



Information Sheet – Internal reviews of liquor licence applications

Background

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

What is an internal review?

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

How do I apply for internal review?

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

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

How will the Commission deal with my application?

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

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

Delaying the effects of a decision

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

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

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

² See section 153 of the Act.

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

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

Decisions 'on the papers'

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

Uncontested application

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

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

Contested application

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

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

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

Hearing

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

Preliminary meetings

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

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

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

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

What happens at a hearing?

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

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

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

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

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

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

What happens if I don't attend a hearing?

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

Decision

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

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

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

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

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