



Victorian Commission for
Gambling and Liquor Regulation



VICTORIA POLICE

VCGLR and Victoria Police

Joint Enforcement Strategy

FINAL
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Contents

1	Introduction	3
2	Purpose	3
3	Roles, functions and mutual enforcement obligations	3
4	Goals and values	3
5	Operational approach	4
6	Strategies	4
7	Implementation and monitoring	5

1 Introduction

The Victorian Commission for Gambling and Liquor Regulation (VCGLR) is the independent statutory authority responsible for regulating the liquor and gambling industries in Victoria. The VCGLR's main regulatory objective under the *Liquor Control Reform Act 1998* (LCRA) is to minimise harms associated with the misuse and abuse of alcohol.

While the VCGLR is the primary regulatory body, Victoria Police also possesses powers to enforce liquor and gambling legislation. Currently, the VCGLR and Victoria Police work together to conduct joint inspections and to share information relevant to the operation of licensed premises.

2 Purpose

The purpose of this document is to provide a high-level framework to outline a unified approach as to how the VCGLR and Victoria Police will enforce compliance with the LCRA by those involved in the liquor industry. This will ensure that the VCGLR and Victoria Police work together in an effective and consistent manner to achieve the regulatory objectives of the LCRA, including the primary object of harm minimisation.

3 Roles, functions and mutual enforcement obligations

The statutory functions of the VCGLR are outlined in section 9 of the *Victorian Commission for Gambling and Liquor Regulation Act 2011* (VCGLR Act). In particular, the provision provides that the functions of the VCGLR include, inter alia:

- to perform the regulatory, investigative and disciplinary functions conferred on it by or under the VCGLR Act, the LCRA, the gaming Acts and any other Act;
- to undertake licensing, approval authorisation and registration activities under gambling and liquor legislation;
- to promote and monitor compliance with gambling and liquor legislation; and
- to inform and educate the public about the VCGLR's regulatory practices and requirements.

Section 8 of the *Victoria Police Act 2013* specifies that the role of Victoria Police is to serve the Victorian community and uphold the law so as to promote a safe, secure and orderly society. Section 9 then provides that the general functions of Victoria Police include:

- preserving the peace;
- protecting life and property;
- preventing the commission of offences;
- detecting and apprehending offenders; and
- helping those in need of assistance.

The role of Victoria Police specific to licensed premises is to monitor and enforce the requirements of the LCRA by ensuring licensees operate within the law to reduce alcohol related violence and public disorder associated with licensed premises.

Part 8 and Part 8A of the LCRA provides Victoria Police with a range of enforcement options to both licensees and patrons.

In addition to enforcement obligations, the LCRA further confers powers on the Chief Commissioner of Police and Licensing Inspectors to object to the grant, variation, transfer or relocation of a licence.

The LCRA recognises that both the VCGLR and Victoria Police have shared responsibilities for the administration of liquor laws. Specifically, an "authorised person" for enforcement purposes is defined in the LCRA as a commissioner, a gambling and liquor inspector or a police officer. Accordingly, police officers and gambling and liquor inspectors have powers to inspect licensed premises and to issue infringement notices in respect of relevant breaches of the legislation.

4 Goals and values

Under this Joint Enforcement Strategy, VCGLR and Victoria Police will strive to:

- **Promote the responsible service and consumption of alcohol**

Given that harm minimisation is the primary object of the LCRA, both agencies will have a continued focus on reducing alcohol-related harms, including; violence, antisocial behaviour and intoxication.

VCGLR raises awareness about the requirements for venues to foster responsible service of alcohol and informing licensees and the public about the risks associated with excessive alcohol consumption and the service of alcohol to minors, etc. The promotion of best practice at licensed premises is critical in reducing and preventing future non-compliance by licensees.

Victoria Police plays an important role in raising awareness in the community about alcohol related harm.

- **Take appropriate enforcement actions**

Having a range of enforcement options has been shown to support compliance with the law. It is based on the principle that compliance will be enhanced by utilising the most appropriate enforcement option available to address licensee behaviour and the type of offence committed.

It is important that early intervention is taken against licensees or others who breach liquor laws in order to deter further offending and to protect the community. The VCGLR and Victoria Police will not tolerate those who contravene the LCRA.

5 Operational approach

Both VCGLR and Victoria Police share responsibility for enforcing the provisions of the LCRA. Both agencies play a vital role through effective regulation and enforcing compliance under the Act to minimise harm associated with alcohol misuse and abuse.

The VCGLR utilises a risk-based strategy to guide its decision-making as detailed in the VCGLR's Regulatory Approach. This involves risk assessments to identify particular premises, individuals and businesses that may be at greater risk of causing harm to the community, followed by the allocation of resources to address these risks.

Victoria Police's approach to policing licensed premises is built on the following four pillars:

Prevention – *Police evaluate self-regulation among compliant licensees to prevent future harms from occurring.*

Early intervention – *Implement positive initiatives to influence the licensees and the community about alcohol related harm.*

Strong and timely enforcement – *Police actions that prevent new and emerging risks at licensed premises from escalating as detailed in the Licensed Premises Harm Prevention and Enforcement Model.*

Effective evaluation – *Police actions that influence the policy, regulatory and legislative environments to improve our capacity to deter and detect, and deal with the risk of harm associated with licensed premises.*

This Joint Enforcement Strategy recognises the importance of collaborative enforcement to more efficiently and effectively target harms associated with licensed premises. Both agencies will seek to improve their respective risk-based approaches and focus efforts on enforcement activities, including joint activities where appropriate.

6 Strategies

In achieving the goals and values outlined above, the VCGLR and Victoria Police commit to the following enforcement strategies:

- **Collaborate, educate and engage**

The VCGLR will educate individuals and business involved in the liquor industry as well as the broader Victorian community about regulatory requirements in order to foster compliance with liquor laws. It is recognised that early education encourages voluntary compliance by stakeholders,

therefore, furthering the object of harm minimisation and reducing the need for enforcement actions to be taken.

Participation in licensing forums and accords is an integral component of the VCGLR and the Victoria Police strategy to enforce liquor laws and reduce violence in and around licensed premises. This approach has been shown to assist in minimising the unacceptable impact of licensed premises on local residents and businesses, and promote a higher level of compliance with liquor laws and related licence conditions.

- **Sharing information**

The VCGLR and Victoria Police will ensure that information and intelligence is shared between the agencies in an efficient and effective manner so as not to duplicate effort and to assist in the performance of legislative functions. Information will be shared in accordance with the Memorandum of Understanding entered into between VCGLR and Victoria Police.

- **Prioritising and targeting inspections**

Although both agencies act independently within their remit, where appropriate joint operations will continue to occur during major events as well as those identified through the tasking and co-ordination process.

The VCGLR and Victoria Police will focus resources in areas of high risk by maximising opportunities for jointly targeting venues causing harm and those repeatedly failing to comply with the LCRA. For example, venues that are at a higher risk of causing harm to the community may be inspected more frequently compared to lower risk venues. A venue may be at a higher risk of causing harm due to the type of premises being operated, extended trading hours or a previous non-compliance history. Improved prioritisation and targeting may be pursued through:

- joint tasking and co-ordination meetings to identify and prioritise the areas of greatest harm and risk;
- debriefs following joint operations will ensure intelligence gaps are identified and learnings are shared to continuously inform best practice, and
- where joint enforcement is not required, both agencies share information to avoid duplication of effort whilst ensuring ownership and accountability.

- **Proportionate action**

It is expected that VCGLR and Victoria Police will take timely and appropriate action as per their respective operating models i.e. in determining whether to conduct investigations of potential non-compliance and considering enforcement actions.

Delays in investigating alleged breaches of the law may result in continual offending and may undermine public confidence. Similarly, delays in taking appropriate enforcement action may minimise the effects of deterrence and cause uncertainty for the alleged offending party.

Taking enforcement action that is proportionate to risk is a more efficient means of regulating, as it provides flexibility to both VCGLR and Victoria Police to increase the severity of sanctions taken based on the actual or potential harms to the community.

7 Implementation and monitoring

The success of the Joint Enforcement Strategy in efficiently and effectively targeting harms associated with licensed premises will be assessed against appropriate performance measures for both agencies.

Performance measures will be selected by the VCGLR and Victoria Police within six months of the Strategy's implementation.

Progress against the Strategy will be monitored through regular joint Executive meetings.