



## Information Sheet – Applications for removal of liquor licence demerit points

### Background

This Information Sheet explains how the Commission usually deals with applications to remove demerit points from a liquor licence.

If you have been transferred a liquor licence that has accrued demerit points, you can apply to us to have these removed.

### What are demerit points and how do they affect my liquor licence?

Demerit points can be incurred if a licensee has committed certain offences under the *Liquor Control Reform Act 1998 (the Act)* – such as supplying liquor to an intoxicated patron, allowing a drunken person on licensed premises, or supplying liquor to persons under the age of 18 years.

One offence equals one demerit point and they apply for three years. If a licensee accrues more than five demerit points in a three-year period, their liquor licence will be automatically suspended for 24 hours. See <https://www.vcglr.vic.gov.au/demerit-points-system> for more information.

### How do I apply for removal of demerit points?

You can apply to remove demerit points from a licence if you are a new licensee and after a liquor licence has been transferred to you. You need to use the *Removal of Demerit Points* Application form available at [https://www.vcglr.vic.gov.au/sites/default/files/uploadremoval\\_of\\_demerit\\_points\\_kit\\_1.pdf](https://www.vcglr.vic.gov.au/sites/default/files/uploadremoval_of_demerit_points_kit_1.pdf)

Make sure your application tells us how you, as the new licensee, will comply with your licence obligations, including any changes you have made in how the premises will be managed or how staff will be trained. You will also need to confirm that you have no business or family association with the previous licensee or their associates.

### How will the Commission deal with my application?

The Commission can make its decision 'on the papers' (that is: on the basis of the written information you include in your application form), or after a hearing (if you request one or the Commission thinks it is needed).

### Decisions 'on the papers'

Apart from your application, we might ask you for further written information to help us make a decision.

If we obtain any other information which affects your application, we will provide it to you so that you can respond and/or provide further information.

We will specify a timeframe for you to provide any further information you have, but if you don't respond within that time, we may make our decision based on the information already available to us.

### Hearing

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

As with decisions on the papers, we might ask you for some further information. If we obtain any other information which affects your application, we will provide it to you so that you can respond and/or provide further information. If we cannot provide this information to you before the hearing, you will be given the opportunity to consider and respond to it at the hearing.

### **What happens at a hearing?**

At a hearing, you will have the opportunity to explain your reasons for your appeal and provide other relevant supporting information or evidence, including having people speak to the Commission. We might ask questions to help us make our decision.

The hearing will generally be conducted in public, unless we believe that the circumstances require a private hearing. You can also ask to have a private hearing – see Practice Note G-02 for further information about private hearings.

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

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

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

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

### **What happens if I don't attend a hearing?**

If do not attend a scheduled hearing, the Commission may make a decision on the basis of the information available to it at the time.

### **Decision**

After considering your application and all the information that has been provided, the Commission will make a decision whether or not to remove demerit points from your licence.

You will be notified of our decision in writing and you can also ask us for a written statement of reasons for our decision.

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

The Commission has approved this Information Sheet to explain how it generally handles applications to remove demerit points, but may vary the way it does so at its absolute discretion.