

Liquor Control Reform Act 1998
DECISION-MAKING GUIDELINES

Pursuant to Section 5 of the
Victorian Commission for Gambling and Liquor Regulation Act 2011

Grant of Licences for the Sale of Packaged Liquor

I, Michael O'Brien MP, being the Minister for Consumer Affairs and the Minister responsible for administering the **Liquor Control Reform Act 1998** (the Act), publish the following decision-making guidelines representing the policy of the Victorian Government concerning the grant of liquor licences that may allow the sale of packaged liquor. In particular, the policy covers licensed venues in the State of Victoria that operate for periods in excess of ordinary trading hours as defined in section 3 of the Act, including, but not exclusive to, licensed venues that operate on a 24-hour basis.

In releasing these decision-making guidelines, the Victorian Government has considered, amongst other matters, the following:

1. The objects of the Act including sections 4(1)(a)(i)–(ii) and 4(2) of the Act:
 - 4(1)(a) to contribute to minimising harm arising from the misuse and abuse of alcohol 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.
 - 4(2) That 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 and the risks associated with the misuse and abuse of alcohol.
2. The definition of 'ordinary trading hours' as defined in section 3 of the Act.
3. Sections 8(1)(a) and 11(1) specifying authorised trading hours in relation to general liquor licences and packaged liquor licences, respectively.
4. The decision of the Liquor Control Commission on 7 July 1998 in the matter of Rosstown Hotel which established the basic principles underpinning Victoria's approach to applications for extended hours for the selling of packaged liquor.
5. Community concern and issues noted in the media regarding the potential increase in the hours of operation of licensed businesses that can sell packaged liquor.

Based on the matters raised above, the Victorian Government provides the following decision-making guidelines:

1. That the grant of a licence that allows for the provision of packaged liquor from licensed premises on a 24-hour basis is contrary to the aim of minimisation of harm from the misuse and abuse of alcohol and contrary to the aim of ensuring the amenity of community life.
2. That, in the case of a general licence or packaged liquor licence that allows for the provision of packaged liquor from licensed premises during the hours specified in section 8(1)(a)(ii)–(iii) of the Act in the case of general licences or section 11(1)(b)–(c) of the Act in the case of packaged liquor licences, the Victorian Commission for Gambling and Liquor Regulation should consider the position of Government in these guidelines in determining the grant of the licence. In all circumstances, the extended hours for a packaged liquor licence should not extend past 12 midnight.
3. That, excepting those licences specified in paragraph 2, the grant of a licence that allows for the provision of packaged liquor from licensed premises during hours that are outside ordinary trading hours as defined in section 3 of the Act should only be granted by the Victorian Commission for Gambling and Liquor Regulation if exceptional circumstances can be demonstrated by an applicant.

4. That these guidelines do not affect any licence that has been granted and is operational as at the date of issue of these guidelines.

From the date of gazettal, these guidelines supersede the Statement of Policy gazetted on 27 October 2006, on the grant of liquor licences allowing the sale of packaged liquor. These guidelines will apply from the date of gazettal.

Dated 7 June 2012

HON. MICHAEL O'BRIEN MP
Minister for Consumer Affairs
