28/2022
s. 154(b).

(dc) in the case of a late night (general) licence or a late night (packaged liquor) licence, if the licensee commences the supply of liquor by off-premises request, the conditions set out in section 18C (supply of liquor if off-premises request made); and

S. 11A(5)(dc)
inserted by
No. 49/2021
s. 13(5)(b),
amended by
No. 28/2022
s. 154(c).

- (dd) in the case of a late night (general) licence or a late night (packaged liquor) licence, the condition that the licensee must not allow liquor to be delivered except during ordinary trading hours; and **S. 11A(5)(dd) inserted by No. 49/2021 s. 13(5)(b).**
- (de) in the case of a late night (general) licence or a late night (packaged liquor) licence, the condition that the licensee comply with any Ministerial order that imposes additional requirements on licences that authorise the supply of packaged liquor; and **S. 11A(5)(de) inserted by No. 49/2021 s. 13(5)(b).**
- (e) any other conditions determined by the Commission and specified in the licence. **S. 11A(5)(e) amended by No. 58/2011 s. 104(Sch. item 4.28).**
- (5A) For the purposes of subsection (5)(da), gratuitous supply of liquor under section 20 does not affect whether the supply of liquor only for consumption off the licensed premises is the whole of the licensee's ordinary business of supplying liquor. **S. 11A(5A) inserted by No. 71/2011 s. 9(4).**
- (6) Sections 11(2) and 11(2A) apply in relation to a late night (packaged liquor) licence as if it were a packaged liquor licence. **S. 11A(6) amended by Nos 71/2011 s. 9(5), 49/2021 s. 13(6).**
- (7) Nothing in this section affects any existing obligation that applies to a licensed premises under a planning scheme within the meaning of the **Planning and Environment Act 1987**. **S. 11A(7) inserted by No. 49/2021 s. 13(7).**

11B Remote seller's packaged liquor licence

S. 11B
(Heading)
amended by
No. 28/2022
s. 155(1).

S. 11B
inserted by
No. 49/2021
s. 14.

S. 11B(1)
substituted by
No. 28/2022
s. 155(2).

- (1) A remote seller's packaged liquor licence authorises the licensee, on an off-premises request, to supply liquor on the licensed premises in sealed containers, bottles or cans—
- (a) during ordinary trading hours; and
 - (b) at any time on Christmas Day or on Good Friday determined by the Commission and specified in the licence—
- for consumption off the licensed premises.

S. 11B(2)
amended by
No. 28/2022
s. 155(3)(a).

- (2) A remote seller's packaged liquor licence is subject to—
- (a) the condition set out in section 16 (compliance with planning scheme); and
 - (b) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and

S. 11B(2)(c)
amended by
No. 28/2022
s. 155(3)(b).

- (c) the conditions set out in section 18C (supply of liquor if off-premises request made); and
- (d) the condition that the licensee must not allow liquor to be delivered except during ordinary trading hours; and
- (e) the condition that the licensee comply with any Ministerial order that imposes additional requirements on licences that authorise the supply of packaged liquor; and

- (f) any other conditions determined by the Commission and specified in the licence.

12 Pre-retail licence

- (1) A pre-retail licence authorises the licensee to supply liquor at any time and on any premises—
- (a) to a person who holds a licence under this Act; and
 - (b) to a person licensed to sell or supply liquor by or under a law of another State or Territory if the liquor supplied is to be consumed outside Victoria; and
 - (c) to a person for the purpose of exporting the liquor supplied out of Australia.
- (2) A pre-retail licence is subject to—
- (a) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and
 - (b) any other conditions determined by the Commission and specified in the licence.

S. 12(1)
substituted by
No. 92/2004
s. 13.

S. 12(2)(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.29).

13 Producer's licence

S. 13
(Heading)
substituted by
No. 20/2018
s. 6(1).

S. 13
amended by
No. 58/2011
s. 104(Sch.
items 4.30,
4.31),
substituted by
No. 71/2011
s. 10.

S. 13(1)
amended by
No. 20/2018
s. 6(2).

- (1) A producer's licence authorises the licensee—
- (a) to supply liquor that is the licensee's product at any time and on any premises to another licensee; and
 - (b) to supply during ordinary trading hours and at any other time determined by the Commission and specified in the licence—
 - (i) liquor that is the licensee's product for consumption on or off the licensed premises; and
 - (ii) liquor that is not the licensee's product for consumption on the licensed premises; and
 - (c) to supply packaged liquor that is the licensee's product during ordinary trading hours and at any other time determined by the Commission and specified in the licence to a person who makes an off-premises request; and
 - (d) to supply liquor to a person who makes an off-premises request.

S. 13(1)(c)
amended by
No. 49/2021
s. 15(1).

S. 13(1)(d)
inserted by
No. 49/2021
s. 15(2),
amended by
No. 28/2022
s. 156(a).

- (2) A producer's licence is subject to—
- (a) the conditions set out in section 16 (compliance with planning scheme); and
 - (b) if the licence authorises the licensee to supply liquor outside ordinary trading hours, the condition set out in section 17(1) (extended hours); and
 - (c) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and
 - (ca) the condition that the licensee notifies the Commission before commencing the supply of liquor by off-premises request; and
 - (cb) if the licensee commences the supply of liquor by off-premises request, the conditions set out in section 18C (supply of liquor if off-premises request made); and
 - (cc) the condition that the licensee must not allow liquor to be delivered except during ordinary trading hours; and
 - (cd) the condition that the licensee comply with any Ministerial order that imposes additional requirements on licences that authorise the supply of packaged liquor; and
 - (d) any other conditions determined by the Commission and specified in the licence.
- * * * * *

S. 13(2)
amended by
No. 20/2018
s. 6(3).

S. 13(2)(ca)
inserted by
No. 49/2021
s. 15(3),
amended by
No. 28/2022
s. 156(b).

S. 13(2)(cb)
inserted by
No. 49/2021
s. 15(3),
amended by
No. 28/2022
s. 156(c).

S. 13(2)(cc)
inserted by
No. 49/2021
s. 15(3).

S. 13(2)(cd)
inserted by
No. 49/2021
s. 15(3).

S. 13(3)
repealed by
No. 20/2018
s. 6(4).

S. 13(4)(b)
amended by
No. 20/2018
s. 6(5).

- (4) For the purposes of this section—
- (a) licensed premises may consist of a primary premises, or both a primary premises and a retail premises;
 - (b) in the case of licensed premises that consist of both a primary premises and a retail premises, both premises must be located in the same region specified in the Register of Protected Geographical Indications and Other Terms kept by the Registrar under the Wine Australia Act 2013 of the Commonwealth.
- (5) A licensee under this section may apply under section 29 for a condition that authorises the supply of liquor that is the licensee's product at promotional events that are conducted off the licensed premises.
- (6) An application under subsection (5)—
- (a) must be accompanied by the prescribed fee; and
 - (b) is subject to any further condition determined by the Commission and specified on the licence.
- (7) Section 29(3)(c)(ia) does not apply to an application under subsection (5).
- (8) A licensee of a licence that has a condition of the type referred to in subsection (5) must keep a record of the name, date and location of all promotional events at which it has supplied liquor that is the licensee's product, including records of the times at which the licensee was supplying the product at the event, and produce the records for inspection upon request by an authorised person.

14 Limited licence

(1) A limited licence may be a temporary limited licence or a renewable limited licence. S. 14(1) substituted by No. 59/2009 s. 12(1).

(1A) A temporary limited licence— S. 14(1A) inserted by No. 59/2009 s. 12(1).

(a) authorises the licensee to supply liquor at the times determined by the Commission subject to section 15A and specified in the licence; and S. 14(1A)(a) amended by Nos 8/2010 s. 10(1), 58/2011 s. 104(Sch. item 4.32).

(b) is not renewable.

(1B) A renewable limited licence— S. 14(1B) inserted by No. 59/2009 s. 12(1).

(a) subject to section 15A, authorises the licensee to supply liquor at the times determined by the Commission and specified in the licence; and S. 14(1B)(a) amended by Nos 8/2010 s. 10(2), 58/2011 s. 104(Sch. item 4.33).

(b) may be renewed in accordance with this Act.

(2) A limited licence is subject to— S. 14(2)(a) repealed by No. 21/2014 s. 13.

* * * * *

(b) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and

(c) any other conditions determined by the Commission and specified in the licence. S. 14(2)(c) amended by No. 58/2011 s. 104(Sch. item 4.34).

S. 14(3)
amended by
Nos 59/2009
s. 12(2),
58/2011
s. 104(Sch.
item 4.35),
repealed by
No. 21/2014
s. 13.

* * * * *

S. 14A
inserted by
No. 59/2009
s. 13.

14A Major event licence

S. 14A(1)
amended by
Nos 8/2010
s. 11, 58/2011
s. 104(Sch.
item 4.36).

- (1) A major event licence authorises the licensee to supply liquor in relation to a major event at the times determined by the Commission subject to section 15A and specified in the licence.
- (2) A major event licence is subject to—
 - (a) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and
 - (b) any other conditions determined by the Commission and specified in the licence.

S. 14A(2)(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.37).

S. 14B
inserted by
No. 59/2009
s. 13.

14B Determination of major event

S. 14B(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.38).

- (1) The Commission may determine that an event is a major event for the purposes of sections 14A and 26.

S. 14B(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.39).

- (2) The Commission may determine that an event is a major event only if the Commission is satisfied that the event is likely to have a significant impact.

- (3) Subject to subsection (7), an event is taken to be a major event if the Commission determines that the event is likely to attract more than 5000 patrons. **S. 14B(3) amended by No. 58/2011 s. 104(Sch. item 4.40).**
- (4) An event is likely to have a significant impact if—
- (a) the event is likely to require significant effort or oversight by authorised persons; or
 - (b) the event is likely to have a significant impact on the provision and organisation of public transport and emergency services; or
 - (c) the event is likely to have a significant impact on public safety or the amenity of the area or both in which the event is to be held.
- (5) In determining the number of patrons that the event is likely to attract, the Commission may consider— **S. 14B(5) amended by No. 58/2011 s. 104(Sch. item 4.41(a)).**
- (a) the nature of the event (including any activities held in conjunction with the event);
 - (b) the location of the event;
 - (c) if the same event or substantially the same event has been held previously, the estimated number of patrons who attended that event;
 - (d) the proposed number of tickets to be available for the event, if applicable;
 - (e) any relevant recommendations made by the Chief Commissioner.
- (6) In determining whether an event is likely to have a significant impact, the Commission must have regard to— **S. 14B(6) amended by No. 58/2011 s. 104(Sch. item 4.41(b)).**
- (a) the number of patrons the event is likely to attract;
 - (b) the proposed date, time and duration of the event;

- (c) the nature of the event (including any activities held in conjunction with the event);
- (d) the location of the event;
- (e) the potential impact on public transport, emergency services and the council of the municipal district in which the licensed premises to which the application relates are situated;
- (f) the potential impact on public safety and the amenity of the area in which the event is to be held;
- (g) the cumulative impact of the grant of other licence applications in relation to the event;
- (h) if the proposed event, or similar event, has previously been held, the impact of that prior event on the factors in paragraphs (a) to (f);
- (i) any relevant recommendations made by the Chief Commissioner;
- (j) any other matter that the Commission considers relevant.

S. 14B(6)(j)
amended by
No. 58/2011
s. 104(Sch.
item 4.41(b)).

S. 14B(7)
amended by
No. 58/2011
s. 104(Sch.
item 4.41(c)).

- (7) Despite subsection (3), the Commission may determine that an event that is likely to attract more than 5000 patrons is not a major event if, in the opinion of the Commission, the event is unlikely to have a significant impact on any of the factors set out in subsection (4).

S. 14B(8)
repealed by
No. 58/2011
s. 104(Sch.
item 4.42).

* * * * *

15 BYO permit

(1) Subject to section 15A, a BYO permit authorises liquor to be consumed, possessed or controlled on the premises in respect of which the permit is granted at the times determined by the Commission and specified in the permit.

S. 15(1)
amended by
Nos 8/2010
s. 12, 58/2011
s. 104(Sch.
item 4.43).

(1A) A BYO permit also authorises liquor to be consumed, possessed or controlled on the premises in respect of which the permit is granted between the hours of 11 p.m. on 31 December and 1 a.m. on 1 January.

S. 15(1A)
inserted by
No. 49/2021
s. 16.

(2) A BYO permit is subject to—

(a) a condition that the permittee does not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the permit relates during or immediately after the periods to which the permit relates; and

(b) a condition that the premises are a restaurant or a club or a party bus; and

S. 15(2)(b)
amended by
No. 88/2009
s. 5.

(c) the condition set out in section 16 (compliance with planning scheme); and

(d) if the permittee is a body corporate, the condition set out in section 18 (approval of directors); and

(e) any other conditions, including conditions relating to entertainment, determined by the Commission and specified in the permit.

S. 15(2)(e)
amended by
No. 58/2011
s. 104(Sch.
item 4.44).

S. 15A
inserted by
No. 8/2010
s. 13.

15A ANZAC Day restrictions

- (1) Subject to sections 15B(1), 15C(1) and 15D(1), the following licences do not authorise the supply of liquor at any time between 3 a.m. and 12 noon on ANZAC Day despite anything to the contrary in section 9A, 10, 11A or 14(1B) or the licence—
- (a) a restaurant and cafe licence;
 - (b) a club licence;
 - (c) a late night licence;
 - (d) a renewable limited licence.

S. 15A(2)
amended by
No. 71/2011
s. 11.

- (2) A BYO permit does not authorise liquor to be consumed, possessed or controlled on the premises in respect of which the permit is granted at any time between 3 a.m. and 12 noon on ANZAC Day despite anything to the contrary in section 15 or the permit.

- (3) Subject to sections 15B(2), 15C(2) and 15D(2) the following licences do not authorise the supply of liquor at any time between 5 a.m. and 12 noon on ANZAC Day despite anything to the contrary in section 8, 9 or 11 or the licence—
- (a) a general licence;
 - (b) an on-premises licence;
 - (c) a packaged liquor licence.

S. 15A(4)
amended by
No. 58/2011
s. 104(Sch.
item 4.45).

- (4) The Commission must not make a determination under section 14(1A)(a) or 14A(1) authorising the supply of liquor at any time between 3 a.m. and 12 noon on ANZAC Day unless the Commission is satisfied that the supply of liquor—
- (a) will occur in connection with ANZAC Day commemorative activities; and

- (b) will be consistent with the solemn observance of that day.
- (5) This section applies to a licence (other than a temporary limited licence or major event licence) or BYO permit whether granted before or after the commencement of section 13 of the **Liquor Control Reform Amendment (ANZAC Day) Act 2010**.
- (6) This section applies to a temporary limited licence or major event licence granted after the commencement of section 13 of the **Liquor Control Reform Amendment (ANZAC Day) Act 2010**.
- (7) This section does not apply to a licence held by the Returned and Services League or a sub-branch of the Returned and Services League.

15B Exemptions from ANZAC Day restrictions—Duty free shops and aircraft

S. 15B
inserted by
No. 8/2010
s. 13.

- (1) Section 15A(1) does not prohibit the supply of liquor at any time between 3 a.m. and 12 noon on ANZAC Day under a licence if—
 - (a) that licence is held in relation to—
 - (i) an outwards duty free shop within the meaning of section 96A of the Customs Act 1901 of the Commonwealth; or
 - (ii) an inwards duty free shop within the meaning of section 96B of the Customs Act 1901 of the Commonwealth; or
 - (b) that liquor is supplied for purchase or consumption on an aircraft.
- (2) Section 15A(3) does not prohibit the supply of liquor at any time between 5 a.m. and 12 noon on ANZAC Day under a licence if—

- (a) that licence is held in relation to—
 - (i) an outwards duty free shop within the meaning of section 96A of the Customs Act 1901 of the Commonwealth; or
 - (ii) an inwards duty free shop within the meaning of section 96B of the Customs Act 1901 of the Commonwealth; or
- (b) that liquor is supplied for purchase or consumption on an aircraft.

S. 15C
inserted by
No. 8/2010
s. 13.

**15C Exemptions from ANZAC Day restrictions—
Residents and guests**

- (1) Section 15A(1) does not prohibit the supply of liquor at any time between 3 a.m. and 12 noon on ANZAC Day under a late night (general) licence, a late night (on-premises) licence or a renewable limited licence if that supply—
 - (a) is authorised under section 11A(2), 11A(3) or 14(1B) or the licence; and
 - (b) is either—
 - (i) to a resident of the licensed premises or the guest of a resident for consumption on the licensed premises; or
 - (ii) if the licensee resides on the licensed premises, on that part of the licensed premises set aside for the licensee's private residence to a guest of the licensee for consumption on that part of the licensed premises.
- (2) Section 15A(3) does not prohibit the supply of liquor at any time between 5 a.m. and 12 noon on ANZAC Day under a general licence or an on-premises licence if that supply—
 - (a) is authorised under section 8 or 9 or the licence; and

(b) is either—

- (i) to a resident of the licensed premises or the guest of a resident for consumption on the licensed premises; or
- (ii) if the licensee resides on the licensed premises, on that part of the licensed premises set aside for the licensee's private residence to a guest of the licensee for consumption on that part of the licensed premises.

**15D Exemptions from ANZAC Day restrictions—
Wineries**

S. 15D
inserted by
No. 8/2010
s. 13.

- (1) Section 15A(1) does not prohibit the supply of liquor at any time between 3 a.m. and 12 noon on ANZAC Day under a licence if that supply—
 - (a) takes place on a winery owned or occupied by the licensee; or
 - (b) is connected with the business activities of a winery owned or occupied by the licensee.
- (2) Section 15A(3) does not prohibit the supply of liquor at any time between 5 a.m. and 12 noon on ANZAC Day under a licence if that supply—
 - (a) takes place on a winery owned or occupied by the licensee; or
 - (b) is connected with the business activities of a winery owned or occupied by the licensee.
- (3) In this section—

winery means a vineyard or orchard containing fruit-bearing vines or fruit trees from which liquor is produced.

S. 15E
inserted by
No. 57/2010
s. 10.

**15E Sexually explicit entertainment licence condition—
fees**

- (1) This section applies to a licence that is subject to a condition relating to the provision of sexually explicit entertainment.
- (2) The renewal fee for a licence to which this section applies is—
 - (a) if no non-compliance incidents relate to the licence in the relevant period, 2566·30 fee units; or
 - (b) if there are one or 2 non-compliance incidents that relate to the licence in the relevant period, 3849·44 fee units; or
 - (c) if there are 3 or more non-compliance incidents that relate to the licence in the relevant period, 5132·59 fee units.

S. 15E(3)
amended by
No. 71/2011
s. 12(a).

- (3) In this section,

S. 15E(3)
def. of
*non-
compliance
incident*
repealed by
No. 71/2011
s. 12(b).

* * * * *

S. 15E(3)
def. of
*relevant
period*
amended by
No. 71/2011
s. 12(c).

relevant period means—

- (a) for renewal fees payable for 2011,
1 January 2010 to 30 September 2010;
or
- (b) for renewal fees payable for 2012,
1 October 2010 to 30 September 2011;
or

(c) for renewal fees payable for 2013 and subsequent years, 1 October in the year two years preceding the year in respect of which the renewal fee is payable to 30 September in the year preceding the year in respect of which the renewal fee is payable.

* * * * *

S. 15E(3)
def. of
*successful
prosecution*
repealed by
No. 71/2011
s. 12(d).

16 Licence and permit condition—compliance with planning scheme

- (1) Subject to subsection (2), it is a condition of every licence and BYO permit that the use of the licensed premises does not contravene the planning scheme that applies to the licensed premises under the **Planning and Environment Act 1987**.
- (2) Subsection (1) does not apply to a pre-retail licence, a limited licence or a major event licence.

S. 16(2)
amended by
No. 59/2009
s. 30(b).

17 Licence condition—extended hours

- (1) Subject to subsection (2), it is a condition of every licence that authorises the supply of liquor outside ordinary trading hours that the licensee does not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the hours outside ordinary trading hours to which it relates.

(2) Subsection (1) does not apply to—

S. 17(2)(ab)
inserted by
No. 59/2009
s. 30(c).

(a) a general licence that authorises the supply of liquor outside ordinary trading hours only as set out in section 8(1)(b) or (c); or

(ab) a late night (general) licence that authorises the supply of liquor outside ordinary trading hours only as set out in section 11A(2)(b) or 11A(2)(c); or

(b) a pre-retail licence; or

S. 17(2)(c)
amended by
Nos 71/2011
s. 13, 20/2018
s. 7.

(c) a producer's licence that authorises the supply of liquor outside ordinary trading hours only as set out in section 13(1)(b); or

S. 17(2)(d)
substituted by
No. 59/2009
s. 14.

(d) a limited licence other than a limited licence that authorises late night trading hours; or

S. 17(2)(e)
inserted by
No. 59/2009
s. 14.

(e) a major event licence other than a major event licence that authorises late night trading hours.

18 Licence and permit condition—approval of directors

S. 18(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.46).

(1) Subject to subsection (2), it is a condition of every licence or BYO permit held by a body corporate that a person must not be appointed as, or otherwise become, a director of the body corporate without the approval of the Commission.

(2) Subsection (1) does not apply to—

(a) a licence or BYO permit held by—

(i) a Council; or

(ii) a university or a TAFE institute; or

S. 18(2)(a)(ii)
substituted by
Nos 24/2006
s. 6.1.2(Sch. 7
item 26),
8/2009 s. 7.

* * * * *

S. 18(2)(a)(iii)
repealed by
No. 24/2006
s. 6.1.2(Sch. 7
item 26).

(b) a club licence.

* * * * *

S. 18A
inserted by
No. 21/2001
s. 6,
amended by
No. 39/2002
s. 7(1),
repealed by
No. 39/2002
s. 16(b).

18B Licence condition—security cameras

S. 18B
inserted by
No. 8/2006
s. 7,
amended by
No. 2/2009
s. 29(1),
substituted by
No. 8/2009
s. 8 (as
amended by
No. 55/2009
s. 55).

(1) The Commission may impose a condition on a licence requiring the licensee to fit security cameras that comply with the prescribed standards (if any) on the licensed premises or any authorised premises, or on any other premises, land, fixtures or objects that are under the control of the licensee and that are in the vicinity of the licensed premises or authorised premises.

S. 18B(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.47).

- (2) The regulations may prescribe the testing of the security cameras to ensure compliance with any standard referred to in subsection (1) including—
- (a) prescribing any standard, rule, guideline, specification or method formulated for the testing of the security cameras;
 - (b) prescribing the times at which tests must be made;
 - (c) prescribing the persons or class of persons who are to carry out the tests.

18C Licence conditions—supply of liquor if off-premises request made

S. 18C
(Heading)
amended by
No. 28/2022
s. 157(1).

S. 18C
inserted by
No. 49/2021
s. 17.

S. 18C(1)
amended by
No. 28/2022
s. 157(2)(a).

- (1) It is a condition of every licence that authorises a licensee to supply liquor to a person who makes an off-premises request that the licensee—
- (a) displays the licensee's liquor licence number prominently—
 - (i) on its website or any other online platform or interface through which liquor can be ordered; and
 - (ii) in any promotional or advertising material in relation to off-premises requests; and
 - (b) displays any notice that the Commission requires the licensee to display on its website or any other online platform or interface through which liquor can be ordered or which directs customers to making an off-premises request; and

S. 18C(1)(a)(ii)
amended by
No. 28/2022
s. 157(2)(b).

S. 18C(1)(b)
amended by
No. 28/2022
s. 157(2)(c).

- (c) provides instructions to the person responsible for the delivery of liquor made by an off-premises request that delivery must occur—
- (i) in the case of a full club licence, before 11 p.m. only; or
 - (ii) in any other case, within ordinary trading hours only; and
- (d) complies with the requirements of subsections (2) to (4); and
- (e) complies with any other prescribed requirements in relation to the matters referred to in paragraphs (a) to (d).
- (2) Unless subsection (3A) applies, the first time a licensee supplies liquor to a person who makes an off-premises request, the licensee must—
- (a) require that person who makes the off-premises request confirm that they are of or over the age of 18 years; and
 - (b) in addition to subsection (1)(c), provide instructions to the person responsible for delivery of the liquor that—
 - (i) the liquor must only be delivered to the person who made the off-premises request; and
 - (ii) the person who made the off-premises request must be present at the time that the liquor is delivered; and
 - (iii) the person responsible for the delivery must verify the age of the person who made the off-premises request by requiring the person to produce an evidence of age document; and

S. 18C(1)(c)
amended by
No. 28/2022
s. 157(2)(d).

S. 18C(2)
amended by
No. 28/2022
s. 157(3)(a).

S. 18C(2)(a)
amended by
No. 28/2022
s. 157(3)(b).

S. 18C(2)(b)(i)
amended by
No. 28/2022
s. 157(3)(c).

S. 18C(2)(b)(ii)
amended by
No. 28/2022
s. 157(3)(c).

S. 18C(2)(b)(iii)
amended by
No. 28/2022
s. 157(3)(c).

S. 18C(3)
amended by
No. 28/2022
s. 157(4).

(c) comply with any other prescribed requirements in relation to the matters referred to in paragraphs (a) and (b).

(3) Subsection (2) does not apply to subsequent off-premises requests made by the same person.

S. 18C(3A)
amended by
No. 28/2022
s. 157(5).

(3A) If an off-premises request is made by a person for liquor to be delivered to another person as a gift, the licensee must—

(a) require that the person who placed the order confirm that the person is of or over the age of 18 years; and

(b) require that the person who placed the order confirm that the order is to be delivered to another person as a gift and that the recipient of the gift is of or over 18 years; and

(c) obtain the name and address of the recipient of the gift; and

(d) provide instructions to the person responsible for the delivery of the liquor that—

(i) the liquor must only be delivered to the recipient of the gift or a person of or over the age of 18 years who is present at the address provided under paragraph (c); and

(ii) the person responsible for the delivery must verify the age of the recipient of the gift or the person present at the address provided under paragraph (c) by requiring that person to produce an evidence of age document; and

(e) comply with any other prescribed requirements.

- (4) If the licensee has previously supplied liquor to a person who made an off-premises request that was not a gift supplied in accordance with subsection (3A), and that same person places a subsequent off-premises request, the licensee must—
- (a) obtain instructions from the person who made the off-premises request in relation to where to leave the liquor if that person is not present at the time that the liquor is delivered; and
 - (b) provide the instructions obtained from the person who made the off-premises request to the person responsible for delivery of the liquor; and
 - (c) instruct the person responsible for delivery of the liquor that the liquor is only to be delivered in accordance with the instructions provided; and
 - (d) comply with any other prescribed requirements in relation to the matters referred to in paragraphs (a) to (c).

S. 18C(4)
amended by
No. 28/2022
s. 157(6)(a).

S. 18C(4)(a)
amended by
No. 28/2022
s. 157(6)(b).

S. 18C(4)(b)
amended by
No. 28/2022
s. 157(6)(c).

18D Minister may specify additional conditions in relation to supply of packaged liquor

S. 18D
inserted by
No. 49/2021
s. 17.

- (1) The Minister, by Order published in the Government Gazette, may specify additional conditions for licensees of licences that authorise the supply of packaged liquor.
- (2) An Order under subsection (1) must not be inconsistent with any provision of this Act.
- (3) The conditions may—
 - (a) apply generally to all classes or categories of licences that authorise the supply of packaged liquor; or

- (b) apply to one or more specific classes or categories of licence that authorise the supply of packaged liquor.
- (4) The Minister, at any time by Order published in the Government Gazette, may vary or revoke the conditions specified in an Order under subsection (1).
- (5) Every licensee to which the conditions specified in an Order under subsection (1) apply must comply with those conditions.

Pt 2 Div. 2
(Heading)
amended by
No. 74/2000
s. 3(Sch. 1
item 72.1).

Division 2—Additional authority of licences

19 30-minute period for consumption of liquor after hours

A licence that authorises the supply of liquor during any period for consumption on the licensed premises or on any authorised premises also authorises liquor so supplied to be consumed on those premises during the 30 minutes next after the expiration of that period.

20 Gratuitous supply of liquor

A licence that authorises the licensee to supply liquor for consumption off the licensed premises also authorises the licensee to supply liquor gratuitously for consumption on the premises at any time at which the licensee is authorised to supply liquor for consumption off the premises.

21 Bringing of liquor onto licensed premises

- (1) This section applies if—
 - (a) a licence authorises the licensee to supply liquor for consumption on licensed premises or on any authorised premises; and

- (b) the predominant activity carried on on the licensed premises is the preparation and serving of meals for consumption on the licensed premises; and
 - (c) tables and chairs are placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time.
- (2) If this section applies, the licence authorises a person of or over the age of 18 years, with the consent of the licensee, to—
- (a) bring liquor onto, or possess or control liquor on, the premises for consumption with a meal purchased on those premises; and
 - (b) consume that liquor with that meal; and
 - (c) take away from the premises any container brought onto the premises by him or her containing any such liquor that was not consumed with that meal.

21A Taking away of unconsumed liquor from licensed premises

S. 21A
inserted by
No. 20/2018
s. 15.

- (1) A licensee who holds a restaurant and cafe licence may permit a person of or over the age of 18 years, to take away from the licensed premises the unconsumed liquor supplied to the person for consumption with a meal at a table in the same resealable container in which the liquor was supplied.
- (2) The licensee must not permit under subsection (1) more than one resealable container of the liquor supplied to the person to be taken away.

S. 21B
inserted by
No. 49/2021
s. 18,
substituted by
No. 28/2022
s. 158.

21B Supply of packaged liquor during state of emergency or when pandemic declaration is in force

- (1) This section applies during a state of emergency or when a pandemic declaration is in force.
- (2) Subject to subsection (3), the Minister, by Order published in the Government Gazette, may authorise a licensee or class of licensees whose licence does not ordinarily authorise the supply of packaged liquor to supply packaged liquor in accordance with the Order.
- (3) An Order under subsection (2) applies only in relation to a licensee or class of licensees whose licensed premises is located within one or more emergency areas or the pandemic management area (as the case requires).
- (4) The following are not required for any proposed Order that is to be made under subsection (2)—
 - (a) consultation under section 12C of the **Subordinate Legislation Act 1994**;
 - (b) the preparation of a regulatory impact statement under section 12E of the **Subordinate Legislation Act 1994**.
- (5) The supply of packaged liquor by a licensee to whom an Order under subsection (2) applies is subject to the following conditions—
 - (a) that packaged liquor is supplied on the licensee's licensed premises for consumption off the licensee's licensed premises;
 - (b) that each transaction must be no more than—
 - (i) 2 containers of wine not more than 750 millilitres capacity each; or
 - (ii) 12 containers of beer, cider or pre-mixed spirits not more than 375 millilitres capacity each; or

- (iii) one container of wine not more than 750 millilitres capacity and 6 containers of beer, cider or pre-mixed spirits not more than 375 millilitres capacity each.
- (6) The Minister, at any time by Order published in the Government Gazette, may vary or revoke an Order under subsection (2).
- (7) An Order under subsection (2) ceases to have effect on the earlier of—
 - (a) the state of emergency or the pandemic declaration that was in force at the time the Order was made ceasing to have effect; or
 - (b) its revocation under subsection (6).
- (8) Despite subsection (7), if a pandemic declaration comes into force in the circumstances referred to in section 165CH of the **Public Health and Wellbeing Act 2008** and an Order under subsection (2) was in effect immediately before in relation to the relevant state of emergency, the Order continues in relation to so much of each emergency area that is in the pandemic management area until the earlier of—
 - (a) the pandemic declaration ceasing to have effect; or
 - (b) the revocation of the Order under subsection (6).

Division 3—Restrictions on grant of licences and BYO permits

22 Certain premises not to be licensed

- (1) The Commission must not grant a licence or BYO permit in respect of—
 - (a) premises used primarily as a drive-in cinema; or

S. 22(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.48).

- (b) premises used primarily as a petrol station;
or
- S. 22(1)(ba)
inserted by
No. 49/2021
s. 19(2).
- (ba) premises that are located at, or within, a
highway service centre; or
- (c) premises that, in the opinion of the
Commission, are used primarily as a
convenience store; or
- S. 22(1)(c)
amended by
Nos 58/2011
s. 104(Sch.
item 4.48),
49/2021
s. 19(1).
- (ca) premises that, in the opinion of the
Commission, are intended by the occupier of
the premises to be primarily used by people
under the age of 18 years, unless the
Commission is satisfied that the grant of a
licence or permit would not present a
specific risk of supply of liquor to a person
under the age of 18 years; or
- (d) premises in a class of premises prescribed for
the purposes of this section.
- (2) The Commission may grant a licence in respect of
premises referred to in subsection (1)(c) if
satisfied, in accordance with subsection (2A), that
the area in which the premises are situated is a
tourist area or an area with special needs and that
there are not adequate existing facilities or
arrangements for the supply of liquor in the area.
- S. 22(2)
amended by
Nos 58/2011
s. 104(Sch.
item 4.48),
49/2021
s. 19(3).
- (2A) The Commission must have regard to any
prescribed criteria in respect of whether—
- (a) an area is a tourist area, or
- (b) an area has special needs; or
- S. 22(2A)
inserted by
No. 49/2021
s. 19(4).

(c) there are adequate existing facilities or arrangements for the supply of liquor in an area.

(3) For the purposes of subsection (1)(b) regard must be had to the following factors—

**S. 22(3)
inserted by
No. 21/2001
s. 7.**

(a) the physical location of the area set aside as the licensed premises; and

(b) the primary means of access to and egress from the area set aside as the licensed premises; and

(c) whether or not a reasonable person would consider that the area set aside as the licensed premises is part of premises that are used primarily as a petrol station.

(3A) For the purposes of section 22(1)(ca), factors that the Commission may consider include but are not limited to—

**S. 22(3A)
inserted by
No. 71/2011
s. 14(2).**

(a) whether the proposed licence or permit authorises supply of liquor at a time when the premises will not be used primarily by persons under the age of 18 years; and

(b) whether the proposed licence or permit provides that any person under the age of 18 years must be accompanied by a responsible adult at all times during which the proposed supply of liquor is to occur.

(4) The regulations referred to in subsection (1)(d) may permit the Commission to grant a licence or BYO permit in respect of premises prescribed for the purposes of this section if the Commission has the approval of the Minister to do so.

**S. 22(4)
inserted by
No. 8/2006
s. 8,
amended by
No. 58/2011
s. 104(Sch.
item 4.48).**

S. 23
amended by
Nos 21/2001
s. 8, 39/2002
s. 7(2),
repealed by
No. 39/2002
s. 16(b).

* * * * *

S. 24
(Heading)
inserted by
No. 59/2009
s. 15(1).
S. 24
amended by
Nos 59/2009
s. 15(2),
58/2011
s. 104(Sch.
item 4.49).

24 Further restriction on grant of packaged liquor and late night (packaged liquor) licences

The Commission must not grant a packaged liquor licence or a late night (packaged liquor) licence unless satisfied that the predominant activity to be carried on in the area set aside as the licensed premises is the sale by retail of liquor for consumption off the licensed premises.

25 Restrictions on grant of club licences

S. 25(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.50).

(1) The Commission must not grant a club licence unless satisfied—

S. 25(1)(a)
amended by
Nos 58/2011
s. 104(Sch.
item 4.50),
21/2014
s. 14(a).

(a) that the rules of the club comply with Schedule 1 except to the extent that the Commission determines it is appropriate that they should not so comply.

S. 25(1)(b)
amended by
No. 59/2009
s. 30(d),
repealed by
No. 21/2014
s. 14(b).

* * * * *

S. 25(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.50).

(2) In deciding whether a club licence should be full or restricted, the Commission must have regard to—

(a) the number of members of the club; and

- (b) the standard of the facilities and services that the club provides; and
- (c) the number of full-time staff the club employs; and
- (d) the turnover (or estimated turnover) of liquor purchases at the club; and
- (e) the days and hours of operation of the club; and
- (f) any other matter that the Commission considers relevant.

S. 25(2)(f)
amended by
No. 58/2011
s. 104(Sch.
item 4.50).

* * * * *

S. 25A
inserted by
No. 92/2004
s. 14,
amended by
No. 58/2011
s. 104(Sch.
item 4.51),
repealed by
No. 49/2021
s. 20.

26 Restriction on grant of limited licence

S. 26
amended by
No. 59/2009
s. 16 (ILA
s. 39B(1)).

- (1) The Commission may grant a limited licence only if satisfied that the scale and scope of the supply of liquor the subject of the licence is limited in nature.
- (2) The Commission must not grant a temporary limited licence for a major event.

S. 26(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.52).

S. 26(2)
inserted by
No. 59/2009
s. 16,
amended by
No. 58/2011
s. 104(Sch.
item 4.52).

S. 26(3)
inserted by
No. 59/2009
s. 16,
amended by
No. 58/2011
s. 104(Sch.
item 4.52).

(3) If an application is made for a temporary limited licence in relation to an event and the Commission determines under section 14B that the event is a major event, the Commission must notify the applicant that the Commission will consider the application as an application for a major event licence on payment of the fee specified in the notice.

S. 26(4)
inserted by
No. 59/2009
s. 16.

(4) The fee specified in a notice under subsection (3) must be the amount that is the difference between the prescribed fee for a temporary limited licence and the relevant prescribed fee for a major event licence.

S. 26(5)
inserted by
No. 59/2009
s. 16,
amended by
No. 58/2011
s. 104(Sch.
item 4.52).

(5) If a notice is given under subsection (3), the Commission is not required to consider the application further until the fee specified in the notice is paid.

New s. 26A
inserted by
No. 59/2009
s. 17,
amended by
No. 58/2011
s. 104(Sch.
item 4.53).

26A Restriction on grant of major event licence

The Commission may grant a major event licence only if satisfied that the scale and scope of the supply of liquor the subject of the licence is limited in nature.

New s. 26B
inserted by
No. 57/2010
s. 11.

26B Restriction on the grant of certain licences— approved responsible service of alcohol programs

(1) This section applies to an application for a general licence, on-premises licence, packaged liquor licence or late night licence.

S. 26B(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.54).

(2) The Commission must not grant the licence unless satisfied that the applicant, or if the applicant is a body corporate, the person who will be responsible for the management or control of the licensed premises, has completed an approved responsible service of alcohol program in the 3 years prior to the date on which the application was made.

- (3) The Commission may exempt an applicant, or if the applicant is a body corporate, the person who will be responsible for the management or control of the licensed premises, from the requirement under subsection (2), if the Commission thinks it is appropriate to do so. S. 26B(3) amended by No. 58/2011 s. 104(Sch. item 4.54).
- (4) In making a decision under subsection (3), the Commission must consider—
- (a) the risk of harm from liquor supplied under the licence; and S. 26B(4) amended by No. 58/2011 s. 104(Sch. item 4.54).
- (b) the extent of the burden imposed on the licensee by the requirement under subsection (2). S. 26B(4)(a) amended by No. 49/2021 s. 21.
- (5) The Commission may grant an exemption under subsection (3) for the period and on any conditions the Commission determines. S. 26B(5) amended by No. 58/2011 s. 104(Sch. item 4.54).
- (6) The Commission may revoke an exemption granted under subsection (3) by notice in writing. S. 26B(6) amended by No. 58/2011 s. 104(Sch. item 4.54).

26C Approval of responsible service of alcohol programs

The Commission may, from time to time, approve initial training programs and refresher training programs to be approved responsible service of alcohol programs for the purposes this Act.

New s. 26C inserted by No. 57/2010 s. 11, amended by No. 58/2011 s. 104(Sch. item 4.55).

Liquor Control Reform Act 1998
No. 94 of 1998
Part 2—Licences and BYO permits

Pt 2 Div. 3A
(Heading and
ss 26A–26K)
inserted by
No. 21/2001
s. 9,
amended by
Nos 44/2001
s. 3(Sch.
items 73.2–
73.4), 39/2002
s. 8,
repealed by
No. 39/2002
s. 16(b).

* * * * *

Pt 2 Div. 3B
(Heading and
ss 26L–26T)
inserted by
No. 39/2002
s. 9,
repealed by
No. 39/2002
s. 16(b).

* * * * *

Division 4—Applications for grant, variation, transfer and relocation of licences and BYO permits

S. 27AA
inserted by
No. 49/2021
s. 22.

27AA Definitions

In this Division—

community impact assessment means a statement
in a form approved by the Commission that
contains the following information—

- (a) consultation that the person making the
application has undertaken with the
local community regarding the
proposed application;
- (b) the positive and negative social and
economic impacts of the proposed
application on the local community;
- (c) any other matters specified by the
Commission;

large packaged liquor outlet means a packaged liquor outlet with a floor space greater than 750 square metres;

local community means—

- (a) the community in the municipal district in which the licensed premises are to be located; and
- (b) if the licensed premises are to be located within 5 kilometres of the boundary of another municipal district, the community in that municipal district.

27 Who can apply for a licence or BYO permit?

(1) A person who—

- (a) is a natural person of or over the age of 18 years or a body corporate (including an incorporated association, a co-operative or a Council); and
- (b) is not disqualified from holding a licence or BYO permit under this Act—

may apply to the Commission for a licence or BYO permit.

(2) A member of the committee of management of a club that is not a body corporate may apply to the Commission for a club licence on behalf of the club.

(3) A member of a partnership of natural persons may apply to the Commission for a licence or BYO permit on behalf of the partnership.

S. 27(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.56).

S. 27(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.56).

S. 27(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.56).

28 Form of application

(1) An application for a licence or BYO permit must—

S. 28(1)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.57).

(a) be in a form approved by the Commission;
and

S. 28(1)(aa)
inserted by
No. 92/2004
s. 15(1)(a),
amended by
No. 73/2007
s. 14,
substituted by
No. 8/2009
s. 9(1).

(aa) list the names, dates of birth and addresses of
the associates—

(i) of the applicant; and

(ii) if the applicant is a body corporate, of
each director of the applicant; and

S. 28(1)(ab)
inserted by
No. 71/2011
s. 15.

(ab) disclose any demerit points that have accrued
within the previous 3 years on a licence or
permit that the applicant or a nominee of the
applicant has held or holds at the time of the
application; and

S. 28(1)(ac)
inserted by
No. 49/2021
s. 23.

(ac) if the application is for a licence that applies
to a large packaged liquor outlet, include a
community impact assessment; and

(b) include the prescribed particulars; and

(c) be accompanied by—

(i) the prescribed information (if any); and

S. 28(1)(c)(ia)
inserted by
No. 92/2004
s. 15(1)(b),
amended by
No. 58/2011
s. 104(Sch.
item 4.57).

(ia) a plan or depiction of the premises in
respect of which the licence or BYO
permit is sought in a form specified by
the Commission; and

(ii) the prescribed fee for the licence or
permit.

- | | |
|---|---|
| (2) If a change occurs in the particulars or information included in or with an application, the applicant must notify the Commission of the change within 14 days. | S. 28(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.58). |
| (3) If the Commission requests an applicant to give any other information, the applicant must comply with the request. | S. 28(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.59). |
| (4) Subsection (1)(aa)(ii) does not apply to an application by a Council, a university or a TAFE institute. | S. 28(4)
inserted by
No. 8/2009
s. 9(2). |

29 Application for variation of licence or BYO permit

- | | |
|--|---|
| (1) An application to the Commission for the variation of a licence or BYO permit may be made by—

(a) the licensee or permittee; or

(b) the Chief Commissioner or a licensing inspector; or

(c) the persons referred to in section 32(1)(a) or (b) in connection with an application for the transfer of the licence or permit. | S. 29(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.60). |
| (2) A variation of a licence or BYO permit may include—

(aa) a variation of the category of licence held by the licensee;

(a) a variation of the times outside ordinary trading hours at which the licence or permit authorises the supply of liquor;

(b) a variation of the size or perimeter of the licensed premises; | S. 29(2)(aa)
inserted by
No. 59/2009
s. 18(1). |

- (c) a variation of a condition of the licence or permit (other than a condition imposed by this Act);
- (d) the imposition of a new condition on the licence or permit;
- (e) the removal of a condition of the licence or permit (other than a condition imposed by this Act).

(3) An application under subsection (1) must—

S. 29(3)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.60).

- (a) be in a form approved by the Commission;
and

- (b) include the prescribed particulars; and

- (c) be accompanied by—

- (i) the prescribed information (if any); and

S. 29(3)(c)(ia)
inserted by
No. 92/2004
s. 15(2),
amended by
No. 58/2011
s. 104(Sch.
item 4.60).

- (ia) a plan or depiction of the licensed premises in a form specified by the Commission; and

S. 29(3)(c)(ii)
amended by
No. 59/2009
s. 18(2).

- (ii) (except in the case of an application by the Chief Commissioner or a licensing inspector or an application for a prescribed variation of a licence or BYO permit referred to in section 33, 34 or 35) the prescribed variation fee.

S. 29(3A)
inserted by
No. 49/2021
s. 24.

(3A) In addition to the requirements under subsection (3), if the variation would result in the licence applying to a large packaged liquor outlet, an application under subsection (1) must include a community impact assessment.

- (4) If the Commission requests an applicant for a variation of a licence or BYO permit to give any other information, the applicant must comply with the request.

S. 29(4)
amended by
No. 58/2011
s. 104(Sch.
item 4.60).

30 Procedure on application for variation by Chief Commissioner or licensing inspector

S. 30
amended by
No. 58/2011
s. 104(Sch.
item 4.61).

If the Chief Commissioner or a licensing inspector applies to the Commission for a variation of a licence or BYO permit—

- (a) the Commission must, not later than 14 days after the application is received by the Commission, give a copy of the application—

S. 30(a)
substituted by
No. 92/2004
s. 16(a),
amended by
No. 58/2011
s. 104(Sch.
item 4.62
(a)(b)).

- (i) to the licensee or permittee; and
- (ii) to the owner, and any mortgagee registered with the Commission, of the licensed premises;

S. 30(a)(ii)
amended by
No. 58/2011
s. 104(Sch.
item 4.62(c)).

- (b) the licensee or permittee may, within 21 days after receiving the copy of the application, object to the application by giving notice in writing to the Commission of the objection and the grounds for objecting;

S. 30(b)
substituted by
No. 92/2004
s. 16(a),
amended by
No. 58/2011
s. 104(Sch.
item 4.62(d)).

- (c) the Commission must give a copy of any notice under paragraph (b) to the Chief Commissioner or the inspector within 7 days after the Commission receives the notice.

S. 30(c)
amended by
Nos 92/2004
s. 16(b),
58/2011
s. 104(Sch.
item 4.63).

31 Application for relocation of licence or BYO permit

S. 31(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.64).

(1) A licensee or permittee may apply to the Commission for relocation of the licence or BYO permit from the licensed premises to other premises.

(2) An application for relocation must—

S. 31(2)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.64).

(a) be in a form approved by the Commission;
and

(b) include the prescribed particulars; and

(c) be accompanied by—

(i) the prescribed information (if any); and

S. 31(2)(c)(ia)
inserted by
No. 92/2004
s. 15(3),
amended by
No. 58/2011
s. 104(Sch.
item 4.64).

(ia) a plan or depiction of the premises to which it is sought to relocate the licence or BYO permit in a form specified by the Commission; and

(ii) the prescribed relocation fee.

32 Application for transfer of licence or BYO permit

S. 32(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.65).

(1) An application to the Commission for transfer of a licence or BYO permit from the licensee or permittee to a person qualified to apply for the licence or permit may be made by—

(a) the licensee or permittee and the proposed transferee jointly; or

(b) the owner or mortgagee of the licensed premises and the proposed transferee jointly,
if—

(i) the licensee or permittee has been legally evicted from, or has deserted, the licensed premises; or

- (ii) the lease, tenancy or occupation of the licensed premises has expired or been determined by any lawful means; or
 - (iii) the licensee or permittee has ceased to carry on business on the premises and has refused or neglected to concur in the application.
- (2) An application for transfer must—
- (a) be in a form approved by the Commission;
and S. 32(2)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.66).
 - (ab) list the names, dates of birth and addresses of the associates— S. 32(2)(ab)
inserted by
No. 8/2009
s. 9(3).
 - (i) of the proposed transferee; and
 - (ii) if the proposed transferee is a body corporate, of each director of the proposed transferee; and
 - (ac) disclose any demerit points that have accrued within the previous 3 years on a licence or permit that the proposed transferee or a nominee of the proposed transferee has held or holds at the time of the application; and S. 32(2)(ac)
inserted by
No. 71/2011
s. 16.
 - (b) include the prescribed particulars; and
 - (c) be accompanied by—
 - (i) the prescribed information (if any); and
 - (ia) a plan or depiction of the licensed premises in a form specified by the Commission; and S. 32(2)(c)(ia)
inserted by
No. 92/2004
s. 15(2),
amended by
No. 58/2011
s. 104(Sch.
item 4.66).
 - (ii) the prescribed transfer fee.

S. 32(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.67).

- (3) If the Commission requests an applicant for transfer to give any other information, the applicant must comply with the request.

S. 32(4)
inserted by
No. 8/2009
s. 9(4).

- (4) Subsection (2)(ab)(ii) does not apply if the proposed transferee is a Council, a university or a TAFE institute.

33 Copy of application to be given to police and local council

S. 33(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.68).

- (1) On receiving an application—
- (a) for a licence or BYO permit; or
 - (b) for the variation of a licence or BYO permit (other than an application by the Chief Commissioner or a licensing inspector); or
 - (c) for the transfer or relocation of a licence or BYO permit—

the Commission must give a copy of the application to the Chief Commissioner.

S. 33(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.68).

- (2) On receiving an application—
- (a) for a licence; or
 - (b) for the variation of a licence (other than an application by the Chief Commissioner or a licensing inspector); or
 - (c) for the relocation of a licence—

the Commission must give a copy to the Council of the municipal district in which the premises or licensed premises to which the application relates are situated.

S. 33(3)
amended by
Nos 59/2009
s. 19, 58/2011
s. 104(Sch.
item 4.68).

- (3) Subsections (1) and (2) do not apply to an application for a limited licence or a major event licence or for the variation, transfer or relocation of a limited licence or major event licence or for a prescribed variation of a licence or BYO permit,

but the Commission may give a copy of such an application to the Chief Commissioner or the relevant Council if the Commission thinks fit.

34 Public display of licence application

- (1) An applicant for the grant, variation or relocation of a licence (other than a limited licence, a major event licence or a prescribed variation of a licence) must ensure that a notice of the application is displayed on the premises or site to which the application relates or the premises to which the licence is sought to be relocated for the period determined under section (1A).
- (1A) The notice must be continuously displayed for a period of 28 days (or a shorter period determined by the Commission) from the date determined by the Commission.
- (2) The notice must be displayed in a manner that invites public attention to the application.
- (3) The Commission may require that the size and format of the notice comply with requirements specified by the Commission.
- (4) If it is not practicable to display the notice on the premises or site, it is sufficient compliance with subsection (1) if the notice is conspicuously displayed in accordance with subsection (2) on any adjoining premises.
- (5) An applicant is deemed to have complied with subsections (1), (3) and (4) if the Commission is satisfied—
- (a) that the applicant took all reasonable steps to ensure that the notice was continuously and conspicuously displayed as required under those subsections; and

S. 34(1)
amended by
No. 59/2009
s. 20(1),
substituted by
No. 57/2010
s. 12.

S. 34(1A)
inserted by
No. 57/2010
s. 12,
amended by
No. 58/2011
s. 104(Sch.
item 4.69).

S. 34(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.69).

S. 34(5)
amended by
No. 58/2011
s. 104(Sch.
item 4.69).

(b) that any failure to keep the notice so displayed was not the fault of the applicant.

(6) A notice under this section must contain—

- (a) the name of the applicant; and
- (b) the address of the premises to which the application relates or to which the licensed premises are sought to be relocated; and
- (c) the type of licence to which the application relates; and
- (d) if the application is for a variation of the times during which the licence authorises the supply of liquor, the times sought in the application; and
- (e) any conditions sought in relation to the grant, variation or relocation of the licence; and
- (f) any other information required by the Commission.

S. 34(6)(f)
amended by
No. 58/2011
s. 104(Sch.
item 4.69).

(7) The Commission may require an applicant for the grant, variation or relocation of a limited licence or a major event licence or a prescribed variation of a licence to display the application in accordance with this section.

S. 34(7)
amended by
Nos 59/2009
s. 20(2),
58/2011
s. 104(Sch.
item 4.69).

(8) This section does not apply in respect of an application made under section 29(1)(b) for the variation of a licence.

S. 34(8)
inserted by
No. 92/2004
s. 17.

Note

Applications for variation under section 29(1)(b) can only be made by the Chief Commissioner or a licensing inspector.

35 Advertisement of licence application

- (1) An applicant for the grant, variation or relocation of a packaged liquor licence, a late night (packaged liquor) licence or a prescribed licence must cause notice of the application to be advertised—
- (a) in a newspaper (whether printed or published by electronic communication) circulating—
- (i) in the area in which the premises to which the application relates are or are to be situated; or
- (ii) in the area to which the licensed premises are sought to be relocated; or
- (iii) generally throughout Victoria; or
- (b) in the manner directed by the Commission under subsection (3)(b).

- (1A) Subsection (1) does not apply to a prescribed variation of a licence.

- (2) The Commission may direct an applicant for the grant, variation or relocation of a licence to cause notice of the application to be advertised—
- (a) in a newspaper (whether printed or published by electronic communication) circulating—
- (i) in the area in which the premises to which the application relates are or are to be situated; or

S. 35 substituted by No. 39/2002 s. 10.

S. 35(1) amended by Nos 59/2009 s. 21(1), 58/2011 s. 104(Sch. item 4.70), substituted by No. 49/2021 s. 25.

S. 35(1A) inserted by No. 59/2009 s. 21(2), amended by No. 70/2013 s. 3(Sch. 1 item 26.2).

S. 35(2) amended by Nos 59/2009 s. 21(3), 58/2011 s. 104(Sch. item 4.70), substituted by No. 49/2021 s. 25.

- (ii) in the area to which the licensed premises are sought to be relocated; or
- (iii) generally throughout Victoria; or
- (b) in the manner directed by the Commission under subsection (3)(b).
- S. 35(2A) inserted by No. 59/2009 s. 21(4).
- (2A) Subsection (2) applies to a prescribed variation of a packaged liquor licence, late night (packaged liquor) licence or prescribed licence but does not otherwise apply to a packaged liquor licence, a late night (packaged liquor) licence or a prescribed licence.
- S. 35(3) amended by No. 58/2011 s. 104(Sch. item 4.70).
- (3) The Commission may—
- (a) specify the newspaper in which notice of an application, or of applications of a specified class, is or are to be advertised;
- (b) direct that an application, or applications of a specified class, is or are to be advertised in another manner specified by the Commission.
- S. 35(3)(b) amended by No. 58/2011 s. 104(Sch. item 4.70).
- (4) A notice referred to in subsection (1) or (2) must comply with any requirements specified by the Commission as to size and the information contained in it.
- S. 35(4) amended by No. 58/2011 s. 104(Sch. item 4.70).
- (5) The Commission must refuse to consider an application until the applicant has complied with subsection (1) or (2), as the case requires.
- S. 35(5) amended by No. 58/2011 s. 104(Sch. item 4.70).
- (6) In this section—
- prescribed licence* means a licence, other than a limited licence or a major event licence, of a class that is prescribed for the purposes of subsection (1).
- S. 35(6) amended by No. 59/2009 s. 21(5).

36 Notification of particular persons

- | | |
|---|---|
| (1) The Commission may direct an applicant for a licence or for a variation or relocation of a licence to give notice of the application to a specified person or to persons in a specified area personally or by post. | S. 36(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.71). |
| (2) The Commission may give a direction under subsection (1) only if the Commission considers that the grant, variation or relocation of the licence may cause material detriment to the persons to be notified. | S. 36(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.72). |
| (3) The Commission may refuse to consider an application until a direction under subsection (1) is complied with. | S. 36(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.73). |

37 Guidelines

The Commission must issue guidelines with respect to the requirements for the display, advertisement and notification of applications under this Division.

S. 37
amended by
No. 58/2011
s. 104(Sch.
item 4.74).

Division 5—Objections

38 Objection on ground of amenity or harm

- | | |
|---|--|
| (1) Any person may object to the grant, variation or relocation of a licence on the ground that the grant, variation or relocation would detract from or be detrimental to the amenity of the area in which the licensed premises or proposed licensed premises are situated. | S. 38
(Heading)
inserted by
No. 26/2022
s. 18(1). |
| (1A) In addition to the ground referred to in subsection (1), any person may object to the grant, variation or relocation of a packaged liquor licence or late night (packaged liquor) licence on the ground that the grant, variation or relocation would be conducive to or encourage harm. | S. 38(1A)
inserted by
No. 39/2002
s. 11(1),
amended by
Nos 59/2009
s. 22, 26/2022
s. 18(2). |

S. 38(2)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.75).

- (2) An objection must—
- (a) be made to the Commission in writing within 30 days after the day on which notice of the application for the grant, variation or relocation was first displayed under section 34(1); and
 - (b) state the reasons for the objection.
- (3) None of the following is a valid reason for an objection under this section—
- (a) that the business carried on under the licence would or would not be successful;
 - (b) that the business of another licensee or permittee (including the objector) may be adversely affected by the grant, variation or relocation;
 - (c) that there is insufficient need or demand to justify the grant, variation or relocation.

39 Objection by Chief Commissioner

- (1) The Chief Commissioner may object to the grant, variation or relocation of a licence or BYO permit on any grounds he or she thinks fit.
- (2) The Chief Commissioner may object to the transfer of a licence or BYO permit on the ground that the proposed transferee is not a suitable person to hold the licence or permit.
- (3) An objection must—

S. 39(3)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.76).

- (a) be made to the Commission in writing within 21 days after the day on which a copy of the application for the grant, variation, transfer or relocation was given to the Chief Commissioner under section 33(1); and
- (b) state the grounds of, and the reasons for, the objection.

40 Objection by local council

- (1) The Council of the municipal district in which premises are situated may object to—
- (a) the grant or variation of a licence in respect of those premises; or
 - (b) the relocation of a licence to those premises—

on the ground that the grant, variation or relocation would detract from or be detrimental to the amenity of the area in which the premises are situated.

- (1A) In addition to the ground referred to in subsection (1), the Council of the municipal district in which premises are situated may object to—

S. 40(1A) inserted by No. 39/2002 s. 11(2), amended by No. 49/2021 s. 26.

- (a) the grant or variation of a packaged liquor licence or late night (packaged liquor) licence in respect of those premises; or
- (b) the relocation of a packaged liquor licence or late night (packaged liquor) licence to those premises—

S. 40(1A)(a) amended by No. 59/2009 s. 23.

S. 40(1A)(b) amended by No. 59/2009 s. 23.

on the ground that the grant, variation or relocation would be conducive to or encourage harm.

- (2) An objection must—
- (a) be made to the Commission in writing within 30 days after the day on which notice of the application for the grant, variation or relocation was first displayed under section 34(1); and
 - (b) state the reasons for the objection.

S. 40(2)(a) amended by No. 58/2011 s. 104(Sch. item 4.77).

- (3) None of the following is a valid reason for an objection under this section—
- (a) that the business carried on under the licence would or would not be successful;
 - (b) that the business of another licensee or permittee may be adversely affected by the grant, variation or relocation;
 - (c) that there is insufficient need or demand to justify the grant, variation or relocation.

41 Objection to licence by licensing inspector

- (1) A licensing inspector may object to the grant, variation, transfer or relocation of a licence on any of the following grounds—
- (a) in the case of a grant or transfer, that the licensee or proposed licensee is not a suitable person to hold the licence;
 - (b) in the case of a grant, variation or relocation—
 - (i) that the grant, variation or relocation would detract from or be detrimental to the amenity of the area in which the licensed premises or proposed licensed premises are situated; or
 - (ii) that the grant, variation or relocation would be conducive to or encourage harm;
 - (c) in the case of an application in relation to a club licence, any ground referred to in section 44(2)(c).
- (2) A licensing inspector may object to the grant or transfer of a BYO permit on the ground that the proposed permittee or transferee is not a suitable person to hold the permit.

S. 41(1)(b)(ii)
amended by
No. 49/2021
s. 27.

- (3) An objection must—
- (a) be made to the Commission in writing within 30 days after—
 - (i) in the case of an objection to the grant, variation or relocation of a licence—the day on which notice of the application was first displayed under section 34(1); or
 - (ii) in the case of an objection to the transfer of a licence—the day on which the application was made; and
 - (b) state the grounds of, and the reasons for, the objection.
- (4) None of the following is a valid reason for an objection under this section—
- (a) that the business carried on under the licence would or would not be successful;
 - (b) that the business of another licensee or permittee may be adversely affected by the grant, variation or relocation;
 - (c) that there is insufficient need or demand to justify the grant, variation or relocation.

S. 41(3)(a) substituted by No. 39/2002 s. 11(3), amended by No. 58/2011 s. 104(Sch. item 4.78).

42 Commission may refuse to accept objection

The Commission may refuse to accept an objection if the Commission considers that—

- (a) in the case of an objection under section 38, the person making the objection is not affected by the application; or
- (b) the objection is frivolous or vexatious; or
- (c) the objection is not otherwise in accordance with this Act.

S. 42 (Heading) inserted by No. 58/2011 s. 104(Sch. item 4.79).

S. 42 amended by No. 58/2011 s. 104(Sch. item 4.80)

43 Withdrawal of objection

A person who has made an objection under this Division may withdraw it at any time.

Division 6—Determination of applications

44 Determination of uncontested applications

S. 44(1)
amended by
No. 58/2011
s. 53(1)(a).

- (1) Subject to Division 3, the Commission must grant or refuse to grant an uncontested application at any time after the expiry of the period for objection under Division 5 (or that period as extended under section 174).

S. 44(1A)
inserted by
No. 20/2018
s. 16.

- (1A) In addition to subsection (1), the Commission must not delay the grant or the refusal to grant an uncontested application on the ground that an application for a permit made under the **Planning and Environment Act 1987** to permit the use of the premises to which the application relates is not yet determined.

Note

See section 16(2) that provides that the licence and BYO permit condition relating to compliance with the planning scheme under the **Planning and Environment Act 1987** does not apply to a pre-retail licence, a limited licence or a major event licence.

S. 44(2)
amended by
No. 58/2011
s. 53(1)(b).

- (2) The Commission may refuse to grant an uncontested application on any of the following grounds—
- (a) in the case of a grant or transfer of a licence or BYO permit, that the applicant or proposed transferee is not a suitable person to hold or carry on business under the licence or BYO permit;
 - (b) in any case—
 - (i) that the granting of the application would detract from or be detrimental to the amenity of the area in which the

premises to which the application relates are situated;

- (ii) that the granting of the application would be conducive to or encourage harm;
 - (iii) if the applicant or proposed transferee is a natural person—that the applicant or proposed transferee does not have an adequate knowledge of this Act;
 - (iv) if the applicant or proposed transferee is a body corporate—that no director of the applicant or proposed transferee has an adequate knowledge of this Act;
 - (v) that the application has not been made, displayed or advertised in accordance with this Act;
- (c) in the case of an application in relation to a club licence—
- (i) that the club is not conducted in good faith as a club; or
 - (ii) that the club is kept or habitually used for any unlawful purpose; or
 - (iii) that the club is used mainly for the supply of liquor; or
 - (iv) that liquor purchased by or belonging to the club has been supplied illegally whether on the club premises or elsewhere; or
 - (v) that persons who are not members have been admitted to the club for the purpose only of obtaining liquor; or
 - (vi) that the supply of liquor to the club is not under the control of the management committee of the club; or

S. 44(2)(b)(ii)
amended by
No. 49/2021
s. 28(1).

S. 44(2)(d)
inserted by
No. 49/2021
s. 28(2).

- (vii) that any of the rules of the club have been habitually broken.
- (d) in the case of an application for a licence that applies to a large packaged liquor outlet, that the net economic and social impact of granting the application would be detrimental to the wellbeing of the local community.
- (3) Without limiting the reasons why a person is not a suitable person to hold, or carry on business under, a licence or BYO permit, a person is not a suitable person to hold, or carry on business under, a licence or BYO permit if the person or, if the person is a body corporate, any director of the person has, within the preceding 3 years—
 - (a) been convicted, whether in Victoria or elsewhere, of an offence of supplying liquor without a licence or of supplying adulterated liquor or of an offence against any law relating to customs or excise; or
 - (b) engaged in activities involving the trading in or marketing of liquor in a manner contrary to the provisions of this Act.
- (4) The Commission may—
 - (a) in respect of an uncontested application, have regard to any matter the Commission considers relevant; and
 - (b) make any enquiries the Commission considers appropriate but is not required to give any person an opportunity to be heard concerning the application.

S. 44(4)
substituted by
No. 58/2011
s. 53(2).

- (5) If the Commission refuses to grant an uncontested application for a late night (general) licence, the Commission may grant a general licence instead. S. 44(5) inserted by No. 59/2009 s. 24, amended by No. 58/2011 s. 104(Sch. item 4.81).
- (6) If the Commission refuses to grant an uncontested application for a late night (on-premises) licence, the Commission may grant an on-premises licence or a restaurant and cafe licence instead. S. 44(6) inserted by No. 59/2009 s. 24, amended by No. 58/2011 s. 104(Sch. item 4.82).
- (7) If the Commission refuses to grant an uncontested application for a late night (packaged liquor) licence, the Commission may grant a packaged liquor licence instead. S. 44(7) inserted by No. 59/2009 s. 24, amended by No. 58/2011 s. 104(Sch. item 4.83).
- * * * * *
- Ss 45, 46 repealed by No. 58/2011 s. 65.

47 Determination of contested application

- S. 47 (Heading) inserted by No. 58/2011 s. 54(1).
- (1) Subject to Division 3, the Commission must, after the period for making an objection under Division 5 has expired, including any extension of time granted for making an objection, grant or refuse a contested application. S. 47(1) substituted by No. 58/2011 s. 54(2).
- (1A) In addition to subsection (1), the Commission must not delay the grant or the refusal to grant a contested application on the ground that an application for a permit made under the **Planning and Environment Act 1987** to permit the use of the premises to which the application relates is not yet determined. S. 47(1A) inserted by No. 20/2018 s. 17.

Note

See section 16(2) that provides that the licence and BYO permit condition relating to compliance with the planning scheme under the **Planning and Environment Act 1987** does not apply to a pre-retail licence, a limited licence or a major event licence.

S. 47(2)
amended by
No. 58/2011
s. 54(3).

- (2) The Commission may refuse to grant a contested application on any of the grounds set out in section 44(2) and section 44(3) applies accordingly.

S. 47(3)
substituted by
No. 58/2011
s. 54(4).

- (3) Before granting or refusing a contested application under subsection (1), the Commission—
- (a) may have regard to any matter the Commission considers relevant; and
 - (b) may make any enquiries the Commission considers appropriate; and
 - (c) must give the applicant and each objector a reasonable opportunity to be heard.

S. 47(3A)
inserted by
No. 58/2011
s. 54(4).

- (3A) If an inquiry is conducted for the purposes of this section—
- (a) the Commission must conduct the inquiry in public unless the Commission determines that the inquiry, or part of the inquiry should be conducted in private as—
 - (i) confidential information will be disclosed at the inquiry; or
 - (ii) it is in the public interest to conduct the inquiry in private; or
 - (iii) it is in the interests of justice to conduct the inquiry in private; and
 - (b) the Commission may grant or refuse a contested application without hearing from a person who has notice of the inquiry if the

person is not present or represented at the time and place appointed for the inquiry; and

(c) the Commission may consider evidence of anything said or done at the inquiry in any internal review of that decision.

- (3B) A person who has a right to be heard by the Commission may—
- (a) appear and be heard in person; or
 - (b) be represented by any other person.
- (3C) The Commission must advise the applicant and each objector of the decision made in respect of the contested application within 28 days after that decision has been made.
- (3D) The Commission must give a statement of reasons for the decision to the applicant and each objector in respect of the contested application as soon as practicable after the decision is made.
- (4) If the Commission refuses to grant a contested application for a late night (general) licence, the Commission may grant a general licence instead.
- (5) If the Commission refuses to grant a contested application for a late night (on-premises) licence, the Commission may grant an on-premises licence or a restaurant and cafe licence instead.
- (6) If the Commission refuses to grant a contested application for a late night (packaged liquor) licence, the Commission may grant a packaged liquor licence instead.

S. 47(3B)
inserted by
No. 58/2011
s. 54(4).

S. 47(3C)
inserted by
No. 58/2011
s. 54(4).

S. 47(3D)
inserted by
No. 58/2011
s. 54(4).

S. 47(4)
inserted by
No. 59/2009
s. 25,
amended by
No. 58/2011
s. 54(5).

S. 47(5)
inserted by
No. 59/2009
s. 25,
amended by
No. 58/2011
s. 54(5).

S. 47(6)
inserted by
No. 59/2009
s. 25,
amended by
No. 58/2011
s. 54(5).

S. 48
(Heading)
inserted by
No. 58/2011
s. 104(Sch.
item 4.84).
S. 48
amended by
No. 58/2011
s. 104(Sch.
item 4.85)

48 Commission may permit amendments and disregard errors

In deciding whether to grant or refuse to grant an application, the Commission may—

S. 48(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.85).

(a) permit the amendment of the application or of any information given to the Commission in connection with the application; and

S. 48(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.85).

(b) disregard any omission, error, defect or insufficiency in the application or any information given to the Commission in connection with the application; and

(c) disregard any failure, defect or insufficiency in displaying, advertising or giving notice of the application.

S. 49
amended by
No. 58/2011
s. 104(Sch.
item 4.86).

49 Licence and BYO permit conditions

The Commission may impose any conditions the Commission thinks fit on the grant of an application, including a condition that the grant is not effective until any requirements specified in the grant have been met.

S. 49A
inserted by
No. 20/2018
s. 18.

49A Grant, variation or relocation of licence and BYO permit takes effect in certain circumstances

(1) Subject to subsection (2), the grant, variation or relocation of a licence or BYO permit takes effect on the day on which—

(a) an application for a permit made under the **Planning and Environment Act 1987** to permit the use of the premises to which the grant, variation or relocation relates is granted; or

- (b) other evidence from the relevant responsible authority or planning authority that use of the premises to which the grant, variation or relocation relates would not contravene the planning scheme that applies under the **Planning and Environment Act 1987** is given to the Commission.
- (2) The day on which a grant, variation or relocation takes effect under subsection (1) must be a day that is within the 12 month period beginning on the day of the grant, variation or relocation of the licence or BYO permit and ending on the day that is 12 months after the grant, variation or relocation of the licence or BYO permit.
- (3) This section does not apply to—
- (a) a grant, variation or relocation of a licence or BYO permit if the premises to which the licence or BYO permit relates is on the day of the grant, variation or relocation the subject of a permit that is in force and made under the **Planning and Environment Act 1987** that permits the use of the premises under the grant, variation or relocation; or
- (b) a pre-retail licence, a limited licence or a major event licence.

49B Supply of liquor under licence or BYO permit that is not in effect

S. 49B
inserted by
No. 20/2018
s. 18.

- (1) A licensee who supplies liquor under a licence that is not in effect in accordance with section 49A, is taken not to be a licensee for the purposes of section 107.
- (2) If a BYO permit is not in effect in accordance with section 49A, it is taken not to be in force in respect of any premises for the purposes of section 113(1B) or (1C).

50 Period of licence or BYO permit

- (1) Subject to this Act, a licence or BYO permit has effect on the day on which it is granted and continues in force until the end of the calendar year in which it is granted.
- (2) A limited licence or restricted club licence may be expressed to have effect and continue in force in accordance with its terms.

S. 50A
inserted by
No. 20/2018
s. 19.

50A Notice of right to use premises as licensed premises

- (1) If the grant, variation or relocation of a licence or BYO permit takes effect in accordance with section 49A, the licensee or permittee must give a notice of right to use premises to the Commission within 7 days of the licensee or permittee gaining the legal right to use the premises as licensed premises.
- (2) A notice of right to use premises referred to in subsection (1) must be in the prescribed form.

S. 50B
inserted by
No. 20/2018
s. 10.

50B Time transfer of licence or BYO permit takes effect

The transfer of a licence or BYO permit takes effect on the later of the following—

- (a) the date that the application for the transfer of the licence or BYO permit is granted;
- (b) the date that the proposed transferee for the transfer of the licence or BYO permit gains the legal right to occupy the licensed premises.

50C Notice of right to occupy

- (1) If the transfer of a licence or BYO permit takes effect in accordance with section 50B(b), the transferee must give a notice of right to occupy to the Commission within 24 hours of the transferee gaining the legal right to occupy the licensed premises.

Penalty: 5 penalty units.

- (2) A notice of right to occupy referred to in subsection (1) must be in the prescribed form.

S. 50C
inserted by
No. 20/2018
s. 10.

51 Form of licence or BYO permit and endorsements

- (1) A licence or BYO permit is to be in the form approved by the Commission.

S. 51(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.87).

- (2) If a licence or BYO permit is varied, relocated or transferred under this Part or a nominee is approved under section 54, the Commission must endorse the licence or permit to that effect.

S. 51(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.87).

52 Copy of licence or BYO permit

The Commission may, on application by a licensee or permittee and payment of the prescribed fee, issue to the licensee or permittee a copy of the licence or BYO permit, or of part of the licence or permit, with the word "copy" marked on it.

S. 52
amended by
No. 58/2011
s. 104(Sch.
item 4.88).

53 Liability of joint and incorporated licensees or permittees and unincorporated clubs

- (1) If a licence or BYO permit is granted or transferred to two or more persons, those persons are severally liable as licensee or permittee.

- (2) If a licence or BYO permit is granted or transferred to a body corporate, the directors of the body corporate are severally liable as if they were the licensee or permittee.

S. 53(2)
amended by
No. 71/2011
s. 17(1).

S. 53(2A)
inserted by
No. 13/2013
s. 26.

(2A) Subsection (2) does not apply in respect of an offence against a provision specified in section 53A(2), 53B(2) or 53C(2) that is alleged to have been committed by a body corporate.

S. 53(3)
amended by
No. 71/2011
s. 17(2).

(3) If a club licence is granted to a person on behalf of an unincorporated club, the members of the committee of management of the club are severally liable as if they were the licensee.

(4) Subsection (2) or (3) does not apply at any time when a nominee of the body corporate or club (as the case requires) is in place under section 54.

(5) Nothing in subsection (4) affects or limits the application of Part 6.

S. 53A
inserted by
No. 13/2013
s. 27.

**53A Criminal liability of officers of bodies corporate—
accessorial liability**

(1) If a body corporate commits an offence against a provision specified in subsection (2) or a body corporate is under section 106A(3) liable for such an offence, an officer of the body corporate also commits an offence against the provision if the officer—

(a) authorised or permitted the commission of the offence by the body corporate; or

(b) was knowingly concerned in any way (whether by act or omission) in the commission of the offence by the body corporate.

(2) For the purposes of subsection (1), the following provisions are specified—

(a) section 54(11);

(b) section 99;

(c) section 99A(1);

(d) section 100;

Liquor Control Reform Act 1998
No. 94 of 1998
Part 2—Licences and BYO permits

(e) section 101;

* * * * *

S. 53A(2)(f)
repealed by
No. 28/2022
s. 159.

(g) section 101B(1) and (2);

(h) section 102(1) and (2);

(i) section 103(1) and (2);

(j) section 103A(2);

(k) section 105(1);

(l) section 106B;

(m) section 106K(1), (2), (4) and (5);

(n) section 108(1);

(o) section 108AD(2);

(p) section 108AE(2);

(pa) section 108AE(3);

S. 53A(2)(pa)
inserted by
No. 20/2018
s. 22.

(q) section 108B(1);

(r) section 109(1);

(s) section 115(1);

(t) section 122(1);

(u) section 148Q(1);

(v) section 148ZA;

(w) section 148ZL(1).

- (3) Without limiting any other defence available to the officer, an officer of a body corporate may rely on a defence that would be available to the body corporate if it were charged with the offence with which the officer is charged and, in doing so, the officer bears the same burden of proof that the body corporate would bear.

(4) An officer of a body corporate may commit an offence against a provision specified in subsection (2) whether or not the body corporate has been prosecuted for, or found guilty of, an offence against that provision.

(5) In this section—

body corporate has the same meaning as corporation has in section 57A of the Corporations Act;

officer in relation to a body corporate means—

- (a) a person who is an officer (as defined by section 9 of the Corporations Act) of the body corporate; or
- (b) a person (other than a person referred to in paragraph (a)), by whatever name called, who is concerned in, or takes part in, the management of the body corporate.

(6) This section does not affect the operation of Subdivision (1) of Division 1 of Part II of the **Crimes Act 1958**.

(7) This section does not apply at any time when a nominee of the body corporate is in place under section 54.

(8) Nothing in subsection (7) affects or limits the application of Part 6.

S. 53A(6)
substituted by
No. 20/2015
s. 56(Sch. 1
item 9).

**53B Criminal liability of officers of bodies corporate—
failure to exercise due diligence**

S. 53B
inserted by
No. 13/2013
s. 27.

(1) If a body corporate commits an offence against a provision specified in subsection (2) or a body corporate is under section 106A(3) liable for such an offence, an officer of the body corporate also commits an offence against the provision if the

officer failed to exercise due diligence to prevent the commission of the offence by the body corporate.

- (2) For the purposes of subsection (1), the following provisions are specified—
 - (a) section 108AA(3);
 - (b) section 108AB(2);
 - (c) section 108AC(2);
 - (d) section 148ZK;
 - (e) clause 25(5) and (7) of Schedule 3.
- (3) In determining whether an officer of a body corporate failed to exercise due diligence, a court may have regard to—
 - (a) what the officer knew, or ought reasonably to have known, about the commission of the offence by the body corporate; and
 - (b) whether or not the officer was in a position to influence the body corporate in relation to the commission of the offence by the body corporate; and
 - (c) what steps the officer took, or could reasonably have taken, to prevent the commission of the offence by the body corporate; and
 - (d) any other relevant matter.
- (4) Without limiting any other defence available to the officer, an officer of a body corporate may rely on a defence that would be available to the body corporate if it were charged with the offence with which the officer is charged and, in doing so, the officer bears the same burden of proof that the body corporate would bear.

- (5) An officer of a body corporate may commit an offence against a provision specified in subsection (2) whether or not the body corporate has been prosecuted for, or found guilty of, an offence against that provision.
- (6) In this section—
body corporate has the same meaning as in section 53A;
officer in relation to a body corporate, has the same meaning as in section 53A.
- (7) This section does not apply at any time when a nominee of the body corporate is in place under section 54.
- (8) Nothing in subsection (7) affects or limits the application of Part 6.

S. 53C
inserted by
No. 13/2013
s. 27.

**53C Criminal liability of officers of bodies corporate—
failure to exercise due diligence (evidential burden
of proof)**

- (1) Subject to subsection (3), if a body corporate commits an offence against a provision specified in subsection (2) or a body corporate is under section 106A(3) liable for such an offence, an officer of the body corporate also commits an offence against the provision.
- (2) For the purposes of subsection (1), the following provisions are specified—
- (a) section 106(1);
 - (b) section 108(4);
 - (c) section 115A(2);
 - (d) section 119(1) and (2);
 - (e) section 120(1);
 - (f) section 148ZJ(1).

- (3) An officer of a body corporate does not commit an offence against a provision specified in subsection (2) if—
- (a) the officer presents or points to evidence that suggests a reasonable possibility that the officer exercised due diligence to prevent the commission of the offence by the body corporate; and
 - (b) the contrary is not proved (beyond reasonable doubt) by the prosecution.
- (4) In determining whether an officer of a body corporate exercised due diligence, a court may have regard to—
- (a) what the officer knew, or ought reasonably to have known, about the commission of the offence by the body corporate; and
 - (b) whether or not the officer was in a position to influence the body corporate in relation to the commission of the offence by the body corporate; and
 - (c) what steps the officer took, or could reasonably have taken, to prevent the commission of the offence by the body corporate; and
 - (d) any other relevant matter.
- (5) Without limiting any other defence available to the officer, an officer of a body corporate may rely on a defence that would be available to the body corporate if it were charged with the offence with which the officer is charged and, in doing so, the officer bears the same burden of proof that the body corporate would bear.

- (6) An officer of a body corporate may commit an offence against a provision specified in subsection (2) whether or not the body corporate has been prosecuted for, or found guilty of, an offence against that provision.
- (7) In this section—
body corporate has the same meaning as in section 53A;
officer in relation to a body corporate, has the same meaning as in section 53A.
- (8) This section does not apply at any time when a nominee of the body corporate is in place under section 54.
- (9) Nothing in subsection (8) affects or limits the application of Part 6.

54 Nominee of licensee or permittee

S. 54(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.89).

- (1) A licensee or permittee that is a body corporate may apply to the Commission for the approval of a person as nominee of the licensee or permittee.

S. 54(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.90).

- (2) A person who holds a club licence on behalf of an unincorporated club may apply to the Commission for the approval of a person as nominee of the club.

S. 54(2A)
inserted by
No. 92/2004
s. 18(1)(2).

- (2A) An application under this section must be accompanied by the fee specified in the regulations for the purposes of this section.

S. 54(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.91).

- (3) The Commission must give a copy of the application to the Chief Commissioner.
- (4) The Chief Commissioner may object to the application on the ground that the person is not a suitable person to be the nominee of the licensee or permittee.

- (5) An objection must—
- (a) be made to the Commission in writing within 21 days after the day on which a copy of the application was given to the Chief Commissioner; and
 - (b) state the reasons for the objection.
- (6) After the end of the period specified in subsection (5)(a) (or that period as extended under section 174), the Commission must grant the application if satisfied that the person is a suitable person to be the nominee of the licensee or permittee.
- (6A) A person becomes the nominee of the licensee or permittee on the Commission granting the application.
- (7) In making its decision, the Commission must consider any objection made under subsection (4).
- (8) Section 44(3) applies to the determination of an application under this section.
- (9) A person approved as nominee under this section is liable as if he or she were the licensee or permittee.
- (10) A person ceases to be a nominee on ceasing to manage or control the licensed premises in circumstances in which that cessation is, or is likely to be, permanent.

S. 54(5)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.92).

S. 54(6)
amended by
No. 58/2011
s. 104(Sch.
item 4.93).

S. 54(6A)
inserted by
No. 92/2004
s. 19(1),
amended by
No. 58/2011
s. 104(Sch.
item 4.94).

S. 54(7)
amended by
No. 58/2011
s. 104(Sch.
item 4.95).

S. 54(10)
inserted by
No. 92/2004
s. 19(2).

Note

On a person ceasing to be a nominee, section 53(4) ceases to apply. This has the effect under section 53 of re-imposing liability as a licensee or permittee on the directors or members of the committee of management (as the case may be) of the body holding the licence or permit.

S. 54(11)
inserted by
No. 92/2004
s. 19(2),
amended by
No. 58/2011
s. 104(Sch.
item 4.96).

Note to
s. 54(11)
inserted by
No. 13/2013
s. 29(1).

S. 55
amended by
Nos 58/2011
s. 104(Sch.
item 4.97),
20/2012
s. 226(Sch. 5
item 18(1)).

- (11) The licensee or permittee must notify the Commission in writing that a person has ceased to be the nominee of the licensee or permittee within 14 days after that cessation occurs.

Penalty applying to this subsection: 5 penalty units.

Note

Section 53A applies to an offence against this subsection.

55 Transfer of club licence to incorporated association

If a copy of a certificate of incorporation of a club under the **Associations Incorporation Reform Act 2012** is lodged with the Commission, a club licence held on behalf of the club before that incorporation is deemed to have been transferred to the incorporated association and the Commission must amend the licence or permit accordingly.

56 Concurrent dealing with transfer and relocation

If an applicant for relocation of a licence or BYO permit is also, together with a proposed transferee, an applicant for the transfer of the licence or permit, the application for relocation is to be dealt with at the same time as the application for transfer.

57 Effect of transfer or relocation

- (1) A transfer of a licence or BYO permit operates as a like licence or BYO permit granted to the transferee—
- (a) for the residue of the term for which the licence or BYO permit was granted to the transferor; or

(b) if the transfer takes place after application for renewal of the licence or BYO permit has been made and before the date of operation of that renewal—for the period for which the licence or BYO permit is to be renewed.

(2) If the Commission grants an application for the relocation of a licence or BYO permit, the licence or permit has effect as if it had been granted in respect of the premises to which it is relocated.

S. 57(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.98).

Division 7—Variation of licence or BYO permit by Commission

Pt 2 Div. 7
(Heading)
substituted by
No. 58/2011
s. 104(Sch.
item 4.99) (as
amended by
No. 70/2013
s. 3(Sch. 1
item 57.2)).

58 Variation of licence or BYO permit at initiative of Commission

S. 58
(Heading)
inserted by
No. 58/2011
s. 104(Sch.
item 4.100).

(1) The Commission, at its own initiative, may vary a licence or BYO permit in accordance with this section.

S. 58(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.101).

(2) A variation under this section may include—

(aa) a variation of the category of licence held by the licensee to another category of licence;

S. 58(2)(aa)
inserted by
No. 59/2009
s. 26,
substituted by
No. 49/2021
s. 29.

(a) a variation of the times outside ordinary trading hours at which the licence or permit authorises the supply of liquor;

(b) a variation of the size or perimeter of the licensed premises;

S. 58(2)(ba)
inserted by
No. 21/2014
s. 15.

- (ba) a variation of the times within ordinary trading hours between 31 December and 1 January at which the licence or permit authorises the supply of liquor;
- (c) a variation of a condition of the licence or permit (other than a condition imposed by this Act);
- (d) the imposition of a new condition on the licence or permit;
- (e) the removal of a condition of the licence or permit (other than a condition imposed by this Act).

S. 58(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.102).

- (3) If the Commission proposes to vary a licence or BYO permit, the Commission must give the licensee or permittee written notice of the proposed variation.

S. 58(4)
amended by
No. 58/2011
s. 104(Sch.
item 4.103).

- (4) Within 21 days after notice is given to the licensee or permittee under subsection (3), the licensee or permittee may give the Commission written notice of objection to the proposed variation.

S. 58(5)
amended by
No. 58/2011
s. 104(Sch.
item 4.104).

- (5) If the licensee or permittee gives notice of objection in accordance with subsection (4), the Commission must not vary the licence or permit unless the Commission—
 - (a) has given the licensee or permittee a reasonable opportunity to make written and oral submissions in relation to the objection; and
 - (b) has considered any submissions so made.

S. 58A
inserted by
No. 92/2004
s. 20,
amended by
No. 58/2011
s. 104(Sch.
item 4.105).

58A Correcting mistakes

The Commission, at its own initiative, may at any time vary a licence or BYO permit to correct—

- (a) a clerical mistake; or

- (b) an error arising from an accidental slip or omission; or
- (c) a material miscalculation of figures or a material mistake in the description of any person, thing or matter referred to in the licence or permit; or
- (d) a defect of form.

58AB Variation of licence or BYO permit during state of emergency or when pandemic declaration is in force

S. 58AB
inserted by
No. 49/2021
s. 30,
substituted by
No. 28/2022
s. 160.

- (1) Subject to subsection (2), the Commission, at its own initiative, may vary a licence or BYO permit at any time during a state of emergency or when a pandemic declaration is in force.
- (2) The Commission may only vary a licence or BYO permit under this section if the licensed premises in respect of the licence or BYO permit is located within one or more emergency areas or the pandemic management area (as the case requires).
- (3) The variation may apply to—
 - (a) a specified licence or BYO permit; or
 - (b) a specified category of licence; or
 - (c) a specified class of licence or BYO permit.
- (4) The variation—
 - (a) must not be inconsistent with this Act or vary a condition imposed by this Act; and
 - (b) may impose a new condition on the licence or BYO permit; and
 - (c) may suspend the operation of an existing condition of the licence or BYO permit (other than a condition imposed by this Act) for a specified period.

- (5) If the Commission varies a licence or BYO permit under this section, the Commission must give any licensee or permittee affected by the variation written notice of the variation as soon as practicable.
- (6) A variation under this section ceases to have effect on the earlier of—
- (a) the state of emergency or pandemic declaration that was in force at the time the variation was made ceasing to have effect; or
 - (b) its revocation by the Commission.
- (7) Despite subsection (6), if a pandemic declaration comes into force in the circumstances referred to in section 165CH of the **Public Health and Wellbeing Act 2008** and a variation under this section was in effect immediately before in relation to the relevant state of emergency, the variation continues in relation to so much of each emergency area that is in the pandemic management area until the earlier of—
- (a) the pandemic declaration ceasing to have effect; or
 - (b) the revocation of the variation by the Commission.

Division 7A—Late hour entry declarations

Pt 2 Div. 7A
(Heading and
ss 58B–58D)
inserted by
No. 8/2006
s. 9.

58B Commission may make late hour entry declarations

S. 58B
(Heading)
amended by
No. 58/2011
s. 104(Sch.
item 4.106)
S. 58B
inserted by
No. 8/2006
s. 9.

- (1) Subject to this section and section 58C, the Commission, at its own initiative, may make a late hour entry declaration for an area or locality.
- (2) A late hour entry declaration—
 - (a) must specify—
 - (i) the area or locality to which it applies; and
 - (ii) the licences or class of licences to which it applies; and
 - (iii) the hours during which it applies; and
 - (b) may specify any conditions that the Commission thinks fit.
- (3) A late hour entry declaration—
 - (a) applies to—
 - (i) each licensed premises in respect of which a specified licence or licence of the specified class is in force in the area or locality specified in the declaration at the time the declaration is made; and

S. 58B(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.107).

S. 58B(2)(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.108).

- (ii) if the declaration specifies a class of licences, each premises in the area or locality in respect of which a licence of the specified class is granted after the time the declaration is made; and
 - (b) has effect despite any condition of the licence for any licensed premises to which it applies.
- (4) Subject to any conditions specified in a late hour entry declaration under subsection (2)(b), the licensee of licensed premises to which the declaration applies must not permit any patrons to enter the premises during the hours during which the declaration applies.
- (5) For the avoidance of doubt, patrons already present in licensed premises at the time from which a late hour entry declaration applies to the premises may—
 - (a) leave the premises at any time; or
 - (b) remain in the premises at all times while the premises are authorised to trade.

S. 58C
inserted by
No. 8/2006
s. 9.

58C Making a late hour entry declaration

S. 58C(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.109).

- (1) The Commission must give written notice of a proposed late hour entry declaration under section 58B to each licensee of licensed premises in the area or locality to which the declaration is proposed to apply.

S. 58C(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.109).

- (2) Within 21 days after notice is given to a licensee under subsection (1), the licensee may give the Commission written notice of objection to the proposed late hour entry declaration.

- (3) If a licensee gives notice of objection in accordance with subsection (2), the Commission must not make the late hour entry declaration unless the Commission—
- (a) has given the licensee a reasonable opportunity to make written and oral submissions in relation to the objection; and
 - (b) if any submissions are made, has considered the submissions.

S. 58C(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.109).

58CA Temporary late hour entry declaration

S. 58CA
inserted by
No. 73/2007
s. 15.

- (1) Despite anything to the contrary in section 58C, the Commission may make a late hour entry declaration under section 58B without giving written notice under section 58C if the Commission believes on reasonable grounds that—
- (a) alcohol-related violence or disorder has occurred in the area or locality to which the order is to apply; and
 - (b) a late hour entry declaration in relation to the area or locality is reasonably likely to be an effective means of reducing or preventing the occurrence of alcohol-related violence or disorder in the area or locality.
- (2) Before making a late hour entry declaration referred to in subsection (1), the Commission must consult the Chief Commissioner.
- (3) The Commission must give written notice of a late hour entry declaration referred to in subsection (1) to each licensee of licensed premises in the area or locality to which the declaration applies.

S. 58CA(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.110).

S. 58CA(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.110).

S. 58CA(3)
amended by
Nos 21/2008
s. 27, 58/2011
s. 104(Sch.
item 4.110).

S. 58CA(4)(b)
amended by
No. 21/2008
s. 27.

- (4) A late hour entry declaration referred to in subsection (1) takes effect on the day specified in the notice and expires when the earliest of the following occurs—
- (a) the declaration is revoked under section 58D;
 - (b) a late hour entry declaration is made in accordance with section 58C in relation to the area or locality;
 - (c) a period of 3 months elapses after the day on which the declaration takes effect.

S. 58CA(5)
amended by
Nos 21/2008
s. 27, 58/2011
s. 104(Sch.
item 4.110).

- (5) Nothing in this section prevents the Commission from making a late hour entry declaration in accordance with section 58C in relation to the area or locality to which a late hour entry declaration referred to in subsection (1) applies while the declaration referred to in subsection (1) is in force.

S. 58D
(Heading)
amended by
No. 58/2011
s. 104(Sch.
item 4.111).

58D Commission may revoke or vary a late hour entry declaration

S. 58D
inserted by
No. 8/2006
s. 9.

S. 58D(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.112).

- (1) The Commission may—
- (a) vary a late hour entry declaration in accordance with this section; or
 - (b) revoke a late hour entry declaration.
- (2) The Commission must give written notice of a proposed variation of a late hour entry declaration to each licensee of licensed premises to which the declaration applies.

S. 58D(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.112).

- (3) Within 21 days after notice is given to a licensee under subsection (2) of a proposal to vary a late hour entry declaration, the licensee may give the Commission written notice of objection to the proposed variation. **S. 58D(3) amended by No. 58/2011 s. 104(Sch. item 4.112).**
- (4) If a licensee gives notice of objection in accordance with subsection (3), the Commission must not vary the late hour entry declaration unless the Commission— **S. 58D(4) amended by No. 58/2011 s. 104(Sch. item 4.112).**
- (a) has given the licensee a reasonable opportunity to make written and oral submissions in relation to the objection; and
- (b) if any submissions are made, has considered the submissions.

Division 8—Renewal of licences and BYO permits

59 Licence to be renewed within 3 months

- S. 59 (Heading) inserted by No. 57/2010 s. 13(1).**
- (1) If, not later than 3 months after the day on which, but for this section, a licence or BYO permit would cease to be in force, the licensee or permittee pays the prescribed renewal fee in respect of the licence or permit, the licence or permit is renewed accordingly. **S. 59(1) amended by No. 57/2010 s. 13(2).**
- (2) The licence or BYO permit remains in force from the day on which it would otherwise cease to be in force until the day on which it is renewed in accordance with subsection (1).

60 Licence renewal after 3 months

S. 60
(Heading)
inserted by
No. 57/2010
s. 13(3).

S. 60(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.113).

(1) If a licence or BYO permit is not renewed in accordance with section 59(1), the former licensee or permittee may apply to the Commission for renewal of the licence or permit under this section.

(2) An application under this section—

(a) must be made by 30 June next following the day on which the licence or permit ceased to be in force; and

(b) must be in a form approved by the Commission; and

(c) must be accompanied by the prescribed renewal fee.

S. 60(2)(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.113).

(3) The Commission must renew a licence or permit on application made in accordance with subsection (2).

S. 60(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.113).

(4) A licence or permit that is renewed in accordance with this section—

S. 60(4)(a)
amended by
No. 59/2009
s. 30(e).

(a) in the case of a renewable limited licence or a restricted club licence, takes effect on the day, and for the period, specified in the licence;

(b) in any other case—

(i) takes effect on the day on which it is renewed; and

(ii) remains in force, subject to section 59, until the end of the calendar year in which it is renewed.

61 Notice of failure to renew licence or BYO permit

- (1) If a licensee or permittee fails to apply for renewal of the licence or BYO permit by 30 June next following the day on which the licence or permit ceased to be in force, the Commission must give notice of the failure to the owner or mortgagee of the licensed premises or to any other person who, to the Commission's knowledge, may be prejudicially affected by the failure. **S. 61(1) amended by No. 58/2011 s. 104(Sch. item 4.114).**
- (2) Subsection (1) does not apply to the failure to renew a renewable limited licence. **S. 61(2) amended by No. 59/2009 s. 30(e).**

62 Power to owner and others to renew licence

- (1) If a licensee or permittee has failed to renew the licence or BYO permit by 30 June next following the day on which the licence or permit ceased to be in force— **S. 62(1) amended by Nos 58/2011 s. 104(Sch. item 4.115), 49/2021 s. 31.**
- (a) the owner of the licensed premises (if he or she was not that licensee or permittee); or
 - (b) a mortgagee of the licensed premises; or
 - (c) any other person prejudicially affected by the failure—
- may apply to the Commission for renewal of the licence or BYO permit in the name of the applicant or a person nominated by the applicant if the applicant is entitled to possession of the premises.
- (2) An application under subsection (1) must be—
- (a) made by 30 September next following the day on which the licence or permit ceased to be in force or within such later time as the Commission determines; and **S. 62(2)(a) amended by No. 58/2011 s. 104(Sch. item 4.115).**

S. 62(2)(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.115).

(b) in a form approved by the Commission; and

(c) accompanied by the prescribed renewal fee.

S. 62(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.115).

- (3) The Commission must give a copy of an application under this section to the Chief Commissioner.
- (4) The Chief Commissioner may object to the application on the ground that the applicant or nominated person is not a suitable person to hold the licence or permit.

S. 62(5)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.115).

- (5) An objection must—
- (a) be made to the Commission in writing within 21 days after the day on which a copy of the application was given to the Chief Commissioner; and
- (b) state the reasons for the objection.

S. 62(6)
amended by
No. 58/2011
s. 104(Sch.
item 4.115).

- (6) After the period referred to in subsection (5)(a) (or that period as extended under section 174) has expired, the Commission may grant a renewal of the licence or BYO permit to the applicant or nominated person, after considering any objection made under subsection (4), if satisfied that the applicant or nominated person is a suitable person to hold the licence or permit.

S. 62(8)
amended by
No. 59/2009
s. 30(e).

- (7) Section 44(3) applies to the determination of an application under this section.
- (8) This section does not apply to a renewable limited licence.

Division 8A—Cancellation of licence or BYO permit at request of owner or mortgagee

Pt 2 Div. 8A
(Heading and
ss 62A–62D)
inserted by
No. 49/2021
s. 32.

62A Application for cancellation of a licence or BYO permit by owner or mortgagee

S. 62A
inserted by
No. 49/2021
s. 32.

The owner or a mortgagee who is in lawful possession of a licensed premises may apply to the Commission to have a licence or BYO permit cancelled if—

- (a) the licensee or permittee has been legally evicted from the licensed premises; or
- (b) the licensee or permittee has abandoned the licensed premises; or
- (c) the licensee's or permittee's lease, sublease, tenancy or right to occupy the licensed premises has been lawfully terminated.

62B Licensee or permittee must be notified of application for cancellation

S. 62B
inserted by
No. 49/2021
s. 32.

If an application is made under section 62A, the Commission must give the following persons written notice that the owner or mortgagee has applied to cancel the licence or permit—

- (a) the licensee or permittee to whom the application relates;
- (b) any person the Commission considers would suffer material detriment as a result of the cancellation of the licence or permit.

S. 62C
inserted by
No. 49/2021
s. 32.

62C Licensee or permittee may object to cancellation of licence or BYO permit

- (1) The licensee, permittee or any other person given notice under section 62B to whom an application under section 62A relates may object to the cancellation of the licence or BYO permit.
- (2) An objection must—
 - (a) be made to the Commission in writing within 14 days after the day on which notice is given under section 62B; and
 - (b) state reasons for the objection.

S. 62D
inserted by
No. 49/2021
s. 32.

62D Decision to cancel licence or BYO permit

After the end of the period specified in section 62C(2)(a) (or that period as extended under section 174), the Commission must—

- (a) if no objection is made, cancel the licence or BYO permit; or
- (b) consider any objection made under section 62C and decide whether or not to cancel the licence or BYO permit.

Division 9—Surrender and lapse of licence or BYO permit

63 Surrender of licence or BYO permit

S. 63(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.116).

- (1) A licensee or permittee may apply to the Commission to surrender the licence or BYO permit.

S. 63(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.116).

- (2) The Commission must give notice of the application to any person to whom the Commission considers the surrender would cause material detriment.

- (3) A person who is given notice under subsection (2) may make a written objection to the Commission within 14 days stating the grounds of the objection. **S. 63(3) amended by No. 58/2011 s. 104(Sch. item 4.116).**
- (4) After the period referred to in subsection (3) (or that period as extended under section 174) has expired, the Commission—
- (a) must accept the surrender if no objections have been made; or
 - (b) if any objection has been received, must decide whether or not to accept the surrender after considering the objection.

64 Release of licensee or permittee

- (1) A licensee or permittee who desires to vacate licensed premises of which the licensee or permittee has been a tenant may apply to the Commission for release from their obligations under this Act. **S. 64(1) amended by No. 58/2011 s. 104(Sch. item 4.117).**
- (2) On an application under subsection (1), the Commission, if satisfied that the tenancy of the premises has expired, may—
- (a) release the licensee or permittee from their obligations under this Act in respect of the licensed premises; and
 - (b) suspend the licence or BYO permit until it has been transferred or another person has been authorised under this Act to carry on the business under the licence or permit. **S. 64(2) amended by No. 58/2011 s. 104(Sch. item 4.117).**

65 Partner leaving partnership

- (1) If the Commission is satisfied that a member of a partnership that is a licensee or permittee has left the licensed premises and has no intention of returning to the premises to take up his or her duties as a licensee or permittee, the Commission **S. 65(1) amended by No. 58/2011 s. 104(Sch. item 4.118).**

may remove the name of that person from the licence or BYO permit.

- (2) If a person's name is removed from a licence or BYO permit under subsection (1)—
- (a) the remaining members of the partnership are deemed to be the licensees or permittees; or
 - (b) if the partnership is dissolved, the former member or members remaining in occupation of the licensed premises are deemed to be the licensees or permittees.

S. 66
amended by
No. 58/2011
s. 104(Sch.
item 4.119).

66 Licence or permit lapses if not endorsed

If a licensee or permittee—

- (a) dies; or
- (b) becomes an insolvent under administration; or
- (c) becomes a represented person within the meaning of the **Guardianship and Administration Act 2019**; or
- (d) becomes an externally-administered body corporate within the meaning of the Corporations Act; or
- (e) in the case of a body corporate, is wound up, or is deregistered under the Corporations Act—

S. 66(c)
amended by
No. 13/2019
s. 221(Sch. 1
item 28.1).

S. 66(d)
amended by
Nos 44/2001
s. 3(Sch.
item 73.5),
8/2009
s. 10(a).

S. 66(e)
inserted by
No. 8/2009
s. 10(b).

the licence or BYO permit ceases to have force at the end of the period of 90 days after the happening of the event or such longer period as the Commission in any particular case allows, unless the licence or permit is endorsed under Part 4.

Division 10—Provision of information

Pt 2 Div. 10
(Heading and
s. 66A)
inserted by
No. 59/2009
s. 27.

66AA Definitions

S. 66AA
inserted by
No. 64/2014
s. 42.

In this Division—

applicable licence means a licence that is not—

- (a) a general licence; or
- (b) an on-premises licence; or
- (c) a restaurant and cafe licence; or
- (d) a club licence; or
- (e) a packaged liquor licence; or
- (f) a late night licence; or
- (g) a licence that is specified, or of a class that is specified, in an Order under section 66AB; or
- (h) a licence that is specified in an Order under section 66AC as a licence held by a small business; or
- (i) a licence of a class that is specified in an Order under section 66AC as a class of licences held by small businesses;

reporting licensee means a holder of an applicable licence;

wholesale liquor transaction means a transaction in which a reporting licensee, under an applicable licence, supplies liquor to another licensee in that other licensee's capacity as a licensee;

wholesale liquor supply information means, in relation to a wholesale liquor transaction, the following information—

- (a) the volume of liquor supplied in the transaction;
- (b) the value, in dollars, of the liquor supplied in the transaction;
- (c) the type of the liquor supplied in the transaction;
- (d) the prescribed additional information (if any) relating to the transaction.

S. 66AB
inserted by
No. 64/2014
s. 42.

66AB Specification of certain licences

The Minister may, by Order published in the Government Gazette, specify a licence or a class of licences for the purposes of paragraph (g) of the definition of *applicable licence* in section 66AA.

S. 66AC
inserted by
No. 64/2014
s. 42.

66AC Specification of certain licences as small business licences

- (1) The Minister may, by Order published in the Government Gazette, specify—
 - (a) a licence as a licence held by a small business; or
 - (b) a class of licences as licences held by small businesses.
- (2) For the purpose of making an Order under subsection (1), the Minister must consult with—
 - (a) the Minister administering the **Small Business Commission Act 2017**; and
 - (b) the Minister administering Part V of the **Drugs, Poisons and Controlled Substances Act 1981**.

S. 66AC(2)(a)
amended by
No. 16/2017
s. 31.

66AD Requirement to provide wholesale information

S. 66AD
inserted by
No. 64/2014
s. 42.

(1) A reporting licensee who has conducted a wholesale liquor transaction in a prescribed period must provide the information specified in subsection (2) to a prescribed person—

S. 66AD(1)
amended by
No. 49/2021
s. 33(1).

(a) on the prescribed day of every year; or

S. 66AD(1)(a)
inserted by
No. 49/2021
s. 33(1).

(b) if the Commission has fixed another date for the provision of the information, on that date.

S. 66AD(1)(b)
inserted by
No. 49/2021
s. 33(1).

(1A) At the request of a reporting licensee or at its own initiative, the Commission may fix a date for the provision of the information required under subsection (1).

S. 66AD(1A)
inserted by
No. 49/2021
s. 33(2).

(1B) The Commission may fix a date under subsection (1A) in relation to—

S. 66AD(1B)
inserted by
No. 49/2021
s. 33(2).

(a) a particular licensee; or

(b) reporting licensees of a particular class; or

(c) all reporting licensees.

(1C) If a date is fixed under subsection (1A), the Commission must—

S. 66AD(1C)
inserted by
No. 49/2021
s. 33(2).

(a) if fixed in relation to a particular licensee, provide that licensee with written notice of the date for provision of the information; or

(b) in all other cases, publish a notice in the Government Gazette specifying—

(i) the date for provision of the information; and

- (ii) the class of licensees to whom it applies or that it applies to all licensees.
- (2) For the purposes of subsection (1), the specified information is the wholesale liquor supply information for each wholesale liquor transaction carried out by the reporting licensee in the prescribed period.
- (3) The regulations may prescribe—
- (a) the form and manner in which the wholesale liquor supply information must be provided; and
 - (b) the purposes for which the wholesale liquor supply information may be used, being purposes that are consistent with the objects of this Act; and
- Note**
See section 4 for the objects of this Act.
- (c) the persons to whom a prescribed person referred to in subsection (1) may disclose the wholesale liquor supply information; and
 - (d) limitations on the use or disclosure of the wholesale liquor supply information.
- (4) No compensation is payable by the State in respect of anything done in compliance with this section.

S. 66AD(3)(c)
amended by
No. 38/2017
s. 89.

S. 66A
inserted by
No. 59/2009
s. 27.

66A Information in relation to fees

- (1) An authorised person may from time to time request a licensee or permittee to provide information about the conduct of the licensed premises or premises to which the permit applies for either or both of the following purposes—
- (a) to assist in determining the relevant fee in relation to the licence or permit;

- (b) to assist in identifying and measuring the factors that contribute to the risk of alcohol-related harms.
- (2) The licensee or permittee must comply with a request under this section.
- (3) If there is any change in the information provided by a licensee or permittee under this section, the licensee or permittee must notify an authorised person of the change as soon as practicable.
- (4) The Secretary may authorise, for the purposes of this section, any person employed under Part 3 of the **Public Administration Act 2004** in the Department of Justice.
- (4A) The Commission may authorise, for the purposes of this section, any person employed under Part 3 of the **Public Administration Act 2004** by the Commission.
- (5) In this section, *authorised person* also includes a person who is authorised under subsection (4) or (4A).

S. 66A(4A)
inserted by
No. 58/2011
s. 55.

S. 66A(5)
substituted by
No. 58/2011
s. 104(Sch.
item 4.120).

Part 3—Special procedures for certain licences

Division 1—Club licences for amalgamated clubs

67 Application by amalgamated club for a club licence

S. 67(1)
amended by
Nos 58/2011
s. 104(Sch.
item 4.121),
20/2012
s. 226(Sch. 5
item 18(2)).

(1) If two or more clubs, at least one of which holds a club licence, amalgamate under Part 2, Division 3 of **Associations Incorporation Reform Act 2012**, the amalgamated club may apply to the Commission under this Division for a club licence.

(2) An application must—

S. 67(2)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.121).

(a) be in the form, and include the particulars, approved by the Commission; and

(b) state the conditions that the amalgamated club wishes the licence to be subject to; and

(c) be accompanied by—

S. 67(2)(c)(ii)
amended by
No. 58/2011
s. 104(Sch.
item 4.121).

(i) a copy of the certificate of incorporation and the rules of the amalgamated club; and

(ii) any other information required by the Commission; and

(iii) the prescribed fee.

S. 67(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.121).

(3) The Commission must give a copy of the application to the Chief Commissioner.

(4) The following provisions of this Act do not apply to an application under this section—

(a) Divisions 4 and 5 of Part 2 (applications and objections);

- (b) Division 6 of Part 2 (determination of applications), except sections 48, 49, 50, 51, 52, 53 and 54.

68 Objection to grant of licence to amalgamated club

- (1) The Chief Commissioner may object to an application under section 67 on any ground he or she thinks fit.
- (2) A licensing inspector may object to an application under section 67 on any ground referred to in section 41(1).
- (3) An objection must—
- (a) be made to the Commission in writing within 14 days after the day on which a copy of the application was given to the Chief Commissioner; and
 - (b) state the grounds of, and the reasons for, the objection.

S. 68(3)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.122).

69 Grant of licence to amalgamated club

- (1) After the period referred to in section 68(3)(a) (or that period as extended under section 174) has expired, the Commission may grant a club licence to the applicant if satisfied—
- (a) that the application was made in accordance with this Division; and
 - (b) that the rules of the applicant comply with Schedule 1 (except to the extent that the Commission determines it is appropriate that they should not so comply); and
 - (c) that it is appropriate to grant the application in the circumstances.
- (2) In making its decision, the Commission must consider any objection made under section 68.

S. 69(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.123).

S. 69(1)(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.123).

S. 69(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.124).

70 Division does not affect Division 4 of Part 2

Nothing in this Division prevents an amalgamated club from applying for a club licence in accordance with Division 4 of Part 2.

Division 2—Casino premises

71 Definitions

In this Division—

Authority has the same meaning as in the **Casino Control Act 1991**;

casino area means the Melbourne Casino area or the temporary casino site within the meaning of the **Casino Control Act 1991**;

casino operator has the same meaning as in the **Casino Control Act 1991**.

72 Application of Division

This Division applies to an application by a casino operator for—

- (a) the grant or variation of an on-premises licence or a late night (on-premises) licence in respect of premises within the casino area approved by the Authority; or
- (b) the relocation of such a licence to other premises within the casino area approved by the Authority.

S. 72(a)
amended by
No. 59/2009
s. 30(f).

73 Requirements for an application to which this Division applies

- (1) An application to which this Division applies must be accompanied by copies of plans of the premises to which the application relates showing to the satisfaction of the Commission the area or proposed area of the licensed premises.

S. 73(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.125).

- (2) The following provisions of this Act do not apply to an application to which this Division applies—
- (a) section 28(1)(c)(i) (information to accompany application);
 - (b) sections 33, 34, 35 and 36 (notification, display and advertisement requirements);
 - (c) Division 5 of Part 2 (objections);
 - (d) sections 44, 45, 46 and 47 (determination of applications).

74 Grant of application

If the Commission is satisfied that a casino operator has made an application to which this Division applies in accordance with this Act, the Commission must grant the application.

S. 74
amended by
No. 58/2011
s. 104(Sch.
item 4.126).

Division 3—Australian Grand Prix

75 Definitions

In this Division—

declared area and *race period* in respect of a year, have the same respective meanings as in the **Australian Grands Prix Act 1994**;

Corporation means the Australian Grand Prix Corporation established under that Act.

76 Application of Division

This Division applies to an application by the Corporation or a person with the consent of the Corporation for the grant of a limited licence for the whole or any part of the race period for a year in respect of premises within the declared area in respect of that year.

77 Requirements for an application to which this Division applies

S. 77(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.127).

(1) An application to which this Division applies must be accompanied by copies of plans of the premises to which the application relates showing to the satisfaction of the Commission the area or proposed area of the licensed premises.

S. 77(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.127).

(2) The Commission must give a copy of each application to which this Division applies to the Chief Commissioner.

(3) The following provisions of this Act do not apply to an application to which this Division applies—

(a) section 28(1)(c)(i) (information to accompany application);

(b) sections 33, 34, 35 and 36 (notification, display and advertisement requirements);

(c) Division 5 of Part 2 (objections);

(d) sections 44, 45, 46 and 47 (determination of applications).

78 Objection by Chief Commissioner

(1) The Chief Commissioner may object to the grant of an application to which this Division applies on any grounds he or she thinks fit.

(2) An objection must—

S. 78(2)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.128),
substituted by
No. 23/2012
s. 6(1).

(a) be made to the Commission in writing within 21 days after the day on which a copy of the application was given to the Chief Commissioner under section 77(2); and

(b) state the grounds of, and the reasons for, the objection.

79 Grant of application

- (1) If no objection to an application under this Division is received within the period referred to in section 78(2)(a) (or that period as extended under section 174), the Commission must grant the application if satisfied that it was made in accordance with this Act.
- (2) If an objection to an application under this Division is received within the period referred to in section 78(2)(a) (or that period as extended under section 174), the Commission must grant or refuse the application after considering the objection.

S. 79(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.129).

S. 79(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.129).

Part 4—Authorisation of others to carry on licensed business

80 Application by executors, trustees and administrators for endorsement on licence or BYO permit

S. 80(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.130).

(1) Any of the following persons may apply to the Commission to have their name or the name of their agent endorsed on a licence or BYO permit—

(a) a person who is, or intends to become, the legal personal representative of a deceased licensee or permittee;

S. 80(1)(b)
amended by
No. 13/2019
s. 221(Sch. 1
item 28.2).

(b) the guardian or administrator appointed in a guardianship order or an administration order made under the **Guardianship and Administration Act 2019** in respect of a licensee or permittee who is a represented person within the meaning of that Act;

(c) subject to subsection (2), the official receiver, trustee or assignee of a licensee or permittee who becomes an insolvent under administration;

S. 80(1)(d)
amended by
No. 44/2001
s. 3(Sch.
item 73.5).

(d) subject to subsection (2), a person who is administering a licensee or permittee that is an externally-administered body corporate within the meaning of the Corporations Act.

(2) A person referred to in paragraph (c) or (d) of subsection (1) may apply under that subsection only if they are in possession of the licensed premises.

S. 80(3)
inserted by
No. 92/2004
s. 18(1)(3).

(3) An application under this section must be accompanied by the fee specified in the regulations for the purposes of this section.

81 Application by owner or mortgagee of licensed premises for endorsement on licence or BYO permit

S. 81
amended by
No. 92/2004
s. 18(1)(4) (ILA
s. 39B(1)).

- (1) The owner or a mortgagee of licensed premises may apply to the Commission to have their name or the name of their agent endorsed on a licence or BYO permit if—
 - (a) the licensee or permittee has been legally evicted from, or has deserted, the licensed premises; and
 - (b) the owner or mortgagee is in possession of the licensed premises.
- (2) An application under this section must be accompanied by the fee specified in the regulations for the purposes of this section.

S. 81(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.131).

S. 81(2)
inserted by
No. 92/2004
s. 18(1)(4).

82 Application procedure

- (1) An application under section 80 or 81 must—
 - (a) be in the form, and contain the particulars, approved by the Commission; and
 - (b) be accompanied by the prescribed fee.
- (2) The Commission must give a copy of each application under section 80 or 81 to the Chief Commissioner.

S. 82(1)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.132).

S. 82(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.132).

83 Objection by Chief Commissioner

- (1) The Chief Commissioner may object to the grant of an application under section 80 or 81 on the ground that the applicant or agent is not a suitable

person to carry on business under the licence or BYO permit.

(2) An objection must—

S. 83(2)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.133).

- (a) be made to the Commission in writing within 21 days after the day on which a copy of the application was given to the Chief Commissioner under section 82(2); and
- (b) state the reasons for the objection.

84 Grant of application

S. 84(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.134).

- (1) After the end of the period specified in section 83(2)(a) (or that period as extended under section 174), the Commission must grant the application if satisfied—
 - (a) that it was made in accordance with this Part; and
 - (b) that the applicant or agent is a suitable person to carry on business under the licence or BYO permit.

S. 84(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.135).

- (2) In making its decision, the Commission must consider any objection made under section 83.

- (3) Section 44(3) applies to the determination of an application under this section.

85 Endorsement at initiative of Commission

S. 85
(Heading)
inserted by
No. 58/2011
s. 104(Sch.
item 4.136).

If—

S. 85
amended by
No. 58/2011
s. 104(Sch.
item 4.137)

- (a) a licensee or permittee—
 - (i) dies; or

(ii) becomes a represented person within the meaning of the **Guardianship and Administration Act 2019**; or

S. 85(a)(ii)
amended by
No. 13/2019
s. 221(Sch. 1
item 28.1).

(iii) becomes an insolvent under administration; or

(iv) becomes an externally-administered body corporate within the meaning of the Corporations Act; and

S. 85(a)(iv)
amended by
No. 44/2001
s. 3(Sch.
item 73.5).

(b) an application is not made under section 80 for endorsement of the licence or BYO permit—

the Commission may endorse the licence or permit with the name of a person nominated by the Commission.

86 Effect of endorsement

A person whose name is endorsed on a licence or BYO permit under this Part or under section 93—

- (a) may carry on the business under the licence or permit; and
- (b) is liable under this Act as if the person were the licensee or permittee; and
- (c) may apply for renewal of the licence or permit under Division 8 of Part 2 in the person's name as if the person were the licensee or permittee.

Pt 4A
(Heading and
ss 86A–86K)
inserted by
No. 71/2011
s. 18.

Part 4A—Demerits Register

S. 86AA
inserted by
No. 20/2018
s. 11.

86AA Definitions

In this Part—

relevant relationship means a relationship between a transferee and a transferor that exists as a result of—

- (a) the transferee having a financial interest in, a power or influence over or with respect to, any business of the transferor involving the sale of liquor; or
- (b) the transferee being a director, whether in right of the transferee or on behalf of any other person, of any business of the transferor involving the sale of liquor; or
- (c) the transferee being an employee of the transferor; or
- (d) the transferee being engaged as a contractor by the transferor; or
- (e) the transferee who is a natural person being—
 - (i) the spouse or domestic partner of the transferor; or
 - (ii) a grandparent, parent, step-parent, uncle, aunt, son, daughter, sibling, nephew, niece, grandchild, or child of the aunt or uncle of the transferor; or

- (iii) a grandparent, parent, step-parent, uncle, aunt, son, daughter, sibling, nephew, niece, grandchild, or child of the aunt or uncle of the spouse or domestic partner of the transferor;

sibling means a brother, sister, half-brother, half-sister, adoptive brother, adoptive sister, step-brother or step-sister;

transferee means a person to whom a licence or permit is transferred on the grant of an application under section 44 or 47;

transferor means a licensee or permittee of a licence or permit transferred on the grant of an application under section 44 or 47.

86A Demerits Register

The Commission must keep a Demerits Register and must record against a licence or permit any demerit points that are incurred in relation to that licence or permit.

S. 86A
inserted by
No. 71/2011
s. 18.

86B Commission to record demerit points

- (1) The Commission must record in the Register a demerit point against a licence or permit if the Commission is notified by an authorised notifier that a non-compliance incident has occurred in respect of the licensed premises.
- (2) Despite anything to the contrary in this Part, the Commission must not record demerit points against a licence or permit in the Register if more than 12 months have elapsed since the Commission was notified by an authorised notifier of the non-compliance incident.
- (3) In this Part, a reference to a licence or permit does not include a licence granted under section 14(1A) or 14A.

S. 86B
inserted by
No. 71/2011
s. 18.

S. 86C
inserted by
No. 71/2011
s. 18.

86C Record of day on which offence was committed

The Commission must record demerit points in the Register in relation to the day the offence that is the basis of the non-compliance incident to which the demerit point relates is alleged to have been committed.

S. 86D
inserted by
No. 71/2011
s. 18.

86D Commission must notify licensee or permittee when demerit point is incurred

- (1) If a demerit point has been incurred in respect of a licence or permit, the Commission must give the licensee or permittee a notice advising that the demerit point has been incurred.
- (2) A notice under subsection (1) must contain the following details—
 - (a) details of the licence or permit;
 - (b) details of the offence that is alleged to have been committed which is the basis of the non-compliance incident to which the demerit point relates;
 - (c) the date on which the demerit point was recorded in the Register;
 - (d) the total number of demerit points recorded against the licence or permit in the previous 3 years.

S. 86E
inserted by
No. 71/2011
s. 18.

86E Automatic suspension of licence or permit if certain number of demerit points incurred

- (1) The Commission must suspend a licence or permit—
 - (a) in the case of a licence or permit that has accrued 5 demerit points in a 3 year period, for 24 hours, commencing during ordinary trading hours;

- (b) in the case of a licence or permit that has accrued 10 demerit points in a 3 year period, for 7 days, commencing during ordinary trading hours;
 - (c) in the case of a licence or permit that has accrued 15 demerit points in a 3 year period, for 28 days, commencing during ordinary trading hours.
- (2) For the purposes of subsection (1), the 3 year period commences on the date that the first demerit point is recorded on the Register.
 - (3) For the purposes of subsection (1), a suspension must not commence on a day which is not during the authorised trading hours of the licence.
 - (4) If the Commission suspends a licence or permit under subsection (1)(c), the Commission must, when calculating demerit points recorded against the licence or permit at any time after the period of suspension, disregard all demerit points recorded against the licence or permit as at the date of suspension other than any demerit point reinstated in accordance with section 86IA.
 - (5) A suspension under this section must commence—
 - (a) on the same day of the week as the day that the alleged offence that is the basis of the non-compliance incident occurred that resulted in the latest demerit point being recorded; or

S. 86E(4)
amended by
No. 20/2018
s. 12.

Example

If an offence that results in a licence's 5th demerit point being recorded occurs on a Friday, the 24 hour suspension must commence on a subsequent Friday.

- (b) if the alleged offence that is the basis of the non-compliance incident that resulted in the latest demerit point being recorded occurred

between 12.01am and 7.00am, on the same day of the week as the previous day of the week that the incident occurred; or

Example

If an offence that results in a licence's 5th demerit point being recorded occurs at 12.01am on a Sunday, the 24 hour suspension must commence on a subsequent Saturday.

- (c) if the alleged offence that is the basis of the non-compliance incident that resulted in the latest demerit point being recorded occurred on a day that was not ordinarily part of the licensee's authorised trading hours, on the next day that falls within the licensee's authorised trading hours.

S. 86F
inserted by
No. 71/2011
s. 18.

86F Date of commencement of suspension

The date of commencement of a suspension under section 86E must be a day no less than 14 days after the date of a notice under section 86G and no more than 60 days after the date that the latest demerit point was recorded on the Register.

S. 86G
inserted by
No. 71/2011
s. 18.

86G Notice of suspension

If a licence or permit is to be suspended under section 86E, the Commission must give a notice to the licensee or permittee containing the following details—

- (a) details of the licence or permit to which the suspension relates;
- (b) the period of the suspension;
- (c) the date the suspension commences;
- (d) the date the suspension ends;
- (e) any other prescribed details.

86H Minister may suspend, cancel or delay a suspension

S. 86H
inserted by
No. 71/2011
s. 18.

- (1) The Minister may suspend, cancel or delay the suspension of a licence or permit under section 86E if the Minister is satisfied that the cost to the community of the suspension outweighs the benefit of the suspension.
- (2) If a licensee or permittee makes an application under this section, the suspension of the licence or permit under section 86F does not take effect until the Minister determines the application.

86HA Demerit points automatically removed on transfer of licence or permit

S. 86HA
inserted by
No. 20/2018
s. 13.

- (1) Subject to subsection (2), the Commission must remove any demerit points from the Register accrued in respect of a licence or permit on the day that an application for the transfer of the licence or permit is granted under section 44 or 47.
- (2) The Commission must not remove any demerit points from the Register if the Commission is satisfied that the transferee has a relevant relationship with the transferor.

86I Commission may remove demerit points of transferee who has relevant relationship

S. 86I
inserted by
No. 71/2011
s. 18,
substituted by
No. 20/2018
s. 14.

- (1) A transferee who has a relevant relationship with the transferor may apply to the Commission for the removal of any demerit points from the Register accrued in respect of the licence or permit before the transfer.
- (2) An application under subsection (1) must be accompanied by the prescribed fee.
- (3) The Commission must not remove any demerit points under subsection (1) unless the Commission is satisfied that the transferee has

taken sufficient measures in respect of the licence or permit to improve compliance with this Act.

- (4) For the purposes of subsection (3), factors that the Commission may consider include, but are not limited to, evidence of a change of management practices or staff training.

S. 86IA
inserted by
No. 20/2018
s. 14.

86IA Reinstatement of removed demerit points in the Register

- (1) The Commission, on being satisfied that a transferee was wrongly stated in an application as not having a relevant relationship with the transferor on the day that the application for the transfer of the licence or permit was granted under section 44 or 47, must reinstate any demerit points removed from the Register under section 86HA.
- (2) For the purposes of being satisfied as mentioned in subsection (1) the Commission—
- (a) may consider the information not previously before the Commission; and
 - (b) must consider any submissions made by the transferee in accordance with section 86IB.
- (3) On the reinstatement of any demerit points in the Register—
- (a) the demerit points against a licence or permit is taken to have been recorded as if it had not been removed; and
 - (b) the demerit points must be reinstated in the Register in relation to the day the offence that is the basis of the non-compliance incident to which the demerit points relate is alleged to have been committed; and
 - (c) any automatic suspension of a licence or permit by the Commission under section 86E applies as if the demerit points had not been removed.

86IB Notice of proposed reinstatement of demerit points and determination

S. 86IB
inserted by
No. 20/2018
s. 14.

- (1) If the Commission proposes to reinstate any demerit points in the Register under section 86IA, the Commission must give written notice of the proposal to the transferee that—
 - (a) states the Commission's intention to reinstate the removed demerit points in the Register in respect of the transferred licence or permit; and
 - (b) specifies the information that the Commission has considered; and
 - (c) invites the transferee to make written submissions to the Commission; and
 - (d) specifies the date within which submissions should be made by the transferee to the Commission.
- (2) The Commission may determine whether or not to reinstate any removed demerit points after the date specified in a notice given under subsection (1) by considering—
 - (a) the information referred to in subsection (1)(b); and
 - (b) any submission made by the transferee.

86J Demerit point automatically deducted after 3 years

S. 86J
inserted by
No. 71/2011
s. 18.

The Commission must remove a demerit point from the Register on the day immediately after 3 years have expired since the date the demerit point was incurred.

S. 86K
inserted by
No. 71/2011
s. 18.

86K Commission may publish details of licences and permits

- (1) The Commission may publish the following details on its website—
 - (a) details of any licence or permit that appear on the licence or permit;
 - (b) details of a licence or permit that has accrued demerit points, including details of the licensee or permittee or nominee of the licensee or permittee;
 - (c) a copy of any licence or permit;
 - (d) the total accumulated demerit points relating to a licence or permit;
 - (e) any other prescribed information.
- (2) To the extent necessary to give effect to subsection (1), sections 32 and 33 of the **Infringements Act 2006** do not apply.

Pt 5 (Heading
and ss 87–89)
amended by
Nos 92/2004
s. 21, 8/2006
ss 10, 11,
73/2007 s. 16,
57/2010 s. 14,
repealed by
No. 58/2011
s. 66.

* * * * *

Part 6—Inquiries and disciplinary provisions

Division 1—Disciplinary action against licensee or permittee

Pt 6 Div. 1
(Heading and
ss 90–93)
amended by
Nos 21/2001
s. 10, 88/2001
s. 6, 39/2002
s. 16(b),
92/2004 ss 22,
23(1), 32/2006
s. 87(1),
73/2007 ss 17,
26, 68/2009
s. 97(Sch.
item 78.1),
64/2010
ss 8–10,
substituted as
Pt 6 Div. 1
(Heading and
ss 90–93E) by
No. 58/2011
s. 56.

90 Definitions

(1) In this Division—

disciplinary action, against a licensee or permittee, means any one, or a combination, of the following—

- (a) the cancellation, or suspension for a specified period, of the licensee's licence or permittee's BYO permit;
- (b) the variation of the licensee's licence or permittee's BYO permit;
- (c) the endorsement of the licensee's licence or permittee's BYO permit;
- (d) the issuing of a letter of censure to the licensee or permittee;
- (e) the imposition of a fine not exceeding an amount that is 250 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the **Monetary**

S. 90
substituted by
No. 58/2011
s. 56.

S. 90(1) def. of
*grounds for
disciplinary
action*
amended by
No. 37/2014
s. 10(Sch.
item 96.3).

Units Act 2004 on the licensee or
permittee;

grounds for disciplinary action, in relation to a
licensee or permittee, means any of the
following—

- (a) that the licensee or permittee has
contravened a provision of this Act, the
regulations, the licence or BYO permit
or a condition of the licence or BYO
permit (as the case may be);
- (b) that the licensee or permittee has
contravened a condition of an approval
or consent of the Commission under
this Act (other than a licence or BYO
permit);
- (c) that the licensee or permittee has been
found guilty of an offence against
section 118A or an offence against
regulations made under section 118B;
- (d) that the licensee has contravened an
undertaking given under section 133F;
- (e) that the licensee or permittee has been
found guilty of an offence against this
Act or the regulations;
- (f) that the licensee or permittee has been
found guilty of an offence under Part II
of the **Food Act 1984** in relation to
liquor supplied by the licensee or
permittee;
- (g) that the licensee or permittee has been
found guilty of an offence under
section 253 of the **Victoria Police Act
2013** relating to a police officer or
under the **Police Regulation Act 1958**
relating to bribery of a member of the
police force;

- (h) that the licensee or permittee has been found guilty, whether in Victoria or elsewhere, of an offence punishable by a maximum term of imprisonment of 3 years or more;
- (i) that the licensee or permittee is a body corporate, a director of which has been found guilty, whether in Victoria or elsewhere, of an offence punishable by a maximum term of imprisonment of 3 years or more;
- (j) the licensee or permittee is a club that is not a body corporate, a member of the committee of management of which has been found guilty, whether in Victoria or elsewhere, of an offence punishable by a maximum term of imprisonment of 3 years or more;
- (k) that the licensee or permittee has knowingly assisted a person to breach a disqualification determination imposed under section 93D;
- (l) that the licensee or permittee has paid a penalty for an offence under this Act for which an infringement notice within the meaning of the **Infringements Act 2006** has been served;
- (m) that the licensee or permittee has altered the premises in a way that would have prevented the granting of the licence under section 22 had the alterations been in place immediately before the licence was granted;
- (n) that the licensee or permittee has obtained the licence or BYO permit by fraud or false representations;

- (o) that the licensee or permittee has conducted the business under the licence or BYO permit, or allowed it to be conducted, in a manner that detracts from or is detrimental to the amenity of the area in which the licensed premises are situated;
- (p) that a licensee or permittee has contravened the terms of a closure and evacuation notice;
- (q) that the licensee or permittee is otherwise not a suitable person to hold a licence or BYO permit;

variation, in relation to a licence or BYO permit, means any of the following—

- (a) a variation of the times outside ordinary trading hours at which the licence or permit authorises the supply of liquor;
- (b) a variation of the size or perimeter of the licensed premises;
- (c) a variation of a condition of the licence or permit (other than a condition imposed by this Act);
- (d) the imposition of a new condition on the licence or permit;
- (e) the removal of a condition of the licence or permit (other than a condition imposed by this Act);
- (f) a variation of the category of the licence—
 - (i) from a late night (general) licence to a general licence; or

- (ii) from a late night (on-premises) licence to an on-premises licence; or
- (iii) from a late night (packaged liquor) licence to a packaged liquor licence.

(2) A reference in paragraphs (h) and (i) of the definition of *grounds for disciplinary action* in subsection (1) to the maximum term of imprisonment for an offence, in the case of an indictable offence that may be heard and determined summarily under section 28(1) of the **Criminal Procedure Act 2009**, is a reference to the maximum term of imprisonment for the offence if it were not dealt with summarily.

91 Inquiry into whether there are grounds to take disciplinary action

S. 91 substituted by No. 58/2011 s. 56.

- (1) The Commission may conduct an inquiry into whether there are grounds to take disciplinary action against a licensee or permittee—
 - (a) on its own initiative; or
 - (b) at the written request of—
 - (i) the Chief Commissioner of Police; or
 - (ii) a licensing inspector; or
 - (iii) the Council in whose municipal district the licensed premises are situated.
- (2) A request made under subsection (1)(b) must set out the reasons for the request.

S. 91(1)(b)(iii) amended by No. 49/2021 s. 34.

S. 92
substituted by
No. 58/2011
s. 56.

92 Licensee or permittee to be given notice of any inquiry under this Division

- (1) If the Commission proposes to conduct an inquiry into whether there are grounds to take disciplinary action against a licensee or permittee under section 91, the Commission must give written notice to the licensee or permittee.
- (2) A notice under subsection (1) must—
 - (a) state that the Commission proposes to inquire into whether there are grounds to take disciplinary action against the licensee or permittee; and
 - (b) specify the grounds the Commission proposes to consider; and
 - (c) specify—
 - (i) the date and time of the inquiry; and
 - (ii) the venue at which the inquiry will be conducted; and
 - (d) invite the licensee or permittee to make a written or oral submission to the Commission; and
 - (e) specify that a licensee or permittee may—
 - (i) be represented by another person at the inquiry and that the representative may make a submission on behalf of the licensee or permittee; or
 - (ii) send another person to represent the licensee or permittee at the inquiry and that the representative may make a submission on behalf of the licensee or permittee; and
 - (f) specify that the Commission may make a determination under section 93 following the inquiry whether or not the licensee or

permittee (or a person representing the licensee or permittee) has made a submission to the Commission.

- (3) The Commission must consider any submissions made by a licensee or permittee or on the behalf of the licensee or permittee in accordance with this section.

92A Other interested persons to be given notice of any inquiry under this Division

S. 92A
inserted by
No. 58/2011
s. 56.

- (1) In addition to serving a notice on the licensee or permittee under section 92, if the Commission proposes to conduct an inquiry into whether there are grounds to take disciplinary action against the licensee or permittee, the Commission must—
- (a) give written notice to the following interested persons—
- (i) a person who has applied to have the person's name endorsed on the licence or BYO permit of the licensee or permittee under Part 4;
 - (ii) a person who may be the subject of a determination of the Commission under section 93D if the Commission has contact details for that person; and
- (b) publish notice of the inquiry—
- (i) in a newspaper (whether printed or published by electronic communication) circulating generally throughout Victoria;
 - (ii) on the Commission's Internet site.

S. 92A(1)(b)(i)
amended by
No. 49/2021
s. 35.

- (2) A notice under subsection (1)(a) must—
- (a) state that the Commission proposes to inquire into whether there are grounds to take disciplinary action against the licensee or permittee; and
 - (b) specify the grounds the Commission proposes to consider; and
 - (c) specify—
 - (i) the date and time of the inquiry;
 - (ii) the venue at which the inquiry will be conducted; and
 - (d) invite the interested person to make a submission to the Commission; and
 - (e) specify that the interested person may—
 - (i) be represented by another person at the inquiry and that the representative may make a submission on behalf of the interested person; or
 - (ii) send another person to represent the interested person at the inquiry and that the representative may make a submission on behalf of the interested person; and
 - (f) specify that the Commission may make a determination under section 93 following the inquiry whether or not the interested person (or a person representing the interested person) has made a submission to the Commission.

- (3) A notice under subsection (1)(b) must specify details of the inquiry and—
 - (a) invite persons whose commercial or financial interests may be detrimentally affected by the inquiry to make a submission to the Commission; and
 - (b) if the Commission does not have contact details for an interested person referred to in subsection (1)(a)(ii), invite that person to make a submission.
- (4) The Commission must consider any submissions made by a person or on behalf of a person invited to make submissions in accordance with this section.

93 Commission's determination following inquiry into existence of grounds for disciplinary action

**S. 93
substituted by
No. 58/2011
s. 56.**

- (1) After the Commission has conducted an inquiry into whether grounds for disciplinary action against a licensee or permittee exist, the Commission—
 - (a) must make a determination based on that inquiry; and
 - (b) if the outcome of that inquiry is that the Commission considers that there are grounds for taking disciplinary action—may, subject to section 93A(2), take disciplinary action against the licensee or permittee as the Commission sees fit.
- (2) The Commission must—
 - (a) as soon as practicable after making the determination, give written notice of the determination to—
 - (i) the licensee or permittee; and

- (ii) any person who made a request under section 91(1)(b); and
 - (iii) any person given notice under section 92A; and
- (b) give a statement of reasons for the determination to the licensee or permittee—
- (i) at the same time as the written notice of the determination; or
 - (ii) as soon as practicable after the determination is made.
- (3) A written notice given by the Commission under subsection (2)(a)(i) may be given in the form of a letter of censure under section 93C.
- (4) A failure by the Commission to comply with this section does not affect the validity of the Commission's determination.

S. 93A
inserted by
No. 58/2011
s. 56.

93A Disciplinary action that is a cancellation, suspension or variation of licence or permit

- (1) If the disciplinary action taken is the cancellation, suspension or variation of the licensee's licence or permittee's BYO permit, the disciplinary action takes effect when the notice under section 93(2) is served or at a later time specified in the notice.
- (2) If the Commission finds that a ground for disciplinary action against the licensee or permittee is that the licensee or permittee has been found guilty, whether in Victoria or elsewhere, of an offence punishable by a maximum term of imprisonment of 3 years or more, the Commission must—
 - (a) cancel the licence or permit; or
 - (b) suspend the licence or permit for the period specified by the Commission; or

(c) endorse the licence or permit under section 93E.

(3) The Commission may take other disciplinary action against a licensee or permittee in respect of whom grounds for disciplinary action have been established in addition to the disciplinary action specified in subsection (2) if the Commission sees fit.

93B Disciplinary action that is a fine

If the disciplinary action is the imposition of a fine, the fine may be recovered by the Minister as a debt due to the State in a court of competent jurisdiction.

S. 93B
inserted by
No. 58/2011
s. 56.

93C Disciplinary action that is a letter of censure

- (1) Disciplinary action taken by the Commission in the form of a letter of censure—
- (a) must specify the grounds for disciplinary action the Commission has determined exist; and
 - (b) may—
 - (i) censure the licensee or permittee in respect of any matter connected with the operation of the licensed premises;
 - (ii) include a direction to the licensee or permittee to rectify within a specified time any matter giving rise to the censure.
- (2) If a letter of censure includes a direction to the licensee or permittee to rectify within a specified time any matter giving rise to the censure, the letter must also specify that if the direction given to the licensee or permittee is not complied with by the licensee or permittee, in the time specified in the letter, it may result in further disciplinary

S. 93C
inserted by
No. 58/2011
s. 56.

action being taken against the licensee or permittee.

- (3) If a direction given in a letter of censure is not complied with within the time specified in the letter, the Commission, by giving written notice to the licensee or permittee, may take further disciplinary action against the licensee or permittee for failure to comply with the direction.
- (4) Disciplinary action taken under subsection (3) must not be in the form of another letter of censure.

S. 93D
inserted by
No. 58/2011
s. 56.

93D Disqualification

- (1) If the Commission finds that a ground for taking disciplinary action exists under section 90, the Commission may also determine that the licensee or permittee or a related person be disqualified—
 - (a) from holding a licence or BYO permit;
 - (b) from being a director in any body corporate that holds a licence or BYO permit;
 - (c) from being a partner in any partnership that holds a licence or BYO permit;
 - (d) from having a beneficial interest (whether directly or indirectly) in the shares of any body corporate that holds a licence or BYO permit;
 - (e) from in any way (whether directly or indirectly) taking part in, or being concerned in, the management of any licensed premises or any body corporate that holds a licence or BYO permit or any licensed club;
 - (f) from being employed by any licensed club or any person that holds a licence or BYO permit.

- (2) The Commission may disqualify a person in all or any of the ways listed in subsection (1) and may make a determination under this section even though it does not take any disciplinary action under section 93.
- (3) The Commission must specify the period for which the disqualification is to apply.
- (4) The Commission must give, as soon as practicable after a determination has been made under this section—
 - (a) written notice of the determination to persons served notice of the inquiry under section 92 or 92A; and
 - (b) a statement of reasons for the determination to the persons specified in paragraph (a).
- (5) In this section, *related person*, in relation to a licensee or permittee, means—
 - (a) any director or nominee of the licensee or permittee (if it is a body corporate); or
 - (b) any member the committee of management or nominee of the licensee or permittee (if it is a club); or
 - (c) any person who, whether directly or indirectly, is concerned in or takes part in the management of licensed premises or club of the licensee or permittee.

93E Endorsement of licence or permit by Commission

- (1) The Commission may endorse the name of the owner or a mortgagee of the licensed premises or their agent on the licence or BYO permit if the Commission is satisfied—
 - (a) that a ground for disciplinary action under section 90 exists; and

S. 93E
inserted by
No. 58/2011
s. 56.

- (b) the owner or mortgagee is in possession, or has the legal right to possession, of the licensed premises; and
 - (c) the owner, mortgagee or agent (as the case may be) is a suitable person to carry on business under the licence or BYO permit.
- (2) The Commission may endorse a licence or permit under this section on its own initiative or at the request of the owner or mortgagee.
- (3) The Commission must give, as soon as practicable after a determination has been made under this section—
- (a) written notice of the determination to persons served notice of the inquiry under section 92 or 92A; and
 - (b) a statement of reasons for the determination to the persons specified in paragraph (a).

Division 2—Licence or permit cancellation or suspension in other circumstances

94 Inquiry into amenity or disuse

- (1) The Commission may inquire into—
- (a) whether the continuation of a licence or BYO permit would detract from or be detrimental to the amenity of the area in which the licensed premises are situated; or
 - (b) circumstances where, during a continuous period of 12 months, a licence or BYO permit has not been used.
- (2) The Commission may conduct an inquiry under subsection (1)—
- (a) on its own initiative; or

S. 94
substituted by
No. 58/2011
s. 57.

- (b) at the written request of—
 - (i) the Chief Commissioner; or
 - (ii) a licensing inspector; or
 - (iii) the Council of the municipal district in which the licensed premises are situated.
- (3) A request made to the Commission under subsection (2)(b) must state the reasons for the request.

94A Commission must give notice of proposal to conduct inquiry under section 94

S. 94A
inserted by
No. 58/2011
s. 57.

- (1) If the Commission proposes to conduct an inquiry under section 94, the Commission must give written notice to the licensee or permittee.
- (2) A notice under subsection (1) must—
 - (a) state that the Commission proposes to inquire into (as appropriate)—
 - (i) whether the continuation of the licensee's licence or permittee's BYO permit would detract from or be detrimental to the amenity of the area in which the licensed premises are situated; or
 - (ii) circumstances where, during a continuous period of 12 months, the licensee's licence or permittee's BYO permit has not been used; and
 - (b) specify—
 - (i) the date and time of the inquiry; and
 - (ii) the venue at which the inquiry will be conducted; and
 - (c) invite the licensee or permittee to make a submission to the Commission; and

- (d) specify that the licensee or permittee may—
 - (i) be represented by another person at the inquiry and that the representative may make a submission on behalf of the licensee or permittee; or
 - (ii) send another person to represent the licensee or permittee at the inquiry and that the representative may make a submission on behalf of the licensee or permittee; and
- (e) specify that the Commission may cancel, suspend or vary the licence or BYO permit or make any other direction the Commission thinks fit, in accordance with section 95(3), whether or not the licensee or permittee, or a representative of the licensee or permittee, makes a submission in accordance with this section.

S. 94B
inserted by
No. 58/2011
s. 57.

94B Other interested persons to be given notice of proposal to conduct inquiry under section 94

- (1) In addition to giving notice to the licensee or permittee under section 94A, if the Commission proposes to conduct an inquiry under section 94, the Commission must give written notice to any interested person—
 - (a) who has applied to have the person's name endorsed on the licence or BYO permit of the licensee or permittee under Part 4;
 - (b) who may apply to have the person's name endorsed on the licence or BYO permit of the licensee or permittee under Part 4 if the contact details of that person are known to the Commission.

- (2) A notice under subsection (1) must—
- (a) state that the Commission proposes to inquire into (as appropriate)—
 - (i) whether the continuation of the licensee's licence or permittee's BYO permit would detract from or be detrimental to the amenity of the area in which the licensed premises are situated; or
 - (ii) circumstances where, during a continuous period of 12 months, the licensee's licence or permittee's BYO permit has not been used; and
 - (b) specify—
 - (i) the date and time of the inquiry; and
 - (ii) the venue at which the inquiry will be conducted; and
 - (c) invite the interested person to make a submission to the Commission; and
 - (d) specify that the interested person may—
 - (i) be represented by another person at the inquiry and that the representative may make a submission on behalf of the interested person; or
 - (ii) send another person to represent the interested person at the inquiry and that the representative may make a submission on behalf of the interested person; and
 - (f) specify that the Commission may cancel, suspend or vary the licence or BYO permit or make any other direction the Commission thinks fit, in accordance with section 95(3), whether or not the interested person, or a

representative of the interested person,
makes a submission in accordance with this
section.

(3) If the Commission knows of an interested person who may apply to have the person's name endorsed on the licence or BYO permit of the licensee or permittee under section 93E but the contact details of that person are unknown to the Commission, the Commission must publish notice of the inquiry—

S. 94B(3)(a)
amended by
No. 49/2021
s. 36.

- (a) in a newspaper (whether printed or published by electronic communication) circulating generally throughout Victoria; and
- (b) on the Commission's Internet site.

(4) A notice under subsection (3) must—

- (a) specify details of the inquiry and invite any interested person who may apply to have the person's name endorsed on the licence or BYO permit of the licensee or permittee under Part 4 to make a submission to the Commission; and
- (b) specify any prescribed details.

S. 95
substituted by
No. 58/2011
s. 57.

95 Cancellation, suspension or variation of licence or BYO permit by Commission

- (1) Subject to subsection (2), the Commission may make a determination under subsection (3) if satisfied, after conducting an inquiry under section 94, that—
 - (a) the continuation of a licence or BYO permit would detract from or be detrimental to the amenity of the area in which the licensed premises are situated; or
 - (b) for a continuous period of 12 months, a licence or BYO permit has not been used.

- (2) Before the Commission makes a determination under subsection (3)—
- (a) the Commission must consider any submissions made by the licensee or permittee or an interested person referred to in section 94B; and
 - (b) if the determination is to be based on the ground referred to in subsection (1)(a), the Commission must consider whether the licensee or permittee had been operating the licensed premises before any change to the area in which the licensed premises are situated that may affect the Commission's view of the amenity of the area.
- (3) The Commission may do one of, or a combination of, the following—
- (a) cancel the licence or BYO permit;
 - (b) suspend the licence or permit for the period specified by the Commission;
 - (c) make a variation (within the meaning of Division 1) to the licence or permit;
 - (d) make any other direction the Commission thinks fit.
- (4) The Commission must give a statement of reasons for a determination made under this section to the licensee or permittee and any interested person given notice of the inquiry under section 94B.

S. 95(2)
substituted by
No. 64/2014
s. 43.

* * * * *

S. 96
repealed by
No. 58/2011
s. 67.

96A Suspension by police

S. 96A
inserted by
No. 73/2007
s. 18.

S. 96A(1)
amended by
No. 37/2014
s. 10(Sch.
item 96.4(a)).

S. 96A(1)(a)
amended by
No. 64/2014
s. 44.

S. 96A(1)(b)
repealed by
No. 8/2009
s. 11.

(1) A senior police officer, by notice in writing to a licensee, may suspend the licensee's licence for a period not exceeding 24 hours, if the officer believes on reasonable grounds that—

(a) the licensee has engaged in conduct that would constitute grounds for a request under section 91(1)(b) for an inquiry into the licensee; and

* * * * *

(c) there is a danger that a person may suffer substantial harm, loss or damage as a result of the licensee's conduct unless the licence is suspended.

S. 96A(2)
amended by
No. 37/2014
s. 10(Sch.
item 96.4(b)).

(2) A notice of suspension under this section must specify the conduct which the licensee is believed to have engaged in and the grounds for the senior police officer's belief.

(3) In this section—

S. 96A(3)
def. of
senior police member
substituted as
senior police officer by
No. 37/2014
s. 10(Sch.
item 96.4(c)).

senior police officer means the Chief Commissioner, a Deputy Commissioner of Police or an Assistant Commissioner of Police.

96B Suspension by Commission

**S. 96B
inserted by
No. 8/2009
s. 12,
substituted by
No. 58/2011
s. 58.**

- (1) The Commission, by notice in writing given to a licensee, may suspend the licensee's licence for a period not exceeding 5 days, if the Commission believes on reasonable grounds that—
- (a) the licensee has engaged in conduct that would constitute grounds for disciplinary action (within the meaning of section 90); and
 - (b) there is a danger that a person may suffer harm, loss or damage as a result of the licensee's conduct unless the licence is suspended.
- (2) The Commission cannot suspend a licence under subsection (1) unless the Commission—
- (a) has served a notice in writing on the licensee, at least 48 hours before suspending the licence—
 - (i) specifying the conduct which the licensee is believed to have engaged in and the grounds for the Commission's belief; and
 - (ii) stating the time period within which the licensee must respond to the notice (being not less than 48 hours after service of the notice); and
 - (iii) stating that the Commission intends to suspend the licence, for a specified period, unless the Commission is satisfied with the licensee's response; and
 - (b) has considered any response made by the licensee within the time period specified under paragraph (a)(ii).

- (3) The suspension of a licence under this section—
- (a) takes effect when notice of it is given to the licensee under subsection (1) or at the later time specified in that notice; and
 - (b) ceases to have effect at the time specified in that notice.
- (4) A licence may be suspended under this section whether or not—
- (a) the Commission has commenced an inquiry under section 91 into whether there are grounds for disciplinary action; or
 - (b) the Commission has invited the licensee to make a submission; or
 - (c) the Commission has commenced an inquiry under section 94; or
 - (d) a breach notice has been served on the licensee under section 97A.
- (5) No compensation is payable in respect of any loss or damage resulting from or arising out of the suspension of a licence in accordance with this section.

S. 96C
inserted by
No. 58/2011
s. 58.

96C Evidentiary matters

In conducting an inquiry under Division 1 or this Division, the Commission may rely on information, material or evidence that—

- (a) the Commission has previously relied on in an earlier inquiry conducted under Division 1 or this Division;
- (b) VCAT relied on in an earlier inquiry or proceeding under Division 1 or this Division as in force immediately before the commencement of section 58 of the **Victorian Gambling and Casino Control Commission Act 2011**.

S. 96C(b)
amended by
No. 26/2022
s. 19.

Division 3—Effect of suspension

97 Effect of suspension of licence or permit

- (1) A licensee who supplies liquor under a licence that is suspended under this Act, is deemed not to be a licensee for the purposes of section 107.
- (2) If a BYO permit is suspended, it is deemed not to be in force in respect of any premises for the purposes of section 113(1B) or (1C).

S. 97(2)
amended by
No. 9/2008
s. 4.

Division 4—Breach notices

Pt 6 Div 4
(Heading and
ss 97A, 97B)
inserted by
No. 73/2007
s. 19.

97A Service of breach notice

S. 97A
inserted by
No. 73/2007
s. 19.

- (1) The Commission may serve a breach notice in writing on a licensee if the Commission believes on reasonable grounds that the licensee has engaged in conduct that would constitute grounds for disciplinary action in relation to the licensee under Division 1.
- (2) A breach notice may be served on a licensee whether or not—
 - (a) the Commission has conducted an inquiry under section 91 or 94 of its own motion or at the request of—
 - (i) the Chief Commissioner of Police; or
 - (ii) a licensing inspector; or
 - (iii) the Council in which the licensed premises are situated;

S. 97A(1)
substituted by
No. 8/2009
s. 13(1),
amended by
Nos 58/2011
s. 59(1),
64/2014 s. 45.

S. 97A(2)
substituted by
Nos 8/2009
s. 13(1),
58/2011
s. 59(2).

(b) the licensee's licence has been suspended under section 96B(1) or a notice has been served on the licensee under section 96B(2).

(3) A breach notice must—

S. 97A(3)(a)
amended by
No. 58/2011
s. 59(3).

- (a) specify the conduct which the licensee is believed to have engaged in and the grounds for the Commission's belief;
- (b) state the time period within which the licensee must respond to the notice, that time period being not less than 14 days from the date of service of the notice;
- (c) state what steps need to be taken by the licensee to respond to the notice;
- (d) state the consequences for the licensee of not responding to the notice.

S. 97B
inserted by
No. 73/2007
s. 19.

97B Variation or suspension of licence

S. 97B(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.138).

(1) If a licensee does not respond to a breach notice within the period stated in the notice, or if the Commission is not satisfied with the licensee's response, the Commission may, by notice in writing to the licensee—

- (a) vary the licence; or
- (b) suspend the licence.

S. 97B(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.138).

(2) The Commission may suspend a licence under this section only if the Commission believes on reasonable grounds that there is a danger that a person may suffer substantial harm, loss or damage as a result of the licensee's conduct unless the licence is suspended.

- (3) The variation of a licence under this section may include—
- (a) a variation of the times at which the licence authorises the supply of liquor (including a variation reducing the times to less than ordinary trading hours);
 - (b) a variation of a condition of the licence (other than a condition imposed by this Act);
 - (c) the imposition of a new condition on the licence.
- (4) The variation of a licence under this section takes effect when notice of it is given to the licensee or at the later time specified in the notice. **S. 97B(4) substituted by No. 8/2009 s. 13(2).**
- (5) The suspension of a licence under this section—
- (a) takes effect when notice of it is given to the licensee or at the later time specified in the notice; and
 - (b) ceases to have effect 7 days after the day on which it takes effect.
- (6) No compensation is payable in respect of any loss or damage resulting from or arising out of the suspension of a licence in accordance with this section.
- (7) Nothing in this Division affects the power of the Commission to vary a licence under section 58. **S. 97B(7) amended by No. 58/2011 s. 104(Sch. item 4.138).**

Part 7—Obligations of owners, mortgagees, licensees and permittees

98 Owners and mortgagees of licensed premises

A person who is the owner or a mortgagee of licensed premises—

S. 98(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.139).

(a) must register with the Commission their name and their address for service within Victoria; and

S. 98(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.139).

(b) must notify any change of address to the Commission.

Penalty: 5 penalty units.

99 Refreshments to be available

The licensee under a licence that authorises the licensee to supply liquor for consumption on the licensed premises or on any authorised premises must have available on those premises for purchase, and must provide on request, refreshments at any time at which liquor is available for supply.

Penalty: 5 penalty units.

Note to s. 99
inserted by
No. 13/2013
s. 29(2).

Note

Section 53A applies to an offence against this section.

S. 99A
inserted by
No. 57/2010
s. 15.

99A Free drinking water to be provided at licensed premises

(1) The licensee under a licence that authorises the licensee to supply liquor for consumption on the licensed premises or authorised premises (if any) must have available for patrons on the licensed premises or authorised premises, or must provide

on the request of a patron, free drinking water at any time at which liquor is available for supply.

Penalty: 30 penalty units.

Note

Section 53A applies to an offence against this subsection.

Note to s. 99A(1) inserted by No. 13/2013 s. 29(1).

- (2) Subsection (1) does not apply to a licensee, a class of licensees or a class of activities that the Commission has exempted under section 99B or 99C.

S. 99A(2) amended by No. 58/2011 s. 104(Sch. item 4.140).

- (3) In this section—

drinking water means water that is intended for human consumption.

99B Exemption from requirement to provide free drinking water—without application

S. 99B inserted by No. 57/2010 s. 15.

- (1) The Commission may, by notice in writing, exempt a licensee or a class of licensees or class of activities from the requirement to provide free drinking water to patrons under section 99A, if the Commission thinks it is appropriate to do so.
- (2) The Commission may grant an exemption under subsection (1) for the period and on any conditions the Commission determines.
- (3) The Commission may revoke an exemption granted under subsection (1) by notice in writing.

S. 99B(1) amended by No. 58/2011 s. 104(Sch. item 4.141).

S. 99B(2) amended by No. 58/2011 s. 104(Sch. item 4.141).

S. 99B(3) amended by No. 58/2011 s. 104(Sch. item 4.141).

S. 99C
inserted by
No. 57/2010
s. 15.

99C Exemption from requirement to provide free drinking water—on application

S. 99C(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.142).

- (1) A licensee may apply to the Commission to be exempted from the requirement to provide free drinking water to patrons under section 99A.

S. 99C(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.142).

- (2) The Commission may approve an application if the Commission thinks it is appropriate to do so.

S. 99C(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.142).

- (3) The Commission must give the licensee notice in writing of the approval or refusal of an application.

S. 99C(4)
amended by
No. 58/2011
s. 104(Sch.
item 4.142).

- (4) The Commission may grant an exemption under subsection (2) for the period and on any conditions the Commission determines.

S. 99C(5)
amended by
No. 58/2011
s. 104(Sch.
item 4.142).

- (5) The Commission may revoke an exemption granted under subsection (2) by notice in writing.

S. 99D
(Heading)
amended by
No. 58/2011
s. 104(Sch.
item 4.143).

99D Matters Commission must consider when exempting licensees from free drinking water requirements

S. 99D
inserted by
No. 57/2010
s. 15,
amended by
No. 58/2011
s. 104(Sch.
item 4.144).

In making a decision under section 99B or 99C to exempt a licensee, class of licensees or class of activities from the requirement to provide free drinking water to patrons under section 99A, the Commission must consider—

(a) the risk of harm from liquor supplied under the licence; and

S. 99D(a)
amended by
No. 49/2021
s. 37.

(b) the extent of the burden imposed on the licensee by the requirement under section 99A.

100 Residents' register

S. 100
amended by
No. 59/2009
s. 30(g).

A licensee under a general licence, a late night (general) licence, an on-premises licence or a late night (on-premises) licence relating to licensed premises where accommodation for residents is provided—

(a) must keep a residents' register;

S. 100(a)
amended by
Nos 58/2011
s. 104(Sch.
item 4.145(a)),
49/2021 s. 38.

(b) must cause to be entered in the register the particulars determined by the Commission relating to residents of the licensed premises;

S. 100(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.145(a)).

(c) must keep the register on the licensed premises;

(d) must not make or cause or permit to be made in the register any false or misleading entry;

S. 100(d)
amended by
No. 92/2004
s. 24(a).

(e) must produce the register for inspection if asked to do so by a police officer or a liquor inspector.

S. 100(e)
inserted by
No. 92/2004
s. 24(b),
amended by
Nos 8/2009
s. 14, 58/2011
s. 104(Sch.
item 4.145(b)),
37/2014
s. 10(Sch.
item 96.5),
26/2022
s. 23(1).

Penalty: 10 penalty units.

Note to s. 100
inserted by
No. 13/2013
s. 29(2).

Note

Section 53A applies to an offence against this section.

S. 101
amended by
No. 57/2010
s. 16.

101 Copy of licence or permit to be displayed on premises

A licensee or permittee must cause a copy of the licence or BYO permit most recently issued to and received by the licensee or permittee to be displayed in a conspicuous place on the licensed premises in a manner that invites public attention.

Penalty: 5 penalty units.

Note to s. 101
inserted by
No. 13/2013
s. 29(2).

Note

Section 53A applies to an offence against this section.

S. 101A
inserted by
No. 92/2004
s. 25,
amended by
Nos 58/2011
s. 104(Sch.
item 4.146–
4.148),
13/2013
s. 29(1),
repealed by
No. 49/2021
s. 39.

* * * * *

S. 101B
inserted by
No. 92/2004
s. 25.

101B Plan of premises to be retained and produced for inspection

(1) A licensee or permittee must keep on the licensed premises at all times a copy of the last plan or depiction of the licensed premises that was—

S. 101B(1)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.149).

(a) submitted to the Commission under Division 4 of Part 2 as part of an application that was granted; or

(b) provided to the Commission under any other provision of this Act—

S. 101B(1)(b) amended by Nos 58/2011 s. 104(Sch. item 4.149), 21/2015 s. 3(Sch. 1 item 31.1), substituted by No. 28/2022 s. 161.

(whichever is the later document).

Penalty: 10 penalty units.

(2) The licensee or permittee must produce a copy of the plan or depiction for inspection if asked to do so by a police officer or a liquor inspector.

S. 101B(2) amended by Nos 8/2009 s. 14, 58/2011 s. 104(Sch. item 4.150), 37/2014 s. 10(Sch. item 96.5), 26/2022 s. 23(1).

Penalty: 10 penalty units.

Note

Section 53A applies to an offence against subsection (1) or (2).

Note to s. 101B inserted by No. 13/2013 s. 29(3).

102 Notices required by the Commission must be displayed

S. 102 (Heading) inserted by No. 58/2011 s. 104(Sch. item 4.151).

(1) A licensee or permittee must cause to be displayed on the licensed premises any notice that the Commission requires the licensee or permittee to display.

S. 102(1) amended by No. 58/2011 s. 104(Sch. item 4.152).

Penalty: 5 penalty units.

S. 102(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.152).

- (2) In displaying a notice, the licensee or permittee must comply with any requirements imposed by the Commission concerning the size, format or manner of display of the notice.

Penalty: 5 penalty units.

Note to s. 102
inserted by
No. 13/2013
s. 29(3).

Note

Section 53A applies to an offence against subsection (1) or (2).

103 Change of directors

S. 103(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.153).

- (1) If a person ceases to be a director of a body corporate that is a licensee or permittee, the licensee or permittee must notify the Commission in writing within 14 days after the person so ceases.

Penalty: 5 penalty units.

S. 103(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.153).

- (2) A body corporate that is a licensee or permittee must not appoint a person as, or allow a person to become, a director of the body corporate without the approval of the Commission under section 104.

Penalty: 5 penalty units.

- (3) This section does not apply to—

(a) a licensee or permittee that is—

(i) a Council; or

(ii) a university or a TAFE institute; or

S. 103(3)(a)(ii)
substituted by
Nos 24/2006
s. 6.1.2(Sch. 7
item 26),
8/2009
s. 15(1).

S. 103(3)(a)(iii)
repealed by
No. 24/2006
s. 6.1.2(Sch. 7
item 26).

* * * * *

(b) a licensee under a club licence.

Note

Section 53A applies to an offence against subsection (1) or (2).

Note to s. 103
inserted by
No. 13/2013
s. 29(3).

103A Change of associates

S. 103A
inserted by
No. 92/2004
s. 26.

* * * * *

S. 103A(1)
repealed by
No. 8/2009
s. 15(2)(a).

(2) A licensee or permittee must, within 14 days after the occurrence of either of the following events, notify the Commission in writing of the event—

S. 103A(2)
amended by
Nos 8/2009
s. 15(2)(b),
58/2011
s. 104(Sch.
item 4.154).

(a) that a person has ceased to be his, her or its associate; or

(b) that a person has become his, her or its associate.

Penalty: 5 penalty units.

Note

Section 53A applies to an offence against this subsection.

Note to
s. 103A(2)
inserted by
No. 13/2013
s. 29(1).

104 Approval of directors

(1) A licensee or permittee that is a body corporate may apply to the Commission for the approval of a person to be a director of the licensee or permittee.

S. 104(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.155).

(1A) An application under this section must be accompanied by the fee specified in the regulations for the purposes of this section.

S. 104(1A)
inserted by
No. 92/2004
s. 18(1)(5).

S. 104(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.156).

(2) The Commission must give a copy of an application under this section to the Chief Commissioner.

(3) The Chief Commissioner may object to the application on the ground that the person is not a suitable person to be a director of the licensee or permittee.

(4) An objection must—

S. 104(4)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.157).

(a) be made to the Commission in writing within 21 days after the day on which a copy of the application was given to the Chief Commissioner; and

(b) state the reasons for the objection.

S. 104(5)
amended by
No. 58/2011
s. 104(Sch.
item 4.158).

(5) After the period referred to in subsection (4)(a) (or that period as extended under section 174) has expired, the Commission must approve or refuse to approve the person as a director, after considering any objection made under subsection (3).

105 No letting or sub-letting without consent

S. 105(1)
amended by
Nos 92/2004
ss 23(2)(a), 27,
58/2011
s. 104(Sch.
item 4.159).

(1) A licensee or permittee must not let or sub-let any part of the licensed premises or assign the right to supply liquor without the consent of the Commission.

Penalty: 60 penalty units.

Note to
s. 105(1)
inserted by
No. 13/2013
s. 29(1).

Note

Section 53A applies to an offence against this subsection.

Liquor Control Reform Act 1998
No. 94 of 1998

Part 7—Obligations of owners, mortgagees, licensees and permittees

- | | |
|---|--|
| (1A) A request for the Commission's consent must be accompanied by the fee specified in the regulations for the purposes of this section. | S. 105(1A)
inserted by
No. 92/2004
s. 18(1)(6),
amended by
No. 58/2011
s. 104(Sch.
item 4.160). |
| (2) The Commission may require the licensee or permittee to give notice of a request for consent under this section to a specified person, or persons in a specified area, in the manner approved by the Commission. | S. 105(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.161). |
| (3) The Commission may— | S. 105(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.162(a)). |
| (a) consent in writing under this section and impose any conditions the Commission thinks fit on that consent, including a condition that the consent is not effective until any requirements specified in it have been met; or | S. 105(3)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.162(b)). |
| (b) refuse consent. | |
| (4) In doing so, the Commission must consider any objections made to the Commission against the giving of consent. | S. 105(4)
amended by
Nos 39/2002
s. 12(a),
58/2011
s. 104(Sch.
item 4.163). |
| (5) The consent of the Commission is valid for the period specified in the consent. | S. 105(5)
amended by
No. 58/2011
s. 104(Sch.
item 4.164). |

106 Control of business of supply of liquor

S. 106(1)
amended by
Nos 92/2004
s. 23(2)(a),
58/2011
s. 104(Sch.
item 4.165).

- (1) A licensee or permittee must not—
- (a) permit any other person to carry on a business of supplying liquor on the licensed premises; or
 - (b) permit any person who is not employed by the licensee or permittee to be engaged in the carrying on of such a business—

except in accordance with the consent of the Commission given to the licensee or permittee.

Penalty: 60 penalty units.

Note to
s. 106(1)
inserted by
No. 13/2013
s. 29(4).

Note

Section 53C applies to an offence against this subsection.

S. 106(1A)
inserted by
No. 92/2004
s. 18(1)(7),
amended by
No. 58/2011
s. 104(Sch.
item 4.166).

- (1A) A request for the Commission's consent must be accompanied by the fee specified in the regulations for the purposes of this section.

S. 106(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.167).

- (2) The Commission may require the licensee or permittee to give notice of a request for consent under this section to a specified person, or persons in a specified area, in the manner approved by the Commission.

S. 106(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.168(a)).

- (3) The Commission may—

S. 106(3)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.168(b)).

- (a) consent in writing under this section and impose any conditions the Commission thinks fit on that consent, including a condition that the consent is not effective

until any requirements specified in it have been met; or

- (b) refuse consent.
- (4) In doing so, the Commission must consider any objections made to the Commission against the giving of consent.
- (5) The consent of the Commission is valid for the period specified in the consent.

S. 106(4)
amended by
Nos 39/2002
s. 12(a),
58/2011
s. 104(Sch.
item 4.169).

S. 106(5)
amended by
No. 58/2011
s. 104(Sch.
item 4.170).

106A Lessees etc. are liable for offences

S. 106A
inserted by
No. 92/2004
s. 28.

- (1) This section applies to a person—
- (a) who, under a consent given under section 105, lets or sub-lets any part of any licensed premises or is assigned the right to supply liquor; or
- (b) who, under a consent given under section 106, carries on the business of supplying liquor on any licensed premises.
- (2) This section applies if the person does, or omits to do, anything while operating under the consent given under section 105 or 106 that would be an offence under this Act if the person were the licensee or permittee of the premises in respect of which the consent was given.
- (3) The person is liable for his, her or its act or omission as if he, she or it were the licensee or permittee.

(4) If the person is a body corporate, the directors of the body corporate at the time of the act or omission are severally liable for the act or omission as if they were the licensee or permittee.

S. 106A(4A)
inserted by
No. 13/2013
s. 28.

(4A) Subsection (4) does not apply in respect of an offence against a provision specified in section 53A(2), 53B(2) or 53C(2) that is alleged to have been committed by a body corporate.

(5) Nothing in this section is intended to affect or reduce the liability of the licensee or permittee with respect to the act or omission of the person.

S. 106B
(Heading)
amended by
No. 58/2011
s. 104(Sch.
item 4.171).

106B Requirement to notify Commission that sexually explicit entertainment provided on licensed premises

S. 106B
inserted by
No. 57/2010
s. 17,
amended by
No. 58/2011
s. 104(Sch.
item 4.172).

A licensee must notify the Commission in writing within 21 days after commencing to provide sexually explicit entertainment on the licensed premises.

Penalty: 10 penalty units.

Note to
s. 106B
inserted by
No. 13/2013
s. 29(2).

Note

Section 53A applies to an offence against this section.

Part 7A—Barring orders

Pt 7A
(Heading and
ss 106C–
106K)
inserted by
No. 12/2011
s. 4.

106C Definitions

For the purposes of this Part, a reference to *licensed premises* includes any area adjacent to the licensed premises that is owned or occupied by the licensee or permittee.

S. 106C
inserted by
No. 12/2011
s. 4.

106D Barring orders

A licensee, permittee, responsible person or police officer may, by order served on a person, bar the person from entering or remaining on licensed premises for a specified period if—

S. 106D
inserted by
No. 12/2011
s. 4,
amended by
No. 37/2014
s. 10(Sch.
item 96.5).

- (a) the person is drunk, violent or quarrelsome in the licensed premises; or
- (b) the licensee, permittee, responsible person or police officer reasonably believes that the safety of the person, or any other person in the licensed premises, is at substantial or immediate risk as a result of the consumption of alcohol by the person.

S. 106D(b)
amended by
No. 37/2014
s. 10(Sch.
item 96.5).

106E Police must produce proof of identity

A police officer must produce proof of his or her identity and official status before serving a barring order on a person, unless the police officer is in uniform.

S. 106E
inserted by
No. 12/2011
s. 4,
amended by
No. 37/2014
s. 10(Sch.
item 96.6).

106F Content of barring order

A barring order must be in the prescribed form.

S. 106F
inserted by
No. 12/2011
s. 4.

S. 106G
inserted by
No. 12/2011
s. 4.

106G Duration of barring order

- (1) A person on whom a barring order has been served may be barred under that order—
 - (a) if the person has not previously been served with a barring order barring the person from entering or remaining on the licensed premises, for a period not exceeding one month;
 - (b) if the person has on one previous occasion been served with a barring order barring the person from entering or remaining on the licensed premises, for a period not exceeding 3 months;
 - (c) if the person has on at least 2 previous occasions been served with a barring order barring the person from entering or remaining on the licensed premises, for a period not exceeding 6 months.
- (2) Subject to subsection (1), a barring order has effect from the date and time the order is served and remains in force until the date and time of expiry as set out in the order, unless earlier revoked.
- (3) For the purposes of determining whether a person has previously been barred, regard may only be had to barring orders that have been issued within the previous 3 years.

S. 106H
inserted by
No. 12/2011
s. 4.

106H Requirement to give name and address

S. 106H(1)
amended by
No. 37/2014
s. 10(Sch.
item 96.7(a)).

- (1) A police officer who intends to serve a barring order on a person may request the person to state the person's name and address.

Liquor Control Reform Act 1998
No. 94 of 1998
Part 7A—Barring orders

- (2) A police officer who makes a request under subsection (1) must inform the person of the police officer's intention to serve a barring order on the person. **S. 106H(2) amended by No. 37/2014 s. 10(Sch. item 96.7(b)).**
- (3) A person must not, in response to a request made by a police officer in accordance with this section— **S. 106H(3) amended by No. 37/2014 s. 10(Sch. item 96.7(c)).**
- (a) refuse or fail to comply with the request without a reasonable excuse for not doing so; or
- (b) state a name or address that is false in a material particular.
- Penalty: 5 penalty units.
- (4) A person who is requested to state his or her name or address may request the police officer who made the request to state, orally or in writing, the police officer's name, rank and place of duty. **S. 106H(4) amended by No. 37/2014 s. 10(Sch. item 96.7(d)).**
- (5) A police officer must not, in response to a request under subsection (4)— **S. 106H(5) amended by No. 37/2014 s. 10(Sch. item 96.7(e)(i)).**
- (a) refuse or fail to comply with the request, including refusing or failing to answer the request in writing if specifically requested to do so; or
- (b) state a name or rank that is false in a material particular; or
- (c) state as his or her place of duty an address other than the name of the police station which is the police officer's ordinary place of duty. **S. 106H(5)(c) amended by No. 37/2014 s. 10(Sch. item 96.7(e)(ii)).**
- Penalty: 5 penalty units.
- (6) If a person states a name or address in response to a request made under subsection (1) and the police officer who made the request suspects on reasonable grounds that the stated name or address **S. 106H(6) amended by No. 37/2014 s. 10(Sch. item 96.7(f)).**

may be false, the police officer may request the person to produce evidence of the correctness of the name or address.

- (7) A person must comply with a request under subsection (6), unless he or she has a reasonable excuse for not doing so.

Penalty: 5 penalty units.

- (8) It is not an offence for a person to fail to comply with a request made under subsection (1) or (6) if the police officer who made the request did not inform the person, at the time the request was made, that it is an offence to fail to comply with the request.

S. 106H(8)
amended by
No. 37/2014
s. 10(Sch.
item 96.7(f)).

S. 106I
inserted by
No. 12/2011
s. 4.

106I Variation and revocation of barring order

- (1) A licensee, permittee, responsible person or police officer who issues a barring order may, by subsequent order served on a person, revoke or vary that order.

S. 106I(1)
amended by
No. 37/2014
s. 10(Sch.
item 96.8).

- (2) The Commission may, either upon request or on the Commission's own motion, vary or revoke a barring order.

S. 106I(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.173
(a)(b)).

- (3) For the purposes of subsection (2), a request may only be made by—

(a) a licensee, permittee, or responsible person in respect of the licensed premises to which the order relates; or

(b) a police officer; or

S. 106I(3)(b)
amended by
No. 37/2014
s. 10(Sch.
item 96.8).

(c) the person the subject of the order.

(4) If the Commission varies or revokes a barring order under subsection (2), the Commission must—

S. 106I(4)
amended by
No. 58/2011
s. 104(Sch.
item 4.173(c)).

(a) serve notice of the variation or revocation on the person the subject of the barring order; and

(b) give a copy of the variation or revocation to the person who issued the order; and

(c) if the person who issued the order is not the licensee or permittee, give a copy of the variation or revocation to the licensee or permittee.

(5) If the Commission varies an order under subsection (2), the variation is final and not subject to further variation or revocation by a licensee, permittee, responsible person or police officer.

S. 106I(5)
amended by
Nos 58/2011
s. 104(Sch.
item 4.173(d)),
37/2014
s. 10(Sch.
item 96.8).

(6) A notice of variation of a barring order must be in the prescribed form.

(7) A notice of revocation of a barring order must be in writing and must contain the prescribed particulars.

106J Offences

(1) A person must not without reasonable excuse enter or remain on licensed premises if there is a barring order in force in respect of the person for the licensed premises.

S. 106J
inserted by
No. 12/2011
s. 4.

Penalty: 20 penalty units.

- (2) A person must not without reasonable excuse re-enter or remain in the vicinity of licensed premises if there is a barring order in force in respect of the person for the licensed premises.

Penalty: 20 penalty units.

S. 106K
inserted by
No. 12/2011
s. 4.

106K Licensee or permittee must keep records of barring orders

- (1) A licensee or permittee must keep a record of any barring order issued under this Part, including a copy of any variation or revocation of a barring order, in respect of the licensee's or permittee's licensed premises.

Penalty: 5 penalty units.

S. 106K(2)
amended by
Nos 37/2014
s. 10(Sch.
item 96.9(a)),
26/2022
s. 23(2).

- (2) A licensee or permittee must produce the records required to be kept under subsection (1) for inspection on being asked to do so by a police officer or a liquor inspector.

Penalty: 5 penalty units.

S. 106K(3)
amended by
Nos 37/2014
s. 10(Sch.
item 96.9(b)),
26/2022
s. 23(2).

- (3) A police officer or liquor inspector must not, except to the extent necessary to carry out the police officer's or inspector's functions under this Part, give to any other person, any information acquired under subsection (2).

Penalty: 5 penalty units.

- (4) A licensee or permittee must not disclose any records required to be kept under subsection (1), or information contained in those records, to any other person except in accordance with subsection (2).

Penalty: 5 penalty units.

Liquor Control Reform Act 1998
No. 94 of 1998
Part 7A—Barring orders

(5) The records required to be kept under subsection (1) in relation to a barring order must be destroyed 3 years after the expiry or revocation of the barring order.

Penalty: 5 penalty units.

Note

Section 53A applies to an offence against subsection (1), (2), (4) or (5).

**Note to
s. 106K
inserted by
No. 13/2013
s. 29(5).**

Part 8—Offences and enforcement

Division 1—General offences

107 Unlicensed selling of liquor

S. 107(1)
amended by
No. 92/2004
s. 23(2)(b),
substituted by
No. 73/2007
s. 20(1).

- (1) A person who is not a licensee must not sell liquor or offer liquor for sale.

Penalty: 240 penalty units or imprisonment for 2 years.

S. 107(2)
amended by
No. 73/2007
s. 20(2).

- (2) Subsection (1) does not apply to the sale of liquor, or the offer of liquor for sale, by an employee or agent of a licensee if the sale or offer is in accordance with the licence and this Act.
- (3) If a person is convicted of an offence under this section, the court must also order all liquor which is found in the possession of the person and the vessels containing it to be forfeited.
- (4) For the purposes of this section, proof of consumption or intended consumption of liquor on any premises by a person other than the occupier of the premises is, as against the occupier, evidence that the liquor was sold to the person consuming or intending to consume it.
- (5) The fact of there being on any premises more liquor than is reasonably required for the use of the persons residing on those premises is evidence of the sale of liquor by the occupier.
- (6) Subsections (4) and (5) do not apply to premises if the court is satisfied that the premises are used solely for residential purposes.

108 Offences by licensee and permittee

(1) A licensee or permittee—

S. 108(1)
amended by
No. 92/2004
s. 23(2)(a).

- (a) must not, except in accordance with the licence or BYO permit and this Act—
- (i) supply liquor; or
 - (ii) permit or cause liquor to be supplied; or
 - (iii) permit liquor to be consumed—
- on the licensed premises or on any authorised premises;

- (b) must not use any place or premises, other than the licensed premises or authorised premises, for the supply of liquor;

* * * * *

S. 108(1)(c)
repealed by
No. 73/2007
s. 21(1)(a).

- (d) must not permit a person to play any unlawful game on the licensed premises or on any authorised premises.

* * * * *

S. 108(1)(d)
amended by
No. 73/2007
s. 21(1)(b).

S. 108(1)(e)
repealed by
No. 73/2007
s. 21(1)(c).

Penalty: 60 penalty units.

Note

Section 53A applies to an offence against this subsection.

Note to
s. 108(1)
inserted by
No. 13/2013
s. 29(1).

(2) Subsection (1)(b) does not apply to—

- (a) a licensee of a pre-retail licence; or
- (b) a licensee of a producer's licence in respect of the supply of liquor under that licence to a person who holds a licence under this Act.

S. 108(2)(b)
amended by
Nos 71/2011
s. 19, 20/2018
s. 8.

(3) Despite subsection (1)(d), the game of two-up may be played—

S. 108(3)(a)
amended by
No. 96/2003
s. 14(2).

(a) on ANZAC Day on any premises being used by any sub-branch of the Returned and Services League; and

S. 108(3)(b)
amended by
Nos 96/2003
s. 14(2),
114/2003
s. 12.1.3
(Sch. 6
item 9.2(a)),
56/2014
s. 62(1)(a).

(b) on ANZAC Day on any premises approved under section 2.2.4(1)(b) of the **Gambling Regulation Act 2003**; and

S. 108(3)(c)
amended by
Nos 96/2003
s. 14(2),
114/2003
s. 12.1.3
(Sch. 6
item 9.2(b)),
56/2014
s. 62(1)(b).

(c) not more than 7 days before ANZAC Day on any premises at which a function is being held to which section 2.2.4(2) of the **Gambling Regulation Act 2003** applies.

S. 108(4)
inserted by
No. 73/2007
s. 21(2).

(4) A licensee or permittee—

(a) must not supply liquor to a person who is in a state of intoxication;

(b) must not permit drunken or disorderly persons to be on the licensed premises or on any authorised premises.

Penalty: 120 penalty units.

Note to
s. 108(4)
inserted by
No. 13/2013
s. 29(4).

Note

Section 53C applies to an offence against this subsection.

- (5) It is a defence to a prosecution for an offence under subsection (4)(b) for the accused to prove that—
- (a) neither the accused nor any relevant person who was on the premises at the time of the alleged offence knew that drunken or disorderly persons were on the premises; and
 - (b) either the accused or a relevant person had taken reasonable steps to ensure that drunken or disorderly persons were not on the premises.
- (5A) For the purposes of subsection (5), a person is a **relevant person** if he or she is—
- (a) an employee or agent of the accused; or
 - (b) in the case of an accused that is a body corporate—
 - (i) an officer of the accused; or
 - (ii) the nominee of the accused; or
 - (c) in the case of an accused who is a member of the committee of management of an unincorporated club, on behalf of the club—
 - (i) a member of the committee of management; or
 - (ii) the nominee of the accused; or
 - (d) in the case of an accused who is a member of a partnership, another member of the partnership.
- (6) Subsection (4)(b) does not apply to a licensee or permittee if the licensed premises are a party bus.

S. 108(5)
inserted by
No. 73/2007
s. 21(2),
amended by
No. 8/2009
s. 16,
substituted by
No. 56/2014
s. 56.

S. 108(5A)
inserted by
No. 56/2014
s. 56.

S. 108(6)
inserted by
No. 88/2009
s. 6.

S. 108A
inserted by
No. 92/2004
s. 29,
amended by
No. 8/2009
s. 17(a),
repealed by
No. 57/2010
s. 18.

* * * * *

S. 108AA
inserted by
No. 57/2010
s. 19.

108AA Licensee must complete refresher approved responsible service of alcohol programs

- (1) This section applies to a general licence, on-premises licence, packaged liquor licence or late night licence.
- (2) The licensee (except in the case of a body corporate) must complete an approved responsible service of alcohol program within 3 years from the date on which the licensee last completed an approved responsible service of alcohol program.

Penalty: 60 penalty units.

S. 108AA(3)
amended by
No. 12/2011
s. 5.

- (3) If the licensee is a body corporate, the licensee must ensure that the responsible person completes an approved responsible service of alcohol program within 3 years from the date on which the person last completed an approved responsible service of alcohol program.

Penalty: 60 penalty units.

Note to
s. 108AA(3)
inserted by
No. 13/2013
s. 29(6).

Note

Section 53B applies to an offence against this subsection.

S. 108AB
inserted by
No. 57/2010
s. 19.

108AB Licensee must ensure staff complete approved responsible service of alcohol programs

- (1) This section applies to a general licence, on-premises licence, packaged liquor licence or late night licence.

- (2) The licensee must ensure that any person who sells, offers for sale or serves liquor on the licensed premises of the licensee—
- (a) has completed an approved responsible service of alcohol program within the period of 3 years prior to the date on which that person first sells, offers for sale or serves liquor on the licensed premises; or
 - (b) completes an approved responsible service of alcohol program within one month after the date on which that person first sells, offers for sale or serves liquor on the licensed premises.

Penalty: 60 penalty units.

Note

Section 53B applies to an offence against this subsection.

**Note to
s. 108AB(2)
inserted by
No. 13/2013
s. 29(6).**

108AC Licensee must ensure staff complete refresher approved responsible service of alcohol programs

- (1) This section applies to a general licence, on-premises licence, packaged liquor licence or late night licence.
- (2) The licensee must ensure that any person who sells, offers for sale or serves liquor on the licensed premises of the licensee completes an approved responsible service of alcohol program within 3 years from the date on which that person last completed an approved responsible service of alcohol program.

Penalty: 60 penalty units.

Note

Section 53B applies to an offence against this subsection.

**S. 108AC
inserted by
No. 57/2010
s. 19.**

**Note to
s. 108AC(2)
inserted by
No. 13/2013
s. 29(6).**

S. 108AD
(Heading)
amended by
No. 20/2018
s. 23(1).

108AD Licensee must keep RSA certificates

- (1) This section applies to a general licence, on-premises licence, packaged liquor licence, late night licence or any other licence which is subject to a condition in relation to responsible service of alcohol.

S. 108AD
inserted by
No. 57/2010
s. 19.

S. 108AD(2)
amended by
No. 13/2013
s. 29(1),
substituted by
No. 20/2018
s. 23(2).

- (2) The licensee must keep at the licensed premises RSA certificates that demonstrate the requirements under sections 26B, 108AA, 108AB and 108AC have been satisfied.

Penalty: 5 penalty units.

Note

Section 53A applies to an offence against this subsection.

S. 108AD(3)
amended by
No. 12/2011
s. 6,
repealed by
No. 20/2018
s. 23(3).

* * * * *

S. 108AE
(Heading)
amended by
No. 20/2018
s. 24(1).

108AE Licensee must produce RSA certificates for inspection

- (1) This section applies to a general licence, on-premises licence, packaged liquor licence, late night licence or any other licence which is subject to a condition in relation to responsible service of alcohol.

S. 108AE
inserted by
No. 57/2010
s. 19.

S. 108AE(2)
amended by
Nos 58/2011
s. 104(Sch.
item 4.174),
37/2014
s. 10(Sch.
item 96.10),
20/2018
s. 24(2),
26/2022
s. 23(1).

- (2) The licensee must produce any RSA certificates kept by the licensee for inspection on being asked to do so by a police officer or a liquor inspector.

Penalty: 5 penalty units.

Note

Section 53A applies to an offence against this subsection.

**Note to
s. 108AE(2)
inserted by
No. 13/2013
s. 29(1).**

(3) The licensee must give the following information, on being asked to do so by a police officer or a liquor inspector—

**S. 108AE(3)
inserted by
No. 20/2018
s. 24(3),
amended by
No. 26/2022
s. 23(1).**

(a) the licensee's name, and if the licensee is a body corporate the name of the responsible person;

(b) the name of each person who sells, offers for sale or serves liquor on the licensed premises and the date on which each person first sold, offered for sale or served liquor on the licensed premises;

(c) any prescribed information or document.

Penalty: 5 penalty units.

Note

Section 53A applies to an offence against this subsection.

108AF Exemption from approved responsible service of alcohol program requirements—without application

**S. 108AF
inserted by
No. 57/2010
s. 19.**

(1) The Commission may, by notice in writing, exempt a licensee or a class of licensees from any of the requirements of sections 108AA to 108AE, if the Commission thinks it is appropriate to do so.

**S. 108AF(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.175).**

(2) The Commission may grant an exemption under subsection (1) for the period and on any conditions the Commission determines.

**S. 108AF(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.175).**

S. 108AF(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.175).

- (3) The Commission may revoke an exemption granted under subsection (1) by notice in writing.

S. 108AG
inserted by
No. 57/2010
s. 19.

108AG Exemption from approved responsible service of alcohol program requirements—on application

S. 108AG(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.176).

- (1) A licensee may apply to the Commission to be exempted from any of the requirements of sections 108AA to 108AE.

S. 108AG(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.176).

- (2) The Commission may approve an application if the Commission thinks it is appropriate to do so.

S. 108AG(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.176).

- (3) The Commission must give the licensee notice in writing of the approval or refusal of an application.

S. 108AG(4)
amended by
No. 58/2011
s. 104(Sch.
item 4.176).

- (4) The Commission may grant an exemption under subsection (2) for the period and on any conditions the Commission determines.

S. 108AG(5)
amended by
No. 58/2011
s. 104(Sch.
item 4.176).

- (5) The Commission may revoke an exemption granted under subsection (2) by notice in writing.

108AH Matters Commission must consider when exempting licensees from responsible service of alcohol program requirements

In making a decision under section 108AF or 108AG to exempt a licensee or class of licensees from any of the requirements of sections 108AA to 108AE, the Commission must consider—

- (a) the risk of harm from liquor supplied under the licence; and
- (b) the extent of the burden imposed on the licensee by the requirement under sections 108AA to 108AE.

108B Corporate licensee must provide details of directors

- (1) A licensee who is a body corporate (other than a club) must give a list of the names and addresses of its directors as at a specified date to a police officer or a liquor inspector within 48 hours after being asked to do so by the police officer or inspector.

Penalty: 10 penalty units.

Note

Section 53A applies to an offence against this subsection.

S. 108AH (Heading) amended by No. 58/2011 s. 104(Sch. item 4.177).

S. 108AH inserted by No. 57/2010 s. 19, amended by No. 58/2011 s. 104(Sch. item 4.178).

S. 108AH(a) amended by No. 49/2021 s. 40.

S. 108B inserted by No. 92/2004 s. 29.

S. 108B(1) amended by Nos 8/2009 s. 17(b), 58/2011 s. 104(Sch. item 4.179), 37/2014 s. 10(Sch. item 96.11(a)), 26/2022 s. 23(1).

Note to s. 108B(1) inserted by No. 13/2013 s. 29(1).

S. 108B(2)
amended by
Nos 8/2009
s. 17(b),
58/2011
s. 104(Sch.
item 4.179),
37/2014
s. 10(Sch.
item 96.11(b)),
26/2022
s. 23(1).

- (2) A licensee who is a club must give a list of the names and addresses of the members of its committee of management as at a specified date to a police officer or a liquor inspector within 48 hours after being asked to do so by the police officer or inspector.

Penalty: 10 penalty units.

S. 108B(3)
amended by
Nos 8/2009
s. 17(c),
37/2014
s. 10(Sch.
item 96.11(c)).

- (3) In responding to a request under this section, a licensee must not give the police officer or inspector any information that is false or misleading.

Penalty: 20 penalty units.

S. 108B(4)
amended by
No. 28/2022
s. 162.

- (4) It is a defence to a prosecution under subsection (3) for the accused to prove that when the information was given the accused—
- (a) believed on reasonable grounds that the false matter was true; or
 - (b) believed on reasonable grounds that the misleading matter was not misleading.

109 Taking orders for liquor at unlicensed premises

- (1) If a licensee carries on a business at licensed premises and at other premises, the licensee must not take or receive an order for liquor, or cause or permit an employee or agent to take or receive an order for liquor, at any of those premises that are not licensed premises or authorised premises.

Penalty: 15 penalty units.

Note to
s. 109(1)
inserted by
No. 13/2013
s. 29(1).

Note

Section 53A applies to an offence against this subsection.

(2) Subsection (1) does not apply to—

- (a) a licensee of a pre-retail licence; or
- (b) a licensee of a producer's licence in respect of orders for liquor by holders of licences under this Act; or
- (c) a licensee who is authorised to supply liquor by off-premises request in respect of those requests.

S. 109(2)(b) amended by Nos 71/2011 s. 20, 20/2018 s. 9, 49/2021 s. 41(1).

S. 109(2)(c) inserted by No. 49/2021 s. 41(2), amended by No. 28/2022 s. 163.

109A Sale of liquor through vending machines

S. 109A inserted by No. 92/2004 s. 30.

A person must not sell liquor by means of a vending machine unless—

- (a) it is specified by the Commission in a licence that the person may do so; and
- (b) the vending machine is on the licensed premises; and
- (c) the person complies with any conditions specified by the Commission in the licence concerning the use of the vending machine.

S. 109A(a) amended by No. 58/2011 s. 104(Sch. item 4.180).

S. 109A(c) amended by No. 58/2011 s. 104(Sch. item 4.180).

Penalty: 60 penalty units.

109B Written notice for delivery of liquor supplied by off-premises request

S. 109B (Heading) amended by No. 28/2022 s. 164(1).

On the same day the off-premises request is made, a licensee who supplies liquor to a person who has made an off-premises request must ensure that the delivery person is given written notice that the liquor must not be left unattended.

S. 109B inserted by No. 49/2021 s. 42, amended by No. 28/2022 s. 164(2).

Penalty: 60 penalty units.

S. 109C
(Heading)
amended by
No. 28/2022
s. 165(1).

S. 109C
inserted by
No. 49/2021
s. 42,
amended by
No. 28/2022
s. 165(2).

109C Person must not deliver liquor supplied by off-premises request to intoxicated persons

A person must not knowingly deliver liquor to a person who made an off-premises request if that person is intoxicated or in respect of whom there is a substantial risk of intoxication.

Penalty: 120 penalty units.

110 Holding out

A person must not, in the course of carrying on a business, hold themselves out as being prepared to order or purchase packaged liquor from a licensee on behalf of another person.

Penalty: 15 penalty units.

111 Bringing liquor to premises outside trading hours

A person must not—

- (a) bring into or consume, supply or have in his or her possession or under control any liquor on; or
- (b) permit or allow any liquor to be brought into, or consumed or supplied in—

any licensed premises under a licence or BYO permit at any time otherwise than in accordance with the licence or permit.

Penalty: 25 penalty units.

112 Keeping liquor in unlicensed club

- (1) If liquor is kept for supply or consumption in premises occupied by a club in respect of which a licence is not in force, each director or member of the committee of management of the club is guilty of an offence.

Penalty: 25 penalty units.

- (2) It is a defence to a prosecution under subsection (1) for the accused to prove that the liquor was kept in the club without their knowledge or contrary to their orders.
- S. 112(2)
amended by
No. 28/2022
s. 166.

113 Consuming or having liquor on unlicensed premises

- (1) A person must not consume or supply liquor on any premises to which this section applies unless a licence or BYO permit is in force in respect of those premises.
- S. 113(1)
substituted by
No. 9/2008
s. 5(1).

Penalty: 50 penalty units.

- (1A) A person must not have in possession or under control any liquor other than liquor in a sealed container on any premises to which this section applies unless a licence or BYO permit is in force in respect of those premises.
- S. 113(1A)
inserted by
No. 9/2008
s. 5(1).

Penalty: 50 penalty units.

- (1B) A person must not permit or allow any liquor to be consumed or supplied on any premises to which this section applies unless a licence or BYO permit is in force in respect of those premises.
- S. 113(1B)
inserted by
No. 9/2008
s. 5(1).

Penalty: 50 penalty units.

- (1C) A person must not permit or allow any liquor other than liquor in a sealed container to be in the possession or under the control of a person on any premises to which this section applies unless a licence or BYO permit is in force in respect of those premises.
- S. 113(1C)
inserted by
No. 9/2008
s. 5(1).

Penalty: 50 penalty units.

- (2) This section applies to the following premises—
- (a) premises that are a convenience store;
- S. 113(2)(a)
substituted by
No. 49/2021
s. 43.

- (b) premises where meals are ordinarily served to the public for consumption on the premises;
- (c) premises occupied by a club;
- (d) premises where light refreshments and non-intoxicating drinks are sold to the public for consumption on the premises but where meals are not ordinarily served to the public for consumption on the premises.

S. 113A
inserted by
No. 88/2009
s. 7.

113A Consumption of liquor on party buses

- (1) A person who is the operator of a party bus must not permit or allow any liquor to be consumed on the party bus in the prescribed circumstances unless a licence or a BYO permit is in force in respect of the party bus.
Penalty: 50 penalty units.
- (2) It is a defence to a prosecution for an offence under subsection (1) for the accused to prove that—
 - (a) the accused did not knowingly permit or allow the consumption of liquor on the party bus; and
 - (b) the accused had taken reasonable steps to ensure the liquor was not consumed on the party bus.
- (3) For the purposes of subsection (1) the prescribed circumstances are that the party bus—
 - (a) is operating on or after 8 p.m. on a particular day and before 5 a.m. on the following day; and
 - (b) is operating—
 - (i) in a designated area; or

- (ii) for the purpose of carrying passengers travelling to or from or visiting a designated area.

(4) In this section—

Australian Design Rules means the Australian Design Rules for Motor Vehicles and Trailers, endorsed by the Australian Transport Advisory Council and published pursuant to section 7 of the Motor Vehicle Standards Act 1989 of the Commonwealth;

bus means—

- (a) a motor vehicle that has been built—
 - (i) with seating positions for 10 or more adults (including the driver); and
 - (ii) to comply with the requirements specified in the Australian Design Rules for a passenger omnibus (within the meaning of those Rules); or
- (b) a motor vehicle prescribed to be a bus—

S. 113A(4)
def. of *bus*
amended by
No. 63/2017
s. 21(Sch. 1
item 5).

but does not include—

- (c) a commercial passenger vehicle within the meaning of the **Commercial Passenger Vehicle Industry Act 2017**; or
- (d) a motor vehicle prescribed not to be a bus;

community and private bus service means a service—

- (a) consisting of the carriage of passengers by a bus for or in connection with the activities of a religious, educational,

health, welfare, philanthropic, sporting or social body; and

- (b) which is provided for no consideration or for consideration which is limited to the costs or part of the costs incurred in making the journey;

operator, in relation to a party bus, means a person who is responsible for controlling or directing the operations of the party bus but does not include—

- (a) a person who merely maintains or arranges for the maintenance of a bus; or
- (b) a person who carries out those functions as the employee of, or under the direction of, another person; or
- (c) a person in a prescribed class of persons;

party bus means a bus that is operated for hire or reward for the carriage of passengers on the basis that the bus is pre-booked for those passengers but does not include—

- (a) a bus operated by or for a community and private bus service; or
- (b) a bus hired by or for a group of passengers who provide their own driver.

S. 114
amended by
No. 9/2008
s. 5(3) (ILA
s. 39B(1)).

114 Offences by persons other than licensee or permittee

- (1) A person—
 - (a) must not on licensed premises—
 - (i) obtain liquor from the licensee, or an employee or agent of the licensee; or

(ii) consume liquor—

except at a time and in the manner authorised under the licence or BYO permit and this Act;

(b) must not, on licensed premises—

(i) procure liquor for a person in a state of intoxication; or

(ii) aid or abet a person in a state of intoxication to obtain liquor;

(c) must not obtain liquor from a licensee under a general licence or a late night (general) licence or from an employee or agent of such a licensee by fraudulently representing himself or herself to be a resident of the licensed premises;

S. 114(1)(c) amended by No. 59/2009 s. 30(h).

* * * * *

S. 114(1)(d) repealed by No. 9/2008 s. 5(2).

Penalty: 20 penalty units.

(2) A person who is drunk, violent or quarrelsome must not refuse or fail to leave licensed premises if requested to do so—

S. 114(2) inserted by No. 9/2008 s. 5(3), amended by No. 12/2011 s. 7(1).

(a) the licensee or permittee; or

(b) an employee or agent of the licensee or permittee; or

(c) a police officer.

S. 114(2)(c) substituted by No. 37/2014 s. 10(Sch. item 96.12).

Penalty: 50 penalty units.

(3) A person who has been refused entry from licensed premises or who has left licensed premises following a request by any of the persons referred to in subsection (2)(a), (b) or (c)

S. 114(3) inserted by No. 12/2011 s. 7(2).

must not without reasonable excuse remain in the vicinity of the licensed premises.

Penalty: 20 penalty units.

S. 114(4)
inserted by
No. 12/2011
s. 7(2).

- (4) A person who has been refused entry from licensed premises or who has left licensed premises following a request by any of the persons referred to in subsection (2)(a), (b) or (c) must not without reasonable excuse enter the licensed premises for a period of 24 hours commencing from the time of being refused entry or leaving the licensed premises.

Penalty: 20 penalty units.

S. 114(5)
inserted by
No. 12/2011
s. 7(2).

- (5) For the purposes of this section, a reference to licensed premises includes any area adjacent to the licensed premises that is owned or occupied by the licensee or permittee.

115 Betting on licensed premises

- (1) A licensee or permittee must not bet or allow a person to bet on the licensed premises or any authorised premises.

Penalty: 20 penalty units.

Note to
s. 115(1)
inserted by
No. 13/2013
s. 29(1).

Note

Section 53A applies to an offence against this subsection.

- (2) Subsection (1) does not apply to betting on licensed premises or on any authorised premises—
- (a) if—
- (i) the premises are on a licensed racecourse within the meaning of the **Racing Act 1958**; and

- (ii) the betting is engaged in during the holding of a race meeting within the meaning of that Act on the licensed racecourse; or
- (b) if—
- (i) a gaming machine is on the premises in accordance with Chapter 3 of the **Gambling Regulation Act 2003**; and
- (ii) the betting is engaged in during the playing of a game on the gaming machine in accordance with that Chapter; or
- (ba) if—
- (i) a betting facility of the holder of a wagering and betting licence under Chapter 4 of the **Gambling Regulation Act 2003** or a keno licence under Chapter 6A of that Act is established in the premises; and
- (ii) the betting takes place through that licence holder; or
- (c) if—
- (i) the premises are being used by any sub-branch of the Returned and Services League or are approved under section 2.2.4(1)(b) of the **Gambling Regulation Act 2003**; and
- (ii) the betting is engaged in during a game of two-up on ANZAC Day; or
- S. 115(2)(b) amended by No. 114/2003 s. 12.1.3 (Sch. 6 item 9.3(a)), substituted by No. 1/2021 s. 81(a).
- S. 115(2)(ba) inserted by No. 60/2011 s. 74.
- S. 115(2)(ba)(i) amended by Nos 1/2021 s. 81(b), 13/2023 s. 91.
- S. 115(2)(c)(i) amended by Nos 114/2003 s. 12.1.3 (Sch. 6 item 9.3(b)), 56/2014 s. 62(2)(a).
- S. 115(2)(c)(ii) amended by No. 96/2003 s. 14(3).

(d) if—

S. 115(2)(d)(i)
amended by
No. 96/2003
s. 14(3).

(i) the betting is engaged in during a game of two-up not more than 7 days before ANZAC Day; and

S. 115(2)(d)(ii)
amended by
Nos 114/2003
s. 12.1.3
(Sch. 6
item 9.3(c)),
56/2014
s. 62(2)(b).

(ii) a function to which section 2.2.4(2) of the **Gambling Regulation Act 2003** applies is being held on the premises.

S. 115A
inserted by
No. 73/2007
s. 22.

115A Prohibited advertising or promotion

S. 115A(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.181).

(1) The Commission may give a notice to a licensee banning the licensee from advertising or promoting—

- (a) the supply of liquor by the licensee; or
- (b) the conduct of licensed premises by the licensee—

if, in the opinion of the Commission, the advertising or promotion, or the proposed advertising or promotion, is likely to encourage irresponsible consumption of alcohol or is otherwise not in the public interest.

S. 115A(1A)
inserted by
No. 49/2021
s. 44.

(1A) For the purposes of subsection (1), advertising or promotion that is not in the public interest includes the following—

- (a) advertising or promotion that is likely to appeal to minors;
- (b) advertising or promotion that is likely to encourage or condone violence or anti-social behaviour;
- (c) advertising or promotion that is directly or indirectly sexual, degrading or sexist;

(d) any other prescribed advertising or promotion.

(2) A licensee to whom a notice applies must comply with the notice.

Penalty: 120 penalty units.

Note

Section 53C applies to an offence against this subsection.

**Note to
s. 115A(2)
inserted by
No. 13/2013
s. 29(4).**

115B Certain advertising prohibited within 150 metres of school

**S. 115B
inserted by
No. 20/2018
s. 20.**

(1) A person must not for any direct or indirect pecuniary benefit display, or cause to be displayed, any alcohol advertising that is static advertising within 150 metres of the perimeter of a school.

Penalty: 120 penalty units.

(2) Subsection (1) does not apply if a person displays, or causes to be displayed, alcohol advertising that is static advertising within 150 metres of the perimeter of a school that is—

- (a) a logo, emblem or product name on a building that is occupied by a person conducting a business that is associated with the supply of liquor; or
- (b) alcohol advertising within a licensed premises or on an exterior of a licensed premises; or
- (c) alcohol advertising on an item of clothing worn by a person; or
- (d) alcohol advertising on a vehicle that is in the reasonable transit through an area within 150 metres of a school to travel to a destination; or

(e) alcohol advertising at a sporting ground or a racecourse.

(3) In this section—

alcohol advertising means any information, term, expression, symbol or other thing that gives publicity to, or otherwise promotes liquor;

school has the same meaning as it has in the **Education and Training Reform Act 2006**;

static advertising includes, but is not limited to—

(a) static advertising displays, including but not limited to billboards, banners, hoardings, signs, images or rolling static displays; and

(b) digital billboards and panels, including those that display moving or video images; and

(c) moveable billboards and displays—

but does not include advertising using the following—

(d) broadcast television, radio or digital media such as websites or social media;

(e) commercial print media such as magazines and newspapers.

S. 115C
inserted by
No. 20/2018
s. 20.

115C No compensation

No compensation is payable by the State in respect of any loss, damage or injury of any kind suffered by a person as a result of section 115B.

116 Falsely indicating that premises are licensed

A person must not, by means of a notice, sign or otherwise—

- (a) indicate that premises are licensed premises or are licensed premises under a particular kind of licence or under a BYO permit if they are not such licensed premises; or
- (b) that a person is authorised under a licence or BYO permit to supply liquor or permit liquor to be brought onto or consumed on premises if the person is not so authorised.

Penalty: 15 penalty units.

117 Procuring transfer by fraud

- (1) A person must not procure the transfer of a licence or BYO permit by fraud or false representation.

Penalty: 50 penalty units.

- (2) If a person is found guilty of an offence under subsection (1), the principal registrar of the Magistrates' Court must notify, in writing, the Commission of that finding of guilt as soon as practicable after that finding.

S. 117(2)
substituted by
No. 58/2011
s. 60.

- (3) The Commission, the Chief Commissioner of Police or a liquor inspector may apply to the Magistrates' Court for a declaration that the transfer is void.

S. 117(3)
substituted by
No. 58/2011
s. 60,
amended by
No. 26/2022
s. 23(1).

- (4) On application under subsection (3), the Magistrates' Court may—

S. 117(4)
substituted by
No. 58/2011
s. 60.

- (a) declare the transfer void; and
- (b) if it does so, make an order that the person found guilty under subsection (1) be disqualified from holding a licence or BYO permit for a period not exceeding 3 years.

118 False or misleading statements

S. 118(1)
amended by
No. 92/2004
s. 23(2)(a).

- (1) A person must not in, or in relation to, an application or notice under this Act, make a statement that is false or misleading by reason of the inclusion in the statement of false or misleading matter or of the omission from the statement of any material matter.

Penalty: 60 penalty units.

S. 118(2)
amended by
No. 28/2022
s. 167.

- (2) It is a defence to a prosecution under subsection (1) for the accused to prove that when the application was made or the notice was given the accused—
- (a) believed on reasonable grounds that the false matter was true; or
 - (b) believed on reasonable grounds that the misleading matter was not misleading; or
 - (c) in the case of an omission, believed on reasonable grounds that no material had been omitted, being material matter the omission of which would make the statement false or misleading; or
 - (d) in the case of an omission, did not know that the omitted matter was material.

**Division 1A—Restrictions on the supply of liquor
and other alcoholic products**

Pt 8 Div. 1A
(Heading and
ss 118A,
118B)
inserted by
No. 88/2001
s. 7.

**118A Restrictions on retail supply of alcohol-based food
essences**

S. 118A
inserted by
No. 88/2001
s. 7.

A person must not supply by retail an
alcohol-based food essence that is packaged—

- (a) in the case of vanilla essence
(whether natural or imitation)—in a
container of more than 100 millilitres
capacity;
- (b) in any other case—in a container of more
than 50 millilitres capacity.

Penalty: 30 penalty units.

118B Regulations prohibiting supply of classes of liquor

S. 118B
inserted by
No. 88/2001
s. 7.

- (1) The Governor in Council, on the recommendation
of the Minister, may make regulations prohibiting
the supply of any class of liquor.
- (2) The Minister may recommend the making of
regulations under this section only if he or she is
satisfied that it is in the interest of the community
to do so.
- (3) Regulations under this section—
 - (a) may impose a penalty not exceeding
30 penalty units for a breach of the
regulations;
 - (b) may be of general or of specially limited
application;
 - (c) may differ according to differences in time,
place or circumstances.

- (4) Regulations under this section are subject to disallowance by a House of the Parliament.

Division 2—Underage drinking

119 Supplying liquor to minors

S. 119(1)
amended by
Nos 92/2004
s. 23(2)(a),
56/2014
s. 57(1).

- (1) A licensee or a permittee must not—

- (a) supply liquor; or
- (b) permit liquor to be supplied—

to a person under the age of 18 years.

Penalty: 120 penalty units.

S. 119(2)
amended by
Nos 92/2004
s. 23(2)(a),
56/2014
s. 57(1).

- (2) If liquor is supplied to a person under the age of 18 years on the licensed premises or any authorised premises of a licensee or permittee, the licensee or permittee is guilty of an offence.

Penalty: 120 penalty units.

S. 119(3)
amended by
Nos 92/2004
s. 23(2)(a),
56/2014
s. 57(1).

- (3) A person, other than—

- (a) a licensee or permittee; or
- (b) an employee of a licensee acting or purporting to act in the course of his or her employment—

must not supply liquor to a person under the age of 18 years.

Penalty: 120 penalty units.

S. 119(4)
amended by
Nos 92/2004
s. 23(2)(c),
56/2014
s. 57(2).

- (4) An employee of a licensee acting or purporting to act in the course of his or her employment must not supply liquor to a person under the age of 18 years.

Penalty: 20 penalty units.

(5) Subsections (1), (2), (3) and (4) do not apply—

* * * * *

**S. 119
(5)(a)–(c)
repealed by
No. 20/2018
s. 26(1).**

(d) to the supply of packaged liquor to a person who is—

**S. 119(5)(d)
amended by
No. 92/2004
s. 6(1)(a)(b).**

(i) a member of the family of the licensee or permittee; or

(ii) an employee or apprentice of the licensee or permittee—

if the member or employee is employed to deliver that liquor to a person of or over the age of 18 years for consumption off the licensed or authorised premises; or

(e) to the supply of liquor in a residence to a minor by an adult if the adult is able to demonstrate responsible supervision of the supply of the liquor to the minor, taking into account factors that include—

**S. 119(5)(e)
substituted by
Nos 13/2011
s. 3, 20/2018
s. 26(2).**

(i) the age of the minor; and

(ii) whether or not the person supplying the liquor to the minor is intoxicated; and

(iii) whether or not the minor consumes food with the liquor; and

(iv) whether or not the person supplying the liquor is providing supervision of the minor's consumption of the liquor; and

(v) the quantity and type of liquor supplied and the period of time over which the liquor is supplied; and

(vi) whether or not the minor is intoxicated.

S. 119(5A)
inserted by
No. 20/2018
s. 26(3).

(5A) In subsection (5)(e)—

adult means a person who is—

- (a) the minor's parent, guardian or spouse (if the spouse is of or over 18 years of age); or
- (b) authorised to supply liquor to the minor by the minor's parent, guardian or spouse (if the spouse is of or over 18 years of age);

minor means a person who is under the age of 18 years.

S. 119(6)
amended by
No. 28/2022
s. 168.

- (6) It is a defence to a prosecution under this section for the accused to prove that, at the time of the alleged offence the accused had seen an evidence of age document of the person whose age is material to the offence, indicating that that person is of or over the age of 18 years.

Note to s. 119
inserted by
No. 13/2013
s. 29(7).

Note

Section 53C applies to an offence against subsection (1) or (2).

S. 119A
inserted by
No. 20/2018
s. 27.

119A Person must not deliver liquor to a person who is under 18 years of age

- (1) Subject to subsection (2), a person who makes a delivery must not, without reasonable excuse, knowingly deliver liquor to a person who is under 18 years of age.

Penalty: 120 penalty units.

- (2) It is a reasonable excuse for the purposes of subsection (1), that the person making a delivery has seen an evidence of age document of the person receiving the delivery indicating that the person is of or over the age of 18 years.

120 Allowing minors on licensed or authorised premises

(1) If a person under the age of 18 years—

(a) is on licensed premises or any authorised premises; and

S. 120(1)
amended by
Nos 92/2004
s. 23(2)(a),
56/2014 s. 58.

(b) is not—

(i) in the company of a responsible adult;
or

S. 120(1)(b)(i)
substituted by
No. 92/2004
s. 4(1)(a).

(ii) on the premises for the purpose of partaking of a meal; or

(iii) in the case of a licence under which accommodation is provided, a resident of those premises—

the licensee or permittee is guilty of an offence.

Penalty: 120 penalty units.

Note

Section 53C applies to an offence against this subsection.

Note to
s. 120(1)
inserted by
No. 13/2013
s. 29(4).

(2) Subsection (1) does not apply—

(a) to the presence on any part of the licensed premises or authorised premises of a person under the age of 18 years at any time at which—

(i) entertainment for or mainly for people under the age of 18 years is provided on that part of the premises in accordance with the approval of the Commission and any conditions to which that approval is subject; and

S. 120(2)(a)(i)
amended by
No. 58/2011
s. 104(Sch.
item 4.182).

(ii) liquor is not supplied, consumed or made available on that part of the premises; or

S. 120(2)(ba)
inserted by
No. 21/2014
s. 16(1).

(b) to the presence on licensed premises or authorised premises of a person who is engaged in a training program in hospitality or in training for the purposes of employment or work experience, if the person is so present in accordance with any conditions to which that program or training is subject; or

(ba) to the presence on any part of the licensed premises or authorised premises of a person under the age of 18 at which—

(i) a live music event is being held in accordance with notice given to the Commission in accordance with subsection (2B) and any conditions prescribed for the purposes of this section; and

(ii) liquor is not supplied, consumed or made available on that part of the premises; or

(c) to the presence on licensed premises or authorised premises of persons employed on the premises otherwise than in the supply of liquor; or

S. 120(2)(ca)
inserted by
No. 92/2004
s. 6(2).

(ca) to the presence on licensed premises or authorised premises of a person who is employed to deliver packaged liquor for consumption off the premises to people of or over the age of 18 years and who is on the premises by reason of that employment; or

S. 120(2)(d)
amended by
No. 59/2009
s. 28.

(d) to the presence during ordinary trading hours on licensed premises or authorised premises of a person under the age of 18 years if the licence in respect of the premises is—

- | | |
|--|--|
| <p>(i) an on-premises licence where the permitted use of the licensed premises under the Planning and Environment Act 1987 is that of a restaurant; or</p> | <p>S. 120(2)(d)(i) inserted by No. 59/2009 s. 28.</p> |
| <p>(ii) a restaurant and cafe licence; or</p> | <p>S. 120(2)(d)(ii) inserted by No. 59/2009 s. 28.</p> |
| <p>(e) to the presence on licensed premises or authorised premises of a person under the age of 18 years in accordance with the approval of the Commission and any conditions to which that approval is subject.</p> | <p>S. 120(2)(e) amended by No. 58/2011 s. 104(Sch. item 4.182).</p> |
| <p>(2A) A request for the Commission's approval for the purposes of subsection (2)(a)(i) must be accompanied by the fee specified in the regulations for the purposes of that subsection.</p> | <p>S. 120(2A) inserted by No. 92/2004 s. 18(1)(8), amended by No. 58/2011 s. 104(Sch. item 4.183).</p> |
| <p>(2B) A notice for the purposes of subsection (2)(ba) must be given to the Commission at least 7 business days prior to the date of the live music event and must contain the following details—</p> <p>(a) the name of the event; and</p> <p>(b) the date and start and finish times of the event; and</p> <p>(c) the times at which persons under the age of 18 will be present at the event; and</p> <p>(d) any other prescribed details.</p> | <p>S. 120(2B) inserted by No. 21/2014 s. 16(2).</p> |
| <p>(3) If the Commission grants or revokes an approval for the purposes of subsection (2)(a) or (e), the Commission must cause the licence or permit to be endorsed accordingly.</p> | <p>S. 120(3) amended by No. 58/2011 s. 104(Sch. item 4.184).</p> |

S. 120(4)
amended by
No. 28/2022
s. 169.

(4) It is a defence to a prosecution under this section for the accused to prove that, at the time of the alleged offence, the accused had seen an evidence of age document of the person whose age is material to the offence, indicating that that person is of or over the age of 18 years.

S. 120(5)
inserted by
No. 92/2004
s. 4(2).

(5) If an issue arises under this section as to whether a person accompanying a person under the age of 18 years is a responsible adult or not, the test to be used is whether or not a reasonable person would be justified in assuming at the relevant time that the accompanying person was a responsible adult.

S. 121
amended by
Nos 92/2004
s. 23(2)(a),
56/2014 s. 59.

121 Sending minor to obtain liquor

A person must not send another person whom he or she knows or believes to be under the age of 18 years to a place where liquor is supplied, delivered or distributed for the purpose of obtaining liquor.

Penalty: 120 penalty units.

122 Permitting minor to supply liquor

S. 122(1)
amended by
Nos 92/2004
s. 23(2)(d),
56/2014 s. 60.

(1) A licensee must not permit a person under the age of 18 years to supply liquor on the licensed premises or on any authorised premises.

Penalty: 120 penalty units.

Note to
s. 122(1)
inserted by
No. 13/2013
s. 29(1).

Note

Section 53A applies to an offence against this subsection.

S. 122(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.185).

(2) Subsection (1) does not apply to the supply of liquor on licensed or authorised premises by a person under the age of 18 years if the person is engaged in a training program approved by the Commission and is supplying the liquor in accordance with any conditions to which the Commission has determined that the training program is subject.

123 Offences by minors

(1) A person under the age of 18 years—

(a) must not purchase or receive liquor from another person; and

(b) must not possess or consume liquor; and

(c) must not enter or remain on any part of premises where liquor is served by a licensee—

(i) except for the purpose of partaking of a meal; or

(ii) unless the person is an employee or agent of the licensee or is acting under, or employed in connection with, a contract with the licensee; or

(iii) in the case of a general licence, a late night (general) licence, an on-premises licence or a late night (on-premises) licence under which accommodation is provided, unless the person is a resident of the licensed premises; or

S. 123(1)(c)(iii)
amended by
No. 59/2009
s. 30(i).

(iv) unless, in accordance with the approval of the Commission under section 120(2)(a) or (e) and any conditions to which that approval is subject, the person is authorised to be present on the premises; or

S. 123(1)(c)(iv)
amended by
No. 58/2011
s. 104(Sch.
item 4.186).

(v) unless he or she is in the company of a responsible adult; or

S. 123(1)(c)(v)
substituted by
No. 92/2004
s. 4(1)(b).

(vi) unless the person is engaged in a training program in hospitality or in training for the purposes of employment or work experience and the person is so present in accordance

with any conditions to which that program or training is subject.

Penalty: 5 penalty units.

(2) Subsection (1) does not apply—

S. 123(2)(a)(b)
 repealed by
 No. 20/2018
 s. 28(1).

* * * * *

S. 123(2)(c)
 amended by
 No. 59/2009
 s. 30(h),
 repealed by
 No. 20/2018
 s. 28(1).

* * * * *

S. 123(2)(d)
 amended by
 No. 92/2004
 s. 6(3)(a)(b).

- (d) to the receipt or possession of packaged liquor from a licensee or permittee by a person who is—
- (i) a member of the family of the licensee or permittee; or
 - (ii) an employee or apprentice of the licensee or permittee—
 if the member or employee is employed to deliver that liquor to a person of or over the age of 18 years for consumption off the licensed or authorised premises; or

S. 123(2)(e)
 amended by
 No. 20/2018
 s. 28(2).

- (e) to the receipt, possession or consumption of liquor in a residence.

S. 123(2)(f)
 amended by
 No. 59/2009
 s. 30(h),
 repealed by
 No. 20/2018
 s. 28(1).

* * * * *

* * * * *

S. 123(3)
repealed by
No. 20/2018
s. 28(3).

- (4) A person must not falsely represent himself or herself to be of or over the age of 18 years for the purpose of avoiding being found to be in contravention of subsection (1).

Penalty: 5 penalty units.

124 Wrongful dealing in evidence of age document

- (1) A person must not give an evidence of age document which has been issued to that person to another person, if the person giving the document knows or has reasonable grounds to suspect that the document may be used—
- (a) as an evidence of age document for the purposes of this Act by a person other than the person to whom it was issued; or
 - (b) to obtain a proof of age card for a person other than the person to whom the document was issued.

Penalty: 20 penalty units.

- (2) A person must not wilfully or negligently deface or interfere with an evidence of age document.

Penalty: 20 penalty units.

- (3) A person must not—
- (a) make a false document that could reasonably be taken to be an evidence of age document; or

- (b) give such a false document to another person—

knowing the document to be false and with the intent that the document be used as an evidence of age document.

Penalty: 20 penalty units.

S. 125
substituted by
No. 92/2004
s. 7.

125 Offence to falsely procure proof of age card

- (1) A person who applies for a proof of age document must not, in support of that application—

(a) supply any information, document or material that he or she knows is false or misleading; or

(b) pass off any document or material that does not relate to him or her as a document or material that does relate to him or her.

Penalty: 20 penalty units.

- (2) A person must not give a document or other material to another person if he or she knows—

(a) both that the other person intends to use the document or material to support an application for a proof of age document, and that the document or material contains information that is false or misleading; or

(b) that the other person intends to use the document or material contrary to subsection (1)(b).

Penalty: 20 penalty units.

Division 3—Investigatory powers

125A Application of powers conferred on protective services officers under this Division

S. 125A
inserted by
No. 45/2017
s. 54(1).

A protective services officer may only exercise the powers under this Division in relation to a person who is at, or in the vicinity of, a designated place.

126 Power to demand suspected minor to give his or her age

(1) If—

S. 126(1)
amended by
Nos 8/2009
s. 18(1)(b),
37/2014
s. 10(Sch.
item 96.13).

(a) a police officer or a liquor inspector has reason to believe that a person appearing to be under the age of 18 years—

S. 126(1)(a)
amended by
Nos 8/2009
s. 18(1)(a),
58/2011
s. 104(Sch.
item 4.187),
37/2014
s. 10(Sch.
item 96.13),
26/2022
s. 23(1).

(i) has requested or received a supply of liquor; or

(ii) has consumed, is consuming or is about to consume liquor; or

(iii) is on licensed premises or on any authorised premises—

in contravention of this Act; or

(b) a licensee, permittee or employee or agent of a licensee or permittee has reason to believe that a person appearing to be under the age of 18 years is on the licensed premises or on any authorised premises in contravention of this Act—

the police officer, inspector, licensee, permittee, employee or agent may demand particulars of the person's age, name and address.

Liquor Control Reform Act 1998
No. 94 of 1998
Part 8—Offences and enforcement

S. 126(2)
repealed by
No. 92/2004
s. 31, new
s. 126(2)
inserted by
No. 43/2011
s. 30(1).

- (2) If a protective services officer on duty at a designated place has reason to believe that a person at or in the vicinity of a designated place who appears to be under the age of 18 years has consumed, is consuming or is about to consume liquor in contravention of this Act, the protective services officer may demand particulars of the person's age, name and address.

S. 126(3)
repealed by
No. 92/2004
s. 31.

* * * * *

S. 126(4)(c)
amended by
No. 88/2001
s. 8.

- (4) A person must not—
- (a) refuse to give particulars of his or her age, name and address;
 - (b) give any false particulars of his or her age, name and address; or
 - (c) give any false evidence as to his or her age, name or address—

pursuant to a demand made under this section.

Penalty: 15 penalty units.

S. 126(5)
amended by
Nos 43/2011
s. 30(2),
37/2014
s. 10(Sch.
item 96.13).

- (5) If a person refuses to give his or her name and address on being required to do so under this section, a police officer or a protective services officer referred to in subsection (2) may caution him or her and if he or she persists in the refusal, may arrest him or her without a warrant.

S. 126(6)
inserted by
No. 43/2011
s. 30(3),
amended by
No. 37/2014
s. 10(Sch.
item 96.13).

- (6) If a protective services officer arrests a person under subsection (5), the protective services officer must hand the person into the custody of a police officer as soon as practicable after the person is arrested.

127 Seizure of evidence of age document

(1) A document (except a driver licence), that is represented to be an evidence of age document, may be seized by the person to whom it has been produced if that person is—

(a) a police officer; or

S. 127(1)(a)
amended by
No. 37/2014
s. 10(Sch.
item 96.13).

(ab) a liquor inspector; or

S. 127(1)(ab)
inserted by
No. 8/2009
s. 18(2)(a),
amended by
Nos 58/2011
s. 104(Sch.
item 4.188),
26/2022
s. 23(1).

(ac) a protective services officer on duty at a designated place; or

S. 127(1)(ac)
inserted by
No. 43/2011
s. 31(1).

(b) the licensee or permittee or an employee of the licensee or permittee of the licensed premises in or in the vicinity of which the document has been produced.

(2) A person must not seize a document under subsection (1) unless that person reasonably believes that—

(a) the person who produced the document is not the person to whom the document was issued; or

(b) the document contains false or misleading information about the name or age of the person who produced the document; or

(c) the document has been forged or fraudulently altered; or

(d) the document is being used in contravention of this Act.

S. 127(3)
amended by
Nos 8/2009
s. 18(2)(b),
43/2011
s. 31(2),
58/2011
s. 104(Sch.
item 4.188),
37/2014
s. 10(Sch.
item 96.13),
26/2022
s. 23(1).

(3) If a document has been seized under subsection (1) by a person other than a police officer, a protective services officer or a liquor inspector, that person must give the document to a police officer.

S. 127(4)
amended by
Nos 8/2009
s. 18(2)(c),
43/2011
s. 31(3),
58/2011
s. 104(Sch.
item 4.188),
37/2014
s. 10(Sch.
item 96.13),
26/2022
s. 23(1).

(4) A police officer, a protective services officer or a liquor inspector who has seized a document under subsection (1) or a police officer to whom a document has been given under subsection (3) must return the document within 28 days to the person who produced it unless—

(a) the person who produced the document is not the person to whom the document was issued; or

(b) the document contains false or misleading information about the name or age of the person who produced the document; or

(c) the document has been forged or fraudulently altered; or

(d) the document is being used in contravention of this Act.

128 Seizure of liquor from minors

- | | |
|---|---|
| | S. 128
amended by
No. 92/2004
s. 8 (ILA
s. 39B(1)). |
| (1) If a police officer, a protective services officer on duty at a designated place or a liquor inspector reasonably believes that a person under the age of 18 years is in possession of liquor in contravention of this Act, the police officer, protective services officer or inspector may seize and tip out or take away the liquor or cause the liquor to be seized and tipped out or taken away, together with any vessel containing it. | S. 128(1)
amended by
Nos 8/2009
s. 18(3),
43/2011 s. 32,
58/2011
s. 104(Sch.
item 4.189),
1/2013 s. 3(1),
37/2014
s. 10(Sch.
item 96.14(a)),
26/2022
s. 23(1). |
| (2) A police officer, protective services officer on duty at a designated place or liquor inspector who seizes and tips out liquor under subsection (1) must do so as soon as is practicable after seizure. | S. 128(2)
inserted by
No. 92/2004
s. 8,
substituted by
No. 1/2013
s. 3(2),
amended by
Nos 37/2014
s. 10(Sch.
item 96.14(b)),
26/2022
s. 23(1). |
| (3) If liquor is seized and tipped out under subsection (1), it is taken to have been forfeited to the Crown immediately before it is tipped out. | S. 128(3)
inserted by
No. 1/2013
s. 3(3). |
| (4) If liquor is seized and taken away under subsection (1) and the person from whom the liquor was seized is found guilty by a court of possessing the liquor in contravention of this Act, the court may order that the liquor be forfeited to the Crown or be destroyed or otherwise disposed of. | S. 128(4)
inserted by
No. 1/2013
s. 3(3). |

S. 128(5)
inserted by
No. 1/2013
s. 3(3).

- (5) No compensation is payable by the Crown in respect of any liquor tipped out, forfeited, destroyed or otherwise disposed of under this section.

S. 129
amended by
Nos 92/2004
s. 23(2)(e),
108/2004
s. 117(1)
(Sch. 3
item 115.1),
substituted by
No. 8/2009
s. 19.

129 Right of entry

- (1) An authorised person may enter and remain on licensed premises for the purposes of exercising his or her functions under this Act.
- (2) The power of entry may be exercised—
- (a) at any time when the premises are open to the public; or
 - (b) at any time—
 - (i) if the authorised person reasonably suspects that the business of supplying liquor to the public is being carried on on the premises; or
 - (ii) with the written consent of the occupier.
- (3) An authorised person who enters premises under this section is not authorised to remain on the premises if, on the request of the occupier of the premises, the authorised person does not show his or her identity card to the occupier.
- (4) Subsection (3) does not apply to a police officer if he or she is in uniform.

S. 129(4)
amended by
Nos 58/2011
s. 104(Sch.
item 4.190),
37/2014
s. 10(Sch.
item 96.15).

- (5) If an occupier consents to the entry of premises under this section, the authorised person must give the occupier a copy of the consent immediately.

- (6) A person may not, under this section, enter a room in licensed premises under a general licence or a late night (general) licence which is occupied by or reserved for the private use of the licensee or permittee unless the person—
- (a) has first given notice of his or her intention to the licensee or permittee or (in the absence of the licensee or permittee) to the person appearing to be in charge of the licensed premises and has given the licensee, permittee or person an opportunity to be present; or
 - (b) has obtained the consent of the licensee, permittee or person to enter the room.
- (7) A person may not, under this section, enter a room in licensed premises under a general licence or a late night (general) licence which is occupied by or set apart for the private use of a resident unless the person has obtained the consent of the resident to enter the room.
- (8) If, in any proceeding, a written consent is not produced to the court, it must be presumed, until the contrary is proved, that the occupier did not consent to the entry.

S. 129(6)
amended by
No. 59/2009
s. 30(h).

S. 129(7)
amended by
No. 59/2009
s. 30(h).

130 Powers of authorised persons

- (1) An authorised person may do any one or more of the following—
- (a) require any person in possession of, or having control of, any document, equipment or other thing relating to an activity regulated by this Act to produce the document, equipment or other thing for inspection and to answer questions or provide information relating to the document, equipment or other thing;

S. 130
amended by
No. 92/2004
s. 32,
substituted by
No. 8/2009
s. 19.

- (b) inspect any document, equipment or other thing referred to in paragraph (a);
 - (c) take copies of, extracts from, or notes relating to, any document inspected under paragraph (b);
 - (d) if the authorised person considers it necessary to do so for the purpose of obtaining evidence of the commission of an offence, seize any document, equipment or other thing;
 - (e) by written notice require—
 - (i) the holder of a licence or BYO permit or other authorisation under this Act; or
 - (ii) an employee of a person referred to in subparagraph (i); or
 - (iii) any other person associated with operations or their management in premises the authorised person is authorised to enter—

to attend before the authorised person at a specified time or place and answer questions, or to provide information within a reasonable period specified in the notice, with respect to any activity regulated by this Act;
 - (f) examine and test any equipment referred to in paragraph (a) and order the person in charge of the equipment to withdraw it from use if it is unsatisfactory for use;
 - (g) any other thing authorised by this Act to be done by an authorised person.
- (2) If an authorised person seizes any thing under this section, it may be retained by the authorised person until the completion of any proceedings (including proceedings on appeal) in which it may be evidence but only if, in the case of a document,

the person from whom the document was seized is provided, within a reasonable time after the seizure, with a copy of the document certified by an authorised person as a true copy.

- (3) Subsection (2) ceases to have effect in relation to things seized if, on the application of a person aggrieved by the seizure, the court in which proceedings referred to in that subsection are instituted so orders.
- (4) A copy of a document provided under subsection (2) is, as evidence, of equal validity to the document of which it is certified to be a copy.

130A Power to require names and addresses

- (1) An authorised person who exercises a right of entry to premises under section 129 or under a search warrant may require a person on the premises to state the person's full name and residential address.
- (2) An authorised person is not authorised to require a person to state his or her name or address unless the authorised person—
 - (a) suspects on reasonable grounds that the person has committed an offence; and
 - (b) has informed the person, at the time of stating the requirement, that it is an offence to fail to comply with the requirement.
- (3) A person on being required under subsection (1) to state his or her full name and residential address must not—
 - (a) refuse or fail to give his or her full name and residential address; or
 - (b) give a false name or address.

S. 130A
inserted by
No. 92/2004
s. 33,
substituted by
No. 8/2009
s. 19.

Penalty: 20 penalty units.

S. 130B
inserted by
No. 8/2009
s. 19.

130B Search warrants

- (1) An authorised person may apply to a magistrate for the issue of a search warrant in relation to particular premises if the authorised person suspects on reasonable grounds that—
 - (a) liquor is supplied on the premises by a person—
 - (i) who does not hold a licence authorising the supply; and
 - (ii) who is required under this Act to hold such a licence to supply the liquor; or
 - (b) in the case of premises occupied by a club in respect of which a licence is not in force, liquor is supplied or kept for supply on the premises; or
 - (c) there is on the premises any document, equipment or other thing—
 - (i) in relation to which an offence against this Act or the regulations has been, is being, or is likely to be, committed; or
 - (ii) that may be evidence of the commission of an offence against this Act or the regulations.
- (2) If a magistrate is satisfied by the evidence on oath or by affirmation or by affidavit, that there are reasonable grounds for suspecting any of the matters referred to in subsection (1), the magistrate may issue a search warrant authorising an authorised person named in the warrant and any assistants the authorised person considers necessary—
 - (a) to enter the premises, or the part of premises, named or described in the warrant; and

S. 130B(2)
amended by
No. 6/2018
s. 68(Sch. 2
item 77).

- (b) to search for and seize any document, equipment or other thing named or described in the warrant.
- (3) In addition to any other requirement, a search warrant issued under this section must state—
- (a) the offence suspected; and
 - (b) the premises to be searched; and
 - (c) a description of the thing for which the search is to be made; and
 - (d) any conditions to which the warrant is subject; and
 - (e) whether entry is authorised to be made at any time or during stated hours; and
 - (f) a day, not later than 7 days after the issue of the warrant, on which the warrant ceases to have effect.
- (4) A search warrant must be issued in accordance with the **Magistrates' Court Act 1989** and in the form prescribed under that Act.
- (5) The rules to be observed with respect to search warrants mentioned in the **Magistrates' Court Act 1989** extend and apply to warrants under this section.
- (6) An authorised person who is a liquor inspector may apply for a search warrant under this section only with the prior written consent of the Commission.

S. 130B(6)
amended by
Nos 58/2011
s. 104(Sch.
item 4.191),
26/2022
s. 23(1).

130C Announcement before entry

- (1) Before executing a search warrant, the person named in the warrant or a person assisting him or her must—

S. 130C
inserted by
No. 8/2009
s. 19.

- (a) announce that he or she is authorised by the warrant to enter the premises; and
 - (b) give any person at the premises an opportunity to allow entry to the premises.
- (2) The person named in the warrant or a person assisting him or her need not comply with subsection (1) if he or she believes on reasonable grounds that immediate entry to the premises is required to ensure—
- (a) the safety of any person; or
 - (b) that the effective execution of the search warrant is not frustrated.

S. 130D
inserted by
No. 8/2009
s. 19.

130D Copy of warrant to be given to occupier

If the occupier or another person who apparently represents the occupier is present at the premises when a search warrant is being executed, the authorised person must—

- (a) identify himself or herself to that occupier or other person by producing his or her identity card for inspection by that occupier or other person, unless the authorised person is a police officer who is in uniform; and
- (b) give to that occupier or other person a copy of the execution copy of the warrant.

S. 130D(a)
amended by
No. 37/2014
s. 10(Sch.
item 96.15).

130E Offences relating to obstruction of authorised persons

A person must not—

- (a) obstruct, hinder, threaten, abuse or intimidate an authorised person when the authorised person is performing or attempting to perform functions under this Act or the regulations; or

S. 130E
inserted by
No. 8/2009
s. 19.

- (b) fail, without reasonable excuse, to produce for inspection any document, equipment or other thing in the possession or under the control of the person when required to do so by an authorised person in the performance of his or her functions under this Act or the regulations; or
- (c) fail, without reasonable excuse, to attend before an authorised person and answer questions or supply information when required to do so by the authorised person in the performance of his or her functions under this Act or the regulations; or
- (d) except with the permission of an authorised person, take any document, equipment or other thing seized, impounded or retained under the authority of this Act; or
- (e) fail to comply with a direction of an authorised person to cease to have available for use any equipment considered by the authorised person to be unsatisfactory for use; or
- (f) prevent, directly or indirectly, a person from attending before an authorised person, producing to an authorised person any document, equipment or other thing or answering any question of, or supplying any information to, an authorised person when that person is required to do so under this Act.

Penalty: 60 penalty units.

130F Protection against self-incrimination

- (1) It is a reasonable excuse for a person to refuse or fail to answer questions or provide information that the person is required to answer or provide by or under this Act if the answering of the question

S. 130F
inserted by
No. 8/2009
s. 19.

or provision of the information would tend to incriminate the person.

- (2) It is not a reasonable excuse for a person to refuse or fail to produce any document, equipment or other thing that a person is required to produce by or under this Act on the ground that the production of the document, equipment or other thing would tend to incriminate the person.
- (3) If the person claims, before producing the document, equipment or other thing, that production of the document, equipment or other thing would tend to incriminate them, the document, equipment or other thing is not admissible in evidence against the person in criminal proceedings.

131 Power to seize liquor in certain cases

S. 131(1)
amended by
Nos 8/2009
s. 20(1)(a),
58/2011
s. 104(Sch.
item 4.192),
37/2014
s. 10(Sch.
item 96.16(a)),
26/2022
s. 23(1).

- (1) If, at a time when liquor is not authorised to be supplied on licensed premises under the licence or this Act—

- (a) any liquor is served for supply on the licensed premises; or

- (b) any liquor is being carried away from the licensed premises by a person other than, in the case of a general licence, a late night (general) licence, an on-premises licence or a late night (on-premises) licence relating to licensed premises where accommodation for residents is provided, a resident—

a police officer or a liquor inspector may seize or cause to be seized any such liquor together with the vessel containing it.

S. 131(1)(b)
amended by
Nos 39/2002
s. 12(b),
59/2009
s. 30(j).

- (2) If a police officer or a liquor inspector reasonably believes that any liquor is brought into or consumed, supplied, possessed or controlled in any restaurant or club at any time otherwise than in accordance with a licence or BYO permit, the police officer or inspector may seize or cause to be seized any such liquor together with the vessel containing it.

S. 131(2)
amended by
Nos 8/2009
s. 20(1)(b),
58/2011
s. 104(Sch.
item 4.192),
37/2014
s. 10(Sch.
item 96.16(b)),
26/2022
s. 23(1).

132 Police to assist if person asked to leave premises

All police officers are required, on the request of the licensee or permittee or their employee or agent, to expel or assist in expelling any person whose presence on the licensed premises or any authorised premises would subject the licensee or permittee to a penalty under this Act and whom the licensee or permittee has asked to leave the licensed premises or authorised premises.

S. 132
amended by
No. 37/2014
s. 10(Sch.
item 96.17).

* * * * *

S. 133
amended by
Nos 92/2004
s. 34, 108/2004
s. 117(1)
(Sch. 3
item 115.1),
repealed by
No. 8/2009
s. 20(2).

* * * * *

Ss 133A,
133B
inserted by
No. 92/2004
s. 35,
repealed by
No. 8/2009
s. 20(2).

133C Access to seized documents

- (1) If a document is seized under this Part, the authorised person who seized the document must, if practicable, allow the person who would

S. 133C
inserted by
No. 92/2004
s. 35.

normally be entitled to possession of the document reasonable access to it while it remains in the possession, or under the control, of the authorised person.

- (2) This section does not apply if the person has been given a copy of the document certified by an authorised person as a true copy of the document.

S. 133C(2)
substituted by
No. 8/2009
s. 20(3).

S. 133D
inserted by
No. 92/2004
s. 35.

133D Use of equipment to examine or process documents

- (1) An authorised person may bring on to any premises any equipment reasonably necessary for the examination or processing of documents found at the premises in order to determine whether they are documents that may be seized.
- (2) If—
- (a) it is not practicable to examine or process the documents at the premises; or
 - (b) the occupier of the premises consents in writing—

the documents may be moved to another place so that the examination or processing can be carried out in order to determine whether they are documents that may be seized.

- (3) The authorised person, or a person assisting the authorised person, may operate equipment already at the premises to carry out the examination or processing of a document found at the premises in order to determine whether it is a document that may be seized, if the authorised person or person assisting believes on reasonable grounds that—
- (a) the equipment is suitable for the examination or processing; and
 - (b) the examination or processing can be carried out without damage to the equipment or the document.

133E Use or seizure of electronic equipment at premises

S. 133E
inserted by
No. 92/2004
s. 35.

- (1) If—
- (a) a thing found at any premises is, or includes, a disk, tape or other device for the storage of information; and
 - (b) equipment at the premises may be used with the disk, tape or other storage device; and
 - (c) the authorised person believes on reasonable grounds that the information stored on the disk, tape or other storage device is relevant to furthering the purpose of the authorised person's inspection—

the authorised person or a person assisting the authorised person may operate, or may require the occupier or an employee of the occupier to operate, the equipment to access the information.

- (2) If the authorised person or a person assisting the authorised person finds that a disk, tape or other storage device at the premises contains information of the kind referred to in subsection (1)(c), he or she may—
- (a) put the information in documentary form and seize the documents so produced; or
 - (b) copy the information to another disk, tape or other storage device and remove that storage device from the premises; or
 - (c) if it is not practicable to put the information in documentary form nor to copy the information, seize the disk, tape or other storage device and the equipment that enables the information to be accessed.

- (3) An authorised person or a person assisting an authorised person must not operate or seize equipment for the purpose mentioned in this section unless the authorised person or person

S. 133E(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.193).

assisting believes on reasonable grounds that the operation or seizure of the equipment can be carried out without damage to the equipment.

Division 3A—Undertakings by licensees

Pt 8 Div. 3A
(Heading and
ss 133F,
133G)
inserted by
No. 73/2007
s. 23.

133F Undertakings

S. 133F
inserted by
No. 73/2007
s. 23.

S. 133F(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.194).

(1) The Commission may accept a written undertaking given by a licensee in connection with—

S. 133F(1)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.194).

(a) a matter in relation to which the Commission has a power or function under this Act; or

(b) a matter relating to a contravention of this Act.

S. 133F(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.194).

(2) The Commission must give a copy of the undertaking to the licensee.

S. 133F(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.194).

(3) A licensee may withdraw or vary an undertaking at any time, if the licensee has first obtained the consent of the Commission.

133G Register of undertakings

S. 133G
inserted by
No. 73/2007
s. 23.

- (1) The Commission must—
 - (a) maintain a register of undertakings; and
 - (b) register each undertaking in the register of undertakings.
- (2) The register of undertakings must include the following—
 - (a) the name and address of the licensee who gave the undertaking;
 - (b) the date of the undertaking;
 - (c) a copy of the undertaking.
- (3) The register of undertakings may be inspected by any person at any reasonable time, without charge.

S. 133G(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.195).

Division 3B—Injunctive relief

Pt 8 Div. 3B
(Heading and
ss 133H–
133L)
inserted by
No. 58/2011
s. 61.

133H Injunctions to restrain conduct

S. 133H
inserted by
No. 58/2011
s. 61.

- (1) The Commission may apply to the Supreme Court, County Court or Magistrates' Court for the grant of an injunction restraining a person from engaging in conduct that constitutes—
 - (a) a contravention of any provision of this Act;
or
 - (b) attempting or conspiring to contravene such a provision; or
 - (c) aiding, abetting, counselling or procuring a person to contravene such a provision; or

- (d) inducing or attempting to induce a person, whether by threats, promises or otherwise, to contravene such a provision; or
 - (e) being in any way directly or indirectly, knowingly concerned in, or party to, the contravention by a person of such a provision.
- (2) The Court may grant an injunction restraining a person from engaging in conduct of the kind referred to in paragraphs (a) to (e) of subsection (1)—
- (a) if the Court is satisfied that the person is engaging in or has been engaging in conduct of that kind, whether or not it appears to the Court that the person intends to engage again or continue to engage in the conduct; or
 - (b) if it appears to the Court that, in the event that the injunction is not granted, it is likely that the person will engage in conduct of that kind, whether or not that person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person engages in conduct of that kind; or
 - (c) if the Court determines it to be appropriate, by consent of all the parties to the proceedings, whether or not the person has engaged in, or is likely to engage in conduct of that kind.
- (3) An application for an injunction under this section may be made *ex parte*.

S. 133I
inserted by
No. 58/2011
s. 61.

133I Injunctions to do an act or thing

- (1) The Supreme Court, County Court or Magistrates' Court, on the application of the Commission, may grant an injunction requiring a person to do any

act or thing if the Court is satisfied that the person is engaging in or has been engaging in conduct that constitutes—

- (a) a contravention of any provision of this Act; or
 - (b) attempting or conspiring to contravene such a provision; or
 - (c) aiding, abetting, counselling or procuring a person to contravene such a provision; or
 - (d) inducing or attempting to induce a person, whether by threats, promises or otherwise, to contravene such a provision; or
 - (e) being in any way directly or indirectly, knowingly concerned in, or party to, the contravention by a person of such a provision.
- (2) The power of the Court under this section to grant an injunction requiring a person to do an act or thing may be exercised—
- (a) whether or not it appears to the Court that the person intends to refuse or fail again, or to continue to refuse or fail, to do that act or thing; and
 - (b) whether or not the person has previously refused or failed to do that act or thing; and
 - (c) whether or not there is an imminent danger of substantial damage to any person if the first person refuses or fails to do that act or thing.
- (3) Without limiting subsection (1), an injunction under this section may require a person—
- (a) to institute a training program for the person's employees in relation to compliance with this Act;

S. 133(3)(d)
amended by
No. 49/2021
s. 45.

- (b) to disclose information about the person's business activities or associates;
 - (c) to destroy or dispose of goods used for the purpose of a contravention of this Act;
 - (d) to pay money into a fund established to minimise, or promote the minimisation of, harm;
 - (e) to publish, at the person's expense and in the way specified in the order, an advertisement in the terms specified in, or determined in accordance with, the injunction.
- (4) An application for an injunction under this section may be made *ex parte*.

S. 133J
inserted by
No. 58/2011
s. 61.

133J Interim injunctions

- (1) The Supreme Court, County Court or Magistrates' Court may grant an interim injunction pending determination of an application under section 133H, if, in the opinion of the Court it is desirable to do so—
- (a) whether or not it appears to the Court that the person intends to engage in or continue to engage in conduct of the kind referred to in paragraphs (a) to (e) of section 133H(1); or
 - (b) whether or not the person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person engages in conduct of that kind.
- (2) The Court may grant an interim injunction pending determination of an application under section 133I in relation to an act or thing, if, in the opinion of the Court it is desirable to do so—

- (a) whether or not it appears to the Court that the person intends to refuse or fail again, or to continue to refuse or fail, to do that act or thing; and
 - (b) whether or not the person has previously refused or failed to do that act or thing; and
 - (c) whether or not there is an imminent danger of substantial damage to any person if the first person refuses or fails to do that act or thing.
- (3) An application for an injunction under this section may be made *ex parte*.

133K Power to rescind or vary injunctions

The Supreme Court, County Court or Magistrates' Court may rescind or vary an injunction granted by it under section 133H or 133I or an interim injunction granted by it under section 133J.

S. 133K
inserted by
No. 58/2011
s. 61.

133L Undertakings as to damages and costs

In an application for an injunction under section 133H or 133I or if the application has been made by the Commission and if the Court has determined to grant an interim injunction, the Court must not, as a condition of granting the interim injunction, require the applicant or any other person to give any undertaking as to damages or costs.

S. 133L
inserted by
No. 58/2011
s. 61.

Division 4—Legal proceedings

134 Presumption as to holder of licence or permit

In a proceeding under this Act against a person as the holder of a licence or BYO permit, the person is to be taken to be the holder of that licence or permit until the contrary is shown.

135 Averments

For the purposes of this Act, if an informant avers—

- (a) that any liquid is or may be liquor; or
- (b) that a person present on licensed premises under a general licence, a late night (general) licence, an on-premises licence or a late night (on-premises) licence relating to licensed premises where accommodation for residents is provided is not a resident; or
- (c) that premises on which an alleged offence took place were licensed premises or authorised premises; or
- (d) that a person had not attained the age of 18 years—

the averment is evidence—

- (e) that the liquid is liquor; or
- (f) that the person is not a resident; or
- (g) that the premises on which the alleged offence took place were licensed premises or authorised premises; or
- (h) that the person had not attained that age—

as the case requires.

136 Sufficient evidence of certain matters

- (1) For the purposes of this Act—
 - (a) proof of the delivery of liquor is evidence of the supply of liquor and of money or other consideration having been given for the liquor;

S. 135(b)
amended by
Nos 39/2002
s. 12(b),
59/2009
s. 30(k).

- (b) proof that a transaction in the nature of a sale or other supply of liquor took place is evidence of the sale or other supply of liquor;
 - (c) proof that consumption of liquor was about to take place is evidence of the consumption of liquor;
 - (d) proof that liquor was consumed or intended to be consumed by a person on licensed premises contrary to the provisions of the licence or BYO permit or this Act is evidence that the licensee or permittee supplied liquor to that person.
- (2) In any proceeding against a person under this Act, an allegation in a charge-sheet or an oral allegation by the informant or a licensing inspector that—
- (a) a person is a licensee or permittee in relation to any licensed premises; or
 - (b) a person is not a licensee or permittee; or
 - (c) a person is a person to whom a licence or permit has been transferred; or
 - (d) a person is, or is not, a licensee or permittee; or
 - (e) a person is a commissioner or a licensing inspector—

S. 136(2)
amended by
No. 68/2009
s. 97(Sch.
item 78.2).

S. 136(2)(e)
amended by
Nos 57/2010
s. 20, 58/2011
s. 104(Sch.
item 4.196).

is admissible in evidence and, in the absence of evidence to the contrary, is proof of the matter alleged.

(3) Each of the following certificates is admissible in evidence in any proceeding against a person under this Act and, in the absence of evidence to the contrary, is proof of the matters stated in it—

S. 136(3)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.197).

(a) a certificate purporting to be under the hand of a commissioner stating that on a day specified in the certificate a person named in the certificate was a delegate of the commissioner to whom the powers of the commissioner specified in the certificate were delegated on terms, if any, so specified;

S. 136(3)(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.198).

(b) a certificate purporting to be under the hand of a commissioner stating that on a day specified in the certificate the Commissioner of State Revenue had an authority referred to in section 129(6) or 133(6).

S. 136(3)(c)
repealed by
No. 58/2011
s. 104(Sch.
item 4.199).

* * * * *

137 Copies of certain documents

S. 137(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.200).

(1) The production of a document under the hand of a commissioner purporting to be a copy of a document issued by the commissioner is evidence that the document was so issued.

S. 137(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.201).

(2) The production of a document under the hand of a commissioner (that document purporting to be a copy of or extract from any document, statement, licence, note or memorandum furnished to, or of any document issued by, the commissioner) is for all purposes sufficient evidence of the matters set forth in it, without production of the original.

138 Property forfeited

(1) The Magistrates' Court may order that any property that is or includes liquor that is seized or of which possession is taken under this Act is

forfeited if the Court is satisfied that the liquor was supplied, or intended to be supplied, contrary to the provisions of any relevant licence or BYO permit.

- (2) An appeal against an order of forfeiture under subsection (1) may be made—
- (a) to the County Court; or
 - (b) if the order was made by the Magistrates' Court constituted by the Chief Magistrate who is a dual commission holder, to the Court of Appeal.
- (3) Any property forfeited under this section—
- (a) must be sold or otherwise disposed of in accordance with the directions of the Magistrates' Court; and
 - (b) the proceeds (if any) of the sale or disposal are to be applied as if they were penalties.

S. 138(2)
substituted by
No. 3/2016
s. 91.

S. 138(2)(b)
amended by
No. 1/2022
s. 101.

139 Concurrent proceedings

If, in respect of anything done or omitted to be done under this Act—

- (a) proceedings are brought against a person; and
- (b) the Commission wishes to make a decision under this Act—

S. 139
amended by
No. 58/2011
s. 104(Sch.
item 4.202).

S. 139(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.202).

the Commission may make the decision despite the bringing of the proceedings.

140 Notice of conviction

- (1) If a licensee or permittee is convicted of an offence against this Act or the regulations, the principal registrar of the Magistrates' Court must give written notice of the conviction to the

S. 140(1)
amended by
Nos 88/2001
s. 9, 58/2011
s. 104(Sch.
item 4.203).

Commission as soon as practicable after the conviction.

S. 140(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.203).

- (2) If a notice under subsection (1) relates to a licensee or permittee of licensed premises of which the licensee or permittee is not the owner, the Commission must send a copy of the notice to the owner of the licensed premises.

Division 5—Infringement notices

141 Power to serve an infringement notice

S. 141(1)
amended by
No. 37/2014
s. 10(Sch.
item 96.18).

- (1) If a police officer has reason to believe that a person has committed an offence referred to in subsection (2), he or she may serve an infringement notice on that person.

S. 141(1AA)
inserted by
No. 8/2009
s. 21(1),
amended by
Nos 88/2009
s. 8(2)(a),
12/2011
s. 8(1),
58/2011
s. 104(Sch.
item 4.204),
26/2022
s. 23(1).

- (1AA) If a liquor inspector has reason to believe that a person has committed an offence referred to in subsection (2) (other than subsection (2)(dd), (de), (df), (dg), (dh), (fc), (gb), (gc), (m) or (n)), he or she may serve an infringement notice on that person.

S. 141(1AB)
inserted by
No. 43/2011
s. 33(1),
amended by
No. 45/2017
s. 19.

- (1AB) If a protective services officer has reason to believe that a person has committed an offence against section 119(3) or 123(1)(b) at or in the vicinity of a designated place, he or she may serve an infringement notice on that person.

S. 141(1AC)
inserted by
No. 45/2017
s. 54(2).

- (1AC) A protective services officer may only exercise the power to serve an infringement notice under this section in relation to a person who was at, or in the vicinity of, a designated place at the time of the alleged offence.

- | | |
|---|---|
| (1A) An offence referred to in subsection (1), (1AA) or (1AB) for which an infringement notice may be served is an infringement offence within the meaning of the Infringements Act 2006 . | S. 141(1A) inserted by No. 32/2006 s. 87(2), amended by Nos 8/2009 s. 21(2)(a), 43/2011 s. 33(2). |
| (1B) Despite subsection (1), an infringement notice must not be served under subsection (1) on a person who is under 18 years of age at the time of the alleged offence in respect of the following offences—

(a) an offence against section 113(1), (1A), (1B) or (1C);

(b) an offence against section 114(1);

(c) an offence against section 114(2). | S. 141(1B) inserted by No. 9/2008 s. 8(1). |
| (2) An infringement notice may be served in respect of an offence against—

(aaa) section 54(11) (failure to notify Commission of person ceasing to be nominee); | S. 141(2)(aaa) inserted by No. 71/2011 s. 21(a). |
| (a) section 98 (owners and mortgagees of licensed premises); | S. 141(2)(a) substituted by No. 92/2004 s. 36(a). |
| (aa) section 99 (refreshments to be available); | S. 141(2)(aa) inserted by No. 92/2004 s. 36(a). |
| (aab) section 99A (free drinking water to be provided); | S. 141(2)(aab) inserted by No. 57/2010 s. 21(1). |
| (ab) section 100 (except paragraph (d)) (residents' register); | S. 141(2)(ab) inserted by No. 92/2004 s. 36(a). |

S. 141(2)(ba)
inserted by
No. 92/2004
s. 36(b),
amended by
No. 8/2009
s. 21(2)(b).

- (b) section 101 (failure to display licence or permit on licensed premises);
- (ba) section 101B(2) (failure to produce plan of premises on request);

- (c) section 102 (failure to display notice on licensed premises or to comply with requirements for display);
- (d) section 103 (failure to notify change of director or obtain approval for new director);

S. 141(2)(daa)
inserted by
No. 32/2006
s. 86(1)(a),
amended by
No. 58/2011
s. 104(Sch.
item 4.205(a)).

- (daa) section 103A(2) (failure to notify the Commission in writing within 14 days of a person ceasing to be an associate of a licensee or permittee or a person becoming an associate of a licensee or permittee);

S. 141(2)(da)
inserted by
No. 92/2004
s. 36(c).

- (da) section 105 (no letting or sub-letting without consent);

S. 141(2)(db)
inserted by
No. 32/2006
s. 86(1)(b),
amended by
No. 58/2011
s. 104(Sch.
item 4.205(b)).

- (db) section 106(1) (permit any other person to carry on a business of supplying liquor on the licensed premises of a licensee or permittee or permit any person who is not employed by the licensee or permittee to be engaged in the carrying on of such a business other than in accordance with the written consent of the Commission);

S. 141(2)(dc)
inserted by
No. 57/2010
s. 21(2),
amended by
No. 58/2011
s. 104(Sch.
item 4.205(c)).

- (dc) section 106B (failure to notify Commission that sexually explicit entertainment provided on licensed premises);

Liquor Control Reform Act 1998
No. 94 of 1998
Part 8—Offences and enforcement

- | | |
|---|--|
| (dd) section 106H(3)(a) (refusal to give name or address); | S. 141(2)(dd) inserted by No. 12/2011 s. 8(2). |
| (de) section 106H(3)(b) (giving a false name or address); | S. 141(2)(de) inserted by No. 12/2011 s. 8(2). |
| (df) section 106H(7) (refusal to provide evidence of name or address); | S. 141(2)(df) inserted by No. 12/2011 s. 8(2). |
| (dg) section 106J(1) (entering or remaining on licensed premises from which a person is barred); | S. 141(2)(dg) inserted by No. 12/2011 s. 8(2). |
| (dh) section 106J(2) (re-entering or remaining in the vicinity of licensed premises from which a person is barred); | S. 141(2)(dh) inserted by No. 12/2011 s. 8(2). |
| (di) section 106K(1) (failure to keep records of barring orders); | S. 141(2)(di) inserted by No. 12/2011 s. 8(2). |
| (dj) section 106K(2) (failure to produce records of barring orders upon request); | S. 141(2)(dj) inserted by No. 12/2011 s. 8(2). |
| (dk) section 106K(4) (unauthorised disclosure of records); | S. 141(2)(dk) inserted by No. 12/2011 s. 8(2). |
| (dl) section 106K(5) (failure to destroy records of barring orders); | S. 141(2)(dl) inserted by No. 12/2011 s. 8(2). |
| (e) section 108 (certain offences by licensee or permittee); | |

Liquor Control Reform Act 1998
No. 94 of 1998
Part 8—Offences and enforcement

S. 141(2)(ea) inserted by No. 92/2004 s. 36(d), repealed by No. 12/2011 s. 12.	* * * * *
S. 141(2)(eab) inserted by No. 57/2010 s. 21(3), amended by No. 12/2011 s. 8(3).	(eab) section 108AA (licensee, or the responsible person, must complete refresher approved responsible service of alcohol programs);
S. 141(2)(eac) inserted by No. 57/2010 s. 21(3).	(eac) section 108AB (licensee must ensure staff complete approved responsible service of alcohol programs);
S. 141(2)(ead) inserted by No. 57/2010 s. 21(3).	(ead) section 108AC (licensee must ensure staff complete refresher approved responsible service of alcohol programs);
S. 141(2)(eae) inserted by No. 57/2010 s. 21(3), amended by No. 20/2018 s. 25(1).	(eae) section 108AD (licensee must keep RSA certificates);
S. 141(2)(eaf) inserted by No. 57/2010 s. 21(3), substituted by No. 20/2018 s. 25(2).	(eaf) section 108AE(2) (licensee must produce RSA certificates for inspection);
S. 141(2)(eag) inserted by No. 20/2018 s. 25(2), amended by No. 26/2022 s. 23(1).	(eag) section 108AE(3) (licensee must give information to police officer or a liquor inspector);
S. 141(2)(eb) inserted by No. 92/2004 s. 36(d).	(eb) section 108B (except subsection (3)) (corporate licensee must provide details of directors);

- | | |
|---|--|
| (f) section 109 (taking orders at unlicensed premises); | |
| (faa) section 109B (written notice for delivery of liquor supplied by off-premises request); | S. 141(2)(faa) inserted by No. 49/2021 s. 46(1), amended by No. 28/2022 s. 170. |
| (faab) section 109C (person must not deliver liquor supplied by off-premises request to intoxicated persons); | S. 141(2)(faab) inserted by No. 49/2021 s. 46(1), amended by No. 28/2022 s. 170. |
| (fa) section 111(a) (certain offences at licensed premises contrary to the licence or permit); | S. 141(2)(fa) inserted by No. 92/2004 s. 36(e). |
| (fb) section 113(1), (1A), (1B) or (1C) (consuming or having liquor on unlicensed premises); | S. 141(2)(fb) inserted by No. 9/2008 s. 7(a). |
| (fc) section 113A(1) (consumption of liquor on party buses); | S. 141(2)(fc) inserted by No. 88/2009 s. 8(2)(b). |
| (g) section 114(1) (certain offences by non-licensees); | S. 141(2)(g) amended by No. 9/2008 s. 7(b). |
| (ga) section 114(2) (refusal or failure by person who is drunk, violent or quarrelsome to leave licensed premises when requested to do so); | S. 141(2)(ga) inserted by No. 9/2008 s. 7(c). |
| (gb) section 114(3) (remaining in the vicinity of licensed premises after being refused entry or requested to leave); | S. 141(2)(gb) inserted by No. 12/2011 s. 8(4). |
| (gc) section 114(4) (entering licensed premises within 24 hours of being refused entry or being requested to leave); | S. 141(2)(gc) inserted by No. 12/2011 s. 8(4). |

Liquor Control Reform Act 1998
No. 94 of 1998
Part 8—Offences and enforcement

- (h) section 115 (betting on licensed premises);
- (i) section 116 (falsely indicating premises as licensed);
- S. 141(2)(ia) inserted by No. 88/2001 s. 10(1). (ia) section 118A (supplying alcohol-based food essences);
- S. 141(2)(ib) inserted by No. 88/2001 s. 10(1). (ib) a regulation made under section 118B (prohibition of the supply of liquor);
- (j) Division 2 of Part 8 (offences in relation to underage drinking);
- S. 141(2)(k) amended by No. 92/2004 s. 36(f). (k) section 126(4) (name and address of minor);
- S. 141(2)(l) inserted by No. 92/2004 s. 36(g), amended by No. 73/2007 s. 6(a), substituted by No. 8/2009 s. 21(2)(c). (l) section 130A(3) (refuse or fail to give name and residential address);
- S. 141(2)(la) inserted by No. 49/2021 s. 46(2). (la) section 146DA (licensee or permittee must not disclose confidential information);
- S. 141(2)(m) inserted by No. 73/2007 s. 6(b). (m) section 148F(1) or (2) (contravening banning notice or failing to comply with police directions);
- S. 141(2)(n) inserted by No. 73/2007 s. 6(b), amended by No. 71/2011 s. 21(b). (n) section 148J(1) or (2) (contravening exclusion order or failing to comply with police directions);

- | | |
|---|--|
| (o) clause 25(2), (3), (4), (5), (6), (7) or (9) of Schedule 3 (transitional provisions— Liquor Control Reform Amendment Act 2010); | S. 141(2)(o) inserted by No. 71/2011 s. 21(c). |
| (p) clause 26 (transitional provision— Liquor Control Reform Further Amendment Act 2011). | S. 141(2)(p) inserted by No. 71/2011 s. 21(c). |

*	*	*	*	*	Ss 142, 143 repealed by No. 32/2006 s. 87(3).
---	---	---	---	---	---

144 Infringement penalties

(1) The infringement penalty for an offence against a provision of this Act or a regulation is one-tenth of the maximum penalty fixed by that provision or regulation for that offence.	S. 144 amended by Nos 88/2001 s. 10(2)(a)(b), 32/2006 s. 86(2) (ILA s. 39B(1)).
---	---

(2) Despite subsection (1), the infringement penalty for an offence against section 103A(2) is 1 penalty unit.	S. 144(2) inserted by No. 32/2006 s. 86(2).
--	---

(3) Despite subsection (1), the infringement penalty for an offence against section 113(1), (1A), (1B) or (1C) is 2 penalty units.	S. 144(3) inserted by No. 9/2008 s. 8(2).
--	---

(4) Despite subsection (1), the infringement penalty for an offence against section 113A(1) is 2 penalty units.	S. 144(4) inserted by No. 88/2009 s. 8(1).
---	--

*	*	*	*	*	S. 144(5) inserted by No. 18/2010 s. 48, repealed by No. 71/2011 s. 22.
---	---	---	---	---	---

*	*	*	*	*	S. 145 repealed by No. 32/2006 s. 87(3).
---	---	---	---	---	--

S. 146
substituted by
No. 32/2006
s. 87(4).

146 Effect of expiation

Nothing in Division 5 of Part 2 of the **Infringements Act 2006** affects or takes away from section 90(1)(h).

Pt 8 Div. 6
(Heading and
ss 146A–
146D)
inserted by
No. 73/2007
s. 24.

Division 6—Liquor accords

S. 146A
inserted by
No. 73/2007
s. 24.

146A Definitions

In this Division—

agreement includes a contract, arrangement or understanding;

liquor accord means a code of practice or an agreement—

S. 146A def. of
liquor accord
amended by
Nos 58/2011
s. 104(Sch.
item 4.206),
49/2021 s. 47.

- (a) that affects the supply of liquor, the opening and closing of licensed premises or other aspects of the management of or conduct of business on licensed premises; and
- (b) that is entered into in writing between 2 or more licensees or permittees (or both), with the approval of the Chief Commissioner and the Commission, for the purpose of minimising harm; and
- (c) that is published on the Commission's Internet site;

liquor accord ban means a provision of a liquor accord referred to in section 146B(b).

S. 146B
inserted by
No. 73/2007
s. 24.

146B Liquor accord terms

Without limiting the terms that may be included in a liquor accord, a liquor accord may make provision for or with respect to authorising or

requiring any licensees or permittees who are parties to it to do either or both of the following—

- (a) to cease to supply liquor or to allow the consumption of liquor at their licensed premises;
- (b) to ban access by the public, or individual members of the public, to their licensed premises in a manner and to the extent provided by the accord, for a period that does not exceed 12 months.

S. 146B(b)
amended by
No. 49/2021
s. 48.

146C Competition and Consumer Act and Competition Code

For the purposes of the Competition and Consumer Act 2010 of the Commonwealth and the Competition Code, the following conduct is authorised by this Act—

- (a) the entry by any person into a liquor accord;
- (b) any conduct by any person engaged in for the purpose of promoting, performing, giving effect to or otherwise done in connection with the terms of a liquor accord.

S. 146C
(Heading)
amended by
No. 21/2012
s. 239(Sch. 6
item 26.1).
S. 146C
inserted by
No. 73/2007
s. 24,
amended by
No. 21/2012
s. 239(Sch. 6
item 26.2).

146D Information disclosure in relation to liquor accord bans

The Commission or a police officer may disclose to a licensee or permittee who is a party to a liquor accord that contains a liquor accord ban, or to an employee or agent of such a licensee or permittee, any of the following information in respect of a person who is subject to the ban—

- (a) the person's name;
- (b) a photograph of the person;
- (c) the period for which the person is subject to the ban;

S. 146D
inserted by
No. 73/2007
s. 24,
amended by
Nos 58/2011
s. 104(Sch.
item 4.207),
37/2014
s. 10(Sch.
item 96.19(a)).

S. 146D(d)
amended by
Nos 58/2011
s. 104(Sch.
item 4.207),
37/2014
s. 10(Sch.
item 96.19(b)).

- (d) any other information that the Commission or police officer considers necessary for the purposes of the effective and efficient enforcement of the ban.

S. 146DA
inserted by
No. 49/2021
s. 49.

146DA Licensee or permittee must not disclose confidential information

A person must not use or disclose any information received from the Commission or a police officer under section 146D except—

- (a) for the purpose of enforcing a liquor accord ban; or
(b) as otherwise required or permitted by law.

Penalty: 60 penalty units.

S. 146DB
inserted by
No. 49/2021
s. 49.

146DB Licensee or permittee may consult with police in relation to liquor accord

A licensee or permittee may consult with a police officer in relation to any of the following—

- (a) the development of a liquor accord;
(b) the enforcement of a liquor accord;
(c) any other action relating to a liquor accord.

Ss 147, 148
repealed by
No. 32/2006
s. 87(5).

* * * * *

Division 7—Advanced RSA programs

Pt 8 Div. 7
(Heading and
ss 146E, 146F)
inserted by
No. 64/2014
s. 46.

146E Approval of advanced RSA programs

The Commission may, from time to time, approve training programs to be approved advanced RSA programs for the purposes of this Act.

S. 146E
inserted by
No. 64/2014
s. 46.

146F Direction to complete approved advanced RSA program

- (1) The Minister, by notice published in the Government Gazette, may direct that a person who is in a class of persons specified in the direction must complete an approved advanced RSA program within the period specified in the direction.
- (2) A direction under subsection (1) may be given only in relation to classes of persons who are licensees or persons who sell, offer for sale or serve liquor on licensed premises.
- (3) A person to whom a direction applies must comply with the direction.
- (4) If a direction applies to a person (other than the licensee) who sells, offers for sale or serves liquor on licensed premises, the licensee of the premises must ensure that the person complies with the direction.

S. 146F
inserted by
No. 64/2014
s. 46.

Pt 8A
(Heading and
ss 147–148R)
inserted by
No. 73/2007
s. 5.

Part 8A—Banning notices and exclusion orders

Division 1—Designated areas

New s. 147
inserted by
No. 73/2007
s. 5.

147 Order declaring designated area

S. 147(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.208).

- (1) The Commission, by Order published in the Government Gazette, may declare an area to be a designated area for the purposes of this Part if the Commission believes that—
 - (a) alcohol-related violence or disorder has occurred in a public place that is in the immediate vicinity of licensed premises within the area; and
 - (b) the exercise of powers under Division 2 or 3 of this Part in relation to the area is reasonably likely to be an effective means of reducing or preventing the occurrence of alcohol-related violence or disorder in the area.
- (2) Before making an Order, the Commission must consult the Chief Commissioner.

S. 147(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.208).

- (3) A reference in this section to the immediate vicinity of licensed premises means a place that is within 100 metres of the licensed premises.
- (4) In this section—

public place has the same meaning as in the
Summary Offences Act 1966.

148 Court proceedings regarding Order

New s. 148
inserted by
No. 73/2007
s. 5.

- (1) In any proceeding in which the validity of an Order made under section 147 is called into question, the court hearing the proceeding must not stay the operation of the Order pending the final determination of the proceeding, unless the court considers that there are exceptional circumstances.
- (2) If a court finds that an Order made under section 147 is invalid, that finding does not affect the validity, in relation to any period before that finding, of—
 - (a) any banning notice given or exclusion order made in relation to the designated area that is the subject of the Order; and
 - (b) anything done under this Part in reliance on that banning notice or exclusion order.

148A Variation and revocation of Order

S. 148A
inserted by
No. 73/2007
s. 5.

- (1) The Commission, by Order published in the Government Gazette—
 - (a) may at any time vary or revoke an Order made under section 147; and
 - (b) must revoke an Order made under section 147 if the Commission believes that the grounds for making the Order no longer exist.
- (2) This Division applies to the variation or revocation of an Order in the same way as it does to the making of the Order.

S. 148A(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.209).

S. 148A(1)(b)
amended by
No. 58/2011
s. 104(Sch.
item 4.209).

Division 2—Banning notices

148B Issue of banning notice

S. 148B
inserted by
No. 73/2007
s. 5.

S. 148B(1)
amended by
Nos 57/2010
s. 22, 37/2014
s. 10(Sch.
item 96.20(a)).

- (1) A police officer who suspects on reasonable grounds that a person is committing or has committed a specified offence wholly or partly in a designated area may give the person a notice banning the person, for the period specified in the notice, from—
- (a) the designated area; or
 - (b) all licensed premises in the designated area.

S. 148B(2)
amended by
No. 18/2010
s. 49.

- (2) The period specified in the banning notice must not exceed 72 hours starting from the time the notice is given to the person to whom it applies.

S. 148B(3)
amended by
Nos 57/2010
s. 22, 37/2014
s. 10(Sch.
item 96.20(b)).

- (3) A police officer cannot give a banning notice to a person unless the police officer—
- (a) believes on reasonable grounds that the giving of the notice may be effective in preventing the person from—
 - (i) continuing to commit the specified offence; or
 - (ii) committing a further specified offence; and
 - (b) considers that the continuation of the commission of the specified offence or the commission of a further specified offence may involve or give rise to a risk of alcohol-related violence or disorder in the designated area.

- (4) In determining whether there are reasonable grounds for his or her belief under subsection (3)(a), the police officer must consider—
- (a) the apparent state of health of the person to whom the notice is to apply; and
 - (b) whether the person is likely to—
 - (i) continue to commit the specified offence; or
 - (ii) commit a further specified offence; and
 - (c) whether the person should be arrested or held in custody pending the hearing of any charges against the person in respect of the specified offence; and
 - (d) whether that person is capable of comprehending the nature and effect of the notice; and
 - (e) any other matters the police officer considers relevant.
- (5) A police officer must produce proof of his or her identity and official status before giving a banning notice to a person, unless the police officer is in uniform.
- (6) A the police officer cannot give a banning notice referred to in subsection (1)(a) to a person if the police officer believes or has reasonable grounds for believing that the person lives or works in the designated area.

S. 148B(4)
amended by
Nos 57/2010
s. 22, 37/2014
s. 10(Sch.
item
96.20(c)(i)).

S. 148B(4)(e)
amended by
No. 37/2014
s. 10(Sch.
item
96.20(c)(ii)).

S. 148B(5)
amended by
Nos 57/2010
s. 22, 37/2014
s. 10(Sch.
item 96.20(d)).

S. 148B(6)
amended by
Nos 57/2010
s. 22, 37/2014
s. 10(Sch.
item 96.20(e)).

- (7) If a person to whom a banning notice applies lives or works in licensed premises in the designated area, the banning notice does not prevent him or her from entering those licensed premises during the period for which the notice applies.
- (8) No more than one banning notice may be given to a person for a designated area, or licensed premises in the area, in respect of the same specified offence, but a banning notice may be given to a person who is already subject to a banning notice for the designated area, or licensed premises in the area, if the subsequent notice is given in respect of a separate specified offence.

S. 148C
inserted by
No. 73/2007
s. 5.

148C Content of banning notice

A banning notice must state—

S. 148C(b)
amended by
Nos 57/2010
s. 23, 37/2014
s. 10(Sch.
item 96.21).

- (a) the name of the person to whom the notice applies; and
- (b) the specified offence that the police officer giving the notice suspects that person has committed and the grounds for the suspicion; and
- (c) the name, rank and place of duty of the police officer giving the notice; and
- (d) the designated area in which the notice applies; and
- (e) the specified period for which the notice applies; and
- (f) whether the notice bans the person from the designated area or from all licensed premises in the designated area; and

S. 148C(c)
amended by
Nos 57/2010
s. 23, 37/2014
s. 10(Sch.
item 96.21).

- (g) if the notice bans the person from the designated area—
- (i) that the person must not enter or re-enter the designated area during the specified period; and
 - (ii) that, if the person is in the designated area, the person must leave the designated area in accordance with a direction of a police officer to do so; and **S. 148C(g)(ii) amended by No. 37/2014 s. 10(Sch. item 96.21).**
 - (iii) that it is an offence not to comply with the notice or with a direction given by a police officer to leave the designated area; and **S. 148C(g)(iii) amended by No. 37/2014 s. 10(Sch. item 96.21).**
 - (iv) the maximum penalties for those offences; and
- (h) if the notice bans the person from licensed premises in the designated area—
- (i) that the person must not enter or re-enter any licensed premises in the designated area during the specified period; and
 - (ii) that, if the person is in any licensed premises in the designated area, the person must leave the licensed premises in accordance with a direction of a police officer to do so; and **S. 148C(h)(ii) amended by No. 37/2014 s. 10(Sch. item 96.21).**
 - (iii) that it is an offence not to comply with the notice or with a direction given by a police officer to leave the licensed premises; and **S. 148C(h)(iii) amended by No. 37/2014 s. 10(Sch. item 96.21).**
 - (iv) the maximum penalties for those offences; and

- (i) that a copy of the notice and, if available, a photograph of the person to whom the notice applies may be provided to licensees or permittees of licensed premises in the designated area and persons employed in those premises for the purpose of enforcement of the notice; and
- (j) that the notice may be varied or revoked under section 148E.

S. 148D
inserted by
No. 73/2007
s. 5.

148D Requirement to give name and address

S. 148D(1)
amended by
Nos 57/2010
s. 24, 37/2014
s. 10(Sch.
item 96.22(a)).

- (1) A police officer who intends to give a banning notice to a person may request the person to state the person's name and address.

S. 148D(2)
amended by
Nos 57/2010
s. 24, 37/2014
s. 10(Sch.
item 96.22(b)).

- (2) A police officer who makes a request under subsection (1) must inform the person of the police officer's intention to give the person a banning order.

S. 148D(3)
amended by
Nos 57/2010
s. 24, 37/2014
s. 10(Sch.
item 96.22(c)).

- (3) A person must not, in response to a request made by a police officer in accordance with this section—
 - (a) refuse or fail to comply with the request without a reasonable excuse for not doing so; or
 - (b) state a name that is false in a material particular; or
 - (c) state an address other than the full and correct address of his or her ordinary place of residence or business.

Penalty: 5 penalty units.

- (4) A person who is requested to state his or her name and address may request the police officer who made the request to state, orally or in writing, the police officer's name, rank and place of duty. **S. 148D(4) amended by No. 37/2014 s. 10(Sch. item 96.22(d)).**
- (5) A police officer must not, in response to a request under subsection (4)—
- (a) refuse or fail to comply with the request; or
 - (b) state a name or rank that is false in a material particular; or
 - (c) state as his or her place of duty an address other than the name of the police station which is the police officer's ordinary place of duty; or **S. 148D(5)(c) amended by No. 37/2014 s. 10(Sch. item 96.22(e)(ii)).**
 - (d) refuse to comply with the request in writing if requested to do so.
- Penalty: 5 penalty units.
- (6) If a person states a name and address in response to a request made under subsection (1) and the police officer who made the request suspects on reasonable grounds that the stated name or address may be false, the police officer may request the person to produce evidence of the correctness of the name and address. **S. 148D(6) amended by No. 37/2014 s. 10(Sch. item 96.22(f)).**
- (7) The person must comply with the request, unless he or she has a reasonable excuse for not doing so.
- Penalty: 5 penalty units.
- (8) It is not an offence for a person to fail to comply with a request made under subsection (1) or (6) if the police officer who made the request did not inform the person, at the time the request was made, that it is an offence to fail to comply with the request. **S. 148D(8) amended by No. 37/2014 s. 10(Sch. item 96.22(f)).**

S. 148E
inserted by
No. 73/2007
s. 5.

148E Variation and revocation of banning notice

S. 148E(1)
amended by
Nos 57/2010
s. 25, 37/2014
s. 10(Sch.
item 96.23).

- (1) A police officer of or above the rank of sergeant may vary or revoke a banning notice at any time, by notice in writing given to the person to whom the notice applies.
- (2) A banning notice cannot be varied under this section to extend the period for which the notice applies.

S. 148F
inserted by
No. 73/2007
s. 5.

148F Offence to contravene banning notice or fail to comply with police directions

- (1) A person to whom a banning notice applies must not enter or re-enter, or attempt to enter or re-enter, the designated area or licensed premises in contravention of the notice.

Penalty: 20 penalty units.

S. 148F(2)
amended by
No. 37/2014
s. 10(Sch.
item 96.23).

- (2) If the person is in the designated area or licensed premises in contravention of the notice, he or she must comply with any direction given by a police officer under section 148G.

Penalty: 20 penalty units.

S. 148F(3)
amended by
No. 28/2022
s. 171.

- (3) It is a defence to a charge of an offence against subsection (1) or (2) for the accused to prove that—

S. 148F(3)(a)
amended by
No. 28/2022
s. 171.

- (a) the accused was under a mistaken but honest and reasonable belief about facts which, had they existed, would have meant that the conduct would not have constituted an offence; or

- | | |
|---|---|
| (b) the conduct constituting the offence was caused by circumstances beyond the control of the accused and the accused had taken reasonable precautions to avoid committing an offence. | S. 148F(3)(b) amended by No. 28/2022 s. 171. |
| (4) Despite subsection (2), it is not an offence for a person to fail to comply with a direction given by a police officer under section 148G if the police officer did not comply with section 148G(3). | S. 148F(4) amended by No. 37/2014 s. 10(Sch. item 96.23). |
| (5) Section 72 of the Criminal Procedure Act 2009 applies in the circumstances referred to in subsection (4). | S. 148F(5) amended by No. 68/2009 s. 97(Sch. item 78.3). |
| 148G Direction to leave designated area or licensed premises | S. 148G inserted by No. 73/2007 s. 5. |
| (1) This section applies if a person to whom a banning notice applies is in the designated area or licensed premises in contravention of the notice. | |
| (2) Subject to subsection (3), a police officer may direct the person to leave the designated area or the licensed premises (as the case requires) in the manner, if any, directed by the police officer. | S. 148G(2) amended by No. 37/2014 s. 10(Sch. item 96.24(a)). |
| (3) A police officer must— | S. 148G(3) amended by No. 37/2014 s. 10(Sch. item 96.24(b)(i)). |
| (a) produce proof of his or her identity and official status before exercising a power under subsection (2) unless the police officer is in uniform; and | |

S. 148G(3)
(b)(i)
amended by
No. 37/2014
s. 10(Sch.
item
96.24(b)(i)).

- (b) inform the person that—
 - (i) the police officer is empowered to direct the person to leave the designated area or licensed premises (as the case requires); and
 - (ii) it is an offence to fail to comply with the direction; and
- (c) make all reasonable attempts to ensure that the person understands the direction.
- (4) A direction under subsection (2)—
 - (a) may be given orally or in writing; and
 - (b) must be reasonable in all the circumstances.

S. 148H
inserted by
No. 73/2007
s. 5.

148H Police may use reasonable force to remove person

S. 148H(1)
amended by
No. 37/2014
s. 10(Sch.
item 96.25).

- (1) A police officer, using no more force than is reasonably necessary, may—
 - (a) prevent a person from entering or re-entering, or attempting to enter or re-enter, a designated area or licensed premises contrary to section 148F(1);
 - (b) remove a person from a designated area or licensed premises after the person has refused to comply with a direction under section 148G.
- (2) Nothing in this section limits any powers of arrest that a police officer has under any other law.
- (3) Any action taken under this section does not prevent the institution of proceedings in respect of an offence.

S. 148H(2)
amended by
No. 37/2014
s. 10(Sch.
item 96.25).

Division 3—Exclusion orders

148I Exclusion orders

- (1) A court may make an exclusion order in respect of a person (the *offender*) if the court—
 - (a) finds the offender guilty of a specified offence that was committed wholly or partly in a designated area; and
 - (b) does not sentence the offender to serve a term of imprisonment of 12 months or more, or an indefinite term of imprisonment, in respect of the specified offence; and
 - (c) is satisfied that the order may be an effective and reasonable means of preventing the commission by the offender of further specified offences in the designated area.
- (2) An *exclusion order* is an order excluding the offender, for the period specified in the order, from—
 - (a) the designated area; or
 - (b) all licensed premises in the designated area; or
 - (c) specified licensed premises, or licensed premises of a specified class, in the designated area.
- (3) An exclusion order may be made on the application of a police officer or the Director of Public Prosecutions, or on the court's own initiative.
- (4) The period specified in the exclusion order must not exceed 12 months.

S. 148I
inserted by
No. 73/2007
s. 5.

S. 148I(3)
amended by
No. 37/2014
s. 10(Sch.
item 96.25).

- (5) An exclusion order—
- (a) may exclude the offender from the designated area or licensed premises (as the case requires) at all times during the period of the order, or at the times specified in the order;
 - (b) may allow the offender to enter the designated area or licensed premises (as the case requires) for specified purposes during the period of the order, subject to any conditions the court thinks fit;
 - (c) may be made subject to any other conditions the court thinks fit.
- (6) In determining whether it is satisfied under subsection (1)(c), the court must consider—
- (a) the nature and gravity of the specified offence; and
 - (b) whether the offender has previously been found guilty of a specified offence committed in the designated area (whether or not it was a designated area at the time the offence was committed); and
 - (c) whether the offender is or has been the subject of an exclusion order in relation to another specified offence committed in the designated area, or a specified offence committed in another designated area (whether or not they were designated areas at the time the offence was committed); and
 - (d) the likely impact of the exclusion order on—
 - (i) the offender; and
 - (ii) any victim of the specified offence; and
 - (iii) public safety and public order; and

- (e) any other matters the court considers relevant.

148J Offence to contravene exclusion order or fail to comply with police directions

S. 148J
inserted by
No. 73/2007
s. 5.

- (1) A person to whom an exclusion order applies must not enter or re-enter, or attempt to enter or re-enter, the designated area or licensed premises in contravention of the order.

Penalty: 60 penalty units.

- (2) If the person is in the designated area, or licensed premises in contravention of the order, he or she must comply with any direction given by a police officer under section 148K.

S. 148J(2)
amended by
No. 37/2014
s. 10(Sch.
item 96.25).

Penalty: 60 penalty units.

- (3) It is a defence to a charge of an offence against subsection (1) or (2) for the accused to prove that—

S. 148J(3)
amended by
No. 28/2022
s. 172.

- (a) the accused was under a mistaken but honest and reasonable belief about facts which, had they existed, would have meant that the conduct would not have constituted an offence; or

S. 148J(3)(a)
amended by
No. 28/2022
s. 172.

- (b) the conduct constituting the offence was caused by circumstances beyond the control of the accused and the accused had taken reasonable precautions to avoid committing an offence.

S. 148J(3)(b)
amended by
No. 28/2022
s. 172.

- (4) Despite subsection (2), it is not an offence for a person to fail to comply with a direction given by a police officer under section 148K if the police officer did not comply with section 148K(3).

S. 148J(4)
amended by
No. 37/2014
s. 10(Sch.
item 96.25).

- (5) Section 72 of the **Criminal Procedure Act 2009** applies in the circumstances referred to in subsection (4).

S. 148J(5)
amended by
No. 68/2009
s. 97(Sch.
item 78.4).

- (6) Nothing in this section affects the powers of the court or of the Supreme Court in relation to contempt of court.

S. 148K
inserted by
No. 73/2007
s. 5.

148K Direction to leave designated area or licensed premises

- (1) This section applies if a person to whom an exclusion order applies is in the designated area or licensed premises in contravention of the order.
- (2) Subject to subsection (3), a police officer may direct the person to leave the designated area or the licensed premises (as the case requires) in the manner, if any, directed by the police officer.
- (3) A police officer must—

S. 148K(2)
amended by
No. 37/2014
s. 10(Sch.
item 96.26(a)).

S. 148K(3)
amended by
No. 37/2014
s. 10(Sch.
item
96.26(b)(i)).

- (a) produce proof of his or her identity and official status before exercising a power under subsection (2) unless the police officer is in uniform; and

- (b) inform the person that—

- (i) the police officer is empowered to direct the person to leave the designated area or licensed premises (as the case requires); and

- (ii) it is an offence to fail to comply with the direction; and

- (c) make all reasonable attempts to ensure that the person understands the direction.

S. 148K(3)
(b)(i)
amended by
No. 37/2014
s. 10(Sch.
item
96.26(b)(i)).

- (4) A direction under subsection (2)—
- (a) may be given orally or in writing; and
 - (b) must be reasonable in all the circumstances.

148L Police may use reasonable force to remove person

S. 148L
inserted by
No. 73/2007
s. 5.

- (1) A police officer, using no more force than is reasonably necessary, may—
- (a) prevent a person from entering or re-entering, or attempting to enter or re-enter, a designated area or licensed premises contrary to section 148J(1);
 - (b) remove a person from a designated area or licensed premises after the person has refused to comply with a direction under section 148K.
- (2) Nothing in this section limits any powers of arrest that a police officer has under any other law.
- (3) Any action taken under this section does not prevent the institution of proceedings in respect of an offence.

S. 148L(1)
amended by
No. 37/2014
s. 10(Sch.
item 96.27).

S. 148L(2)
amended by
No. 37/2014
s. 10(Sch.
item 96.27).

148M Variation of exclusion order

S. 148M
inserted by
No. 73/2007
s. 5.

- (1) Any of the following may apply to the court that made an exclusion order for variation of the order—
- (a) the person to whom the order applies;
 - (b) the Director of Public Prosecutions;
 - (c) a police officer.

S. 148M(1)(c)
substituted by
No. 37/2014
s. 10(Sch.
item 96.28).

- (2) On application under subsection (1), the court may vary the exclusion order in any way the court considers appropriate, if the court is satisfied that facts or circumstances have arisen since the making or last variation of the order that make it appropriate for the order to be varied.

Division 4—General

* * * * *

S. 148N
inserted by
No. 73/2007
s. 5,
repealed by
No. 57/2010
s. 26.

148O Licensed premises include authorised premises

In the case of premises in respect of which an on-premises licence, a late night (on-premises) licence or a restaurant and cafe licence is in force, a reference in this Part to licensed premises includes a reference to authorised premises.

S. 148O
inserted by
No. 73/2007
s. 5,
amended by
No. 59/2009
s. 30(l).

148P Disclosure of information for enforcement purposes

The Commission or a police officer may disclose the following information to a licensee or permittee, or an employee or agent of a licensee or permittee—

S. 148P
inserted by
No. 73/2007
s. 5,
amended by
Nos 57/2010
s. 27, 58/2011
s. 104(Sch.
item 4.210),
37/2014
s. 10(Sch.
item 96.29(a)).

- (a) the fact that a banning notice or an exclusion order has been given or made that bans or excludes the person to whom it applies from the licensed premises; and
- (b) the name of the person to whom the notice or order applies and, if available, a photograph of that person; and
- (c) the period for which the notice or order applies; and

(d) a copy of the notice or order and of any variation or revocation of the notice or order; and

(e) any other information in relation to the notice or order that the Commission or the police officer considers necessary for the purposes of the effective and efficient enforcement of the notice or order.

S. 148P(e) amended by Nos 58/2011 s. 104(Sch. item 4.210), 21/2015 s. 3(Sch. 1 item 31.2).

148Q Offence to permit contravention of banning notice or exclusion order

S. 148Q inserted by No. 73/2007 s. 5.

(1) A licensee or permittee must not knowingly permit a person to whom a banning notice or an exclusion order applies to enter or re-enter the licensed premises in contravention of the notice or order.

Penalty: 60 penalty units.

Note

Section 53A applies to an offence against this subsection.

Note to s. 148Q(1) inserted by No. 13/2013 s. 29(1).

(2) An employee or agent of a licensee or permittee must not knowingly permit a person to whom a banning notice or an exclusion order applies to enter or re-enter the licensed premises in contravention of the notice or order.

Penalty: 60 penalty units.

148R Annual report by Chief Commissioner

S. 148R inserted by No. 73/2007 s. 5.

(1) The Chief Commissioner must submit a report to the Minister in respect of each financial year that includes the following information—

(a) in relation to banning notices—

(i) the number of banning notices given during that year;

- (ii) the number of persons to whom banning notices were given during that year;
- (iii) the number of banning notices given during that year to each person who was given more than one banning notice during that year;
- (iv) the suspected specified offences in respect of which banning notices were given during that year;
- (v) the designated areas in which those offences were suspected of being committed;
- (vi) the ages of the persons to whom banning notices were given during that year;
- (vii) whether any of the persons to whom banning notices were given during that year were of Koori origin;
- (viii) the number of banning notices given during that year in relation to each designated area;
- (ix) the number of persons charged with an offence against section 148F(1) or (2) during that year;
- (x) the results of those charges;
- (xi) the number of contraventions of section 148F(1) or (2) that were recorded by police officers during that year in respect of which no charges were laid;

S. 148R(1)
(a)(xi)
amended by
No. 37/2014
s. 10(Sch.
item 96.30(a)).

(b) in relation to exclusion orders—

- (i) the number of applications made by police officers for exclusion orders during that year;
- (ii) the number of exclusion orders made during that year;
- (iii) the number of persons in respect of whom exclusion orders were made during that year;
- (iv) the number of exclusion orders made during that year in respect of each person in respect of whom more than one exclusion order was made during that year;
- (v) the specified offences in respect of which exclusion orders were made during that year;
- (vi) the designated areas in which those offences were committed;
- (vii) the ages of the persons in respect of whom exclusion orders were made during that year;
- (viii) whether any of the persons in respect of whom exclusion orders were made during that year were of Koori origin or were homeless persons;
- (ix) the number of exclusion orders that were made during that year in relation to each designated area;
- (x) the number of persons charged with an offence against section 148J(1) or (2) during that year;
- (xi) the results of those charges;

S. 148R(1)
(b)(i)
amended by
No. 37/2014
s. 10(Sch.
item 96.30(a)).

S. 148R(1)
(b)(xii)
amended by
No. 37/2014
s. 10(Sch.
item 96.30(a)).

- (xii) the number of contraventions of section 148J(1) or (2) that were recorded by police officers during that year in respect of which no charges were laid.
- (2) The Chief Commissioner must cause the information to be collected that is necessary to enable reports to be prepared under this section.
- (3) The Chief Commissioner must submit a report under this section to the Minister within 2 months after the end of the financial year to which the report relates.
- (4) The Minister must cause a report under this section to be presented to each House of Parliament within 7 sitting days of that House after the report is received by the Minister.
- (5) In this section—

S. 148R(5)
def. of
Minister
amended by
No. 37/2014
s. 10(Sch.
item 96.30(b)).

Minister means the Minister administering the
Victoria Police Act 2013.

Part 8B—Closure and evacuation of licensed premises for fire and emergency purposes

Division 1—Preliminary

148S Definitions

In this Part—

* * * * *

Chief Officer means—

- (a) in relation to licensed premises in the Fire Rescue Victoria fire district (within the meaning of the **Fire Rescue Victoria Act 1958**), the Fire Rescue Commissioner appointed under the **Fire Rescue Victoria Act 1958**; or
- (b) in relation to any other premises, the Chief Officer of the Country Fire Authority appointed under the **Country Fire Authority Act 1958**;

closure and evacuation notice means a notice issued under section 148ZD;

emergency has the same meaning as in the **Fire Rescue Victoria Act 1958**;

fire safety inspector means the Chief Officer or a person appointed under section 148T;

municipal building surveyor has the same meaning as in the **Building Act 1993**;

Pt 8B
(Heading and
ss 148S–
148ZZ)
inserted by
No. 64/2010
s. 7.

S. 148S
inserted by
No. 64/2010
s. 7.

S. 148S def. of
*authorised
person*
repealed by
No. 58/2011
s. 104(Sch.
item 4.211).

S. 148S def. of
Chief Officer
amended by
No. 20/2019
s. 181(1).

S. 148S def. of
emergency
amended by
No. 20/2019
s. 181(2).

premises searched means that part of a premises that a fire safety inspector may enter and search under section 148W(1);

serious fire threat means, in relation to a licensed premises, a serious threat that exists or could arise to the health or safety of any person in, or in close proximity to the premises in relation to fire or an emergency.

Division 2—Power of entry and inspection

148T Appointment of fire safety inspector

S. 148T
inserted by
No. 64/2010
s. 7.

The Chief Officer may, by instrument, appoint as a fire safety inspector any person—

S. 148T(a)
amended by
No. 43/2012
s. 3(Sch.
item 26),
substituted by
No. 20/2019
s. 182.

(a) who is a person employed by Fire Rescue Victoria under section 25B of the **Fire Rescue Victoria Act 1958**; or

(b) who is an employee appointed under the **Country Fire Authority Act 1958**.

148U Fire safety inspector's identity card

S. 148U
inserted by
No. 64/2010
s. 7.

- (1) The Chief Officer must issue an identity card to each fire safety inspector.
- (2) An identity card must contain—
 - (a) the photograph and name of the fire safety inspector to whom it is issued; and
 - (b) a statement that the fire safety inspector is able to exercise the powers of entry and search under this Part.

148V Production of identity card

S. 148V
inserted by
No. 64/2010
s. 7.

- (1) A fire safety inspector must produce his or her identity card for inspection—
- (a) before exercising a power under this Part other than a requirement made by post; and
 - (b) at any time during the exercise of a power under this Part, if asked to do so.

Penalty: 1 penalty unit.

- (2) Any action or thing done by a fire safety inspector is not invalidated by his or her failure to produce his or her identity card.

148W Entry and search of certain premises for serious fire threat

S. 148W
inserted by
No. 64/2010
s. 7.

- (1) A fire safety inspector may enter, at any time without prior notice that part of any premises that is—
- (a) licensed premises; or
 - (b) in close proximity to licensed premises—
- (with the assistance, if necessary, of a police officer) if he or she suspects on reasonable grounds that there is a serious fire threat to those premises.

S. 148W(1)
amended by
No. 37/2014
s. 10(Sch.
item 96.31).

Note

A part of the premises that is in close proximity to the licensed premises include an area used for the management or operation of the business such as a kitchen or storage area.

- (2) On entering the premises under subsection (1), the fire safety inspector may do all or any of the following—
- (a) search, examine and make enquires at the premises;

- (b) search and examine any thing including a document, record, equipment or thing found during the search which the fire safety inspector reasonably believes may assist in determining if there is a serious fire threat;
 - (c) make copies of any document;
 - (d) make a sketch or any still or moving image or audio-visual recording of any equipment or thing found during the search.
- (3) If a fire safety inspector exercises a power of entry under this section, the fire safety inspector must, on leaving the premises, leave a notice setting out—
- (a) the time of entry; and
 - (b) the purpose of entry; and
 - (c) the time of departure; and
 - (d) the procedure for contacting the fire safety inspector for further details of the entry.
- (4) A fire safety inspector must not exercise a power under this section in any part of a premises that is used for residential purposes.

S. 148X
inserted by
No. 64/2010
s. 7.

148X Search of premises after entry authorised by any other Act

- (1) If a fire safety inspector, under any other Act, enters a premises on which a licensed premises is situated, and the fire safety inspector believes on reasonable grounds that there is a serious fire threat in relation to the licensed premises or premises in close proximity to the licensed premises, he or she may carry out a search of the premises under section 148W.
- (2) Before conducting a search in circumstances where subsection (1) applies, the fire safety inspector must advise the licensee or permittee or

S. 148X(2)
amended by
No. 71/2011
s. 23.

person who appears to be a responsible person
that he or she is going to conduct the search.

**148Y Requirement to assist the fire safety inspector
during search of certain premises**

S. 148Y
inserted by
No. 64/2010
s. 7,
amended by
No. 71/2011
s. 24.

A fire safety inspector in the course of carrying
out a search under this Part may to the extent that
it is reasonably necessary to determine a serious
fire threat in relation to the licensed premises
require the licensee or permittee or person who
appears to be a responsible person—

- (a) to give information to the fire safety
inspector orally or in writing; or
- (b) to produce documents to the fire safety
inspector; or
- (c) to give reasonable assistance to the fire
safety inspector in the exercise of the power.

148Z Refusal or failure to comply with requirement

S. 148Z
inserted by
No. 64/2010
s. 7.

A person must not, without reasonable excuse,
refuse or fail to comply with a requirement of a
fire safety inspector under section 148Y.

Penalty: 60 penalty units.

148ZA Offence to refuse entry to a fire safety inspector

S. 148ZA
inserted by
No. 64/2010
s. 7,
amended by
No. 71/2011
s. 25.

A licensee, permittee or person who appears to be
a responsible person must not refuse to allow a
fire safety inspector to enter the premises.

Penalty: 60 penalty units.

Note

Section 53A applies to an offence against this section.

Note to
s. 148ZA
inserted by
No. 13/2013
s. 29(2).

S. 148ZB
inserted by
No. 64/2010
s. 7.

148ZB Offence to give false or misleading information

A person must not—

- (a) give information to a fire safety inspector under this Part that the person believes to be false or misleading in any material particular; or
- (b) produce a document to a fire safety inspector under this Part that the person knows to be false or misleading in a material particular without indicating the respect in which it is false or misleading and, if practicable, providing correct information.

Penalty: 60 penalty units.

Division 3—Closure and evacuation notices

S. 148ZC
inserted by
No. 64/2010
s. 7.

148ZC Advice of fire safety inspector as to serious fire threat

S. 148ZC(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.212).

- (1) A fire safety inspector who reasonably believes that a serious fire threat to a premises searched exists must advise the Commission of his or her belief.
- (2) In forming a reasonable belief under subsection (1) a fire safety inspector may have regard to—
 - (a) any inadequacy of existing fire safety equipment or features on the premises; or
 - (b) any failure to maintain existing fire safety equipment or features to a standard of safety and reliability in the event of a fire; or
 - (c) any inadequacy of exit signage, emergency lighting or access to the means of egress from the premises; or

- (d) any inadequacy, isolation or disconnection of a fire or smoke detection system, sprinkler system, alarm or alarm monitoring system, or other warning system; or
 - (e) any activity that is undertaken on the premises; or
 - (f) any such condition or combination of conditions on the premises.
- (3) Before advising the Commission under subsection (1) a fire safety inspector may if he or she believes it is appropriate to do so, having regard to the serious fire threat and the time required to rectify a matter on which the fire safety inspector has formed the reasonable belief—
- (a) offer a licensee or permittee an opportunity to carry out immediate rectification work within the period of the search; and
 - (b) may require an additional temporary measure be taken while the immediate rectification work is carried out under paragraph (a).

S. 148ZC(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.212).

Note

An additional temporary measure that may be required could include that alcohol is not served, the lights are turned on or music is not played or patrons not admitted to the premises during a period of time offered under section 148ZC(3).

148ZD Issue of closure and evacuation notice

S. 148ZD
inserted by
No. 64/2010
s. 7.

- (1) The Commission on receipt of the advice of a fire safety inspector under section 148ZC(1) must, if satisfied that the requirements of this Part have been met, issue a notice—

S. 148ZD(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.213).

Liquor Control Reform Act 1998
No. 94 of 1998
Part 8B—Closure and evacuation of licensed premises for fire and
emergency purposes

- (a) requiring the licensed premises to be closed;
and
- (b) requiring the licensed premises to be
evacuated.
- S. 148ZD(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.214).
- (2) If the Commission on receipt of the advice of a
fire safety inspector under section 148ZC(1) is not
satisfied that the requirements of this Part have
been met, the Commission may—
- (a) instruct the fire safety inspector to satisfy
any requirement of this Part; or
- (b) instruct the fire safety inspector to leave the
premises searched without taking further
action.
- S. 148ZD(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.215).
- (3) The Commission must record in writing any
instruction given to a fire safety inspector under
subsection (2) and the issuing of a notice under
subsection (1).

148ZE Service of closure and evacuation notice

- S. 148ZE
inserted by
No. 64/2010
s. 7.
- (1) On the Commission issuing a closure and
evacuation notice, the fire safety inspector on
whose advice the notice was issued must sign a
copy of the notice that complies with
section 148ZG and serve the copy of the notice on
the licensee, permittee or person who appears to
be a responsible person.
- (2) A closure and evacuation notice comes into effect
when the copy of the notice is served under
subsection (1).
- S. 148ZE(1)
amended by
Nos 58/2011
s. 104(Sch.
item 4.216),
71/2011 s. 26.

148ZF Issue and service of subsequent notice

S. 148ZF
inserted by
No. 64/2010
s. 7.

- (1) The Commission on receipt of the advice of a fire safety inspector may issue a subsequent notice in relation to work that must be completed to rectify the fire safety threat contained in a notice issued under section 148ZD.
- (2) The Commission must record in writing the issuing of a subsequent notice under subsection (1).
- (3) On the Commission issuing a subsequent notice, the fire safety inspector on whose advice the notice was issued must sign a copy of the subsequent notice and serve a copy of the notice on the licensee, permittee or person who appears to be a responsible person within 48 hours after the service of the initial closure and evacuation notice.

S. 148ZF(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.217).

S. 148ZF(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.217).

S. 148ZF(3)
amended by
Nos 58/2011
s. 104(Sch.
item 4.217),
71/2011 s. 27.

148ZG Content of closure and evacuation notice

S. 148ZG
inserted by
No. 64/2010
s. 7.

A closure and evacuation notice must be in the prescribed form and must contain the following information—

- (a) the name and address of the licensed premises to which the notice applies; and
- (b) the name and position of the fire safety inspector that served the notice; and
- (c) the time and date that the notice was given and takes effect; and
- (d) the work that must be completed to the satisfaction of the fire safety inspector to rectify the serious fire threat; and

S. 148ZG(f)
amended by
No. 58/2011
s. 104(Sch.
item 4.218).

- (e) the fact that the licensee or permittee may request the fire safety inspector conduct an inspection of work completed to rectify a serious fire threat; and
- (f) the fact that the licensee or permittee must notify the Commission in writing that the work to rectify a serious fire threat has been completed; and
- (g) the fact that the notice may be revoked by the Commission under section 148ZP; and
- (h) the fact that it is an offence not to comply with the notice; and
- (i) the fact that it is an offence to allow a person to enter the licensed premises until the notice is revoked except to a person engaged in carrying out the rectification work specified in this notice; and
- (j) the fact that it is an offence not to display the sign at all entrances and exits of the licensed premises; and
- (k) the maximum penalties for those offences; and
- (l) the fact that the fire safety inspector may within 48 hours after the service of an initial closure and evacuation notice provide a subsequent notice containing additional information about the work that must be completed to rectify the serious fire threat.

S. 148ZG(g)
amended by
No. 58/2011
s. 104(Sch.
item 4.218).

148ZH Direction to leave licensed premises

- (1) Subject to subsection (2), a fire safety inspector or an authorised person while a closure and evacuation notice is in force may direct any person in the licensed premises to which the notice applies to leave the licensed premises in the manner directed.
- (2) The fire safety inspector or an authorised person must—
 - (a) produce his or her identity card before exercising a power under subsection (1); and
 - (b) inform the person that—
 - (i) the fire safety inspector or authorised person is empowered to direct the person to leave the licensed premises; and
 - (ii) it is an offence to fail to comply with the direction.
- (3) A direction under subsection (1)—
 - (a) may be given orally or in writing; and
 - (b) must be reasonable in all the circumstances.
- (4) A police officer may exercise a power under this section if a request for assistance has been made under section 148ZI by the fire safety inspector.

S. 148ZH
inserted by
No. 64/2010
s. 7.

S. 148ZH(4)
amended by
No. 37/2014
s. 10(Sch.
item 96.31).

148ZI Fire safety inspector may request assistance of police

The fire safety inspector may request the assistance of a police officer to effect the immediate closure and evacuation of a licensed premises under a closure and evacuation notice.

S. 148ZI
inserted by
No. 64/2010
s. 7,
amended by
No. 37/2014
s. 10(Sch.
item 96.31).

S. 148ZJ
inserted by
No. 64/2010
s. 7.

**148ZJ Offence to fail or refuse to comply with a closure
and evacuation notice or direction**

- (1) A licensee or permittee to whom a closure and
evacuation notice applies must not contravene the
notice.

Penalty: 240 penalty units.

Note to
s. 148ZJ(1)
inserted by
No. 13/2013
s. 29(4).

Note

Section 53C applies to an offence against this subsection.

- (2) A person must comply with any direction given
by a fire safety inspector or an authorised person
under section 148ZH.

Penalty: 20 penalty units.

S. 148ZK
inserted by
No. 64/2010
s. 7.

148ZK Offence to allow entry

After the service of a closure and evacuation
notice a licensee or permittee must not allow a
person to enter the licensed premises until the
notice is revoked under section 148ZP, except to
allow entry to a person engaged in carrying out
the rectification work specified in the notice.

Penalty: 120 penalty units.

Note to
s. 148ZK
inserted by
No. 13/2013
s. 29(8).

Note

Section 53B applies to an offence against this section.

148ZL Sign must be displayed

- (1) A licensee or permittee must cause a sign to be displayed at all entrances and exits of the licensed premises when a closure and evacuation notice is in force in respect of the premises.

Penalty: 10 penalty units.

Note

Section 53A applies to an offence against this subsection.

- (2) A sign displayed under subsection (1), must be in a form approved by the Commission and include the prescribed particulars.

S. 148ZL
inserted by
No. 64/2010
s. 7.

Note to
s. 148ZL(1)
inserted by
No. 13/2013
s. 29(1).

S. 148ZL(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.219).

148ZM Injunction to prevent or restrain a contravention

The Commission may apply to the Supreme Court for an injunction to prevent or restrain the licensee or permittee from contravening a closure and evacuation notice.

S. 148ZM
inserted by
No. 64/2010
s. 7,
amended by
No. 58/2011
s. 104(Sch.
item 4.220).

148ZN Notification of completion of rectification work

- (1) The licensee or permittee must give notice to the Commission in writing on completion of the rectification work required by a closure and evacuation notice and a subsequent notice issued under section 148ZF if any.
- (2) The Commission on receiving notice under subsection (1) must request that a fire safety inspector inspect the licensed premises.

S. 148ZN
inserted by
No. 64/2010
s. 7.

S. 148ZN(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.221).

S. 148ZN(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.221).

S. 148ZN(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.221).

- (3) The fire safety inspector must inspect the premises within 48 hours of being requested to do so by the Commission under subsection (2).

S. 148ZO
inserted by
No. 64/2010
s. 7,
amended by
No. 58/2011
s. 104(Sch.
item 4.222).

148ZO Inspection by fire safety inspector of rectification work

On inspecting the licensed premises under section 148ZN(3) or on request of the licensee or permittee, the fire safety inspector must advise the Commission if the work required to rectify the serious fire threat has or has not been satisfactorily completed.

S. 148ZP
inserted by
No. 64/2010
s. 7.

148ZP Revocation of closure and evacuation notice and subsequent notice

S. 148ZP(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.223).

- (1) If the fire safety inspector advises the Commission that the work required to rectify the serious fire threat has been satisfactorily completed, the Commission must revoke the closure and evacuation notice and any subsequent notice.

S. 148ZP(2)
amended by
Nos 58/2011
s. 104(Sch.
item 4.223),
71/2011 s. 28.

- (2) If the Commission revokes the closure and evacuation notice and any subsequent notice under subsection (1) the fire safety inspector must sign a document that records the revocation of the notice and any subsequent notice and serve the document on the licensee, permittee or a person who appears to be a responsible person.
- (3) The revocation of the closure and evacuation notice and any subsequent notice comes into effect on the service of the document under subsection (2).
- (4) A document under subsection (2) must be in the prescribed form.

- (5) The Commission must record in writing a decision to revoke a closure and evacuation notice and any subsequent notice.

S. 148ZP(5)
amended by
No. 58/2011
s. 104(Sch.
item 4.223).

148ZQ Giving advice or a decision in writing or orally

S. 148ZQ
inserted by
No. 64/2010
s. 7.

- (1) A fire safety inspector may give advice under section 148ZC, 148ZF or 148ZO to the Commission in writing or orally.

S. 148ZQ(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.224).

- (2) The Commission may advise a fire safety inspector of an instruction or decision under section 148ZD, 148ZF or 148ZP in writing or orally.

S. 148ZQ(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.224).

- (3) If a fire safety inspector signs and serves a document under this Part after receiving oral advice as to an instruction or direction of the Commission, a copy of the document must be provided to the Commission within 48 hours.

S. 148ZQ(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.224).

- (4) If the Commission has advised the fire safety inspector orally as to an instruction or direction under this Part, the Commission must provide a copy of the record of decision or instruction to the fire safety inspector within 5 working days of giving advice of the instruction or decision orally.

S. 148ZQ(4)
amended by
No. 58/2011
s. 104(Sch.
item 4.224).

* * * * *

Pt 8B Div. 4
(Heading and
s. 148ZR)
amended by
Nos 64/2010
s. 7, 58/2011
s. 104(Sch.
items 4.225,
4.226), 1/2013
s. 4,
repealed by
No. 26/2022
s. 20.

Division 5—General

148ZS Disclosure of information for enforcement purposes

S. 148ZS
inserted by
No. 64/2010
s. 7.

S. 148ZS(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.227).

- (1) If the Commission obtains information in the course of administering or carrying out functions, powers or duties under this Part, the Commission may disclose that information to—
- (a) the Chief Officer, and
 - (b) subject to section 148ZT a municipal building surveyor of a Council; and
 - (c) a police officer.

S. 148ZS(1)(c)
amended by
No. 37/2014
s. 10(Sch.
item 96.31).

S. 148ZS(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.227).

- (2) The information that may be disclosed by the Commission to a person under subsection (1) includes—
- (a) the fact that a closure and evacuation notice has been issued; and
 - (b) the name of the licensee or permittee to whom the closure and evacuation notice has been issued; and
 - (c) the time and date that the closure and evacuation notice took effect; and
 - (d) a copy of the closure and evacuation notice; and
 - (e) any subsequent notice; and
 - (f) any information related to a search conducted under section 148W that the Commission considers necessary for the purpose of the effective and efficient

S. 148ZS(2)(f)
amended by
No. 58/2011
s. 104(Sch.
item 4.227).

- enforcement of a relevant provision of the
Building Act 1993; and
- (g) the fact that the closure and evacuation
notice has been revoked.
- (3) Any information disclosed by the Commission
under subsection (2) must not be used by—
- (a) the Chief Officer, except for the enforcement
of this Part or a relevant provision of the
Fire Rescue Victoria Act 1958 or the
Country Fire Authority Act 1958; and
- (b) a municipal building surveyor of a Council,
except for the enforcement of this part or a
relevant provision of the **Building Act 1993**
or the **Local Government Act 2020**; and
- (c) a police officer, except for the enforcement
of this Part.
- 148ZT Disclosure of information by the Commission**
- (1) If the Commission issues a closure and evacuation
notice for a licensed premises the Commission
must disclose the following information to the
municipal building surveyor of the Council within
the municipal district of which the premises is
situated within 5 working days of the issue of the
notice—
- (a) the fact that a notice has been issued; and

S. 148ZS(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.227).

S. 148ZS(3)(a)
amended by
No. 20/2019
s. 183.

S. 148ZS(3)(b)
amended by
No. 9/2020
s. 390(Sch. 1
item 62.2).

S. 148ZS(3)(c)
amended by
No. 37/2014
s. 10(Sch.
item 96.31).

S. 148ZT
(Heading)
amended by
No. 58/2011
s. 104(Sch.
item 4.228).

S. 148ZT
inserted by
No. 64/2010
s. 7.

S. 148ZT(1)
amended by
No. 58/2011
s. 104(Sch.
item 4.229).

Liquor Control Reform Act 1998
No. 94 of 1998

Part 8B—Closure and evacuation of licensed premises for fire and
emergency purposes

S. 148ZT(1)(f)
amended by
No. 23/2012
s. 6(2).

- (b) the name of the licensee or permittee to whom notice has been issued; and
- (c) the time and date that the notice took effect; and
- (d) a copy of the notice; and
- (e) any subsequent notice; and
- (f) any other information related to the notice that the Commission considers necessary for the purpose of the effective and efficient enforcement of a relevant provision of the **Building Act 1993**.

S. 148ZT(2)
amended by
No. 58/2011
s. 104(Sch.
item 4.230(a)).

- (2) If the licence of the licensed premises to which a closure and evacuation notice applies has been surrendered or suspended or cancelled the Commission must disclose that fact to the municipal building surveyor of the Council within the municipal district of which the premises is situated within 5 working days of the surrender, suspension or cancellation.

S. 148ZT(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.230(b)).

- (3) If the Commission revokes a closure and evacuation notice and any subsequent notice for a licensed premises the Commission must disclose that fact to the municipal building surveyor of the Council within the municipal district of which the premises is situated within 5 working days.

S. 148ZT(4)
amended by
Nos 58/2011
s. 104(Sch.
item 4.230(c)),
9/2020
s. 390(Sch. 1
item 62.2).

- (4) Any information disclosed by the Commission under subsections (1) or (2) must not be used by a municipal building surveyor, except for the enforcement of a relevant provision of the **Building Act 1993** or **Local Government Act 2020**.

Liquor Control Reform Act 1998
No. 94 of 1998
Part 8B—Closure and evacuation of licensed premises for fire and
emergency purposes

* * * * *

Ss 148ZU–
148ZW
inserted by
No. 64/2010
s. 7,
repealed by
No. 58/2011
s. 68.

148ZX Power to serve an infringement notice

S. 148ZX
inserted by
No. 64/2010
s. 7.

- (1) If an authorised person has reason to believe that a person has committed an offence referred to in subsection (2), he or she may serve an infringement notice on that person.
- (2) An infringement notice may be served in respect of an offence against section 148ZJ(2) (refusal or failure to comply with a direction).

148ZY Infringement penalties

S. 148ZY
inserted by
No. 64/2010
s. 7.

The infringement penalty for an offence against section 148ZJ(2) is 2 penalty units.

* * * * *

S. 148ZZ
inserted by
No. 64/2010
s. 7,
repealed by
No. 1/2013
s. 5.

Part 9—Administration

Division 1—Statements of reasons

Pt 9 Div. 1
(Heading and
ss 149–156)
amended by
Nos 108/2004
s. 117(1)
(Sch. 3
items 115.1,
115.2),
80/2006
s. 26(Sch.
item 61.1),
8/2009
ss 22–24,
substituted as
Pt 9 Div. 1
(Heading and
ss 149, 150)
by
No. 58/2011
s. 62.

S. 149
substituted by
No. 58/2011
s. 62.

149 Request for statement of reasons for decision

- (1) An eligible person in relation to a reviewable decision under Division 2 whose interests are affected by a decision of the Commission under this Act may request the Commission to give the person a written statement of reasons for the decision if—
 - (a) the Commission has not been required to give reasons to that person under this Act; and
 - (b) the Commission has not done so.
- (2) A request under subsection (1) must be made in writing within 28 days after the day on which the decision first came to the person's notice.

S. 150
substituted by
No. 58/2011
s. 62.

150 Content of statement of reasons and by when they must be given

- (1) The Commission must give a written statement of reasons within 28 days after receiving a request under section 149.

- (2) The statement of reasons must set out—
- (a) the reasons for the decision; and
 - (b) the findings on material questions of fact that led to the decision, referring to the evidence or other information or material on which those findings were based.
- (3) A statement of reasons need not be given under this section if the Commission has already given a written statement containing the matters referred to in subsection (2) (whether as part of the decision or separately).
- (4) The Commission may, in its discretion, exclude personal and confidential information from the statement of reasons if the Commission considers it appropriate in the circumstances.

Division 2—Internal review

Pt 9 Div. 2
(Heading and
ss 157–161)
amended by
Nos 108/2004
s. 117(1)
(Sch. 3
item 115.3),
80/2006
s. 26(Sch.
item 61.2),
substituted as
Pt 9 Div. 2
(Heading and
ss 151–160)
by
No. 58/2011
s. 62.

151 Definitions

In this Division—

applicable decision maker means—

- (a) a single commissioner performing a function or duty or exercising a power under this Act; or

S. 151
substituted by
No. 58/2011
s. 62.

- (b) a single commissioner performing a function or duty or exercising a power of the Commission under this Act under delegation from the Commission; or
- (c) an employee of the Commission performing a function or duty or exercising a power of the Commission under this Act under delegation from the Commission;

Commission on review means the Commission constituted by 3 or more commissioners for the purposes of this Division.

S. 152
substituted by
No. 58/2011
s. 62.

152 Reviewable decisions

The following table sets out—

- (a) decisions (however described) made under this Act by an applicable decision maker that are reviewable in accordance with this Division (***reviewable decisions***); and
- (b) who is eligible to apply for a review of a reviewable decision (the ***eligible person*** in relation to the reviewable decision).

S. 152 (Table)
amended by
No. 20/2018
s. 30.

<i>Item</i>	<i>Provision under which reviewable decision is made</i>	<i>Eligible person in relation to reviewable decision</i>
1	Division 6 of Part 2	An applicant under section 27 for the grant of a licence or BYO permit or an entity that objects under Division 5 of Part 2 to the grant of the licence or BYO permit

Liquor Control Reform Act 1998
No. 94 of 1998
Part 9—Administration

<i>Item</i>	<i>Provision under which reviewable decision is made</i>	<i>Eligible person in relation to reviewable decision</i>
2	Division 6 of Part 2	An applicant under section 29 for the variation of a licence or BYO permit or an entity that objects under Division 5 of Part 2 to the variation of the licence or BYO permit
3	Division 6 of Part 2	An applicant under section 31 for the relocation of a licence or BYO permit or an entity that objects under Division 5 of Part 2 to the relocation of the licence or BYO permit
4	Division 6 of Part 2	An applicant under section 32 for the transfer of a licence or BYO permit or a licensing inspector who objects under section 41 to the transfer of the licence or BYO permit
5	Section 49	<p>An applicant under section 27 granted a licence or BYO permit subject to conditions</p> <p>An applicant under section 29 granted a variation of a licence or BYO permit subject to conditions</p> <p>An applicant under section 31 granted a relocation of a licence or BYO permit subject to conditions</p>

Liquor Control Reform Act 1998
 No. 94 of 1998
 Part 9—Administration

<i>Item</i>	<i>Provision under which reviewable decision is made</i>	<i>Eligible person in relation to reviewable decision</i>
		An applicant under section 32 granted a transfer of a licence or BYO permit subject to conditions
6	Section 54(6)	A licensee or permittee that applies for the approval of a person as a nominee of the licensee or permittee or the Chief Commissioner if the Commissioner objects under section 54(4) to the approval of the person as nominee of the licensee or permittee
7	Section 58	A licensee or permittee
	*	* * *
9	Section 58D	The licensee of the licensed premises to which the late hour entry declaration applies
10	Section 62(6)	An owner of licensed premises A mortgagee of licensed premises A person prejudicially affected by the failure of a licensee or permittee to renew the licence or BYO permit as provided under section 62(1)

Liquor Control Reform Act 1998
 No. 94 of 1998
 Part 9—Administration

<i>Item</i>	<i>Provision under which reviewable decision is made</i>	<i>Eligible person in relation to reviewable decision</i>
		The Chief Commissioner if the Commissioner objects under section 62(4) to an application under section 62(1)
11	Section 63(4)	A licensee or permittee who applies for the surrender of a licence or BYO permit or a person who objects under section 63(3)
12	Section 64(2)	A licensee or permittee
13	Section 84	A person referred to in section 80(1)(a) to (d) who has applied to have their name or address endorsed on a licence or BYO permit or the Chief Commissioner if the Chief Commissioner objects, under section 83(1) to the grant of the application
14	Section 84	An owner or mortgagee of licensed premises referred to in section 81
15	Section 97B(1)	A licensee whose licence has been varied or suspended
16	Section 99C(2) or (4)	A licensee who has applied for an exemption A licensee to whom an exemption has been granted subject to conditions

Liquor Control Reform Act 1998
 No. 94 of 1998
 Part 9—Administration

<i>Item</i>	<i>Provision under which reviewable decision is made</i>	<i>Eligible person in relation to reviewable decision</i>
17	Section 104(5)	A licensee or permittee that applies for approval of a person to be a director of the licensee or permittee or the Chief Commissioner if the Commissioner objects under section 104(3) to the approval of the person as a director of the licensee or permittee
18	Section 105(3)	A licensee or permittee who has requested the consent of the Commission to sub-let any part of licensed premises or assign the right to supply liquor
19	Section 106(3)	A licensee or permittee whose request for consent has been refused or who has been given consent subject to conditions
20	Section 108AG(2) or (4)	A licensee who has applied for an exemption A licensee to whom an exemption has been granted subject to conditions
21	Section 115A(1)	A licensee to whom a notice is given
22	Section 120(2)(a)(i) or (e)	A licensee
23	Section 148ZD	A licensee

<i>Item</i>	<i>Provision under which reviewable decision is made</i>	<i>Eligible person in relation to reviewable decision</i>
24	Section 174	A person who requests the Commission to extend the time for making an objection under the Act or to accept an objection made after the time under the Act for making that objection has expired

153 Applications for internal review

**S. 153
substituted by
No. 58/2011
s. 62.**

- (1) An eligible person in relation to a reviewable decision may apply to the Commission for review of the decision.
- (2) An application must—
 - (a) be made within the later of—
 - (i) 28 days after the day on which the decision first came to the eligible person's notice; or
 - (ii) 28 days after the eligible person received a statement of reasons for the decision; or
 - (iii) such longer period as the Commission allows; and
 - (b) be in the form approved (in writing) by the Commission.
- (3) The Commission must not allow a longer period under subsection (2)(a)(iii) unless the Commission is satisfied that exceptional circumstances exist for that longer period.

S. 154
substituted by
No. 58/2011
s. 62.

154 Notification of certain persons of application for internal review

- (1) Following receipt of an application under section 153, the Commission must notify every person who provided the original decision maker information or material, or gave evidence, to the original decision maker for the purposes of the eligible decision of that receipt.
- (2) A notification under subsection (1) must be in writing and specify that—
 - (a) an application for internal review of the eligible decision has been made; and
 - (b) the Commission on review, in making its fresh decision under this Division—
 - (i) will not be limited to the information or material provided or evidence given to the original decision maker; and
 - (ii) may request further information or material from the person or may require the person to give evidence before the Commission.

S. 155
substituted by
No. 58/2011
s. 62.

155 Commission on review must not include commissioner who made the reviewable decision

The Commission on review must not include a commissioner who made the reviewable decision that is the subject of the application under section 153.

S. 156
substituted by
No. 58/2011
s. 62.

156 Commission on review must include Chairperson or a Deputy Chairperson

The Commission on review must include at least the Chairperson or a Deputy Chairperson.

157 Decisions on internal review

(1) Following receipt of an application under section 153, the Commission on review must make a fresh decision—

- (a) that affirms or varies the reviewable decision; or
- (b) that sets aside the reviewable decision and substitutes another decision that the Commission on review considers appropriate.

* * * * *

(2) Without limiting subsection (1), the Commission on review must consider all the information, material and evidence before the original decision maker.

(3) In addition, without limiting subsection (1), the Commission on review—

- (a) may request persons it has notified under section 154 to provide it with further information and material or require them to give further evidence for the purpose of making its decision; and
- (b) may, consider that information, material or evidence as part of making its decision; and
- (c) may require attendance at a compulsory conference under Division 2A.

S. 157 substituted by No. 58/2011 s. 62.

Note to s. 157(1) repealed by 26/2022 s. 21.

S. 157(3)(b) amended by No. 49/2021 s. 50(a).

S. 157(3)(c) inserted by No. 49/2021 s. 50(b).

- (4) The Commission must, as soon as practicable after a decision is made under subsection (1), give a written notice to the applicant setting out—
 - (a) the reasons for the decision of the Commission on review under subsection (1); and
 - (b) the findings on material questions of fact that led to the decision, referring to the evidence or other information or material on which those findings were based.
- (5) The Commission on review may, in its discretion, exclude personal and confidential information from the reasons for the decision if the Commission considers it appropriate in the circumstances.

S. 158
substituted by
No. 58/2011
s. 62.

158 Review of reviewable decisions relating to refusals to grant licence or BYO permit

- (1) This section applies if the reviewable decision that is the subject of an application under section 153 is a decision that refuses the grant of a liquor licence or BYO permit.
- (2) Without limiting section 157, the Commission on review, as part of making its decision on the application, may—
 - (a) grant the licence or BYO permit subject to conditions;
 - (b) in the case of a refusal for the grant of a liquor licence, grant another licence instead.

S. 159
substituted by
No. 58/2011
s. 62.

159 Review of reviewable decisions relating to late hour entry declarations

- (1) This section applies if the reviewable decision that is the subject of an application under section 153 is a decision making or varying a late hour entry declaration.

- (2) Without limiting section 157, the Commission on review may—
- (a) in relation to an application for review of the reviewable decision to make a late hour entry declaration, decide that, in relation to the applicant's licensed premises, the declaration—
 - (i) continues to apply; or
 - (ii) continues to apply subject to any variation (including any conditions) that the Commission on review thinks fit; or
 - (iii) does not continue to apply;
 - (b) in relation to an application for review of the decision to vary a late hour entry declaration, decide that the declaration continues to apply to the applicant's licensed premises—
 - (i) as varied; or
 - (ii) as in force before the variation; or
 - (iii) subject to any other variation (including any conditions) that the Commission on review thinks fit.

160 Applications for internal review do not affect operation of reviewable decisions

- (1) An application under section 153 does not affect the operation of the reviewable decision or prevent the taking of any action to implement it unless the Commission stays the operation of the decision pending the determination of the review—
- (a) on its own initiative; or
 - (b) on the application of the applicant for internal review.

S. 160
substituted by
No. 58/2011
s. 62.

- (2) An application for a stay of the operation of the decision must set out reasons for the application.
- (3) The Commission must make a decision on an application for a stay within 10 days after the application is made.
- (4) If the Commission has not made a decision in accordance with subsection (3), the Commission is taken to have made a decision to grant a stay of the operation of the reviewable decision until the Commission on review makes its decision under section 157.
- (5) The Commission may attach any conditions to a stay of the operation of a reviewable decision that it considers appropriate.
- (6) This section does not apply in relation to a reviewable decision made under section 148ZD.

Pt 9 Div. 2A
(Heading and
new ss 161–
167)
inserted by
No. 49/2021
s. 51.

New s. 161
inserted by
No. 49/2021
s. 51.

Division 2A—Compulsory conferences

161 Main purposes of compulsory conference

The main purposes of a compulsory conference are—

- (a) to identify and clarify the nature of the issues in dispute in an internal review of a reviewable decision that relates to a contested application; and
- (b) to promote the resolution of the issues in dispute in the internal review before the Commission makes its fresh decision under section 157(1); and
- (c) to identify any questions of fact and law to be decided by the Commission on the internal review.

162 Commission may refer internal review to compulsory conference

New s. 162
inserted by
No. 49/2021
s. 51.

- (1) The Commission may require attendance at one or more compulsory conferences with a single commissioner by—
 - (a) the applicant for the internal review of a reviewable decision that relates to a contested application; and
 - (b) any person who was given notice of the internal review under section 154.
- (2) A requirement to attend a compulsory conference may be made at any stage of the internal review of a reviewable decision that relates to a contested application before the Commission makes a fresh decision under section 157(1).
- (3) The commissioner who made the reviewable decision that is the subject of the internal review under Division 2 must not conduct the compulsory conference in relation to that decision.
- (4) The Commission may require a compulsory conference whether or not—
 - (a) the applicant for the internal review consents; and
 - (b) any person who was given notice of the internal review under section 154 consents.

163 Notice of compulsory conference

New s. 163
inserted by
No. 49/2021
s. 51.

- (1) The Commission must give notice of a compulsory conference required under section 162(1) to—
 - (a) the applicant; and
 - (b) any person who was given notice of the internal review under section 154.

- (2) Notice under subsection (1) must—
- (a) be in writing; and
 - (b) specify—
 - (i) the date and time of the compulsory conference; and
 - (ii) the place where, and manner in which, the compulsory conference is to be conducted.

Example

A compulsory conference may be conducted remotely.

New s. 164
inserted by
No. 49/2021
s. 51.

164 Conduct of compulsory conference

- (1) Unless the commissioner conducting a compulsory conference otherwise directs, the compulsory conference must be held in private.
- (2) Subject to this Division, the procedure for a compulsory conference is at the discretion of the commissioner conducting it.
- (3) The commissioner conducting a compulsory conference may require a person required to attend the conference to attend—
 - (a) personally; or
 - (b) by a representative who has authority to settle the matter on behalf of that person.

New s. 165
inserted by
No. 49/2021
s. 51.

165 Objection to commissioner who conducted compulsory conference being part of Commission on review under Division 2

- (1) A person required to attend a compulsory conference who attended or was represented at the compulsory conference may object to the commissioner who conducted that compulsory conference constituting part of the Commission on

review under Division 2 for the reviewable decision to which the conference relates.

- (2) The objection must be made to the Commission on review under Division 2 before or at the making of the fresh decision under section 157(1).
- (3) If an objection is made under subsection (1)—
 - (a) the commissioner must take no further part in the Commission on review under Division 2; and,
 - (b) if necessary, the Commission on review under Division 2 must be reconstituted.

166 Failure to attend a compulsory conference

New s. 166
inserted by
No. 49/2021
s. 51.

If a person who is required to attend a compulsory conference does not attend the conference, the commissioner—

- (a) may proceed with the conference in that person's absence; and
- (b) may seek to settle matters or seek agreement between the parties present, which may include settling matters adversely to the absent person or persons; and
- (c) may report back to the Commission on the outcomes of the compulsory conference, noting the non-attendance of any person.

167 Evidence inadmissible in internal review by Commission

New s. 167
inserted by
No. 49/2021
s. 51.

Evidence of anything said or done in the course of a compulsory conference is not admissible in the internal review by the Commission except—

- (a) if all the persons required to attend the conference agree to the giving of the evidence; or

- (b) if the evidence of anything said or done is relevant to—
- (i) disciplinary action under Part 6 on the ground of disciplinary action referred to in paragraph (n) of the definition of *grounds of disciplinary action* within the meaning of section 90(1) (obtaining a licence or BYO permit by fraud or fraudulent representation); or
 - (ii) a proceeding for an offence against section 117 (procuring the transfer of a licence or BYO permit by fraud or fraudulent representation); or
 - (iii) a proceeding for an offence against section 118 (making a statement that is false or misleading).

Pt 9 Div. 3
(Heading and
ss 162–171)
repealed by
No. 58/2011
s. 62, new Pt 9
Div. 3
(Heading and
new ss 169,
170)
inserted by
No. 49/2021
s. 52.

Division 3—Review by VCAT

169 Application for review of internal review decisions under Division 2 of this Part

A person who is an eligible person within the meaning of section 152 may apply to VCAT for review of a decision of the Commission made on internal review under Division 2.

170 Time limit for applying for review

New s. 170
inserted by
No. 49/2021
s. 52.

An application to VCAT for review of a decision of the Commission made on internal review under Division 2 must be made within 28 days after the later of—

- (a) the day on which the decision on internal review by the Commission is made; or
- (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.

Division 4—Licensing inspectors

172 Licensing inspectors

- (1) The Chief Commissioner may appoint a police officer of or above the rank of inspector to be a licensing inspector for the purposes of this Act.

S. 172(1)
amended by
No. 37/2014
s. 10(Sch.
item 96.31).

- (2) A licensing inspector has the functions and powers conferred on him or her by this Act.
- (3) In addition to his or her other functions and powers, a licensing inspector—

- (a) may report to the Commission any matter that may affect the attainment of the objects of this Act; and

S. 172(3)(a)
amended by
No. 58/2011
s. 104(Sch.
item 4.231).

- (b) may appear personally or by an Australian lawyer or a person approved by the Chief Commissioner in proceedings under this Act.

S. 172(3)(b)
amended by
Nos 18/2005
s. 18(Sch. 1
item 60),
8/2009 s. 25.

Division 5—Appeals on questions of law

Pt 9 Div. 5
(Heading and
ss 172A–
172D)
inserted by
No. 8/2009
s. 26,
substituted as
Pt 9 Div. 5
(Heading and
s. 172A) by
No. 58/2011
s. 63.

S. 172A
substituted by
No. 58/2011
s. 63.

172A Appeal to Supreme Court

- (1) A person whose interests are affected by a decision of the Commission under this Act may appeal to the Supreme Court, on a question of law, from a decision of the Commission.
- (2) An appeal must be commenced—
 - (a) within 28 days after the decision of the Commission; and
 - (b) in accordance with the rules of the Supreme Court.
- (3) The commencement of an appeal under this section does not stay the operation of the decision of the Commission that is the subject of the appeal unless the Supreme Court otherwise orders.

S. 172A(2)
amended by
No. 49/2021
s. 53(a).

S. 172A(3)
amended by
No. 49/2021
s. 53(b).

Part 9A—Victorian Liquor Commission

Division 1—Establishment, functions and powers

Pt 9A
(Headings
and ss 172B–
172ZD)
inserted by
No. 26/2022
s. 22.

172B Establishment of Commission

S. 172B
inserted by
No. 26/2022
s. 22.

- (1) The Victorian Liquor Commission is established.
- (2) The Commission—
 - (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) may acquire, hold and dispose of real and personal property; and
 - (d) may do and suffer all acts and things that a body corporate may by law do or suffer.
- (3) The common seal of the Commission—
 - (a) must be kept in such custody as the Commission directs; and
 - (b) must not be used except as authorised by the Commission.
- (4) All courts must take judicial notice of the seal of the Commission affixed to a document and, until the contrary is proved, must presume that it was duly affixed.

172C Commission represents the Crown

In performing its functions and exercising its powers, the Commission represents the Crown.

S. 172C
inserted by
No. 26/2022
s. 22.

172D Functions of Commission

S. 172D
inserted by
No. 26/2022
s. 22.

- (1) The functions of the Commission are—
 - (a) to perform the regulatory, investigative and disciplinary functions conferred on the Commission by or under this Act and the regulations; and
 - (b) to undertake licensing, approval, authorisation and registration activities under this Act and the regulations; and
 - (c) to promote and monitor compliance with this Act and the regulations; and
 - (d) to detect and respond to contraventions of this Act and the regulations; and
 - (e) to advise the Minister in relation to the Commission's functions under this Act and the regulations; and
 - (f) to advise the Minister on the operation of this Act and the regulations; and
 - (g) to ensure that Government policy in relation to liquor is implemented; and
 - (h) to inform and educate the public about the Commission's regulatory practices and requirements.
- (2) The Commission also has the function of informing itself, in the manner it sees fit, as to its functions and the operation of this Act.
- (3) The Commission, when performing functions or duties or exercising powers, must have regard to the objects of this Act.

172E Powers of Commission

Subject to this Act, the Commission has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

S. 172E
inserted by
No. 26/2022
s. 22.

Division 2—Membership of Commission

172F Constitution of Commission

- (1) The Commission consists of the following members—
 - (a) a commissioner appointed as Chairperson;
 - (b) one or more commissioners (other than the Chairperson) appointed as Deputy Chairpersons;
 - (c) as many additional and sessional commissioners as the Minister considers necessary to enable the Commission to perform its functions.

S. 172F
inserted by
No. 26/2022
s. 22.

Note

Commissioners are appointed by the Governor in Council on the recommendation of the Minister—see sections 172H to 172K.

- (2) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a commissioner in respect of the office of commissioner.
- (3) For the purposes of the **Public Administration Act 2004**, the Commission is the Commission as constituted under subsection (1), other than sessional commissioners.

172G Eligibility for appointment

- (1) When recommending persons for appointment as commissioners, the Minister must ensure as far as is practicable that collectively the commissioners have the following—

S. 172G
inserted by
No. 26/2022
s. 22.

- (a) health sector experience, including experience in public health or psychology;
 - (b) regulatory experience;
 - (c) public policy experience;
 - (d) at least 5 years' practice as an Australian legal practitioner;
 - (e) any other qualifications, experience or expertise that the Minister considers relevant.
- (2) Despite subsection (1), a person is not eligible to be appointed as a commissioner if the person has, at any time in the previous 2 years, been the subject of a disqualification determination under section 93D.

172H Chairperson

- (1) The Governor in Council, on the recommendation of the Minister, may appoint an eligible person as Chairperson.
- (2) The appointment may be on a full-time or part-time basis, on the terms and conditions determined by the Governor in Council.

S. 172H
inserted by
No. 26/2022
s. 22.

172I Deputy Chairperson

- (1) The Governor in Council, on the recommendation of the Minister, may appoint one or more eligible persons as Deputy Chairpersons.
- (2) The appointment may be on a full-time or part-time basis, on the terms and conditions determined by the Governor in Council.

S. 172I
inserted by
No. 26/2022
s. 22.

172J Additional commissioners

- (1) The Governor in Council, on the recommendation of the Minister, may appoint eligible persons as additional commissioners.

S. 172J
inserted by
No. 26/2022
s. 22.

- (2) The appointment may be on a full-time or part-time basis, on the terms and conditions determined by the Governor in Council.

172K Sessional commissioners

S. 172K
inserted by
No. 26/2022
s. 22.

- (1) The Governor in Council, on the recommendation of the Minister, may appoint eligible persons as sessional commissioners.
- (2) The appointment of a sessional commissioner is to be on a part-time or daily basis, on the terms and conditions determined by the Governor in Council.
- (3) A sessional commissioner may be appointed—
- (a) for a specific period; or
 - (b) for a specific matter.
- (4) If the instrument of appointment of a sessional commissioner specifies that the commissioner is appointed for the purposes of a specific matter, the commissioner—
- (a) must be allocated to that matter; and
 - (b) may perform the functions of a commissioner only in relation to that matter.
- (5) If a sessional commissioner is appointed for a specified period without a specified purpose as set out in subsection (3)—
- (a) the Chairperson may allocate the sessional commissioner to a matter as the Chairperson sees fit; and
 - (b) the sessional commissioner may perform the functions of a commissioner in relation to that matter.

172L Term of appointment and remuneration

- (1) A commissioner—
 - (a) holds office for the period, not exceeding 5 years, specified in the instrument of appointment; and
 - (b) is eligible for re-appointment for a further term or terms.
- (2) A commissioner is entitled to the remuneration specified in the instrument of appointment.

S. 172L
inserted by
No. 26/2022
s. 22.

172M Acting appointments

- (1) The Minister may appoint a person to act in the office of commissioner (other than as a sessional commissioner), for a period not exceeding 6 months—
 - (a) if a commissioner is absent or, for any other reason, is unable to perform the duties of office; or
 - (b) during a vacancy in the office of commissioner; or
 - (c) if the Minister considers that an appointment under this section is necessary to assist the Commission in the performance of its functions.
- (2) An acting commissioner is eligible for re-appointment for a further term or terms.
- (3) The Minister may—
 - (a) determine the terms and conditions of appointment of an acting commissioner; and
 - (b) terminate the appointment at any time.

S. 172M
inserted by
No. 26/2022
s. 22.

- (4) While acting in a commissioner's place, the acting commissioner—
- (a) has and may perform all the functions of the commissioner; and
 - (b) is entitled to be paid the remuneration to which the commissioner would have been entitled.
- (5) The Minister may appoint a commissioner to act in the office of Chairperson if the Chairperson is absent or, for any other reason, is unable to perform the duties of office.
- (6) While acting in the Chairperson's place, the acting Chairperson—
- (a) has and may perform all the functions of the Chairperson; and
 - (b) is entitled to be paid the remuneration to which the Chairperson would have been entitled.
- (7) A person appointed under this section may resign from that acting appointment by notice in writing delivered to the Minister.

172N Vacancies and resignation

- (1) A commissioner's office becomes vacant if the commissioner—
- (a) becomes bankrupt; or
 - (b) is convicted in Victoria of an indictable offence or elsewhere of an offence that, if committed in Victoria, would be an indictable offence; or
 - (c) is removed from office under subsection (2);
or
 - (d) resigns by notice in writing delivered to the Governor in Council.

S. 172N
inserted by
No. 26/2022
s. 22.

- (2) The Governor in Council, on the recommendation of the Minister, may remove a commissioner from office if the commissioner—
 - (a) has refused, neglected, or failed to carry out the functions or duties of office; or
 - (b) has engaged in misconduct in carrying out the functions, powers or duties of office.
- (3) If a commissioner is removed from office under subsection (2), the Minister must cause to be laid before each House of Parliament a full statement of the grounds of the removal within 10 sitting days of that House after the removal.

172O Validity of decisions

A decision of the Commission is not invalid merely because of a defect or irregularity in, or in connection with, the appointment of a commissioner or acting commissioner.

S. 172O
inserted by
No. 26/2022
s. 22.

172P Disclosure of interests

- (1) If a commissioner (other than the Chairperson) has an interest in a matter being considered, or about to be considered, by the Commission, the commissioner must, as soon as practicable after the relevant facts come to the commissioner's knowledge, disclose the nature of the interest to the Chairperson.
- (2) If the Chairperson has an interest in a matter being considered, or about to be considered, by the Commission, the Chairperson must, as soon as practicable after the relevant facts come to the Chairperson's knowledge, disclose the nature of the interest to the Minister.
- (3) The Commission must make guidelines specifying the types of interests that a commissioner must disclose for the purposes of this section.

S. 172P
inserted by
No. 26/2022
s. 22.

- (4) The Commission must cause guidelines made under this section to be published on the Commission's Internet site.

172Q Protection from liability

S. 172Q
inserted by
No. 26/2022
s. 22.

- (1) A commissioner, or a delegate of the Commission or of a commissioner, is not personally liable for anything done or omitted to be done in good faith—
- (a) in the exercise of a power or the performance of a function under this Act or the regulations; or
 - (b) in the reasonable belief that the act or omission was in the exercise of a power or the performance of a function under this Act or the regulations.
- (2) Any liability resulting from an act or omission that, but for subsection (1), would attach to a commissioner or delegate attaches instead to the Commission.

172R Identity cards

S. 172R
inserted by
No. 26/2022
s. 22.

- (1) A commissioner (other than the Chairperson) is not authorised to perform the functions of an authorised person under this Act unless the commissioner is in possession of an identity card in the form approved by the Chairperson.
- (2) The Chairperson is not authorised to perform the functions of an authorised person under this Act unless the Chairperson is in possession of an identity card in the form approved by the Commission.
- (3) The identity card must bear a photograph and the name and signature of the commissioner.
- (4) In the course of performing a function as an authorised person, a commissioner must, if requested to do so by a person affected by the

performance of that function, produce the commissioner's identity card for inspection by the person, unless to do so would defeat the purpose for which the function is to be performed.

Division 3—Staffing and delegation

172S Staffing the Commission

**S. 172S
inserted by
No. 26/2022
s. 22.**

- (1) Any employees that are necessary for the purposes of performing the functions of the Commission under this Act, the regulations and any other Act may be employed by the Secretary under Part 3 of the **Public Administration Act 2004**.
- (2) The Commission may—
 - (a) enter into agreements or arrangements for the use of the services of any staff of a Department, statutory authority or other public body; and
 - (b) engage persons with suitable qualifications and experience as consultants.
- (3) The Commission may, by instrument, nominate a person by name to assist or advise the Commission in the performance of functions under this Act, the regulations or any other Act.
- (4) A nomination under subsection (3) must specify the functions in relation to which the nominated person is to assist or advise the Commission.
- (5) A nomination under subsection (3) remains in force for the period determined by the Commission and may be extended from time to time by the Commission.

172T Delegation

**S. 172T
inserted by
No. 26/2022
s. 22.**

- (1) The Commission, by instrument, may delegate any power or function of the Commission under this Act or the regulations, other than a function specified in subsection (2), to—

- (a) a commissioner; or
 - (b) a person employed under Part 3 of the **Public Administration Act 2004**.
- (2) The following functions of the Commission are not delegable under subsection (1)—
- (a) a late hour entry declaration for an area or locality under section 58B;
 - (b) a function under Divisions 1 and 2 of Part 6 (other than the giving of a specified notice);
 - (c) internal reviews under Division 2 of Part 9 (other than the giving of a notification under section 154).
- (3) Despite sub section (2), the Commission, by instrument, may delegate to a commissioner—
- (a) the power to determine whether to conduct an inquiry under section 91 or 94, but not the power to conduct the inquiry; and
 - (b) the power to allow a longer period under section 153(2)(a)(iii) for an application to be made under section 153; and
 - (c) the power to make a decision under section 160 to stay the operation of a decision pending review, including the power to attach conditions to the stay under section 160(5).
- (4) For the purposes of subsection (2)(b), *specified notice* means notice given or published under any of the following—
- (a) section 92(1);
 - (b) section 92A(1)(a);
 - (c) section 92A(1)(b);
 - (d) section 93(2)(a);

- (e) section 93D(4)(a);
- (f) section 93E(3)(a);
- (g) section 94A(1);
- (h) section 94B(1).

Division 4—Performance and exercise of the Commission's functions and powers

172U Basic requirement

- (1) The Commission must endeavour to perform its functions and exercise its powers without undue formality, and as expeditiously as practicable, as the requirements of this Act and the proper consideration of the subject matter permit.
- (2) Without limiting subsection (1), the Commission is required to inform an applicant for a licence or BYO permit of the Commission's decision in respect of the applicant's matter, and any other party to that matter, as soon as practicable after making the decision.
- (3) When performing functions or exercising powers under this Act or the regulations, the Commission must—
 - (a) comply with any directions of the Minister under section 172V; and
 - (b) have regard to any decision-making guidelines issued by the Minister under subsection (4).
- (4) The Minister may issue decision-making guidelines in respect of the regulation of liquor.
- (5) Decision-making guidelines issued by the Minister under subsection (4) must be published in the Government Gazette.

S. 172U
inserted by
No. 26/2022
s. 22.

172V Ministerial directions

S. 172V
inserted by
No. 26/2022
s. 22.

- (1) Subject to subsection (2), the Minister may give a written direction to the Commission in relation to the performance of its functions or the exercise of its powers.
- (2) A direction cannot be given under this section in relation to—
 - (a) the content of any advice, report or recommendation given to the Minister by the Commission; or
 - (b) the granting, issuing, variation, transfer, relocation, suspension or cancellation of a licence or BYO permit; or
 - (c) the conducting of an inquiry or taking of disciplinary action under Part 6.
- (3) Subject to subsection (4), the Minister must cause to be published in the Government Gazette—
 - (a) a direction given under this section; and
 - (b) the reasons for giving the direction.
- (4) The Minister is not required to publish any information under subsection (3) that in the Minister's opinion is confidential or commercially sensitive.

172W How may Commission's functions and powers be performed or exercised?

S. 172W
inserted by
No. 26/2022
s. 22.

- (1) A function or power of the Commission is to be performed or exercised by the Commission at a meeting, or an inquiry, in accordance with this Division and Division 2 of Part 9B.
- (2) A function of the Commission that this Act or the regulations provides may be performed by any commissioner may also be performed by the Commission at a meeting convened or inquiry

arranged in accordance with this Division and Division 2 of Part 9B.

- (3) In performing a function or exercising a power, the Commission—
- (a) except when exercising a power under Division 5 of Part I of the **Evidence (Miscellaneous Provisions) Act 1958**, is not bound by the rules of evidence but may inform itself in any way it thinks fit; and
- Note**
See section 172ZF(3).
- (b) is bound by the rules of natural justice.

172X Meetings and inquiries generally

S. 172X
inserted by
No. 26/2022
s. 22.

- (1) The Chairperson—
- (a) must convene as many meetings of the Commission as the Chairperson considers necessary for the efficient conduct of its affairs; and
- (b) may arrange for the Commission to conduct an inquiry.
- (2) A meeting convened, or inquiry arranged, in accordance with this section, may be conducted at a place determined by the Chairperson.
- (3) The Chairperson, or in the Chairperson's absence and if there is no acting Chairperson, a Deputy Chairperson, is to preside at a meeting of the Commission.
- (4) Subject to this Act and the regulations, the Commission may regulate its own procedure.
- (5) If the Chairperson arranges an inquiry to be conducted by 3 or more commissioners, the Chairperson may be the presiding commissioner, or must appoint one of the commissioners to be the presiding commissioner.

172Y Meetings

- (1) A meeting of the Commission may be conducted by telephone, closed circuit television or other means of communication that does not require the physical presence of each commissioner in the same room.
- (2) The quorum for a meeting of the Commission is 3 commissioners, at least one of whom must be the Chairperson or a Deputy Chairperson.
- (3) If a sessional commissioner has been appointed for a specific matter, the quorum for a meeting of the Commission that is to perform any function in relation to that matter must include that sessional commissioner.
- (4) A matter arising at a meeting is determined by a majority of votes of the commissioners present and voting on the question and the person presiding has a deliberative vote and, if voting is equal, a second or casting vote.

S. 172Y
inserted by
No. 26/2022
s. 22.

172Z Are Commission meetings and inquiries open to the public?

- (1) The Commission may conduct meetings and inquiries in public or private.
- (2) However, an inquiry conducted for the purposes of making a finding or a determination relating to any of the following matters must be conducted in public unless the Commission determines, under subsection (3), that there are special circumstances requiring that the inquiry or part of it should be conducted in private—
 - (a) a liquor licence application if an objection, on the grounds of either amenity or harm under section 38, 40 or 41(1)(b), is lodged in accordance with the requirements of this Act;

S. 172Z
inserted by
No. 26/2022
s. 22.

- (b) a late hour entry declaration for an area or locality under section 58B;
 - (c) a disciplinary action inquiry under section 91;
 - (d) an inquiry into amenity or disuse under section 94.
- (3) The Commission may direct that an inquiry or part of it be conducted in private if the Commission considers that special circumstances of a kind specified in paragraph (a) or (b) exist—
- (a) to prevent the unreasonable divulgence of information relating to the personal affairs of any person (including a deceased person); or
 - (b) it is otherwise in the interests of justice or the public interest to do so.
- (4) The Commission must advise that the Commission is conducting an inquiry in public by notice published on the Internet site of the Commission.
- (5) In the notice published under subsection (4), the Commission must—
- (a) specify the type of inquiry being conducted; and
 - (b) specify the date, time and place of the inquiry.

Division 5—Liquor inspectors

172ZA Appointment

- (1) The Chairperson may, by instrument, appoint as a liquor inspector for the purposes of this Act and the regulations a person employed under Part 3 of the **Public Administration Act 2004** who, in the Chairperson's opinion—

**S. 172ZA
inserted by
No. 26/2022
s. 22.**

- (a) is competent to perform the functions of an inspector; and
 - (b) is of good reputation, having regard to character, honesty and integrity.
- (2) Unless the Chairperson considers that there are special circumstances, the Chairperson cannot appoint as a liquor inspector a person who is, or at any time in the previous 2 years has been, the subject of a disqualification determination under section 93D.

172ZB Criminal records check

S. 172ZB
inserted by
No. 26/2022
s. 22.

- (1) The Commission may require a person under consideration for appointment as a liquor inspector to consent to having the person's photograph, finger prints and palm prints taken.
- (2) The Commission must refer a copy of any photograph, finger prints and palm prints and any supporting documentation to the Chief Commissioner of Police.
- (3) The Chief Commissioner of Police must inquire into and report to the Commission on matters relating to whether the person under consideration is of good repute, having regard to character, honesty and integrity.
- (4) The Chief Commissioner of Police must ensure that—
 - (a) any copies of photographs, finger prints and palm prints and any supporting documentation received under subsection (2) are destroyed—
 - (i) within 28 days after they are no longer required in connection with the Chief Commissioner's inquiry and report under subsection (3); or

- (ii) no later than 6 months from the date they were received—
 - whichever is the earlier; and
 - (b) the person to whom they relate is notified of the destruction as soon as practicable.
- (5) The Chairperson must ensure that—
- (a) any photographs, finger prints or palm prints taken under subsection (1) are destroyed—
 - (i) within 28 days after they are no longer required in connection with the consideration of the person's appointment as a liquor inspector; or
 - (ii) no later than 6 months from the date they were taken—
- whichever is the earlier; and
- (b) the person to whom they relate is notified of the destruction as soon as practicable.

172ZC Functions and powers of liquor inspectors

S. 172ZC
inserted by
No. 26/2022
s. 22.

- (1) A liquor inspector has the following functions—
 - (a) any functions conferred on a liquor inspector under this Act or the regulations;
 - (b) any other functions conferred on a liquor inspector under any other Act or regulations made under any other Act.
- (2) A liquor inspector has all the powers necessary to perform the inspector's functions.
- (3) Without limiting subsection (2), a liquor inspector may—
 - (a) with the approval of the Commission, bring proceedings for offences against this Act or the regulations; and

- (b) appear personally or be represented by an Australian lawyer in any proceedings the liquor inspector has become involved in as a consequence of performing the functions of a liquor inspector.

172ZD Identity cards

- (1) A liquor inspector is not authorised to perform the functions of a liquor inspector unless the liquor inspector is in possession of an identity card in the form approved by the Chairperson.
- (2) The identity card must bear a photograph and the name and signature of the liquor inspector.
- (3) In the course of performing a function as a liquor inspector, a liquor inspector must, if requested to do so by a person affected by the performance of that function, produce the liquor inspector's identity card for inspection by the person, unless to do so would defeat the purpose for which the function is to be performed.

S. 172ZD
inserted by
No. 26/2022
s. 22.

Part 9B—Investigations and inquiries of Commission

Division 1—Investigations

172ZE General power of investigation

- (1) For the purposes of performing its functions or exercising its powers under this Act or the regulations, the Commission may carry out investigations.
- (2) An investigation under this Division may include (but is not limited to) an investigation of any or all of the following—
 - (a) a person who, in the opinion of the Commission, is a regulated person;
 - (b) the conduct and practices of a person referred to in paragraph (a);
 - (c) a person who, in the opinion of the Commission, could affect the exercise of functions in or in relation to the conduct of the operations of a regulated person under a licence or BYO permit;
 - (d) a person who, in the opinion of the Commission, could be in a position to exercise direct or indirect control over a regulated person, in relation to functions in or in relation to the conduct of operations under a licence or BYO permit;
 - (e) any contravention or suspected contravention of this Act;
 - (f) matters relevant to the functions, powers or duties of the Commission or the operation of this Act or the regulations.

Pt 9B
(Headings
and ss
172ZE–
172ZK)
inserted by
No. 26/2022
s. 22.

S. 172ZE
inserted by
No. 26/2022
s. 22.

(3) An investigation under this Division may include making an enquiry of a preliminary nature.

(4) In this section—

regulated person means—

- (a) a licensee or permittee; or
- (b) a responsible person; or
- (c) a member of the committee of management of a licensee or permittee (if it is a club); or
- (d) a nominee of the licensee or permittee (if it is a club); or
- (e) a person who, directly or indirectly, is concerned in or takes part in the management of licensed premises; or
- (f) an applicant for a licence or BYO permit; or
- (g) a person who carries on a business specified under sections 6A to 6D.

Division 2—Inquiries

Subdivision 1—Inquiries generally

172ZF Inquiries by Commission

- (1) The Commission may conduct an inquiry for the purposes of performing its functions or exercising its powers under this Act or the regulations.
- (2) At least one commissioner must preside at an inquiry.
- (3) When conducting an inquiry for the purposes of performing its functions under section 172D(1)(a), (b), (c) or (d), the Commission is taken to be a board appointed by the Governor in Council and Division 5 of Part I (including section 21A) of the

**S. 172ZF
inserted by
No. 26/2022
s. 22.**

Evidence (Miscellaneous Provisions) Act 1958, as in force immediately before the repeal of that Division, applies accordingly.

- (4) If a sessional commissioner has been appointed for a specific matter, that sessional commissioner must sit on any inquiry in relation to that matter.
- (5) When the Commission is conducting an inquiry for the purposes of a function referred to in section 172T(2)(b), the commissioner who initiated the inquiry may sit on the inquiry.

172ZG Conduct of inquiry

Subject to this Act and the regulations, the Commission may conduct any inquiry in any manner the Commission considers appropriate.

S. 172ZG
inserted by
No. 26/2022
s. 22.

Note

For provisions of this Act to which this section is subject, see, for example, sections 172W(3) and 172ZF(3).

Subdivision 2—Community interest inquiries

172ZH Community interest inquiries

- (1) The Commission may determine that an inquiry it is proposing to, or must, conduct is a community interest inquiry.
- (2) In making a determination under subsection (1), the Commission must have regard to the subject matter of the proposed inquiry and the functions and powers it will perform or exercise for the purposes of that inquiry.
- (3) If directed to do so by the Minister, the Commission must conduct a community interest inquiry into any matter specified by the Minister that is relevant to the administration of this Act or the regulations.
- (4) A direction made by the Minister under subsection (3) must be in writing.

S. 172ZH
inserted by
No. 26/2022
s. 22.

172ZI Procedure for community interest inquiries

S. 172ZI
inserted by
No. 26/2022
s. 22.

- (1) The Commission must conduct a community interest inquiry in public.
- (2) In conducting a community interest inquiry, the Commission may—
 - (a) determine the area or locality in the State to which the inquiry relates; and
 - (b) call for submissions from interested organisations and members of the public; and
 - (c) consult with persons or bodies the Commission considers appropriate and seek submissions from those persons and bodies.
- (3) The Commission must advise that a community interest inquiry is being conducted by the Commission—
 - (a) by notice published in the Government Gazette; and
 - (b) by notice published on the Commission's Internet site; and
 - (c) if the inquiry relates to a particular area or locality—by notice published in a newspaper (whether printed or published by electronic communication) circulating in the area or locality to which the inquiry relates.
- (4) The Commission must—
 - (a) in the notices required to be published under subsection (3), invite the public to make submissions to the Commission in relation to the community interest inquiry within the time specified in those notices; and
 - (b) set out the manner and form in which submissions may be made.

- (5) All submissions made to the Commission that—
- (a) relate to the subject matter of the community interest inquiry; and
 - (b) are made within the time, manner and form specified by the Commission in the notices required to be published under subsection (3)—

must be considered by the Commission before the community interest inquiry is concluded.

172ZJ Minister may require interim report

S. 172ZJ
inserted by
No. 26/2022
s. 22.

- (1) The Minister may, in writing, request the Commission to provide an interim report, within a time specified by the Minister, on any community interest inquiry being conducted by the Commission before the inquiry is concluded.
- (2) An interim report made by the Commission and given to the Minister under subsection (1) may be made orally or may be in writing.

172ZK Final report to be provided to Minister

S. 172ZK
inserted by
No. 26/2022
s. 22.

- (1) At the conclusion of a community interest inquiry, the Commission must give the Minister a report on the outcomes of the inquiry.
- (2) A report made by the Commission and given to the Minister under subsection (1) must be in writing.

Part 10—General

173 Service of notices and other documents

- (1) A notice or other document required or permitted to be given to or served on a person under this Act may be given or served—
- (a) if the person is a natural person, by giving it to, or serving it personally on, the person or by sending it by post to the person at his or her usual or last known place of residence or business; or
 - (b) if the person is a body corporate, by leaving it at or sending it by post to the registered office of the body corporate; or
 - (c) if the person is the owner or mortgagee of licensed premises, by leaving it at or sending it by post to the address registered with the Commission under section 98.

S. 173(1)(c)
amended by
Nos 74/2000
s. 3(Sch. 1
item 72.2),
58/2011
s. 104(Sch.
item 4.232).

- (2) In subsection (1), *registered office* means—
- (a) the office of the body corporate that is the registered office or principal office in accordance with the law of the State or Territory by or under which the body corporate is incorporated; or
 - (b) if the body corporate is not incorporated in Australia, an office registered under the law of a State or Territory as a registered office of the body corporate; or
 - (c) in the case of a body corporate that has no such registered office or principal office, the principal place of business of the body corporate in Victoria, or, if it has no place of business in Victoria, its principal place of business in Australia.

S. 174
amended by
No. 58/2011
s. 104(Sch.
item 4.233).

174 Extension of time for objections

At the request of any person, the Commission may—

- (a) extend the time for making an objection under this Act in respect of any particular application; or
- (b) accept an objection made after the time under this Act for making that objection has expired.

S. 175(1)
amended by
Nos 114/2003
s. 12.1.3
(Sch. 6
item 9.4),
56/2014
s. 62(3)(a)–(e).

175 Application of Gambling Regulation Act 2003

(1) Sections 2.5.20 to 2.5.38 of the **Gambling Regulation Act 2003** with respect to, and so far as they relate to, a place which is provided for the purposes of unauthorised gambling or to any place which is suspected, upon reasonable grounds, by the owner to be provided for the purposes of unauthorised gambling, with such adaptations as are necessary—

S. 175(1)(a)
amended by
No. 56/2014
s. 62(3)(b)(c).

- (a) extend and apply also to any place which is, or is used as, a place for the supply of liquor without a licence authorising the supply or is suspected upon reasonable grounds by the owner to be used as such a place;
- (b) extend and apply to any unlicensed club which is used for the supply of liquor without a licence authorising the supply or is suspected upon reasonable grounds by the owner to be used for such supply; and
- (c) have effect accordingly as if enacted in this Act and as if, in those sections—

S. 175(1)(c)(i)
amended by
No. 37/2014
s. 10(Sch.
item 96.32).

- (i) a reference to a senior police officer or a police officer were a reference to a licensing inspector;

- (ii) a reference to any equipment for unauthorised gambling and documents relating to betting and any money and securities for money were a reference to all liquor and vessels used for containing, measuring or drinking liquor. **S. 175(1)(c)(ii) amended by No. 56/2014 s. 62(3)(f).**
- (2) A person guilty of an offence under any of the sections referred to in subsection (1) as so extended and applied for which no penalty is expressly provided under this Act, is liable—
- (a) for a first offence to a penalty of not more than 15 penalty units or to imprisonment for not more than 3 months;
 - (b) for a second offence to a penalty of not more than 30 penalty units or for a term of imprisonment of not more than 6 months;
 - (c) for any subsequent offence to 50 penalty units or imprisonment for a term of not more than 12 months.

176 Issue of proof of age cards

- (1) A person may apply to the Commission for the issue of a document indicating that the person is of or over the age of 18 years. **S. 176(1) amended by No. 58/2011 s. 104(Sch. item 4.234).**
- (2) An application must be—
- (a) in a form approved by the Commission; and **S. 176(2)(a) amended by No. 58/2011 s. 104(Sch. item 4.234).**
 - (b) accompanied by the information and material, if any, required by the Commission; and **S. 176(2)(b) amended by Nos 92/2004 s. 18(1)(9)(a), 58/2011 s. 104(Sch. item 4.234).**

S. 176(2)(c)
inserted by
No. 92/2004
s. 18(1)(9)(b).

(c) accompanied by the fee specified in the regulations for the purposes of this section.

S. 176(3)
amended by
No. 58/2011
s. 104(Sch.
item 4.234).

(3) On receiving an application, the Commission may issue a document indicating that the person is of or over the age of 18 years if the Commission is satisfied that the person is of or over that age.

177 Treasurer may make payments

S. 177(1)
amended by
No. 6/2000
s. 34(1).

- (1) The Treasurer may, from time to time, pay amounts determined by the Treasurer to persons who hold, or have held, licences (whether granted under the law of Victoria or of another State or of a Territory) relating to the sale of liquor in respect of which taxes have been paid to the Commonwealth.
- (2) The Consolidated Fund is appropriated to the necessary extent for the purposes of subsection (1).

178 Treasurer may require information

- (1) For the purpose of determining whether to make a payment under section 177, or the amount of a payment, the Treasurer may require a person referred to in section 177(1)—
 - (a) to give the Treasurer any information required by the Treasurer; or
 - (b) to produce to the Treasurer any document required by the Treasurer.
- (2) A person must not give any information or produce any document under subsection (1) that is false or misleading in a material particular.

Penalty: 500 penalty units in the case of a body corporate;

100 penalty units in any other case.

178A Delegation

S. 178A
inserted by
No. 41/2013
s. 43.

- (1) The Treasurer may delegate, by instrument, to the Commissioner of State Revenue—
 - (a) a power of the Treasurer under section 177(1) or 178(1);
 - (b) the power to delegate a power delegated under paragraph (a).
- (2) If power has been delegated under subsection (1)(b), the Commissioner of State Revenue may, subject to the terms of the instrument of delegation, sub-delegate, by instrument, to a member of staff of the State Revenue Office a power that is the subject of the delegation, other than the power of sub-delegation.
- (3) Sections 42 and 42A of the **Interpretation of Legislation Act 1984** apply in relation to a sub-delegation in the same manner as they apply in relation to a delegation.
- (4) In this section—

member of staff of the State Revenue Office
means—

 - (a) an employee referred to in section 67 of the **Taxation Administration Act 1997**; or
 - (b) a consultant or contractor engaged under section 68 of that Act.

179 Records to be made and kept by certain licensees

- (1) A person who is in a class of persons determined by the Commissioner of State Revenue who hold, or have held, licences must make a record of sales and purchases of liquor and keep each record for a period of 5 years after it was made.

S. 179(1)
substituted by
No. 6/2000
s. 34(2).

Liquor Control Reform Act 1998
No. 94 of 1998
Part 10—General

S. 179(1A)
inserted by
No. 6/2000
s. 34(2).

(1A) A determination of the Commissioner of State Revenue for the purposes of subsection (1)—

S. 179(1A)(a)
amended by
No. 49/2021
s. 54.

(a) must be published in the Government Gazette and in a newspaper (whether printed or published by electronic communication) generally circulating in Victoria;

(b) takes effect on the date it is published or on the later date specified in it.

(2) A record under this section must be in the form, and contain the particulars, required by the Commissioner of State Revenue.

(3) A person must not—

(a) fail to make or keep a record as required by this section; or

(b) include in a record under this section any information that is false or misleading in a material particular.

Penalty: 500 penalty units in the case of a body corporate;

100 penalty units in any other case.

(4) A record under this section need not be kept for 5 years if the Commissioner of State Revenue authorises its earlier destruction.

S. 179A
inserted by
No. 21/2001
s. 11,
amended by
No. 39/2002
s. 13,
repealed by
No. 39/2002
s. 16(b).

* * * * *

180 Regulations

- (1) The Governor in Council may make regulations for or with respect to any matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The Governor in Council may make regulations for or with respect to encouraging responsible practices in the service, supply and promotion of liquor.
- (3) The regulations—
 - (a) may impose a penalty not exceeding 5 penalty units for a breach of the regulations;
 - (b) may be of general or of specially limited application;
 - (c) may differ according to differences in time, place or circumstances;
 - (ca) may be made so as to incorporate, adopt or apply wholly or partially or as amended by the regulations, the provisions of any document, standard, guideline, rule, specification or method formulated, issued, prescribed or published by any authority or body whether—
 - (i) as formulated, issued, prescribed or published at the time the regulation is made or at any time before the regulation is made; or
 - (ii) as amended from time to time;
 - (cb) may exempt a business or a class or classes of business from the requirement to hold a licence subject to specified conditions;

S. 180(3)(ca)
inserted by
No. 2/2009
s. 29(2).

S. 180(3)(cb)
inserted by
No. 57/2010
s. 28.

S. 180(3)(cc)
inserted by
No. 57/2010
s. 28.

(cc) may prescribe a type or types of liquor for the purposes of section 6D;

(d) may exempt persons or things, or classes of persons or things, from any of the provisions of the regulations, whether unconditionally or on specified conditions and either wholly or to such an extent as is specified.

(4) Regulations with respect to fees—

(a) may provide for different fees for different classes of application;

S. 180(4)(ab)
inserted by
No. 71/2011
s. 29.

(ab) may provide for different fees or discounts on fees depending on whether the licence or permit has incurred demerit points under Part 4A or is the subject of non-compliance incidents;

S. 180(4)(ac)
inserted by
No. 71/2011
s. 29.

(ac) may provide for different fees for licences that have different conditions;

S. 180(4)(ad)
inserted by
No. 49/2021
s. 55(1).

(ad) may provide for different fees depending on the geographical location of the licensee, permittee or a licensed premises;

S. 180(4)(b)
substituted by
No. 59/2009
s. 29(1).

(b) may provide for fees that vary according to time, including but not limited to—
(i) fees that vary according to the trading hours for which a licensee is authorised to supply liquor; and
(ii) fees that vary according to the period of time for which a licence is granted or renewed;

(c) may provide for the means of payment of fees;

- (d) may provide for the Commission to waive or reduce fees in specified circumstances. **S. 180(4)(d) amended by No. 58/2011 s. 104(Sch. item 4.235).**
- (5) Without limiting subsection (4), the regulations may provide for the calculation of fees based on all or any of the following factors—
- (a) the nature and scale of the activities being carried out at the licensed premises;
 - (b) the type of venue;
 - (c) the number of patrons;
 - (d) any activities carried out by a licensee or permittee that reduce the risk of alcohol-related harm arising from the operation of a licence or permit;
 - (e) the previous conduct of a licensee or permittee in carrying out activities under a licence or permit;
 - (f) the previous history of a licensee or permittee in complying with this Act and the regulations;
 - (fa) the physical location of the licensee, permittee or a licensed premises; **S. 180(5)(fa) inserted by No. 49/2021 s. 55(2).**
 - (g) any other factors consistent with the objects of this Act.
- (6) A fee provided for by the regulations is not limited to an amount that is related to the cost of providing a service. **S. 180(6) inserted by No. 59/2009 s. 29(2).**

Part 11—Repeals, consequential amendments and transitionals

S. 181
repealed by
No. 21/2001
s. 13.

* * * * *

S. 182
amended by
No. 58/2011
s. 64(1) (ILA
s. 39B(1)).

182 Savings and transitional provisions

(1) Schedule 3 has effect.

S. 182(2)
inserted by
No. 58/2011
s. 64(1).

(2) Schedule 4 has effect.

S. 182(3)
inserted by
No. 20/2018
s. 31.

(3) Schedule 5 has effect.

S. 182(4)
inserted by
No. 49/2021
s. 59.

(4) Schedule 6 has effect.

S. 182(5)
inserted by
No. 28/2022
s. 173.

(5) Schedule 7 has effect.

S. 182(6)
inserted by
No. 26/2022
s. 24.

(6) Schedule 8 has effect.

S. 183
repealed by
No. 21/2001
s. 13,
new s. 183
inserted by
No. 13/2013
s. 30.

183 Transitional provision—Statute Law Amendment (Directors' Liability) Act 2013

(1) For the avoidance of doubt, section 53A applies with respect to an offence against a provision specified in subsection (2) of that section that is alleged to have been committed by a body corporate on or after the commencement of

section 27 of the **Statute Law Amendment (Directors' Liability) Act 2013**.

- (2) For the avoidance of doubt, section 53B applies with respect to an offence against a provision specified in subsection (2) of that section that is alleged to have been committed by a body corporate on or after the commencement of section 27 of the **Statute Law Amendment (Directors' Liability) Act 2013**.
- (3) For the avoidance of doubt, section 53C applies with respect to an offence against a provision specified in subsection (2) of that section that is alleged to have been committed by a body corporate on or after the commencement of section 27 of the **Statute Law Amendment (Directors' Liability) Act 2013**.
- (4) This section does not limit section 14 of the **Interpretation of Legislation Act 1984**.

184 Transitional provision—Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014

S. 184
inserted by
No. 21/2014
s. 17.

- (1) On and after the commencement of section 13 of the **Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014**, any condition on a limited licence for the purpose of a club that was imposed by the Commission in relation to section 14(3) (as in force immediately before the commencement of section 13 of the **Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014**) is removed.
- (2) On and after the commencement of section 14 of the **Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014**, any condition on a club licence that was imposed by the Commission in relation to section 25(1)(b) (as in force immediately before the

Liquor Control Reform Act 1998

No. 94 of 1998

Part 11—Repeals, consequential amendments and transitionals

commencement of section 14 of the **Gambling
and Liquor Legislation Amendment
(Reduction of Red Tape) Act 2014** is removed.

Schedules

Schedule 1—Club licences

Section 10(4)(a)

Sch. 1
amended by
No. 49/2021
s. 56.

The rules of a club—

- (a) must preclude the payment of any amount to an officer or servant of the club by way of commission or allowance from the receipts of the club for the supply of liquor;
- (b) must provide that a visitor to the club must not be supplied with liquor in the club premises unless the visitor is—
 - (i) a guest in the company of a member of the club; or
 - (ii) if the club admits authorised gaming visitors, an authorised gaming visitor admitted in accordance with the rules of the club;
- (c) must provide that a person cannot—
 - (i) be admitted as an honorary or temporary member of the club (if the club has these types of membership); or
 - (ii) be exempted from the obligation to pay the ordinary subscription for membership of the club—unless the person is of a class specified in the rules and the admission or exemption is in accordance with the rules;
- (d) except in the case of a club primarily for sporting purposes, must provide that a person under the age of 18 years cannot be admitted to membership of the club;
* * * * *
- (g) unless the club is a body corporate—
 - (i) must provide that the facilities of the club are provided and maintained from the joint funds of the club;

- (ii) except as otherwise permitted under the **Liquor Control Reform Act 1998**, must not enable any person to receive a greater profit, benefit or advantage from the club than that to which any member is entitled;
- (iii) must provide for periodic meetings of the management committee and the recording of minutes of the meetings;
- (iiia) must provide for a management committee of the club with responsibility for the affairs of the club;
- (iiib) must provide that the members of the management committee of the club be elected for a term of not less than 12 months by a majority of the members present at the meeting and entitled to vote, subject to a quorum of at least 10% of members entitled to vote being present at the meeting;
- (iv) must provide—
 - (A) that not less than two weeks may elapse between the date of nomination and the date of election of ordinary members; and
 - (B) that the names and addresses of persons proposed for election as members of the management committee of the club shall be displayed in a conspicuous place in the club premises for not less than one week before the date of the election; and
 - (C) for the election of members of the management committee by the general body of members; and
 - (D) for the keeping of records of members voting at an election of members; and
- (h) must provide for the keeping of records of guests; and
- (i) in the case of a club in respect of which a venue operator's licence is in force, must provide that an authorised gaming visitor must—

Liquor Control Reform Act 1998
No. 94 of 1998
Schedule 1—Club licences

- (i) produce evidence of his or her residential address before being admitted to the licensed premises; and
- (ii) carry identification at all times whilst on the licensed premises; and
- (iii) comply with any relevant rules of the club whilst on the licensed premises.

Sch. 2
repealed by
No. 21/2001
s. 13,
new Sch. 2
inserted by
No. 39/2002
s. 14,
repealed by
No. 39/2002
s. 16(b), new
Sch. 2
inserted by
No. 73/2007
s. 7,
amended by
Nos 52/2010
s. 35, 71/2011
s. 30, 74/2014
s. 31 (as
amended by
No. 20/2015
s. 50(2)),
6/2021 s. 13.

Schedule 2—Specified offences for the purposes of banning notices and exclusion orders

The following offences are specified offences for the purposes
of Part 8A—

1 Offences against the person

An offence against section 16, 17, 18, 19, 20, 21, 22, 23,
24, 30, 31 or 31B of the **Crimes Act 1958**.

2 Sexual offences

An offence against section 38(1), 39(1), 40(1), 41(1),
42(1) or 43(1) of the **Crimes Act 1958**.

An offence against section 38 or 39 of the **Crimes
Act 1958** inserted in the **Crimes Act 1958** on 1 January
1992 by section 3 of the **Crimes (Rape) Act 1991** and
repealed by section 4 of the **Crimes Amendment
(Sexual Offences and Other Matters) Act 2014**.

An offence against section 38A of the **Crimes Act 1958**
inserted in the **Crimes Act 1958** on 1 December 2006 by
section 7 of the **Crimes (Sexual Offences) Act 2006** and
repealed by section 4 of the **Crimes Amendment
(Sexual Offences and Other Matters) Act 2014**.

An offence against section 40 of the **Crimes Act 1958**
inserted in the **Crimes Act 1958** on 15 August 1993 by
section 20 of the **Sentencing (Amendment) Act 1993** and
repealed by section 4 of the **Crimes Amendment
(Sexual Offences and Other Matters) Act 2014**.

3 Destroying or damaging property and trespass

An offence against section 197 or 206 of the **Crimes
Act 1958** or section 9 of the **Summary Offences
Act 1966**.

* * * * *

5 Offensive and obscene behaviour

An offence against section 17 or 19 of the **Summary Offences Act 1966**.

5A Disorderly conduct

An offence against section 17A of the **Summary Offences Act 1966**.

6 Assaults—summary offences

An offence against section 23 or 24 of the **Summary Offences Act 1966**.

7 Prohibited weapons offences

An offence against section 5(1A) of the **Control of Weapons Act 1990**.

8 Failure to leave licensed premises

An offence against section 114(2) of this Act.

Schedule 3—Savings and transitional provisions

Section 182

Sch. 3 Pt 1
(Heading)
inserted by
No. 71/2011
s. 31(1).

Part 1—General provisions

1 Definitions

In this Schedule—

commencement day means the day on which
Part 11 of this Act comes into operation;

Commission means the Liquor Licensing
Commission established under the repealed
Act;

licence includes a licence within the meaning of
the repealed Act;

licensed premises includes licensed premises
within the meaning of the repealed Act;

licensee includes a licensee within the meaning of
the repealed Act;

permit includes a permit granted under the
repealed Act;

repealed Act means the **Liquor Control
Act 1987**;

Sch. 3 cl. 1
def. of
repealed Act
amended by
No. 23/2002
s. 197(1)(a).

Victorian Electoral Commission means the
Victorian Electoral Commission established
under section 6 of the **Electoral Act 2002**.

Sch. 3 cl. 1
def. of
*Victorian
Electoral
Commission*
inserted by
No. 23/2002
s. 197(1)(b).

2 Liquor Licensing Commission

- (1) On the commencement day—
 - (a) the Commission is abolished and its members go out of office;
 - (b) the office of Chief Executive Officer of the Commission is abolished and the person who held that office immediately before the commencement day goes out of office.
- (2) Despite subclause (1)(a), the Commission, as constituted immediately before the commencement day, may hear and determine any application or matter under the repealed Act that was made or had arisen before that commencement.
- (3) Subject to this clause, the repealed Act applies to the hearing and determination of an application or matter under subclause (2) as if this Act had not been enacted.
- (4) Subject to this clause a determination under the repealed Act made by reason of subclause (2) has effect—
 - (a) in the case of a determination relating to the grant, variation, transfer or removal of a licence or permit—as if it had been made under the repealed Act immediately before the commencement day; and
 - (b) in any other case—as if it had been made under this Act.
- (5) A person who would be entitled to apply for review of a determination of the Commission under subclause (2) by virtue of section 105 of the repealed Act may apply to the Tribunal for review of the determination and the repealed Act applies to that review as if a reference in the repealed Act

to the Full Commission were a reference to the Tribunal.

3 Licences and permits under repealed Act

A licence or permit of a kind, or having effect as if it were a licence or permit of a kind, specified in column 1 of an item in the Table that is in force immediately before the commencement day is deemed to be, on and after the commencement day, a licence or permit of the kind specified in column 2 of that item granted and in force under this Act.

TABLE

<i>Item</i>	<i>Column 1 Licence or permit under repealed Act</i>	<i>Column 2 Licence or permit under this Act</i>
1.	General (class 1) licence	General licence
2.	Residential licence	General licence
3.	On-premises licence	On-premises licence
4.	General (class 2) licence	On-premises licence
5.	Limited licence	Limited licence
6.	Full club licence	Full club licence
7.	Restricted club licence	Restricted club licence
8.	Producer's or distributor's licence—	
8.1	- granted to a producer	Pre-retail licence
8.2	- granted to a distributor	Pre-retail licence
8.3	- granted to a vigneron	Vigneron's licence
9.	Packaged liquor licence	Packaged liquor licence
10.	BYO permit	BYO permit

4 Conditions of licences and permits under the repealed Act

- (1) A licence or permit referred to in clause 3 is subject to the conditions to which it was subject immediately before the commencement day.
- (2) The Director may remove a condition from a licence or permit referred to in clause 3 (other than a condition referred to in clause 6(3)) on application by a licensee or permittee or on the Director's own initiative.

5 Extended hours permits

If, immediately before the commencement day, a licensee of a licence referred to in column 1 of the Table in clause 3 held an extended hours permit under the repealed Act in respect of the licensed premises, the licence held by the licensee under this Act as a result of the operation of clause 3 authorises the licensee to supply liquor, in accordance with the licence, at the times specified in that permit.

6 Additional authority and conditions for pre-retail licence for producers and distributors

- (1) A pre-retail licence held by a person as a result of the operation of item 8.1 of the Table in clause 3 (producer) authorises the licensee to do the things referred to in section 49(1)(a) of the repealed Act in addition to anything it authorises the person to do under this Act.
- (2) A pre-retail licence held by a person as a result of the operation of item 8.2 of the Table in clause 3 (distributor) authorises the licensee to do the things referred to in section 49(1)(c) of the repealed Act in addition to anything it authorises the person to do under this Act.

- (3) The Director cannot remove a condition of a licence referred to in subclause (2) requiring the business carried on by the licensee under the licence to be not less than 90% the business of supplying liquor to licensees.

7 Restriction on general licence that was previously a residential licence

If a residential licence granted under the repealed Act or a licence having effect as a residential licence under the repealed Act did not authorise the licensee to sell or dispose of liquor for consumption off the licensed premises, the general licence held by the licensee as a result of the operation of clause 3 does not authorise the licensee to sell or dispose of liquor for consumption off the licensed premises, unless the licence is varied under this Act.

8 Restriction of on-premises licence granted to restaurant under repealed Act

An on-premises licence held by a licensee as a result of the operation of clause 3 in respect of an on-premises licence granted under section 50(2)(d) of the repealed Act or having effect as such a licence is subject to the condition that—

- (a) the predominant activity carried on on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises; and
- (b) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time.

9 Premises under old general (class 2) licence that are approved for gaming

Sch. 3 cl. 9
amended by
No. 114/2003
s. 12.1.3
(Sch. 6
item 9.5).

If, immediately before the commencement day—

- (a) a licensee held a general (class 2) licence under the repealed Act in respect of licensed premises; and
- (b) an approval was in force under Part 2A of the **Gaming Machine Control Act 1991** in respect of those premises—

the on-premises licence held by the licensee on and after the commencement day as a result of the operation of clause 3, and that licence as renewed from time to time under this Act, is deemed for the purposes of the **Gambling Regulation Act 2003** to be a general licence.

10 Consents and approvals under repealed Act continue

- (1) A consent of the Commission under section 120 of the repealed Act that was in force immediately before the commencement day continues in accordance with its terms and conditions on and after the commencement day for the purposes of section 105 of this Act as if it were a consent of the Director under that section.
- (2) A consent of the Commission under section 121 of the repealed Act that was in force immediately before the commencement day continues in accordance with its terms and conditions on and after the commencement day for the purposes of section 106 of this Act as if it were a consent of the Director under that section.
- (3) An approval of the Commission under section 128(2)(a)(i) or 128(2)(d) of the repealed Act that was in force immediately before the commencement day continues in accordance with its terms and conditions (if any) on and after the

commencement day for the purposes of section 120(2)(a)(i) or 120(2)(e) of this Act as if it were an approval of the Director under that section.

11 Nominees continue

A person who, immediately before the commencement day, was a nominee of a licensee or permittee under section 86 of the repealed Act continues to be a nominee of that licensee or permittee on and after the commencement day for the purposes of this Act as if he or she had been approved by the Director under section 54 of this Act.

12 Endorsements continue

Any endorsements on a licence or BYO permit under the repealed Act that were in force immediately before the commencement day continue in force on and after the commencement day in respect of the equivalent licence or permit under this Act as if they had been made under this Act.

13 Authorisation of person under section 102 of repealed Act

A person who, immediately before the commencement day, carried on business as a result of an authorisation under section 102 of the repealed Act in respect of a licence or BYO permit continues to be authorised to carry on business in respect of the equivalent licence or permit on and after the commencement day as if their name had been endorsed on the licence or permit under section 93 of this Act.

14 People disqualified under repealed Act

- (1) A reference in section 27 to a person who is disqualified from holding a licence or permit under this Act includes a reference to a person

Sch. 3 cl. 14
amended by
No. 8/2006
s. 12 (ILA
s. 39B(3)).

who was disqualified from holding a licence or permit under the repealed Act.

- (2) On or after the commencement of this subclause, a decision made under section 103 of the repealed Act that was in force immediately before the commencement day takes effect according to its terms as if it were an order made under section 92 of this Act.

Sch. 3 cl. 14(2)
inserted by
No. 8/2006
s. 12.

15 Notices required to be displayed under section 110A of the repealed Act

A requirement of the Commission under section 110A of the repealed Act that a notice be displayed on licensed premises that was in force immediately before the commencement day continues in force on and after the commencement day for the purposes of section 102 of this Act as if it were a requirement of the Director under that section.

16 Members of former Co-ordinating Council

- (1) The members of the Co-ordinating Council under section 6 of the repealed Act who were in office immediately before the commencement day become members of the Co-ordinating Council under section 5 of this Act on the commencement day on the terms and conditions on which they were appointed under the repealed Act.
- (2) The members referred to in subsection (1) hold office for the remainder of the terms for which they were appointed under the repealed Act, unless removed sooner.

Liquor Control Reform Act 1998
No. 94 of 1998
Schedule 3—Savings and transitional provisions

Sch. 3 cl. 17
amended by
Nos 24/1999
s. 48, 23/2002
s. 197(2)(3),
92/2004
s. 37(a),
23/2012
s. 6(3)–(5),
repealed by
No. 49/2021
s. 57.

* * * * *

Sch. 3 cl. 18
amended by
No. 9/2020
s. 390(Sch. 1
items 62.3,
62.4),
repealed by
No. 49/2021
s. 58.

* * * * *

Sch. 3 cl. 19
inserted by
No. 21/2001
s. 12.

19 Transitional provisions—Liquor Control Reform (Amendment) Act 2001

- (1) Section 11(3)(aa), as inserted by section 5 of the **Liquor Control Reform (Amendment) Act 2001**, extends to packaged liquor licences in force at the commencement of that section 5.
- (2) Section 18A, as inserted by section 6 of the **Liquor Control Reform (Amendment) Act 2001**, applies to a general licence granted or transferred to a person on an application made on or after 23 January 2001.
- (3) Section 22(3), as inserted by section 7 of the **Liquor Control Reform (Amendment) Act 2001**, applies to the grant of a licence or BYO permit on or after the commencement of that section 7 whether the application for the grant was made before, on or after that commencement.
- (4) Section 23, as amended by section 8 of the **Liquor Control Reform (Amendment) Act 2001**, applies to the grant or transfer of a

licence to a person on an application made on or after 23 January 2001.

- (5) However, section 23(3), as inserted by section 8(3) of the **Liquor Control Reform (Amendment) Act 2001**, does not apply to a general licence that was in force on 23 January 2001.
- (6) If—
- (a) an application was made on or after 23 January 2001 for the grant or transfer of a licence to a person; and
 - (b) the licence was granted or transferred to the person before the commencement of the **Liquor Control Reform (Amendment) Act 2001**; and
 - (c) the grant or transfer of the licence would have been prohibited by section 23 had the amendments to that section by section 8 of the **Liquor Control Reform (Amendment) Act 2001** been in operation at the time of the grant or transfer—

the licence ceases to be in force, by virtue of this subclause, on the commencement of that Act.

20 Transitional provision—Liquor Control Reform (Packaged Liquor Licences) Act 2002

Sch. 3 cl. 20
inserted by
No. 39/2002
s. 15.

- (1) Section 11(3)(aac) and (aad), as inserted by section 6(1) of the **Liquor Control Reform (Packaged Liquor Licences) Act 2002**, extends to packaged liquor licences in force at the commencement of that section 6(1).
- (2) However, the licence condition referred to in section 11(3)(aac) does not apply to a packaged liquor licence until the financial year commencing on 1 July 2003.

- (3) Section 35, as substituted by section 10 of the **Liquor Control Reform (Packaged Liquor Licences) Act 2002**, applies to an application made on or after the commencement of that section 10.
- (4) If—
- (a) on or after 14 May 2002 but before the day on which the **Liquor Control Reform (Packaged Liquor Licences) Act 2002** receives the Royal Assent, the Director grants or transfers to a person a packaged liquor licence; and
 - (b) the grant or transfer would have been prohibited by section 23 had the **Liquor Control Reform (Packaged Liquor Licences) Act 2002** received the Royal Assent—
- the grant or transfer (as the case requires) is, and must be taken always to have been, void.

Sch. 3 cl. 21
inserted by
No. 73/2007
s. 25.

21 Transitional provisions—**Liquor Control Reform Amendment Act 2007**

- (1) The condition referred to in section 9(3)(c), as inserted by section 13(1)(b) of the Amending Act, applies on and after the commencement of that section 13(1)(b) to an on-premises licence whether the licence was granted before, on or after that commencement.
- (2) Section 90(1)(fa) and (fb), as inserted by section 17(2)(a) of the Amending Act, apply only in the case of a director or member of a committee of management who is convicted of an offence on or after the commencement of that section 17(2)(a).

(3) In this clause—

Amending Act means the **Liquor Control Reform Amendment Act 2007**.

23 Transitional provision—on-premises licences

- (1) The holder of an on-premises licence that is subject to the conditions set out in section 9(3) may apply to the Director before the commencement of section 32 of the **Liquor Control Reform Amendment (Licensing) Act 2009** for the continuation after that commencement of the on-premises licence subject to those conditions.
- (2) If the Director grants the application, the licence continues in force (subject to the conditions on which it was granted, including the conditions set out in section 9(3)) on or after the commencement of section 32 of the **Liquor Control Reform Amendment (Licensing) Act 2009**—
 - (a) if the licence authorises the supply of liquor for a continuous period from 1 a.m. on a particular day and also authorises the supply of liquor up to 1 a.m. on that day, as a late night (on-premises) licence; and
 - (b) in any other case, as an on-premises licence.
- (3) An application may be made at any time after the commencement of section 31 of the **Liquor Control Reform Amendment (Licensing) Act 2009** and before the commencement of section 32 of the 2009 Act for a licence under this Act as proposed to be amended by the 2009 Act but the licence does not take effect before the commencement of section 32 of the 2009 Act.
- (4) Nothing in this clause limits the operation of the **Interpretation of Legislation Act 1984**.

Sch. 3 cl. 23
inserted by
No. 59/2009
s. 31 (as
amended by
No. 1/2010
s. 106).

Sch. 3 cl. 24
inserted by
No. 59/2009
s. 32.

24 Transitional provisions—Liquor Control Reform Amendment (Licensing) Act 2009

- (1) A general licence that authorises the supply of liquor during late night trading hours that was in force immediately before the commencement of section 11 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is, after the commencement of that section, taken to continue in force (subject to any conditions on which it was granted) as a late night (general) licence.
- (2) An application for a general licence authorising trading during late night trading hours that was made but not finally determined before the commencement of section 11 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is taken to be an application for a late night (general) licence.
- (3) Except as provided in subclause (5) or clause 23(2), an on-premises licence that authorises the supply of liquor during late night trading hours that was in force immediately before the commencement of section 11 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is, after the commencement of that section, taken to continue in force (subject to any conditions on which it was granted) as a late night (on-premises) licence.
- (4) Except as provided in subclause (6), an application for an on-premises licence authorising trading during late night trading hours that was made but not finally determined before the commencement of section 8 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is taken to be an application for a late night (on-premises) licence.

- (5) Except in relation to an on-premises licence that is continued under clause 23, an on-premises licence that is subject to the conditions referred to in section 9(3) that was in force immediately before the commencement of section 9 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is, after the commencement of that section, taken to continue in force (subject to any conditions on which it was granted) as a restaurant and cafe licence.
- (6) An application for an on-premises licence that would if granted before the commencement of section 9 of the **Liquor Control Reform Amendment (Licensing) Act 2009** have been subject to the conditions referred to in section 9(3) and that was made but not finally determined immediately before that commencement is taken to be an application for a restaurant and cafe licence.
- (7) A packaged liquor licence that authorises the supply of liquor during late night trading hours that was in force immediately before the commencement of section 11 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is, after the commencement of that section, taken to continue in force (subject to any conditions on which it was granted) as a late night (packaged liquor) licence.
- (8) An application for a packaged liquor licence authorising trading during late night trading hours that was made but not finally determined before the commencement of section 11 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is taken to be an application for a late night (packaged liquor) licence.

- (9) A limited licence that was granted as a renewable limited licence and that was in force immediately before the commencement of section 12 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is, after the commencement of that section, taken to continue in force (subject to any conditions on which it was granted) as a renewable limited licence.
- (10) Subject to subclause (12), an application for a limited licence for an event that was made but not finally determined before the commencement of section 12 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is taken to be an application for a temporary limited licence.
- (11) An application for a limited licence (other than for an event) that was made but not finally determined before the commencement of section 12 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is taken to be an application for a renewable limited licence.
- (12) The Director may treat an application for a limited licence that is made after the **Liquor Control Reform Amendment (Licensing) Act 2009** receives the Royal Assent as an application for a major event licence, if the event for which the licence is sought is an event that is capable of being determined as a major event by the Director in accordance with section 14B and is proposed to be held after the commencement of section 13 of that Act.

Sch. 3 cl. 25
inserted by
No. 57/2010
s. 29.

25 Transitional provisions—Liquor Control Reform Amendment Act 2010

Sch. 3 cl. 25(1)
amended by
No. 29/2011
s. 3(Sch. 1
item 52).

- (1) A condition in relation to responsible service of alcohol programs that was imposed on a general licence, on-premises licence, packaged liquor licence or late night licence that was existing

immediately before the commencement of section 19 of the **Liquor Control Reform Amendment Act 2010** ceases to have effect on that commencement.

- (2) A licensee (except a body corporate) of a general licence, on-premises licence, packaged liquor licence or late night licence that was existing immediately before the commencement of section 19 of the **Liquor Control Reform Amendment Act 2010** who has not completed a responsible service of alcohol program in the 3 years before that commencement, must complete an approved responsible service of alcohol program within 12 months of that commencement.

Penalty: 60 penalty units.

- (3) If a licensee of a general licence, on-premises licence, packaged liquor licence or late night licence that was existing immediately before the commencement of section 19 of the **Liquor Control Reform Amendment Act 2010** is a body corporate and the person responsible for the management or control of the licensed premises has not completed a responsible service of alcohol program in the 3 years before that commencement, the licensee must ensure the person completes an approved responsible service of alcohol program within 12 months of that commencement.

Penalty: 60 penalty units.

- (4) A licensee (except a body corporate) of a general licence, on-premises licence, packaged liquor licence or late night licence that was existing immediately before the commencement of section 19 of the **Liquor Control Reform Amendment Act 2010** who has completed a responsible service of alcohol program in the

3 years before that commencement, must complete an approved responsible service of alcohol program within the later of the following periods—

- (a) the period commencing on that commencement and the period ending 3 years from the date on which the licensee completed the responsible service of alcohol program;
- (b) the period ending 12 months from that commencement.

Penalty: 60 penalty units.

- (5) If a licensee of a general licence, on-premises licence, packaged liquor licence or late night licence that was existing immediately before the commencement of section 19 of the **Liquor Control Reform Amendment Act 2010** is a body corporate and the person responsible for the management or control of the licensed premises has completed a responsible service of alcohol program in the 3 years before that commencement, the licensee must ensure the person completes an approved responsible service of alcohol program within the later of the following periods—

- (a) the period commencing on that commencement and ending 3 years from the date on which the person completed the responsible service of alcohol program;
- (b) the period ending 12 months from that commencement.

Penalty: 60 penalty units.

- (6) A licensee of a general licence, on-premises licence, packaged liquor licence or late night licence that was existing immediately before the commencement of section 19 of the **Liquor**

Control Reform Amendment Act 2010 must ensure that any person who on that commencement is engaged or employed by the licensee to sell, offer for sale or serve liquor on the licensed premises and has not completed a responsible service of alcohol program in the 3 years before that commencement completes an approved responsible service of alcohol program within 12 months of that commencement.

Penalty: 60 penalty units.

- (7) A licensee of a general licence, on-premises licence, packaged liquor licence or late night licence that was existing immediately before the commencement of section 19 of the **Liquor Control Reform Amendment Act 2010** must ensure that any person who on that commencement is engaged or employed by the licensee to sell, offer for sale or serve liquor on the licensed premises and has completed a responsible service of alcohol program in the 3 years before that commencement completes an approved responsible service of alcohol program within the later of the following periods—
- (a) the period commencing on that commencement and ending 3 years from the date on which the person completed the responsible service of alcohol program;
 - (b) the period ending 12 months from that commencement.

Penalty: 60 penalty units.

- (8) Section 99A does not apply to a licensee in respect of a licence that was existing immediately before the commencement of section 15 of the **Liquor Control Reform Amendment Act 2010** until one month after that commencement.

- (9) A licensee who provides sexually explicit entertainment on licensed premises at the commencement of section 17 of the **Liquor Control Reform Amendment Act 2010** must notify the Director in writing of this within 3 months after that commencement.

Penalty: 10 penalty units.

Note to
Sch. 3 cl. 25
inserted by
No. 13/2013
s. 29(9).

Note

Section 53B applies to an offence against subclause (5) or (7).

Sch. 3 Pt 2
(Heading and
cls 26–30)
inserted by
No. 71/2011
s. 31(2).

Part 2—Liquor Control Reform Further Amendment Act 2011

26 Transitional provision—general licence

Sch. 3 cl. 26
inserted by
No. 71/2011
s. 31(2).

- (1) In this section a *pre-2011 general licence* means a general licence as in force before the commencement of section 7 of the **Liquor Control Reform Further Amendment Act 2011** under which a licensee supplies packaged liquor only for consumption off the licensed premises as the whole of the licensee's ordinary business of supplying liquor.
- (2) The Commission may—
- (a) impose a condition that the licensee of a pre-2011 general licence comply with the code of conduct (if any) determined by the Minister under section 11(5) as in force from time to time; and
 - (b) charge the prescribed renewal fee for a licence that is subject to the condition set out in paragraph (a).

(3) On and from the commencement of section 7 of the **Liquor Control Reform Further Amendment Act 2011**, a licensee of a pre-2011 general licence must notify the Commission in writing within 3 months after commencing supply of packaged liquor only for consumption off the licensed premises as the whole of the licensee's ordinary business supplying liquor.

Penalty: 10 penalty units.

27 Savings provision—packaged liquor licences

Sch. 3 cl. 27
inserted by
No. 71/2011
s. 31(2).

Section 11(1) as amended by the **Liquor Control Reform Further Amendment Act 2011** is taken to have applied in respect of any packaged liquor licence in force on or after 1 January 2010.

28 Savings provision—late night (packaged liquor) licences

Sch. 3 cl. 28
inserted by
No. 71/2011
s. 31(2).

Section 11A(4) as amended by the **Liquor Control Reform Further Amendment Act 2011** is taken to have applied in respect of any late night (packaged liquor) licence granted on or after 1 January 2010.

29 Transitional provision—vigneron's licences

Sch. 3 cl. 29
inserted by
No. 71/2011
s. 31(2).

On and from the commencement of section 10 of the **Liquor Control Reform Further Amendment Act 2011**, any vigneron's licence that was in force immediately before that commencement is taken to continue in force (subject to any conditions on which it was granted) as if it were a wine and beer producer's licence.

30 Transitional provision—other licences

Sch. 3 cl. 30
inserted by
No. 71/2011
s. 31(2).

(1) A licensee of a licence that is not a late night licence that was in force immediately before the commencement of section 10 of the **Liquor Control Reform Further Amendment Act 2011**

may, within 1 year of that commencement, apply to the Commission for a variation of the licence to a wine and beer producer's licence.

- (2) If the Commission is satisfied that the conditions for a wine and beer producer's licence have been met, the Commission may authorise the variation.
- (3) Section 29 does not apply to an application under this section.
- (4) An application under this section is not subject to any fee.

Schedule 4—Transitional provisions— Victorian Commission for Gambling and Liquor Regulation Act 2011

Sch. 4
repealed by
No. 21/2001
s. 13,
new Sch. 4
inserted by
No. 58/2011
s. 64.

1 Definitions

In this Schedule—

commencement day means the day on which section 64 of the **Victorian Commission for Gambling and Liquor Regulation Act 2011** comes into operation;

Director means the Director of Liquor Licensing appointed under section 149 as in force immediately before the commencement day;

LCRA licence or permit means—

- (a) a general licence;
- (b) an on-premises licence;
- (c) a restaurant and cafe licence;
- (d) a club licence;
- (e) a packaged liquor licence;
- (f) a late night licence;
- (g) a pre-retail licence;
- (h) a vigneron's licence;
- (i) a limited licence;
- (j) a major event licence;
- (k) a BYO permit;

liabilities means all liabilities, duties and obligations, whether actual, contingent or prospective;

new Commission means Victorian Commission for Gambling and Liquor Regulation established under Part 2 of the **Victorian Commission for Gambling and Liquor Regulation Act 2011**;

Panel means a Liquor Licensing Panel established under section 157 as in force immediately before the commencement day and in existence before that day;

pending contested application means an application made before the commencement day for a LCRA licence or permit in respect of which the Director has not made a decision to grant or refuse to grant the licence or permit before that day;

property means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description;

rights means all rights, powers, privileges and immunities, whether actual, contingent or prospective;

Tribunal means Victorian Civil and Administrative Tribunal established by the **Victorian Civil and Administrative Tribunal Act 1998**.

2 General savings provisions

- (1) This Schedule does not affect or take away from the **Interpretation of Legislation Act 1984**.
- (2) This Schedule applies despite anything to the contrary in any other provision in this Act.

Sch. 4 cl. 3
repealed by
No. 94/1998
s. 182(2)
(Sch. 4
cl. 3(4)).

* * * * *

4 Office of Director abolished

On the commencement day—

- (a) the office of Director is abolished and the person holding the office goes out of office;
- (b) the Panel is abolished and its members go out of office;
- (c) all rights, property and assets that, immediately before that day, were vested in the office of Director are, by force of this subclause, vested in the new Commission;
- (d) all debts, liabilities and obligations of the Director existing immediately before that day become, by force of this subclause, debts, liabilities and obligations of the new Commission;
- (e) the new Commission is, by force of this subclause, substituted as a party to any proceeding pending in any court or tribunal to which the Director was a party immediately before that day;
- (f) the new Commission is, by force of this subclause, substituted as a party to any arrangement or contract entered into by or on behalf of the Director as a party and in force immediately before that day.

5 References

On the commencement day any reference to the Director in any Act (other than this Act or the **Victorian Commission for Gambling and Liquor Regulation Act 2011**) or in any rule, regulation, order, agreement, instrument, deed or other document whatever must, so far as it relates to any period on or after that day and if not inconsistent with the context or subject-matter, be construed as a reference to the new Commission.

6 Pending uncontested applications

- (1) This clause applies to an application for, or variation of, a LCRA licence or permit made before the commencement day—
 - (a) that is not a contested application; and
 - (b) in respect of which the Director has not made a decision before that day.
- (2) On and after the commencement day, the new Commission may make the decision, and for that purpose, anything done before that day by the Director for the purpose of making that decision is taken to have been done by the new Commission.
- (3) For the purposes of this clause, this Act as in force immediately before the commencement day applies as if a reference to the Director were a reference to the new Commission.

7 Own motion variations of Director

- (1) This clause applies if, before the commencement day—
 - (a) the Director proposes to vary a LCRA licence or permit on his or her own initiative; and
 - (b) written notice of the proposed variation has been given to the licensee or permittee.
- (2) On and after the commencement day, the new Commission—
 - (a) must, if the licensee or permittee gives any notice of objection to the proposed variation before or after the commencement day, consider any written or oral submissions made in respect of that objection; and

(b) may vary the LCRA licence or permit, and for that purpose, anything done before that day by the Director for the purpose of making the variation is taken to have been done by the new Commission.

(3) For the purposes of this clause, this Act as in force immediately before the commencement day applies as if a reference to the Director were a reference to the new Commission.

8 Pending contested applications referred to Panel in respect of which consideration has not been given

(1) This clause applies if—

(a) before the commencement day, a contested application has been referred by the Director to the Panel; and

(b) the Panel has not yet considered the application or given the applicant and each objector an opportunity to be heard.

(2) On and after the commencement day the new Commission must determine the contested application.

(3) For the purposes of this clause, this Act as in force immediately before the commencement day applies as if a reference to the Director were a reference to the new Commission.

(4) Despite anything to the contrary in any Act or law (other than the **Charter of Human Rights and Responsibilities Act 2006**), every document or other information held by the Director or the Panel immediately before the commencement day that is relevant to a pending contested application to which this clause applies is on that day taken to be a document or information of the new Commission.

9 Pending contested application referred to Panel in respect of which there is no Panel report

- (1) This clause applies if—
 - (a) before the commencement day, a contested application has been considered by the Panel; and
 - (b) the applicant and each objector has been given an opportunity to be heard; and
 - (c) the Panel has not given the Director its report in respect of the application under section 46(3).
- (2) On and after the commencement day, the new Commission—
 - (a) may have regard to any record of the hearings conducted by the Panel; and
 - (b) must determine the contested application.
- (3) For the purposes of this clause, this Act as in force immediately before the commencement day applies as if a reference to the Director were a reference to the new Commission.
- (4) Despite anything to the contrary in any Act or law (other than the **Charter of Human Rights and Responsibilities Act 2006**), every document or other information held by the Panel immediately before the commencement day that is relevant to a pending contested application to which this clause applies is on that day taken to be a document or information of the new Commission.

10 Contested applications in respect of which Panel has given Panel report

- (1) This clause applies if before the commencement day, the Panel has given the Director its report in respect of a contested application under section 46(3).

- (2) On and after the commencement day the new Commission must have regard to that report but otherwise determine the contested application.
- (3) For the purposes of this clause, this Act as in force immediately before the commencement day applies as if a reference to the Director were a reference to the new Commission.
- (4) Despite anything to the contrary in any Act or law (other than the **Charter of Human Rights and Responsibilities Act 2006**), every document or other information held by the Panel immediately before the commencement day that is relevant to a pending contested application to which this clause applies is on that day taken to be a document or information of the new Commission.

11 Tribunal inquiries

- (1) This clause applies if an application has been made to the Tribunal to conduct an inquiry into a licensee or permittee under section 90 before the commencement day in respect of which the Tribunal has not made an order under that section.
- (2) On and after the commencement day, the Tribunal must conduct an inquiry in respect of an application to which this section applies under sections 90 to 93 as in force immediately before that day.
- (3) If, after conducting an inquiry specified under subsection (2), the Tribunal orders the suspension of a LCRA licence or permit under section 91 as in force immediately before the commencement day, that suspension (including the period specified for that suspension by the Tribunal) is, on and after the date of the order, taken to be a suspension imposed by the new Commission under Division 1 of Part 6.

- (4) If, after conducting an inquiry specified under subsection (2), the Tribunal orders the imposition of a fine under this Act as in force immediately before the commencement day, that fine is taken, on and after the date of the order, to be a fine imposed by the new Commission under Division 1 of Part 6.
- (5) If, after conducting an inquiry specified under subsection (2), the Tribunal orders the variation of a LCRA licence or permit under section 91(2) as in force immediately before the commencement day, that variation is taken, on and after the date of the order, to be a variation imposed by the new Commission under Division 1 of Part 6.
- (6) If, after conducting an inquiry specified under subsection (2), the Tribunal orders that the licensee or permittee or any director or nominee of the licensee or permittee (if it is a body corporate) or any member of the committee of management or nominee of the licensee or permittee (if it is a club) or any person who, whether directly or indirectly, is concerned or takes part in the management of a licensed premises be disqualified from holding a permission specified in section 92(1)(a), (b), (c), (d), (e) or (f) as in force immediately before the commencement day, that disqualification is taken, on and after the date of the order, to be a disqualification imposed by the new Commission under section 93D.
- (7) If, during or after an inquiry specified under subsection (2), the Tribunal orders the endorsement of the name of the owner or a mortgagee of a licensed premises or their agent on a LCRA licence or permit under section 93 as in force immediately before the commencement day, that endorsement is taken, on and after the date of

the order, to be an endorsement of the new Commission under section 93E.

12 Documents or information of Director

Despite anything to the contrary in any Act or law (other than the **Charter of Human Rights and Responsibilities Act 2006**), every document or other information held by the Director or the Panel immediately before the commencement day that is relevant to the functions of the new Commission is, on that day, taken to be a document or information of the new Commission.

13 Notices

A notice given, issued or served by the Director under this Act that is in force immediately before the commencement day is, on that day, taken to be a notice given, issued or served by the new Commission.

14 Applications, approvals, decisions or other actions of Director

- (1) Subject to this Schedule, this section applies if immediately before the commencement day—
 - (a) the Director has commenced to do something required or permitted to be done under this Act; and
 - (b) the Director has not completed that thing before that day.
- (2) On and after the commencement day, the new Commission may continue to do and complete that thing as if the Act had not been amended by the **Victorian Commission for Gambling and Liquor Regulation Act 2011**.
- (3) Anything done by the Director before the commencement day in respect of that thing is, on and after that day, taken to have been done by the new Commission.

- (4) For the purposes of this clause, this Act as in force immediately before the commencement day applies as if a reference to the Director were a reference to the new Commission.

15 Taxes

No duty or other tax is chargeable under any Act in respect of anything done under this Schedule or in respect of any act or transaction connected with or necessary to be done by reason of this Schedule, including a transaction entered into or an instrument made, executed, lodged or given, for the purpose of, or connected with the transfer of property, rights or liabilities of the Director.

16 Validity of things done under this Schedule

Nothing effected or to be effected by this Schedule or done or suffered under this Schedule—

- (a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong; or
- (b) is to be regarded as placing any person in breach of, or as constituting a default under, any Act (other than the **Charter of Human Rights and Responsibilities Act 2006**) or other law or obligation or any provision in any agreement, arrangement or understanding including, but not limited to, any provision or obligation prohibiting, restricting or regulating the assignment, transfer, sale or disposal of any property or the disclosure of any information; or
- (c) is to be regarded as fulfilling any condition that allows a person to exercise a power, right or remedy in respect of or to terminate any agreement or obligation; or

Liquor Control Reform Act 1998

No. 94 of 1998

Schedule 4—Transitional provisions—Victorian Commission for Gambling
and Liquor Regulation Act 2011

- (d) is to be regarded as giving rise to any remedy for a party to a contract or an instrument or as causing or permitting the termination of any contract or instrument because of a change in the beneficial or legal ownership of any relevant property; or
- (e) is to be regarded as causing any contract or instrument to be void or otherwise unenforceable; or
- (f) is to be regarded as frustrating any contract;
or
- (g) releases any surety or other obligor wholly or in part from any obligation.

Schedule 5—Transitional provisions— Liquor and Gambling Legislation Amendment Act 2018

Section 182

1 Wine and beer producer's licence

On and from the commencement of section 6 of the **Liquor and Gambling Legislation Amendment Act 2018**, any wine and beer producer's licence that was in force immediately before that commencement is taken to continue in force (subject to any conditions on which it was granted or any conditions as varied or imposed on it) as if it were a producer's licence.

2 Application for transfer of licence

Sections 50B and 50C as in force on or after the commencement of section 10 of the **Liquor and Gambling Legislation Amendment Act 2018** apply to an application for the transfer of a licence made under section 32 before that commencement in respect of which the Commission has not made a determination.

3 Alcohol advertising

- (1) On and from the commencement of section 20 of the **Liquor and Gambling Legislation Amendment Act 2018**, section 115B does not apply for a period of 2 years after 28 March 2018 to any advertising displayed under an alcohol advertising contract entered into before 28 March 2018.

(2) In this clause—

alcohol advertising contract means a contract or agreement entered into for the purpose of the display of any information, term, expression, symbol or other thing that gives publicity to, or otherwise promotes, liquor.

4 Approved responsible service of alcohol program register

On and from the commencement of Division 7 of Part 2 of the **Liquor and Gambling Legislation Amendment Act 2018**, any licence that was in force immediately before that commencement is taken to continue in force as if any condition on which it was granted or any condition as varied or imposed on it to keep an approved responsible service of alcohol program register were a condition to keep RSA certificates.

Sch. 6
inserted by
No. 49/2021
s. 60.

Schedule 6—Transitional provisions— Liquor Control Reform Amendment Act 2021

1 General transitional provision

- (1) This Schedule does not affect or take away from the **Interpretation of Legislation Act 1984**.
- (2) This Schedule applies despite anything to the contrary in any other provision of this Act.

2 Renewable limited licences authorising supply of liquor through online orders

- (1) This clause applies to a licensee or an applicant for a licence where the licensee or applicant does not have a retail premises open to the public.
- (2) On and from the commencement of section 11B and until the amendment of section 11B by the **Gambling and Liquor Legislation Amendment Act 2022**, any renewable limited licence authorising the licensee to supply liquor by orders placed online on the licensed premises in sealed containers, bottles or cans for consumption off the licensed premises that was in force immediately before that commencement—
 - (a) is taken to be an online-only vendor packaged liquor licence for the period that the licence remains in force; and
 - (b) can be renewed as an online-only vendor packaged liquor licence.
- (3) A renewable limited licence referred to in subclause (2) is subject to any conditions (not inconsistent with the conditions of an online-only vendor packaged liquor licence) to which it was subject immediately before the commencement of section 11B.

Sch. 6 cl. 2(2)
amended by
No. 28/2022
s. 174(a).

- (4) If a renewable limited licence is taken to be an online-only vendor packaged liquor licence in accordance with subclause (2)—
- (a) any demerit points recorded in the Demerits Register against the renewable limited licence immediately before the commencement of section 11B are taken to be demerit points recorded against the online-only vendor packaged liquor licence; and
 - (b) Part 4A applies to that licence as an online-only vendor packaged liquor licence.
- (5) An application for a renewable limited licence authorising the licensee to supply liquor by orders placed online on the licensed premises in sealed containers, bottles or cans for consumption off the licensed premises that was made but not finally determined before the commencement of section 11B—
- (a) is taken, on and from that commencement, to be an application for an online-only vendor packaged liquor licence; and
 - (b) may be dealt with under this Act as amended by the **Liquor Control Reform Amendment Act 2021**.

3 General licences

On and from the commencement of section 8 of the **Liquor Control Reform Amendment Act 2021**, any general licence that was in force immediately before that commencement—

- (a) continues in force as if it were a general licence granted under section 8 as amended by that Act; and
- (b) is subject to the conditions specified in section 8 as amended by that Act; and

- (c) is subject to any conditions to which the licence was subject immediately before that commencement.

4 On-premises licences

On and from the commencement of section 9 of the **Liquor Control Reform Amendment Act 2021**, any on-premises licence that was in force immediately before that commencement—

- (a) continues in force as if it were an on-premises licence granted under section 9 as amended by that Act; and
- (b) is subject to the conditions specified in section 9 as amended by that Act; and
- (c) is subject to any conditions to which the licence was subject immediately before that commencement.

5 Restaurant and cafe licences

On and from the commencement of section 10 of the **Liquor Control Reform Amendment Act 2021**, any restaurant and cafe licence that was in force immediately before that commencement—

- (a) continues in force as if it were a restaurant and cafe licence granted under section 9A as amended by that Act; and
- (b) is subject to the conditions specified in section 9A as amended by that Act; and
- (c) is subject to any conditions to which the licence was subject immediately before that commencement.

6 Club licences

On and from the commencement of section 11 of the **Liquor Control Reform Amendment Act 2021**, any full club licence or restricted club

licence that was in force immediately before that commencement—

- (a) continues in force as if it were a full club licence or restricted club licence granted under section 10 as amended by that Act; and
- (b) is subject to the conditions specified in section 10 as amended by that Act; and
- (c) is subject to any conditions to which the licence was subject immediately before that commencement.

7 Packaged liquor licences

On and from the commencement of section 12 of the **Liquor Control Reform Amendment Act 2021**, any packaged liquor licence that was in force immediately before that commencement—

- (a) continues in force as if it were a packaged liquor licence granted under section 11 as amended by that Act; and
- (b) is subject to the conditions specified in section 11 as amended by that Act; and
- (c) is subject to any conditions to which the licence was subject immediately before that commencement.

8 Late night licences

On and from the commencement of section 13 of the **Liquor Control Reform Amendment Act 2021**, any late night licence that was in force immediately before that commencement—

- (a) continues in force as if it were a late night licence granted under section 11A as amended by that Act; and
- (b) is subject to the conditions specified in section 11A as amended by that Act; and

- (c) is subject to any conditions to which the licence was subject immediately before that commencement.

9 Producers licences

On and from the commencement of section 15 of the **Liquor Control Reform Amendment Act 2021**, any producer's licence that was in force immediately before that commencement—

- (a) continues in force as if it were a producer's licence granted under section 13 as amended by that Act; and
- (b) is subject to the conditions specified in section 13 as amended by that Act; and
- (c) is subject to any conditions to which the licence was subject immediately before that commencement.

10 BYO permits

On and from the commencement of section 16 of the **Liquor Control Reform Amendment Act 2021**, any BYO permit that was in force immediately before that commencement—

- (a) continues in force as if it were a BYO permit granted under section 15 as amended by that Act; and
- (b) is subject to the conditions specified in section 15 as amended by that Act; and
- (c) is subject to any conditions to which the licence was subject immediately before that commencement.

11 Conditions in relation to supply of liquor through online orders

On and from the commencement of section 18C and until the amendment of section 18C by the **Gambling and Liquor Legislation Amendment**

Sch. 6 cl. 11
amended by
No. 28/2022
s. 174(b).

Act 2022, the conditions in relation to the supply of liquor through online orders referred to in that section apply in relation to the following licences as in force immediately before that commencement—

- (a) a general licence authorising the licensee to supply packaged liquor;
- (b) a restaurant and cafe licence authorising the licensee to supply packaged liquor;
- (c) a full club licence authorising the licensee to supply packaged liquor;
- (d) a packaged liquor licence;
- (e) a late night (general) licence authorising the licensee to supply packaged liquor;
- (f) a late night (packaged liquor) licence authorising the licensee to supply packaged liquor;
- (g) a producer's licence authorising the licensee to supply packaged liquor;
- (h) a renewable limited licence authorising the licensee to supply packaged liquor that is not taken to be an online-only vendor packaged liquor licence in accordance with clause 2.

12 Conditions in relation to the supply of packaged liquor

On and from the commencement of section 18D, any conditions in relation to the supply of packaged liquor specified in an Order made under that section apply in relation to the following licences as in force immediately before that commencement—

- (a) a general licence authorising the licensee to supply packaged liquor;

- (b) a restaurant and cafe licence authorising the licensee to supply packaged liquor;
- (c) a full club licence authorising the licensee to supply packaged liquor;
- (d) a packaged liquor licence;
- (e) a late night (general) licence authorising the licensee to supply packaged liquor;
- (f) a late night (packaged liquor) licence authorising the licensee to supply packaged liquor;
- (g) a producer's licence authorising the licensee to supply packaged liquor;
- (h) a renewable limited licence authorising the licensee to supply packaged liquor that is not taken to be an online-only vendor packaged liquor licence in accordance with clause 2.

13 Undetermined applications for licence that applies to large packaged liquor outlet

An application for a licence that applies to a large packaged liquor outlet that was made but not finally determined before the commencement of section 27AA and the amendment of sections 28, 29 and 44 by the **Liquor Control Reform Amendment Act 2021** (as applicable) is to be determined in accordance with Division 4 of Part 2 as in force immediately before that commencement as if section 27AA had not been enacted and those amendments had not been made.

14 Internal review of licensing decisions—compulsory conferences

On and from the commencement of Division 2A of Part 9, any application for internal review under section 153 that has been made but not finally determined is to be determined in accordance with

Division 2 of Part 9 as in force immediately before that commencement, as if Division 2A of Part 9 had not been enacted.

15 Review of licensing decisions by VCAT

Division 3 of Part 9 applies in respect of any decision of the Commission made on internal review on and after the commencement of Division 3 of Part 9.

* * * * *

Sch. 6 cl. 16 amended by No. 26/2022 s. 26, repealed by No. 94/1998 Sch. 6 cl. 16(4) (as amended by No. 26/2022 s. 26).

Sch. 7
inserted by
No. 28/2022
s. 175.

Schedule 7—Transitional provisions— Gambling and Liquor Legislation Amendment Act 2022

1 General transitional provision

- (1) This Schedule does not affect or take away from the **Interpretation of Legislation Act 1984**.
- (2) This Schedule applies despite anything to the contrary in any other provision of this Act.

2 Online-only vendor packaged liquor licences

- (1) On and after the amendment of section 11B by the **Gambling and Liquor Legislation Amendment Act 2022**, any online-only vendor packaged liquor licence that was in force immediately before that amendment—
 - (a) is taken to be a remote seller's packaged liquor licence for the period that the licence remains in force; and
 - (b) can be renewed as a remote seller's packaged liquor licence; and
 - (c) is subject to any conditions specified in section 11B as amended by that Act; and
 - (d) is subject to any conditions (not inconsistent with the conditions specified in section 11B as amended by that Act) to which the licence was subject immediately before that commencement.
- (2) On and after the amendment of section 11B by the **Gambling and Liquor Legislation Amendment Act 2022**—
 - (a) any demerit points recorded in the Demerits Register against an online-only vendor packaged liquor licence immediately before that amendment are taken to be recorded

against that licence as a remote seller's packaged liquor licence; and

- (b) Part 4A applies to that licence as a remote seller's packaged liquor licence.
- (3) An application for an online-only packaged liquor licence that was made but not finally determined before the amendment of section 11B by of the **Gambling and Liquor Legislation Amendment Act 2022** is taken to be an application for a remote seller's packaged liquor licence after that amendment.

3 General licences

On and after the amendment of section 8 by the **Gambling and Liquor Legislation Amendment Act 2022**, any general licence that was in force immediately before that amendment—

- (a) continues in force as if it were a general licence granted under section 8 as amended by that Act; and
- (b) is subject to the conditions specified in section 8 as amended by that Act; and
- (c) is subject to any conditions to which the licence was subject immediately before that amendment.

4 Restaurant and cafe licences

On and after the amendment of section 9A by the **Gambling and Liquor Legislation Amendment Act 2022**, any restaurant and cafe licence that was in force immediately before that amendment—

- (a) continues in force as if it were a restaurant and cafe licence granted under section 9A as amended by that Act; and
- (b) is subject to the conditions specified in section 9A as amended by that Act; and

- (c) is subject to any conditions to which the licence was subject immediately before that amendment.

5 Club licences

On and after the amendment of section 10 by the **Gambling and Liquor Legislation Amendment Act 2022**, any full club licence or restricted club licence that was in force immediately before that amendment—

- (a) continues in force as if it were a full club licence or restricted club licence granted under section 10 as amended by that Act; and
- (b) is subject to the conditions specified in section 10 as amended by that Act; and
- (c) is subject to any conditions to which the licence was subject immediately before that amendment.

6 Packaged liquor licences

On and after the amendment of section 11 by the **Gambling and Liquor Legislation Amendment Act 2022**, any packaged liquor licence that was in force immediately before that amendment—

- (a) continues in force as if it were a packaged liquor licence granted under section 11 as amended by that Act; and
- (b) is subject to the conditions specified in section 11 as amended by that Act; and
- (c) is subject to any conditions to which the licence was subject immediately before that amendment.

7 Late night licences

On and after the amendment of section 11A by the **Gambling and Liquor Legislation Amendment Act 2022**, any late night licence that was in force immediately before that amendment—

- (a) continues in force as if it were a late night licence granted under section 11A as amended by that Act; and
- (b) is subject to the conditions specified in section 11A as amended by that Act; and
- (c) is subject to any conditions to which the licence was subject immediately before that amendment.

8 Producer's licences

On and after the the amendment of section 13 by the **Gambling and Liquor Legislation Amendment Act 2022**, any producer's licence that was in force immediately before that amendment—

- (a) continues in force as if it were a producer's licence granted under section 13 as amended by that Act; and
- (b) is subject to the conditions specified in section 13 as amended by that Act; and
- (c) is subject to any conditions to which the licence was subject immediately before that amendment.

9 Conditions in relation to the supply of liquor through online orders

On and after the amendment of section 18C by the **Gambling and Liquor Legislation Amendment Act 2022**, any licence that is subject to the conditions specified in section 18C immediately

Liquor Control Reform Act 1998
No. 94 of 1998
Schedule 7—Transitional provisions—Gambling and Liquor Legislation
Amendment Act 2022

before that amendment is subject to the conditions
specified in section 18C as amended by that Act.

Schedule 8—Transitional provisions— Casino and Liquor Legislation Amendment Act 2022

Sch. 8
inserted by
No. 26/2022
s. 25.

1 Definitions

In this Schedule—

amending Act means the **Casino and Liquor Legislation Amendment Act 2022**;

commencement day means the day on which section 22 of the amending Act comes into operation;

VGCCC means the Victorian Gambling and Casino Control Commission established under Part 2 of the VGCCC Act;

VGCCC Act means the **Victorian Gambling and Casino Control Commission Act 2011**.

2 General transitional provision

- (1) This Schedule does not affect or take away from the **Interpretation of Legislation Act 1984**.
- (2) This Schedule applies despite anything to the contrary in any other provision of this Act.

3 Licences and BYO permits

A licence or BYO permit issued under this Act by the VGCCC that was in effect immediately before the commencement day remains in effect on and after that day, in accordance with its terms and conditions, as if it had been issued by the Commission.

4 Proof of age card

A proof of age card issued under this Act by the VGCCC that was in effect immediately before the commencement day remains in effect on and after that day, in accordance with its terms and

conditions, as if it had been issued by the Commission.

5 Decision-making guidelines

A decision-making guideline that was in effect immediately before the commencement day under section 5 of the VGCCC Act in relation to the regulation of liquor remains in effect on and after that day as if it had been issued under section 172U(4) of this Act.

6 Demerit points

Any demerit points recorded in the Register by the VGCCC before the commencement day that are in the Register immediately before that day remain on the Register as if they had been recorded by the Commission.

7 Notices

- (1) A notice given, issued or served by the VGCCC under this Act that is in force immediately before the commencement day is, on that day, taken to be a notice given, issued or served by the Commission.
- (2) A notice given, issued or served by the VGCCC under the VGCCC Act in relation to the regulation of liquor that is in force immediately before the commencement day is, on that day, taken to be a notice given, issued or served by the Commission under this Act.

8 Applications, approvals, decisions or other actions of VGCCC

- (1) Subject to this Schedule, this clause applies if—
 - (a) before the commencement day the VGCCC commenced to do something required or permitted to be done under this Act; and

- (b) the VGCCC has not completed that thing before the commencement day.
- (2) On and after the commencement day, the Commission may continue to do and complete that thing under this Act as amended by the amending Act.
- (3) Anything done by the VGCCC before the commencement day in respect of that thing is, on and after that day, taken to have been done by the Commission.
- (4) On the commencement day, the Commission is, by force of this subclause, substituted as a party to any proceeding pending in any court or tribunal under this Act to which the VGCCC was a party immediately before that day.

9 Investigations and inquiries under the VGCCC Act in relation to liquor

- (1) A liquor investigation commenced but not completed by the VGCCC before the commencement day may be continued and completed by the Commission on and after that day as if it were an investigation under Division 1 of Part 9B.
- (2) A liquor inquiry commenced but not completed by the VGCCC before the commencement day may be continued and completed by the Commission on and after that day as if it were an inquiry under Division 2 of Part 9B.
- (3) Anything done by the VGCCC before the commencement day in respect of the liquor investigation or liquor inquiry is, on and after that day, taken to have been done by the Commission.

(4) In this clause—

liquor inquiry means an inquiry under Division 2 of Part 3 of the VGCCC Act for the purposes of performing the VGCCC's functions or duties, or exercising its powers, under this Act or the regulations, including a community interest inquiry;

liquor investigation means an investigation under Division 1 of Part 3 of the VGCCC Act for the purposes of performing the VGCCC's functions or duties, or exercising its powers, under this Act or the regulations.

10 Applications and objections made before commencement day

- (1) An application to the VGCCC under this Act that was made but not determined before the commencement day is taken, on and after that day, to be an application made to the Commission.
- (2) An objection made to the VGCCC under this Act before the commencement day in relation to a matter that has not been determined before that day is taken, on and after that day, to be an objection made to the Commission.



Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

Minister's second reading speech—

Legislative Assembly: 8 October 1998

Legislative Council: 10 November 1998

The long title for the Bill for this Act was "A Bill to reform the law relating to the supply and consumption of liquor, to repeal the **Liquor Control Act 1987**, to make consequential amendments to other Acts and for other purposes."

The **Liquor Control Reform Act 1998** was assented to on 24 November 1998 and came into operation as follows:

Part 1 (sections 1–6) on 24 November 1998: section 2(1); rest of Act on 17 February 1999: Special Gazette (No. 22) 16 February 1999 page 3.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

Liquor Control Reform Act 1998
No. 94 of 1998
Endnotes

2 Table of Amendments

This publication incorporates amendments made to the **Liquor Control Reform Act 1998** by Acts and subordinate instruments.

Liquor Control Reform Act 1998, No. 94/1998

Assent Date: 24.11.98
Commencement Date: S. 182(2)(Sch. 4 cl. 3(4)) on 31.1.13; S. 182(2)(Sch. 4 cl. 3(4)); Sch. 6 cl. 16(4) inserted on 16.12.21 by No. 49/2021 s. 60: Special Gazette (No. 693) 7.12.21 p. 1 (as amended by No. 26/2022 s. 26)
Note: Sch. 6 cl. 16(4) repealed Sch. 6 cl. 16 on 16.12.23
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

The Constitution Act Amendment (Amendment) Act 1999, No. 24/1999

Assent Date: 25.5.99
Commencement Date: 8.6.99: s. 2
Current State: All of Act in operation

National Taxation Reform (Consequential Provisions) Act 2000, No. 6/2000

Assent Date: 11.4.00
Commencement Date: S. 34 on 1.7.00: s. 2(3)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Statute Law Revision Act 2000, No. 74/2000

Assent Date: 21.11.00
Commencement Date: S. 3(Sch. 1 item 72) on 22.11.00: s. 2(1)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform (Amendment) Act 2001, No. 21/2001

Assent Date: 29.5.01
Commencement Date: 30.5.01: s. 2
Current State: All of Act in operation

Corporations (Consequential Amendments) Act 2001, No. 44/2001

Assent Date: 27.6.01
Commencement Date: S. 3(Sch. item 73) on 15.7.01: s. 2
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform (Prohibited Products) Act 2001, No. 88/2001

Assent Date: 11.12.01
Commencement Date: 21.12.01: s. 2
Current State: All of Act in operation

Liquor Control Reform Act 1998
No. 94 of 1998
Endnotes

Electoral Act 2002, No. 23/2002

Assent Date: 12.6.02
Commencement Date: S. 197 on 1.9.02: Government Gazette 29.8.02 p. 2333
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform (Packaged Liquor Licences) Act 2002, No. 39/2002

Assent Date: 18.6.02
Commencement Date: S. 4(2) on 14.5.02: s. 2(2); ss 4(1), 5–15 on 18.6.02: s. 2(1); s. 16 on 1.1.06: s. 2(3)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Small Business Commissioner Act 2003, No. 6/2003

Assent Date: 15.4.03
Commencement Date: S. 15 on 1.5.03: s. 2(2)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

ANZAC Day (Amendment) Act 2003, No. 96/2003

Assent Date: 2.12.03
Commencement Date: S. 14 on 3.12.03: s. 2
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Gambling Regulation Act 2003, No. 114/2003

Assent Date: 16.12.03
Commencement Date: S. 12.1.3(Sch. 6 item 9) on 1.7.04: Government Gazette 1.7.04 p. 1843
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform (Underage Drinking and Enhanced Enforcement) Act 2004, No. 92/2004

Assent Date: 7.12.04
Commencement Date: Ss 3–36 on 8.12.04: s. 2(1); s. 37(a) on 1.3.06: Government Gazette 23.2.06 p. 366
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 115) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Legal Profession (Consequential Amendments) Act 2005, No. 18/2005

Assent Date: 24.5.05
Commencement Date: S. 18(Sch. 1 item 60) on 12.12.05: Government Gazette 1.12.05 p. 2781
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Act 1998
No. 94 of 1998
Endnotes

Health Professions Registration Act 2005, No. 97/2005

Assent Date: 7.12.05
Commencement Date: S. 182(Sch. 4 item 33) on 1.7.07: s. 2(3)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform (Amendment) Act 2006, No. 8/2006

Assent Date: 4.4.06
Commencement Date: Ss 4(1), 6–12 on 5.4.06: s. 2(1); ss 4(2), 5 on 1.12.06: s. 2(3)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Education and Training Reform Act 2006, No. 24/2006

Assent Date: 16.5.06
Commencement Date: S. 6.1.2(Sch. 7 item 26) on 1.7.07: Government Gazette 28.6.07 p. 1304
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006

Assent Date: 13.6.06
Commencement Date: Ss 86, 87 on 1.7.06: Government Gazette 29.6.06 p. 1315
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 61) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007, No. 72/2007

Assent Date: 18.12.07
Commencement Date: S. 62 on 1.12.08: s. 2(3)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Amendment Act 2007, No. 73/2007

Assent Date: 18.12.07
Commencement Date: Ss 4–10, 12, 14, 15, 17(2), 18, 24–26 on 19.12.07: Special Gazette (No. 342) 18.12.07 p. 1; s. 13 on 7.2.08: Government Gazette 7.2.08 p. 236; ss 11, 16, 17(1), 19–23 on 22.5.08: Special Gazette (No. 134) 21.5.08 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Act 1998
No. 94 of 1998
Endnotes

Motor Car Traders Amendment Act 2008, No. 4/2008

Assent Date: 4.3.08
Commencement Date: S. 32(Sch. item 18) on 1.12.08: s. 2(2)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Infringements and Other Acts Amendment Act 2008, No. 9/2008

Assent Date: 18.3.08
Commencement Date: Ss 4–8 on 1.7.08: Special Gazette (No. 172) 27.6.08 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Relationships Act 2008, No. 12/2008

Assent Date: 15.4.08
Commencement Date: S. 73(1)(Sch. 1 item 37) on 1.12.08: s. 2(2)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Justice Legislation Amendment Act 2008, No. 21/2008

Assent Date: 2.6.08
Commencement Date: S. 27 on 3.6.08: s. 2(1)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Fundraising Appeals and Consumer Acts Amendment Act 2009, No. 2/2009

Assent Date: 10.2.09
Commencement Date: S. 29 on 11.2.09: s. 2(1)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Amendment (Enforcement) Act 2009, No. 8/2009

(as amended by No. 55/2009)

Assent Date: 18.3.09
Commencement Date: Ss 4–7, 9–26 on 2.6.09: Special Gazette (No. 163) 2.6.09 p. 1; s. 8 on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Amendment (Licensing) Act 2009, No. 59/2009

(as amended by No. 1/2010)

Assent Date: 21.10.09
Commencement Date: S. 31 on 21.10.09: s. 2(1); ss 27, 29 on 29.10.09: Government Gazette 29.10.09 p. 2729; ss 4–26, 28, 30, 32 on 1.1.10: Government Gazette 29.10.09 p. 2729
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Act 1998
No. 94 of 1998
Endnotes

Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009, No. 68/2009

Assent Date: 24.11.09
Commencement Date: S. 97(Sch. item 78) on 1.1.10: Government Gazette 10.12.09: p. 3215
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Amendment (Party Buses) Act 2009, No. 88/2009

Assent Date: 15.12.09
Commencement Date: S. 5 on 16.12.09: s. 2(1); ss 4, 6–8 on 1.4.10: Government Gazette 1.4.10 p. 626
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Amendment (ANZAC Day) Act 2010, No. 8/2010

Assent Date: 16.3.10
Commencement Date: Ss 4–13 on 25.3.10: Government Gazette 25.3.10 p. 583
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Statute Law Amendment (National Health Practitioner Regulation) Act 2010, No. 13/2010

Assent Date: 30.3.10
Commencement Date: S. 51(Sch. item 34) on 1.7.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Justice Legislation Amendment (Victims of Crime Assistance and Other Matters) Act 2010, No. 18/2010

Assent Date: 18.5.10
Commencement Date: Ss 48, 49 on 1.7.10: Government Gazette 1.7.10 p. 1359
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Firearms and Other Acts Amendment Act 2010, No. 52/2010

Assent Date: 7.9.10
Commencement Date: S. 35 on 1.11.10: Government Gazette 28.10.10 p. 2583
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Amendment Act 2010, No. 57/2010

Assent Date: 14.9.10
Commencement Date: Ss 4(3), 7, 8, 12–16, 20, 21(1), 22–27, 29 on 1.11.10: Government Gazette 7.10.10 p. 2342; ss 4(1)(2)(4), 5, 6, 9–11, 17–19, 21(2)(3), 28, 30 on 1.1.11: Government Gazette 7.10.10 p. 2342
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Act 1998
No. 94 of 1998
Endnotes

Justice Legislation Further Amendment Act 2010, No. 64/2010

Assent Date: 28.9.10
Commencement Date: Ss 7–10 on 22.3.11: Special Gazette (No. 95) 22.3.11
p. 1
Current State: This information relates only to the provision/s
amending the **Liquor Control Reform Act 1998**

Justice Legislation Amendment Act 2011, No. 12/2011

Assent Date: 10.5.11
Commencement Date: Ss 3–8, 12 on 1.8.11: Special Gazette (No. 245)
26.7.11 p. 1
Current State: This information relates only to the provision/s
amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Amendment Act 2011, No. 13/2011

Assent Date: 10.5.11
Commencement Date: S. 3 on 1.11.11: Special Gazette (No. 331) 18.10.11
p. 1
Current State: This information relates only to the provision/s
amending the **Liquor Control Reform Act 1998**

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 52) on 22.6.11: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Liquor Control Reform Act 1998**

**Justice Legislation Amendment (Protective Services Officers) Act 2011,
No. 43/2011**

Assent Date: 6.9.11
Commencement Date: Ss 29–33 on 28.11.11: Special Gazette (No. 379)
22.11.11 p. 1
Current State: This information relates only to the provision/s
amending the **Liquor Control Reform Act 1998**

**Victorian Commission for Gambling and Liquor Regulation Act 2011,
No. 58/2011 (as amended by No. 70/2013)**

Assent Date: 2.11.11
Commencement Date: Ss 51–68, 104(Sch. item 4) on 6.2.12: Special Gazette
(No. 423) 21.12.11 p. 4
Current State: This information relates only to the provision/s
amending the **Liquor Control Reform Act 1998**

Gambling Regulation Amendment (Licensing) Act 2011, No. 60/2011

Assent Date: 8.11.11
Commencement Date: S. 74 on 22.12.11: Special Gazette (No. 423) 21.12.11
p. 2
Current State: This information relates only to the provision/s
amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Act 1998
No. 94 of 1998
Endnotes

Liquor Control Reform Further Amendment Act 2011, No. 71/2011¹

(as amended by No. 43/2012)

Assent Date: 6.12.11
Commencement Date: Ss 8, 9(1)(2), 31 on 13.12.11: Special Gazette (No. 407) 13.12.11 p. 1; ss 4–7, 9(3)–(5), 10–30, 34 on 20.2.12: Special Gazette (No. 26) 7.2.12 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Associations Incorporation Reform Act 2012, No. 20/2012

Assent Date: 1.5.12
Commencement Date: S. 226(Sch. 5 item 18) on 26.11.12: Special Gazette (No. 384) 20.11.12 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Australian Consumer Law and Fair Trading Act 2012, No. 21/2012

Assent Date: 8.5.12
Commencement Date: S. 239(Sch. 6 item 26) on 1.7.12: Special Gazette (No. 214) 28.6.12 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Justice Legislation Amendment Act 2012, No. 23/2012

Assent Date: 8.5.12
Commencement Date: S. 6 on 6.2.12: s. 2(2)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Statute Law Revision Act 2012, No. 43/2012

Assent Date: 27.6.12
Commencement Date: S. 3(Sch. item 26) on 28.6.12: s. 2(1)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Amendment Act 2013, No. 1/2013

Assent Date: 12.2.13
Commencement Date: 13.2.13: s. 2
Current State: All of Act in operation

Co-operatives National Law Application Act 2013, No. 9/2013

Assent Date: 13.3.13
Commencement Date: S. 42(Sch. 2 item 12) on 3.3.14: Special Gazette (No. 46) 18.2.14 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Statute Law Amendment (Directors' Liability) Act 2013, No. 13/2013

Assent Date: 13.3.13
Commencement Date: Ss 26–30 on 14.3.13: s. 2
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Act 1998
No. 94 of 1998
Endnotes

State Tax Laws Amendment (Budget and Other Measures) Act 2013, No. 41/2013

Assent Date: 28.6.13
Commencement Date: S. 43 on 29.6.13: s. 2(1)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Statute Law Revision Act 2013, No. 70/2013

Assent Date: 19.11.13
Commencement Date: S. 3(Sch. 1 item 26) on 1.12.13: s. 2(1)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Legal Profession Uniform Law Application Act 2014, No. 17/2014

Assent Date: 25.3.14
Commencement Date: S. 160(Sch. 2 item 56) on 1 July 2015: Special Gazette (No.151) 16.6.15 p.1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Act 2014, No. 21/2014

Assent Date: 1.4.14
Commencement Date: Ss 4–15, 17 on 14.5.14: Special Gazette (No. 148) 13.5.14 p. 1; s. 16 on 1.7.14: Special Gazette (No. 188) 17.6.14 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 96) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Gambling and Liquor Legislation Amendment (Modernisation) Act 2014, No. 56/2014

Assent Date: 26.8.14
Commencement Date: Ss 56–60 on 15.10.14: Special Gazette (No. 364) 14.10.14 p. 2; s. 62 on 1.7.15: s. 2(2)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Gambling and Liquor Legislation Further Amendment Act 2014, No. 64/2014

Assent Date: 9.9.14
Commencement Date: Ss 40, 43–46 on 15.10.14: Special Gazette (No. 364) 14.10.14 p. 1; s. 42 on 1.7.15: Special Gazette (No. 133) 2.6.15 p. 1; s. 41 on 1.8.15: s. 2(3)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Act 1998
No. 94 of 1998
Endnotes

Crimes Amendment (Sexual Offences and Other Matters) Act 2014, No. 74/2014
(as amended by No. 20/2015)

Assent Date: 21.10.14
Commencement Date: S. 31 on 1.7.15: s. 2(3)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Justice Legislation Amendment Act 2015, No. 20/2015

Assent Date: 16.6.15
Commencement Date: S. 56(Sch. 1 item 9) on 17.6.15: s. 2(3)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Statute Law Revision Act 2015, No. 21/2015

Assent Date: 16.6.15
Commencement Date: S. 3(Sch. 1 item 31) on 1.8.15: s. 2(1)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Justice Legislation Further Amendment Act 2016, No. 3/2016

Assent Date: 16.2.16
Commencement Date: S. 91 on 1.5.16: Special Gazette (No. 114) 26.4.16 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Small Business Commission Act 2017, No. 16/2017

Assent Date: 10.5.17
Commencement Date: Ss 30, 31 on 1.7.17: Special Gazette (No. 216) 27.6.17 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Justice Legislation Amendment (Court Security, Juries and Other Matters) Act 2017, No. 38/2017

Assent Date: 29.8.17
Commencement Date: S. 89 on 30.8.17: s. 2(1)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Justice Legislation Amendment (Protective Services Officers and Other Matters) Act 2017, No. 45/2017

Assent Date: 26.9.17
Commencement Date: Ss 19, 54 on 1.4.18: Special Gazette (No. 136) 27.3.18 p. 3
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Commercial Passenger Vehicle Industry Amendment (Further Reforms) Act 2017, No. 63/2017

Assent Date: 19.12.17
Commencement Date: S. 21(Sch. 1 item 5) on 2.7.18: Special Gazette (No. 248) 29.5.18 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Act 1998
No. 94 of 1998
Endnotes

Oaths and Affirmations Act 2018, No. 6/2018

Assent Date: 27.2.18
Commencement Date: S. 68(Sch. 2 item 77) on 1.3.19: s. 2(2)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor and Gambling Legislation Amendment Act 2018, No. 20/2018

Assent Date: 13.6.18
Commencement Date: Ss 15, 20–25, 29–32 on 18.7.18: Special Gazette (No. 337) 17.7.18 p. 1; ss 26–28 on 13.9.18: Special Gazette (No. 337) 17.7.18 p. 1; ss 4–14, 16–19 on 11.10.18: Special Gazette (No. 466) 10.10.18 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Guardianship and Administration Act 2019, No. 13/2019

Assent Date: 4.6.19
Commencement Date: S. 221(Sch. 1 item 28) on 1.3.20: s. 2(2)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019, No. 20/2019

Assent Date: 2.7.19
Commencement Date: Ss 181–183 on 1.7.20: Special Gazette (No. 328) 30.6.20 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Local Government Act 2020, No. 9/2020

Assent Date: 24.3.20
Commencement Date: S. 390(Sch. 1 item 62) on 6.4.20: Special Gazette (No. 150) 24.3.20 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Consumer and Other Acts Miscellaneous Amendments Act 2021, No. 1/2021

Assent Date: 9.2.21
Commencement Date: S. 81 on 10.3.21: Special Gazette (No. 110) 10.3.21 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Summary Offences Amendment (Decriminalisation of Public Drunkenness) Act 2021, No. 6/2021 (as amended by No. 35/2022)

Assent Date: 2.3.21
Commencement Date: S. 13 on 7.11.23: s. 2(2)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Liquor Control Reform Act 1998
No. 94 of 1998
Endnotes

Liquor Control Reform Amendment Act 2021, No. 49/2021

Assent Date: 9.11.21
Commencement Date: Ss 4(2)(3)(5), 11(5), 18, 19(1), 20, 25, 29–36, 38, 43, 53–55, 57–60 on 16.12.21: Special Gazette (No. 693) 7.12.21 p. 1; ss 46(2), 47(b), 48, 49 on 31.1.22: Special Gazette (No. 693) 7.12.21 p. 1; ss 4(4)(b), 8–10, 11(1)–(4), 12, 13, 15–17, 19(3)(4), 39, 41, 44 on 15.3.22: Special Gazette (No. 62) 8.2.22 p. 1; ss 4(1), 6, 19(2), 21–24, 26–28, 37, 40, 42, 45, 46(1), 47(a) on 25.8.22: Special Gazette (No. 384) 2.8.22 p. 1; ss 4(4)(a), 5, 7, 14, 56 on 27.9.22: Special Gazette (No. 489) 20.9.22 p. 1; ss 50–52 on 31.12.22: s. 2(2)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Justice Legislation Amendment (Criminal Procedure Disclosure and Other Matters) Act 2022, No. 1/2022

Assent Date: 15.2.22
Commencement Date: S. 101 on 29.3.22: Special Gazette (No. 157) 29.3.22 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Sex Work Decriminalisation Act 2022, No. 7/2022

Assent Date: 1.3.22
Commencement Date: S. 71 on 1.12.23: s. 2(3)
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Casino and Liquor Legislation Amendment Act 2022, No. 26/2022

Assent Date: 28.6.22
Commencement Date: Ss 17, 19–26 on 1.7.22: Special Gazette (No. 336) 30.6.22 p. 1; s. 18 on 25.8.22: Special Gazette (No. 336) 30.6.22 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Gambling and Liquor Legislation Amendment Act 2022, No. 28/2022

Assent Date: 28.6.22
Commencement Date: Ss 146(1)(2), 150–154, 156–175 on 1.9.22: Special Gazette (No. 422) 23.8.22 p. 1; ss 146(3), 147–149, 155 on 4.10.22: Special Gazette (No. 489) 20.9.22 p. 1
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

Gambling Regulation Amendment Act 2023, No. 13/2023

Assent Date: 6.6.23
Commencement Date: S. 91 on 7.6.23: s. 2
Current State: This information relates only to the provision/s amending the **Liquor Control Reform Act 1998**

3 Explanatory details

¹ Table of Amendments (**Liquor Control Reform Further Amendment Act 2011**): The amendment to section 11(1)(d) by section 33 of the **Liquor Control Reform Further Amendment Act 2011**, No. 71/2011 (*repealed*) is not included in this publication as "Director" does not appear in that paragraph.

Section 33 reads:

33 Packaged liquor licence

In section 11(1)(d) of the Principal Act, for "Director" **substitute** "Commission".