

**Authorised Version No. 011**  
**Liquor Control Reform Regulations 2009**

**S.R. No. 134/2009**

Authorised Version incorporating amendments as at  
1 July 2014

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**PART 1—PRELIMINARY**

**1 Objectives**

The objectives of these Regulations are—

- (a) to prescribe substances for the purpose of the definition of *liquor* in section 3 of the Act; and
- (b) to prescribe—
  - (i) the particulars that are to be included in an application for the grant, variation, relocation or transfer of a licence or BYO permit;
  - (ii) the information that is to accompany an application for the grant, variation, relocation or transfer of a licence or BYO permit;
  - (iii) fees payable under the Act;
  - (iv) variations of licences and BYO permits that are not required to comply with the requirements set out in sections 33, 34 and 35 of the Act unless required by the Commission;
  - (v) conditions that apply in relation to live music events that are held at licensed premises or authorised premises and at which a person under the age of 18 may be present; and

Reg. 1(b)(iv)  
amended by  
S.R. Nos  
5/2012 reg. 5,  
58/2014  
reg. 4(1).

Reg. 1(b)(v)  
inserted by  
S.R. No.  
58/2014  
reg. 4(2).

- (c) to provide for the conduct of licensing polls;  
and
- (d) to establish minimum standards for security cameras and matters relating to the testing of security cameras.

## 2 Commencement

- (1) These Regulations (except regulation 27) come into operation on 1 January 2010.
- (2) Regulation 27 comes into operation on 1 January 2011.

Reg. 2(1)  
amended by  
S.R. No.  
125/2010  
reg. 5(1).

Reg. 2(2)  
substituted by  
S.R. No.  
125/2010  
reg. 5(2).

## 3 Revocation

The Liquor Control Reform Regulations 1999<sup>1</sup> are **revoked**.

## 4 Authorising provisions

These Regulations are made under sections 18B and 180 of, and clause 17 of Schedule 3 to, the **Liquor Control Reform Act 1998**.

## 5 Definitions

In these Regulations—

***alcohol-based food essence*** means a food flavouring preparation in liquid form 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;

***attendance voting*** means voting carried out by means other than postal voting;

***election manager*** means the election manager for the licensing poll;

***elector*** means an elector within the meaning of clause 17(2)(e)(ii) of Schedule 3 to the Act;

***five star rating scheme*** means the administrative system established for the purposes of recording demerit points, calculating renewal fees and publishing star ratings based on the compliance history of a licensee or permittee;

Reg. 5 def. of *five star rating scheme* inserted by S.R. No. 5/2012 reg. 6(1).

***identification*** means, in relation to an image of a person, an image that is of sufficient clarity to enable the person's identity to be established with a high degree of certainty;

***licensing poll*** means a vote of electors taken within a neighbourhood to determine whether or not a licence should be granted in or relocated to the neighbourhood;

***neighbourhood*** means the neighbourhood surrounding the proposed site of the premises in respect of which a licence has been applied for or to which a licence is sought to be relocated as delineated under clause 17(2)(b) of Schedule 3 to the Act;

Reg. 5 def. of *neighbourhood* amended by S.R. No. 5/2012 reg. 6(2).

***open format*** means a published specification for storing digital data that is free of legal restrictions on its use and able to be implemented by both proprietary and free or open source software (such as a bitmap, jpg or tiff file);

***proprietary format*** means a file format that is covered by a patent or copyright and is able to be implemented only by proprietary software;

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***recognition*** means, in relation to an image of a person, an image that is of sufficient clarity to enable a viewer to establish, with a high degree of certainty, whether the person is the same as a person that the viewer has seen before;

***stored images*** means the electronic files exported from a digital video recorder to a storage device or the images on recorded cassettes from an analogue video cassette recorder;

***the Act*** means the **Liquor Control Reform Act 1998**;

***video recorder*** means a digital video recorder or video cassette recorder that records video images from a security camera.



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**PART 2—PRESCRIBED SUBSTANCES**

**6 Substances prescribed as liquor**

For the purposes of the definition of liquor in section 3(1) of the Act, the following are prescribed substances—

- (a) an alcohol-based food essence that is supplied by retail;
  - (b) a food preparation that is intended for consumption in a frozen form;
  - (c) vapour that would as a liquid be a beverage with an alcohol content greater than 0·5% by volume at a temperature of 20° Celsius.
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**PART 2A—PRESCRIBED LIQUOR**

Pt 2A  
(Heading and  
reg. 6A)  
inserted by  
S.R. No.  
125/2010  
reg. 6.

Reg. 6A  
inserted by  
S.R. No.  
125/2010  
reg. 6.

**6A Prescribed types of liquor that butchers may supply**

- (1) For the purposes of section 6D(1)(c) of the Act, the following are prescribed types of liquor—
  - (a) any type of beer;
  - (b) wine which is made substantially from fruit grown or fermented in one single wine growing region.
- (2) In this regulation *wine growing region* means a region specified in the Register of Protected Geographical Indications and Other Terms kept by the Registrar under the Australian Wine and Brandy Corporation Act 1980 of the Commonwealth.

**Example**

Butcher A is located in the Yarra Valley. Butcher A only sells wine which is made substantially from fruit grown or fermented in the Yarra Valley.

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**PART 3—SECURITY CAMERAS**

**7 Standards for minimum frame rate for security cameras and video recorders**

- (1) For the purposes of section 18B of the Act, a security camera on licensed premises must record continuously at a minimum rate of 5 frames per second.
- (2) For the purposes of section 18B of the Act, a video recorder on licensed premises must—
  - (a) if it is a digital video recorder, record at least 5 images per second for each security camera connected to the digital video recorder; or
  - (b) if it is a video cassette recorder, continuously record the images from the security camera.

**8 Standards for quality of stored images**

For the purposes of section 18B of the Act, stored images exported from a video recorder must—

- (a) display the correct time and date stamp of the security camera; and
- (b) identify the security camera number or the location of the camera; and
- (c) in the case of any still image exported from a video recorder situated in an entrance to or exit from the licensed premises, be of adequate quality and detail to enable identification of a person; and
- (d) in the case of any still image exported from a video recorder situated in any area in a licensed premises other than an entrance to or exit from the licensed premises, be of adequate quality and detail to enable recognition of a person; and

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- (e) if it is a digital video recorder, be in an open format whether or not the recorder can produce exported images in a proprietary format.
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**PART 4—PARTICULARS AND INFORMATION FOR APPLICATIONS**

**9 Particulars for application for licence or BYO permit**

- (1) For the purposes of section 28(1)(b) of the Act, the prescribed particulars to be included in an application for a licence or BYO permit are—
- (a) the applicant's name; and
  - (b) the applicant's address for service of documents (including, if applicable, facsimile number and electronic mail address) and a telephone number on which the applicant or their representative can be contacted during business hours; and
  - (c) the address of the premises or proposed premises in respect of which the licence or permit is sought; and
  - (d) the name and address—
    - (i) if the applicant is a body corporate—of each director of the body corporate;
    - (ii) if the applicant is a member of the committee of management of an unincorporated club applying on behalf of the club—of each member of the committee of management of the club;
    - (iii) if the applicant is a member of a partnership applying on behalf of the partnership—of each member of the partnership; and
  - (e) a description of the nature and scope of the business to be conducted under the licence or BYO permit; and

- (f) any conditions sought in relation to the licence or permit including, if applicable, the times sought outside ordinary trading hours during which the applicant wishes to supply liquor; and
  - (g) in the case of an application for a BYO permit—the hours for which the applicant wishes the permit to apply.
- (2) Subregulation (1)(c) does not apply to an application for a pre-retail licence.

**10 Information to accompany application for licence or BYO permit**

- (1) For the purposes of section 28(1)(c)(i) of the Act, the prescribed information to accompany an application for a licence or BYO permit is—
- (a) an accurate depiction of the premises or proposed premises to which the application relates showing the proposed area of the licensed premises; and
  - (b) any one of—
    - (i) a copy of a permit issued under the **Planning and Environment Act 1987** or, in the case of a vehicle, vessel or aircraft, a permit issued under any relevant planning law permitting the premises to which the application relates to be used as licensed premises in accordance with the authority of the relevant licence or BYO permit; or
    - (ii) other evidence that use of the premises as licensed premises in accordance with the authority of the relevant licence or BYO permit would not contravene the planning scheme that applies under the **Planning and Environment Act 1987**

- or, in the case of a vehicle, vessel or aircraft, any relevant planning law; or
- (iii) a copy of an application that has been made in accordance with the **Planning and Environment Act 1987** or, in the case of a vehicle, vessel or aircraft, any relevant planning law for a permit, licence or other authority that, if granted, would permit the premises to be used as licensed premises in accordance with the authority of the relevant licence or BYO permit; and
- (c) if the applicant is not the owner of the premises to which the application relates—a declaration by the applicant that the applicant has a right to occupy the premises.
- (2) This regulation does not apply to an application for a limited licence or a pre-retail licence.

Reg. 10(1)(c)  
amended by  
S.R. No.  
58/2014 reg. 5.

#### **11 Particulars for application for variation of licence or BYO permit**

- (1) For the purposes of section 29(3)(b) of the Act, the prescribed particulars to be included in an application by a licensee or permittee for a variation of a licence or BYO permit are—
- (a) the applicant's name; and
- (b) the applicant's address for service of documents (including, if applicable, facsimile number and electronic mail address) and a telephone number on which the applicant or their representative can be contacted during business hours; and
- (c) the address of the licensed premises; and

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- (d) the name and address—
- (i) if the applicant is a body corporate— of each director of the body corporate;
  - (ii) if the applicant is a member of the committee of management of an unincorporated club applying on behalf of the club—of each member of the committee of management of the club;
  - (iii) if the applicant is a member of a partnership applying on behalf of the partnership—of each member of the partnership; and
- (e) the details of the variation sought; and
- (f) the licence or permit number.
- (2) For the purposes of section 29(3)(b) of the Act, the prescribed particulars to be included in an application by the Chief Commissioner or a licensing inspector for a variation of a licence or BYO permit are—
- (a) the applicant's name and address; and
  - (b) the name and address of the licensee or permittee; and
  - (c) the address of the licensed premises; and
  - (d) the details of the variation sought; and
  - (e) the licence or permit number.
- (3) For the purposes of section 29(3)(b) of the Act, the prescribed particulars to be included in an application by the persons referred to in section 32(1)(a) or (b) of the Act for a variation of a licence or BYO permit are the particulars referred to in subregulation (1) as if a reference in that subregulation to the applicant were a reference to the transferee of the licence or permit.



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**12 Information to accompany application for variation of licence or BYO permit in respect of the licensed premises**

For the purposes of section 29(3)(c)(i) of the Act, an application for a variation of the size or perimeter of the licensed premises under section 29(2)(b) of the Act must be accompanied by an accurate depiction of the premises or proposed premises to which the application relates showing the proposed size or perimeter of the licensed premises.

**13 Particulars for application for relocation of licence or BYO permit**

For the purposes of section 31(2)(b) of the Act, the prescribed particulars to be included in an application for the relocation of a licence or BYO permit are—

- (a) the applicant's name; and
- (b) the applicant's address for service of documents (including, if applicable, facsimile number and electronic mail address) and a telephone number on which the applicant or their representative can be contacted during business hours; and
- (c) the name and address—
  - (i) if the applicant is a body corporate—of each director of the body corporate;
  - (ii) if the applicant is a member of the committee of management of an unincorporated club applying on behalf of the club—of each member of the committee of management of the club;

- (iii) if the applicant is a member of a partnership applying on behalf of the partnership—of each member of the partnership; and
- (d) the current address of the licensed premises and the address of the premises to which it is proposed that the licence or BYO permit be relocated; and
- (e) the licence or permit number.

**14 Information to accompany application for relocation of licence or BYO permit**

- (1) For the purposes of section 31(2)(c)(i) of the Act, the prescribed information to accompany an application for the relocation of a licence or BYO permit is the information referred to in regulation 10(1).
- (2) This regulation does not apply to an application for a limited licence or a pre-retail licence.

**15 Particulars for application for transfer of licence or BYO permit**

For the purposes of section 32(2)(b) of the Act, the prescribed particulars for an application for the transfer of a licence or BYO permit are—

- (a) the transferee's name; and
- (b) the transferee's address for service of documents (including, if applicable, facsimile number and electronic mail address) and a telephone number on which the transferee or their representative can be contacted during business hours; and

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- (c) the name and address—
    - (i) if the transferee is a body corporate—of each director of the body corporate;
    - (ii) if the transferee is an unincorporated club—of each member of the committee of management of the club;
    - (iii) if the transferee is a partnership—of each member of the partnership; and
  - (d) the names and addresses of the transferee's associates; and
  - (e) the address of the licensed premises; and
  - (f) the licence or permit number.

**16 Information to accompany application for transfer of licence or BYO permit**

Reg. 16  
amended by  
S.R. No.  
58/2014 reg. 6.

For the purposes of section 32(2)(c)(i) of the Act, an application for the transfer of a licence or BYO permit to a transferee who is not the owner of the licensed premises must be accompanied by a declaration by the transferee that the transferee has a right to occupy the premises.

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**PART 5—FEES**

**17 Definitions**

For the purpose of this Part—

***function room*** means an area of a licensed premises specified on a licence to be a function room set aside at all times for the exclusive use of persons who have booked a function to be held in that area and which is attended only by those persons or their guests;

Reg. 17 def. of *non-compliance incident* revoked by S.R. No. 5/2012 reg. 7.

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Reg. 17 def. of *relevant infringement notice* revoked by S.R. No. 5/2012 reg. 7.

\* \* \* \* \*

Reg. 17 def. of *relevant period* substituted by S.R. No. 58/2014 reg. 7.

***relevant period*** means, for renewal fees payable for 2013 and subsequent years, 1 October in the year 2 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;

***risk criteria*** means the factors taken into account when calculating a risk fee in accordance with regulation 25, 26 or 27 (as the case requires);

Reg. 17 def. of *successful prosecution* revoked by S.R. No. 5/2012 reg. 7.

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*venue capacity*, in relation to licensed premises, means the venue capacity of the licensed premises as calculated in accordance with regulation 18 or 19.

## 18 Venue capacity

- (1) This regulation applies subject to regulation 19.
- (2) If a maximum capacity is specified on a licence, the venue capacity of the licensed premises is—
  - (a) if a maximum capacity is specified in respect of the total area of the licensed premises, that maximum capacity;
  - (b) if a maximum capacity is specified in respect of more than one area of the licensed premises but no total maximum capacity for the licensed premises is specified, the sum of those maximum capacities;
  - (c) if a different total maximum capacity (as calculated under paragraph (a) or (b) (as the case requires)) may apply depending on the time of day, the greatest total maximum capacity as calculated under paragraph (a) or (b) (as the case requires) at any time after 11 p.m. on any particular day and before the commencement of ordinary trading hours on the following day—  
minus the maximum capacity for any area of the licensed premises used to provide accommodation as specified on the licence (if applicable).
- (3) If no maximum capacity is specified on a licence, the venue capacity of the licensed premises is the lesser of—
  - (a) the maximum number of patrons specified for the licensed premises in any permit granted in accordance with the **Planning**

Reg. 18(3)(a)  
amended by  
S.R. No.  
5/2012 reg. 8.

Reg. 18(3)(b)  
amended by  
S.R. No.  
5/2012 reg. 8.

**and Environment Act 1987** which has been given to the Commission; and

- (b) the maximum number of people to be accommodated within the licensed premises specified in any occupancy permit issued in accordance with the **Building Act 1993** which has been given to the Commission.

Reg. 18(4)  
amended by  
S.R. No.  
5/2012 reg. 8.

- (4) If neither subregulation (2) nor (3) applies, the venue capacity of the licensed premises is the maximum capacity as determined by the Commission by calculating the number of people that may be accommodated on the licensed premises and (if relevant) the authorised premises based on a ratio of one patron per 0.75 square metres for the area available to, as the case requires—

- (a) members of the public; or  
(b) in relation to a club licence, members of a club and guests of members of a club and authorised gaming visitors—

for on-premises consumption.

## **19 Venue capacity where function room exists**

- (1) This regulation applies if—
- (a) a function room exists within the licensed premises; and
- (b) the licence does not authorise the supply of liquor in the function room between 1.00 a.m. on any particular day and the commencement of ordinary trading hours on that day; and
- (c) no non-compliance incidents relate to the licence in the relevant period.
- (2) If a maximum capacity for the function room is specified on a licence, the venue capacity of the

licensed premises is the venue capacity of the licensed premises calculated in accordance with regulation 18(2), (3) or (4) (as the case requires) minus the maximum capacity for the function room specified on the licence.

**20 Fee for licence and BYO—general**

The prescribed fees (other than renewal fees) for the purposes of the Act are the fees set out in Schedule 1.

**21 Renewal fees—general**

For the purposes of sections 59, 60(2)(c) and 62(2)(c) of the Act, the renewal fee for a licence or BYO permit is the amount calculated in accordance with regulation 22 or 23.

Reg. 21  
amended by  
S.R. No.  
5/2012 reg. 9.

**22 Renewal fees—licences and permits to which venue capacity multiplier does not apply**

(1) Subject to subregulation (2), this regulation applies to the following licences—

- (a) late night (packaged liquor) licence;
- (b) packaged liquor licence;
- (c) pre-retail licence;
- (d) wine and beer producer's licence;

Reg. 22(1)(d)  
amended by  
S.R. No.  
5/2012 reg. 10.

- (e) renewable limited licence;
- (f) BYO permit; and
- (g) any other licence for a licensed premises that has a venue capacity of 200 patrons or less or to which regulation 28 does not apply.

(2) This regulation does not apply to a licence on which a condition is specified in relation to the provision of sexually explicit entertainment.

- (3) The renewal fee for a licence to which this regulation applies is calculated in accordance with the following formula—

renewal fee = base fee + risk fee (if any)—

where—

base fee = base fee that applies to the licence under regulation 24;

risk fee = the total risk fee, calculated under regulations 25, 26 and 27 for each risk criteria that applies to the licence.

**23 Renewal fees—licences to which the venue capacity multiplier applies**

- (1) Subject to subregulation (2), this regulation applies to the following licences if regulation 28 applies to the licence and the licensed premises has a venue capacity of more than 200 patrons—
- (a) late night (general) licence;
  - (b) late night (on-premises) licence;
  - (c) general licence;
  - (d) on-premises licence;
  - (e) restaurant and cafe licence;
  - (f) full club licence; and
  - (g) restricted club licence.
- (2) This regulation does not apply to a licence on which a condition is specified in relation to the provision of sexually explicit entertainment.
- (3) The renewal fee for a licence to which this regulation applies is calculated in accordance with the following formula—

renewal fee = (base fee + risk fee) × venue capacity multiplier—

where—



base fee = base fee that applies to the licence under regulation 24;

risk fee = the total risk fee, calculated under regulations 25 and 27 for each risk criteria that applies to the licence;

venue capacity multiplier = the multiplier that applies to the licence under regulation 28.

## 24 Base fees

(1) The base fee for the following licences and BYO permits is 16·74 fee units—

(a) restaurant and cafe licence;

\* \* \* \* \*

(c) restricted club licence;

(d) renewable limited licence;

(e) BYO permit.

(1A) Subject to subregulation (5), the base fee for a wine and beer producer's licence is—

(a) in the case of a wine and beer producer's licence that is subject to a condition that authorises the supply of liquor that is the licensee's product at promotional events that are conducted off the licensed premises—  
24·48 fee units;

(b) in any other case—16·74 fee units.

(2) Subject to subregulation (5), the base fee for the following licences is 68·01 fee units—

(a) late night (general) licence;

(b) late night (on-premises) licence;

(c) general licence;

Reg. 24 substituted by S.R. No. 149/2010 reg. 4(1).

Reg. 24(1)(b) revoked by S.R. No. 5/2012 reg. 11(1).

Reg. 24(1A) inserted by S.R. No. 5/2012 reg. 11(2).

- (d) on-premises licence;
- (e) pre-retail licence.
- (3) Subject to subregulation (5), the base fee for a full club licence is—
  - (a) in the case of a club where gaming machines are on the licensed premises—68·01 fee units;
  - (b) in any other case—33·47 fee units.
- (4) The base fee for the following licences is 136·01 fee units—
  - (a) late night (packaged liquor) licence;
  - (b) packaged liquor licence;
  - (c) general licence under which a licensee supplies packaged liquor only for consumption off the licensed premises as the whole of the licensee's ordinary business supplying liquor that is subject to a condition under clause 26(2)(a) of Schedule 3 to the Act.
- (5) This regulation does not apply to a licence on which a condition is specified in relation to the provision of sexually explicit entertainment.
- (6) In this regulation, *gaming machine* has the same meaning as in the **Gambling Regulation Act 2003**.

Reg. 24(4)(b)  
amended by  
S.R. No.  
5/2012  
reg. 11(3)(a).

Reg. 24(4)(c)  
inserted by  
S.R. No.  
5/2012  
reg. 11(3)(b).

## 25 Risk fee—late night trading

- (1) Subject to subregulation (4), this regulation applies to any of the following licences—
  - (a) late night (general) licence;
  - (b) late night (on-premises) licence;

- 
- (c) general licence; and
- (d) on-premises licence—
- that authorises the supply of liquor any time after 11.00 p.m. on any particular day and before the commencement of ordinary trading hours on the following day.
- (2) The risk fee for late night trading hours is—
- (a) if the licence authorises the licensee to supply liquor after 11.00 p.m. on any particular day but not after 1.00 a.m. on the following day, 136·01 fee units; or
- (b) if the licence authorises the licensee to supply liquor after 11.00 p.m. on any particular day but not after 3.00 a.m. on the following day, 272·03 fee units; or
- (c) subject to subregulation (3), if the licence authorises the licensee to supply liquor after 11.00 p.m. on any particular day and before the commencement of ordinary trading hours on the following day, 544·05 fee units.
- (3) Subregulation (2)(c) does not apply to a licence that—
- (a) authorises the licensee to commence the supply of liquor before the commencement of ordinary trading hours from a time not being earlier than 7.00 a.m. on a particular day; and
- (b) does not also authorise the supply of liquor at any time after 3.00 a.m. on that day and before 7.00 a.m. on that day.
- (4) This regulation does not apply to—
- (a) a general licence or a late night (general) licence that authorises the supply of liquor outside ordinary trading hours only as

provided in section 8(1)(b) or (c) or section 11A(2)(b) or (c) of the Act; or

- (b) any licence on which a condition is specified in relation to the provision of sexually explicit entertainment.

**26 Risk fee—non-standard trading hours for packaged liquor licences and late night (packaged liquor) licences**

Reg. 26(1)  
substituted by  
S.R. No.  
5/2012  
reg. 12(1).

- (1) This regulation applies to—
- (a) packaged liquor licences and late night (packaged liquor) licences that authorise the licensee to supply liquor outside ordinary trading hours; and
- (b) general licences that authorise the licensee to supply liquor outside ordinary trading hours under which a licensee supplies packaged liquor only for consumption off the licensed premises as the whole of the licensee's ordinary business supplying liquor that are subject to a condition under clause 26(2)(a) of Schedule 3 to the Act.

Reg. 26(2)  
amended by  
S.R. No.  
125/2010  
reg. 7(1).

- (2) Subject to subregulation (3), the risk fee for trading outside ordinary trading hours is 408·04 fee units.

Reg. 26(3)  
inserted by  
S.R. No.  
125/2010  
reg. 7(2),  
amended by  
S.R. No.  
5/2012 reg.  
12(2).

- (3) In the case of a licence specified under subregulation (1) under which the licensee only supplies liquor outside ordinary trading hours on Christmas Day and Good Friday, or on Christmas Day or Good Friday, the risk fee is nil.

Reg. 26(4)  
inserted by  
S.R. No.  
5/2012  
reg. 12(3).

- (4) In this regulation, *ordinary trading hours* has the same meaning as it has in paragraph (c) of the definition of *ordinary trading hours* in

section 3(1) of the Act for all types of licences to which this regulation applies.

### **27 Risk fee—compliance history**

- (1) Subject to subregulation (2), this regulation applies to a licence or BYO permit if one or more non-compliance incidents have occurred in respect of the licensed premises in the relevant period.
- (2) This regulation does not apply to a licence on which a condition is specified in relation to the provision of sexually explicit entertainment.
- (3) The risk fee for non-compliance incidents is—
  - (a) if there are one or two non-compliance incidents that relate to the licence or permit in the relevant period, 272·03 fee units; or
  - (b) if there are three or more non-compliance incidents that relate to the licence or permit in the relevant period, 544·05 fee units.

Reg. 27(1)  
amended by  
S.R. No.  
5/2012 reg. 13.

### **28 Venue capacity multiplier**

- (1) Subject to subregulation (2), this regulation applies to the following licences in respect of which one or more of the risk criteria in regulation 25 or 27 apply—
  - (a) late night (general) licence;
  - (b) late night (on-premises) licence;
  - (c) general licence;
  - (d) on-premises licence;
  - (e) restaurant and cafe licence;
  - (f) full club licence; and
  - (g) restricted club licence.
- (2) This regulation does not apply to—
  - (a) any late night (general) licence, late night (on-premises) licence, general licence or

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- on-premises licence to which only the risk criteria in regulation 25(2)(a) applies; or
- (b) any licence on which a condition is specified in relation to the provision of sexually explicit entertainment.
- (3) The venue capacity multiplier for a licensed premises with a venue capacity of—
- (a) more than 200 and not more than 300 patrons, is 1·25; or
  - (b) more than 300 and not more than 400 patrons, is 1·5; or
  - (c) more than 400 and not more than 500 patrons, is 1·75; or
  - (d) more than 500 and not more than 600 patrons, is 2·0; or
  - (e) more than 600 and not more than 700 patrons, is 2·25; or
  - (f) more than 700 and not more than 800 patrons, is 2·5; or
  - (g) more than 800 and not more than 900 patrons, is 2·75; or
  - (h) more than 900 and not more than 1000 patrons, is 3·0; or
  - (i) more than 1000 and not more than 1100 patrons, is 3·25; or
  - (j) more than 1100 and not more than 1200 patrons, is 3·5; or
  - (k) more than 1200 and not more than 1300 patrons, is 3·75; or
  - (l) more than 1300 patrons, is 4.

**29 Renewal fees—*Five star rating scheme***

- (1) This regulation applies if a five star rating scheme is in operation.
- (2) The renewal fee for a licence or BYO permit payable by a licensee or permittee under this Part must be reduced—
  - (a) if a non-compliance incident has not occurred in respect of the licensed premises for a period of 2 consecutive relevant periods—by 5 percent;
  - (b) if a non-compliance incident has not occurred in respect of the licensed premises for a period of 3 consecutive relevant periods—by 10 percent.

Reg. 29  
revoked by  
S.R. No.  
125/2010  
reg. 8,  
new reg. 29  
inserted by  
S.R. No.  
5/2012 reg. 14.

**30 Waiver or reduction of prescribed fees**

- (1) Subject to subregulation (3), the Commission may waive or reduce a prescribed fee or renewal fee payable by an applicant, licensee or permittee if the Commission is satisfied that it is appropriate to do so, having considered the matters specified in subregulation (2).
- (2) In making a decision under subregulation (1), the Commission may consider—
  - (a) the applicant's, licensee's or permittee's compliance history (if any);
  - (b) the geographical location of the applicant, licensee or permittee;
  - (c) the quantity and nature of the liquor supplied or to be supplied by the applicant, licensee or permittee under the licence or permit;

Reg. 30  
substituted by  
S.R. No.  
125/2010  
reg. 9.

Reg. 30(1)  
amended by  
S.R. No.  
5/2012  
reg. 15(1).

Reg. 30(2)  
amended by  
S.R. No.  
5/2012  
reg. 15(2).

r. 30

- (d) the trading hours of the applicant, licensee or permittee;
- (e) the risk of harm arising from the misuse and abuse of liquor supplied under the licence or permit;
- (f) whether the fee is likely to cause serious financial hardship for the applicant, licensee or permittee;
- (g) whether significant regulatory or enforcement effort is likely to be required for that applicant, licensee or permittee;
- (h) whether the applicant, licensee or permittee has been affected by any fire, flood, explosion or natural disaster (including drought) or other serious event outside the control of the applicant, licensee or permittee;
- (i) any other factors the Commission considers relevant to the risk of harm arising from the misuse and abuse of liquor supplied under the licence or permit.

Reg. 30(2)(i)  
amended by  
S.R. No.  
5/2012  
reg. 15(2).

Reg. 30(3)  
amended by  
S.R. No.  
5/2012  
reg. 15(3).

Reg. 30A  
inserted by  
S.R. No.  
125/2010  
reg. 10,  
revoked by  
S.R. No.  
5/2012 reg. 16.

- (3) The Commission must not waive or reduce a fee under this regulation if one or more non-compliance incidents relate to the licence or permit in the relevant period.

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**PART 6—PRESCRIBED VARIATIONS**

**31 Prescribed variations**

(1) For the purposes of sections 33, 34 and 35 of the Act, the following variations are prescribed variations—

Reg. 31  
amended by  
S.R. No.  
125/2010  
reg. 12(3) (ILA  
s. 39B(2)).

(a) a variation to reduce authorised trading hours;

(b) a variation to reduce the maximum capacity of a licensed premises;

Reg. 31(b)  
amended by  
S.R. No.  
125/2010  
reg. 12(1).

(c) a variation to the conditions imposed on a licence in relation to the provision of live music for entertainment in respect of the following matters—

Reg. 31(c)  
inserted by  
S.R. No.  
125/2010  
reg. 12(2).

(i) crowd controllers;

(ii) security cameras;

(iii) the completion of Responsible Serving of Alcohol training courses by staff;

Reg. 31(1)  
(c)(iii)  
amended by  
S.R. No.  
5/2012  
reg. 17(a).

(d) a variation to remove the condition from a wine and beer producer's licence that authorises the supply of liquor that is the licensee's product at promotional events that are conducted off the licensed premises;

Reg. 31(1)(d)  
inserted by  
S.R. No.  
5/2012  
reg. 17(b).

(e) a variation to remove the condition imposed on a licence under clause 26(2)(a) of Schedule 3 to the Act 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.

Reg. 31(1)(e)  
inserted by  
S.R. No.  
5/2012  
reg. 17(b).

Liquor Control Reform Regulations 2009  
S.R. No. 134/2009  
Part 6—Prescribed Variations

r. 31

Reg. 31(2)  
inserted by  
S.R. No.  
125/2010  
reg. 12(3).

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- (2) Subregulation (1)(c) does not apply to an application for a variation to a licence on which a condition is specified in relation to the provision of sexually explicit entertainment.
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r. 31AA

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**PART 6AA—PRESCRIBED CONDITIONS FOR THE  
ATTENDANCE OF MINORS AT LIVE MUSIC EVENTS**

Pt 6AA  
(Headings  
and regs.  
31AA–31AI)  
inserted by  
S.R. No.  
58/2014 reg. 8.

**Division 1—Preliminary**

**31AA Application of Part**

This Part applies in relation to a live music event held at licensed premises or authorised premises in accordance with a notice given to the Commission in accordance with section 120(2B) of the Act.

Reg. 31AA  
inserted by  
S.R. No.  
58/2014 reg. 8.

**31AB Definitions**

In this Part—

*event premises* means the licensed premises or authorised premises at which the live music event is held;

*performance area* means the part of the premises in which the live music event is performed.

Reg. 31AB  
inserted by  
S.R. No.  
58/2014 reg. 8.

**Division 2—Prescribed conditions**

**31AC Prescribed conditions**

For the purposes of section 120(2)(ba) of the Act, each regulation in this Division (except this regulation) is a prescribed condition.

Reg. 31AC  
inserted by  
S.R. No.  
58/2014 reg. 8.

**31AD Telephone facilities for minors**

The licensee or permittee must provide, in the performance area or in an area adjoining the performance area, telephone facilities that are—

- (a) readily accessible to the minors who are attending the live music event; and
- (b) available for use by those minors free of charge.

Reg. 31AD  
inserted by  
S.R. No.  
58/2014 reg. 8.

r. 31AE

Reg. 31AE  
inserted by  
S.R. No.  
58/2014 reg. 8.

**31AE Event must finish by 11 p.m.**

The licensee or permittee must ensure that the live music event finishes before 11 p.m.

Reg. 31AF  
inserted by  
S.R. No.  
58/2014 reg. 8.

**31AF Minors under 12 must be accompanied by an adult**

The licensee or permittee must take all reasonable steps to ensure that a person under the age of 12 years who attends the live music event is accompanied by a responsible adult at all times.

Reg. 31AG  
inserted by  
S.R. No.  
58/2014 reg. 8.

**31AG Advertisements must include start and finish times**

The licensee or permittee must not publish an advertisement for the live music event that does not include start and finish times for the event.

Reg. 31AH  
inserted by  
S.R. No.  
58/2014 reg. 8.

**31AH Licensed crowd controllers**

- (1) The licensee or permittee must, in accordance with this regulation, ensure that at least the minimum number of licensed crowd controllers attend the live music event for the purpose of acting as crowd controllers for the event.
- (2) The minimum number of licensed crowd controllers for the purposes of subregulation (1) is—
  - (a) 2 licensed crowd controllers; and
  - (b) if the live music event is attended by more than 100 persons, one additional licensed crowd controller for every additional 100 persons attending the event.
- (3) The licensee or permittee must ensure that at least one of the licensed crowd controllers is female.
- (4) In this regulation—

*crowd controller* has the same meaning as in the Private Security Act 2004;

*licensed crowd controller* means a person who holds, under the **Private Security Act 2004**,

a private security individual operator licence that authorises that person to act as a crowd controller.

Reg. 31AI  
inserted by  
S.R. No.  
58/2014 reg. 8.

**31AI No readmission**

- (1) The licensee or permittee must ensure that a person who leaves the performance area while the live music event is being held (except by entering an area specified in subregulation (2)) does not re-enter the performance area while the event is being held.
  - (2) The following areas are specified for the purposes of subregulation (1)—
    - (a) an area that adjoins the performance area and contains toilet and hand washing facilities;
    - (b) an area that adjoins the performance area and contains telephone facilities provided in accordance with regulation 31AD.
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r. 31A

Pt 6A  
(Heading and  
regs 31A–  
31C)  
inserted by  
S.R. No.  
125/2010  
reg. 13.

Reg. 31A  
inserted by  
S.R. No.  
125/2010  
reg. 13,  
amended by  
S.R. No.  
5/2012 reg. 18.

Reg. 31B  
inserted by  
S.R. No.  
125/2010  
reg. 13.

Reg. 31C  
inserted by  
S.R. No.  
125/2010  
reg. 13.

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## **PART 6A—PRESCRIBED CLOSURE AND EVACUATION NOTICE REQUIREMENTS**

### **31A Prescribed closure and evacuation notice**

For the purposes of section 148ZG of the Act, the prescribed form of the closure and evacuation notice issued by the Commission is Form 1 in Schedule 3.

### **31B Prescribed particulars for sign**

For the purposes of section 148ZL(2) of the Act, the prescribed particulars are—

- (a) the name of the licensed premises;
- (b) the address of the licensed premises;
- (c) the name of the licensee or permittee;
- (d) the licence or permit number;
- (e) the date and time on which the closure and evacuation notice was served.

### **31C Prescribed revocation notice**

For the purposes of section 148ZP(4) of the Act, the prescribed form is Form 2 in Schedule 3.

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**PART 7—LICENSING POLLS**

**Division 1—Advertising the poll**

**32 Advertising the poll**

- (1) At least 28 days before the polling day for a licensing poll, the election manager must publish a notice of the licensing poll in the Government Gazette and by advertisement in a daily newspaper circulating in the neighbourhood.
- (2) The notice must contain—
  - (a) a description of the neighbourhood; and
  - (b) the resolution to be submitted to the electors; and
  - (c) a statement that voting is compulsory.

**Division 2—Ballot papers**

**33 Ballot paper**

The ballot paper to be used for the purposes of conducting a licensing poll must be in the form set out in Schedule 2.

**34 Formality of vote**

A ballot paper used at a licensing poll must be rejected as informal if—

- (a) it has no vote marked on it; or
- (b) the elector's vote is not clear; or
- (c) it has more than one vote marked on it.

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**Division 3—Polls by attendance voting**

**35 Application of Division**

This Division applies where the Victorian Electoral Commission decides that the voting at a licensing poll is to be by means of attendance voting.

**36 Notice of poll**

In addition to the requirements specified in regulation 32, public notice of the licensing poll must contain—

- (a) information concerning postal voting procedures; and
- (b) the names and locations of voting centres; and
- (c) the day and hours of voting.

**37 Appointment of scrutineers**

The election manager may approve prior to polling day the appointment of one scrutineer at each voting centre on behalf of—

- (a) the applicant for the granting or relocation of the licence; and
- (b) any group of at least five people entitled to vote at the poll who are opposed to the granting or relocation of the licence.

**Division 4—Polls by postal voting**

**38 Application of Division**

This Division applies where the Victorian Electoral Commission decides that the voting at a licensing poll is to be by means of postal voting.



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### **39 Notice of poll**

- (1) In addition to the requirements specified in regulation 32, public notice of the licensing poll must—
  - (a) indicate the week in which postal ballot envelopes are likely to be posted or delivered to electors; and
  - (b) specify the last day of voting and the time that voting closes fixed in accordance with subregulation (2); and
  - (c) describe how a voter may request an early postal vote.
- (2) Subject to regulation 40, the election manager must specify—
  - (a) a day not later than the date of the poll, not being a Saturday, Sunday or public holiday, as the last day on which postal ballots must be received by him or her; and
  - (b) 5.00 p.m. as the time that voting closes on that day.

### **40 Change to last day of voting**

- (1) If the election manager is satisfied that—
  - (a) there is an unforeseen delay in the printing of poll materials; or
  - (b) there is a postal strike or any other disruption to the postal service; or
  - (c) other special circumstances exist that justify postponing the last day of voting—he or she may fix a later day as the last day of voting.

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- (2) If the election manager fixes a later day as the last day of voting, he or she must—
- (a) immediately give public notice of the new last day of voting; and
  - (b) if postal ballot envelopes have not yet been issued, indicate in the notice the week in which they are likely to be issued.

#### **41 Ballot papers and declaration envelopes**

The election manager must ensure that—

- (a) the ballot papers for the poll are made of marked security paper; and
- (b) the declaration envelopes for the poll are opaque; and
- (c) all replacement declaration envelopes issued under regulation 45(1) are identified as replacement declaration envelopes.

#### **42 Issue of postal ballot envelope**

At least 15 days before the last day of voting the election manager must post or deliver to each elector a postal ballot envelope that contains the following—

- (a) a ballot paper;
- (b) a sealable declaration envelope that has a declaration flap which is capable of being removed by the election manager without opening the declaration envelope and which includes—
  - (i) the name of the licensing poll; and
  - (ii) the name and address of the elector as they appear on the roll of electors for the poll; and

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- (iii) the declaration to be signed by the elector, which must be in the following form or to the following effect: "I am the elector named on this envelope. I have enclosed my completed ballot paper in this envelope. I have not already voted in this licensing poll."; and
  - (iv) a place for the elector to sign and date the declaration;
  - (c) a prepaid return envelope addressed to the election manager;
  - (d) instructions to the elector on how to complete and return the ballot paper and related material;
  - (e) any other material that the election manager considers appropriate.

#### **43 Early postal vote**

- (1) An elector may request an early postal ballot paper from the election manager.
- (2) An elector making a request under subregulation (1) must give reasons for the request.
- (3) If the election manager considers that the request is reasonable, he or she must comply with the request.
- (4) The election manager may issue a ballot paper under this regulation that is not made of marked security paper if he or she initials the ballot paper.

#### **44 Record of issue of postal ballot envelopes**

The election manager must keep a record of all persons who have been issued with a postal ballot envelope for the poll.

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#### **45 Issue of replacement voting materials**

- (1) If, on or before the last day of voting, an elector—
  - (a) claims that he or she has lost or destroyed the declaration envelope or ballot paper or both;  
or
  - (b) claims that he or she has not received a postal ballot envelope; or
  - (c) satisfies the election manager that he or she has spoiled the declaration envelope or ballot paper or both and returns the spoiled declaration envelope or the spoiled ballot paper or both—

the election manager must issue the elector with a declaration envelope or ballot paper or postal ballot envelope, as the case requires.

- (2) If a spoiled declaration envelope or spoiled ballot paper has been returned under subregulation (1)(c), the election manager must cancel the spoiled declaration envelope or spoiled ballot paper by marking it with the words "spoiled by voter", initial the spoiled ballot paper and retain the spoiled declaration envelope or ballot paper until the close of voting.
- (3) The election manager may use any means of identifying declaration envelopes, ballot papers and postal ballot envelopes issued under this regulation which he or she considers appropriate in order to comply with regulation 48(2)(b).
- (4) The election manager must keep a record of all declaration envelopes, ballot papers and postal ballot envelopes issued under subregulation (1).

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#### **46 Request by an unenrolled voter**

- (1) If a person claims to be entitled to vote but is not enrolled on the roll of electors for the poll he or she may apply to the election manager for a postal ballot envelope as an unenrolled voter.
- (2) Despite regulation 42, the election manager must issue a postal ballot envelope to any person who applies to vote under subregulation (1).
- (3) The declaration envelope issued to an unenrolled voter under this regulation must be identified as a declaration envelope for an unenrolled voter.
- (4) The declaration envelope issued to a person under this regulation must require the person to—
  - (a) specify the address for which they claim to be entitled to be enrolled; and
  - (b) describe the basis of their claim to entitlement; and
  - (c) specify their date of birth; and
  - (d) declare that the details provided on the declaration envelope are true and correct.
- (5) The election manager must ensure that a record is kept of all declaration envelopes, ballot papers and postal ballot envelopes issued under this regulation.

#### **47 Return of declaration envelopes and ballot papers**

- (1) An elector or, if the elector requires assistance, a person appointed by the elector must—
  - (a) mark the ballot paper in accordance with the instructions; and
  - (b) insert his or her completed ballot paper in the declaration envelope provided and seal the envelope; and

- (c) sign and date the declaration envelope; and
  - (d) place the declaration envelope in the prepaid return envelope.
- (2) The elector or, if the elector requires assistance, a person appointed by the elector must post or deliver the declaration envelope and ballot paper to the election manager to reach the election manager not later than 5.00 p.m. on the last day of voting or deliver it to a place designated by the election manager for that purpose no later than 5.00 p.m. on the last day of voting.
- (3) Except as provided in subregulation (2), the election manager may specify the times when declaration envelopes may be returned.
- (4) The election manager must not reject a declaration envelope only because it is not posted or delivered in the prepaid return envelope.

**48 Election manager to deal with declaration envelopes on receipt**

- (1) Before the close of voting, the election manager may—
- (a) remove the declaration envelopes from the prepaid envelopes; and
  - (b) separate the signed declaration envelopes from the unsigned declaration envelopes; and
  - (c) put aside declaration envelopes returned without declaration flaps and disallow those envelopes; and
  - (d) disallow the unsigned declaration envelopes.
- (2) The election manager must—
- (a) identify the declaration envelopes issued under regulation 45; and

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- (b) satisfy himself or herself, in relation to each elector issued with a declaration envelope under regulation 45, that the elector has not voted or attempted to vote more than once in the poll.
  - (3) If it appears to the election manager that a person has signed and returned more than one declaration envelope, the election manager must—
    - (a) accept the ballot paper within the declaration envelope that appears to have been signed first by the elector; and
    - (b) disallow ballot papers in other declaration envelopes that appear to have been returned by the elector.
  - (4) If it appears to the election manager that two or more declaration envelopes bearing the name of the same voter have been signed and returned by different people, the election manager must disallow the ballot papers contained in the declaration envelopes without removing the declaration flaps or opening the declaration envelopes.
  - (5) The election manager must keep a record of the number of persons whose declaration envelopes have been disallowed under subregulation (4) and the action taken in each case.

#### **49 Postal ballot papers issued to unenrolled voters**

- (1) The election manager must—
  - (a) identify the declaration envelopes issued to unenrolled voters under regulation 46; and
  - (b) satisfy himself or herself that the person was entitled to be enrolled.

- (2) If satisfied of the matter referred to in subregulation (1)(b), the election manager must accept the ballot paper without opening the declaration envelope in which it is contained.
- (3) If not satisfied of the matter referred to in subregulation (1)(b), the election manager must disallow the ballot paper within the declaration envelope without removing the declaration flap or opening the declaration envelope.

#### **50 Security of declaration envelopes**

The election manager must ensure that all declaration envelopes received for a licensing poll—

- (a) are placed in a properly secured postal ballot receptacle; and
- (b) remain unopened and without their declaration flaps being removed—

until after the close of voting.

#### **51 Record of return of declaration envelopes**

The election manager must keep a record of all electors who return a declaration envelope during a licensing poll.

#### **52 Scrutineers**

- (1) Subject to this regulation, the election manager may approve the appointment of scrutineers to scrutinise the following electoral activities only—
  - (a) the posting of postal ballot envelopes;
  - (b) the opening and emptying of a Post Office Box;
  - (c) the opening and emptying of a postal ballot receptacle;



- 
- (d) the receipt and processing of declaration envelopes;
  - (e) the counting and recounting of ballot papers.
- (2) For each election official engaged in an electoral activity mentioned in subregulations (1)(a) to (e), the following number of scrutineers may be appointed—
- (a) one scrutineer for the person who is the applicant for the granting or relocation of the licence; and
  - (b) one scrutineer for any group of at least five people entitled to vote at the poll who are opposed to the granting or relocation of the licence.
- (3) The election manager may have a scrutineer removed if—
- (a) more scrutineers are present than are permitted under subregulation (2); or
  - (b) the scrutineer commits any breach of clause 17 of Schedule 3 to the Act or these Regulations; or
  - (c) the scrutineer obstructs or hinders an election official who is performing any of the electoral activities mentioned in subregulation (1); or
  - (d) the scrutineer fails to obey a lawful direction from an election official.

### **53 Place where votes to be counted**

The election manager must designate the place or places at which ballot papers are to be counted and must advise scrutineers where the count is to be made.

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#### **54 Handling of poll materials**

- (1) As soon as practicable after the close of voting, the election manager must carry out the following activities before any scrutineers who may be present and any election officials and no other person—
  - (a) open the postal ballot receptacle and remove its contents;
  - (b) make up into separate parcels—
    - (i) the record or records kept of persons who have returned a declaration envelope;
    - (ii) the spoilt ballot papers and declaration envelopes;
    - (iii) the unsigned declaration envelopes;
    - (iv) the declaration envelopes disallowed under regulation 48;
    - (v) the unused declaration envelopes;
    - (vi) the unused ballot papers;
  - (c) remove the declaration flaps from the declaration envelopes that have not been disallowed;
  - (d) place the removed declaration flaps in a secure receptacle or location;
  - (e) after the declaration flaps have been removed and placed in a secure receptacle or location, open the signed declaration envelopes and take out the ballot papers;
  - (f) make up the signed declaration envelopes into a separate parcel;
  - (g) ascertain the number of votes in favour of the proposal, the number of votes against the proposal and the number of informal votes;

- 
- (h) put the formal and informal ballot papers into separate parcels;
  - (i) prepare and sign a certificate which may be signed by any of the scrutineers specifying the number of—
    - (i) votes received in favour of the proposal and votes against the proposal;
    - (ii) ballot papers set aside as informal;
  - (j) make a statement on the outside of each parcel containing—
    - (i) a description of its contents;
    - (ii) the name of the licensing poll;
    - (iii) the name of the counting place;
    - (iv) the date of the count;
  - (k) enclose and properly fasten each parcel and sign the statement made under paragraph (j) and permit any scrutineer present to sign the statement.
- (2) As far as is practicable, the election manager must ensure that a ballot paper is removed from a signed declaration envelope in a way that prevents any person from seeing how an elector voted.
- (3) If a declaration envelope contains—
- (a) more than one ballot paper for the same licensing poll; or
  - (b) ballot papers for more than one licensing poll—

the election manager must disallow all the ballot papers from that declaration envelope and mark them in a manner that indicates why they have been disallowed.

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**55 Adjournment of count**

- (1) The election manager may from time to time adjourn the counting of votes.
- (2) If the counting of votes is adjourned the election manager must advise the scrutineers of the adjournment.
- (3) The election manager must ensure that the ballot papers and documents relating to the poll are kept secure during an adjournment of the count.

**56 Safe custody of postal ballot materials**

- (1) The election manager is responsible for the safe custody of postal ballot envelopes and all documents and materials contained in the postal ballot envelopes until they are issued under regulation 42.
- (2) The election manager must keep a record of—
  - (a) the number of ballot papers printed, issued and received; and
  - (b) the number of declaration envelopes issued and received.
- (3) The election manager must reconcile the number of ballot papers printed with the number of ballot papers issued, spoilt, left unused or not returned by voters.
- (4) The election manager must certify the record kept under subregulations (2) and (3) as being true and correct.

**57 Disposal of ballot-papers**

- (1) The election manager must enclose in one or more separate packets the parcels of postal ballot materials made up under regulation 54.

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- (2) The election manager must deliver the parcels to the Victorian Electoral Commission which must keep the parcels safely and secretly for 12 months.
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r. 57A

Pt 7A  
(Heading and  
regs 57A–  
57C)  
inserted by  
S.R. No.  
70/2011 reg. 5.

Reg. 57A  
inserted by  
S.R. No.  
70/2011 reg. 5.

## **PART 7A—PRESCRIBED BARRING ORDER REQUIREMENTS**

### **57A Prescribed barring order and variation form**

For the purposes of section 106F and 106I(6) of the Act, the prescribed form for—

- (a) a barring order issued under section 106D;  
and
- (b) a notice of variation of a barring order issued by a licensee, permittee, responsible person or member of the police force under section 106I(1)—

is Form 1 in Schedule 4.

### **57B Prescribed variation form for Commission**

For the purposes of section 106I(6) of the Act, the prescribed form for notice of a variation of a barring order issued by the Commission under section 106I(2) is Form 2 in Schedule 4.

Reg. 57B  
(Heading)  
amended by  
S.R. No.  
5/2012  
reg. 19(1).

Reg. 57B  
inserted by  
S.R. No.  
70/2011 reg. 5,  
amended by  
S.R. No.  
5/2012  
reg. 19(2).

### **57C Prescribed particulars for notice of revocation**

For the purposes of section 106I(7) of the Act, the prescribed particulars for a notice of revocation are—

- (a) the name and address (if known) of the person the subject of the barring order; and
- (b) the name, address and liquor licence number of the licensed premises to which the barring order applies; and

Reg. 57C  
inserted by  
S.R. No.  
70/2011 reg. 5.

- 
- (c) the barring order reference number; and
  - (d) the date the barring order commenced; and
  - (e) a statement that the barring order is revoked;  
and
  - (f) the date and time at which the barring order  
is revoked; and
  - (g) the name, title, Victoria Police registered  
number (if applicable) and signature of the  
person revoking the barring order.
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**PART 8—MISCELLANEOUS**

**58 Adoption of provisions of the Electoral Act 2002**

Subject to clause 17 of Schedule 3 to the Act, a licensing poll must be conducted (with any adaptations as are necessary) in accordance with the following provisions of the **Electoral Act 2002**—

- (a) sections 3 and 4 of Part 1;
- (b) Part 2;
- (c) Part 3;
- (d) Divisions 2, 4 (except sections 73, 73A and 75) and 6 of Part 5;
- (e) the following provisions of Part 6—
  - (i) sections 87, 88, 89, 90, 91, 92, 94, 95, 96, 97, 97A, 98, 99, 102, 103, 107, 108 and 110;
  - (ii) to the extent that they are relevant to attendance voting under these Regulations, sections 101, 104, 105 and 106;
- (f) the following provisions of Part 7—
  - (i) sections 111, 113, 115, 118 and 120;
  - (ii) to the extent that they are relevant to attendance voting under these Regulations, sections 112 and 122;
- (g) Divisions 1 and 2 of Part 8;
- (h) Part 9 (except sections 156 and 157);
- (i) Part 10 (except section 180).



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**59 Adoption of provisions of the Electoral  
Regulations 2002**

Subject to clause 17 of Schedule 3 to the Act, a licensing poll must be conducted (with any adaptations as are necessary) in accordance with the following provisions of the Electoral Regulations 2002—

- (a) Part 4 (except regulations 28 and 29);
  - (b) Part 5 (except regulation 34);
  - (c) Part 6;
  - (d) Forms J, K, L, M, N, O and P in the Schedule to the Regulations.
-

## SCHEDULES

### SCHEDULE 1

Regulation 20

Sch. 1  
amended by  
S.R. Nos  
149/2010  
reg. 5, 5/2012  
reg. 20.

#### FEES

##### Fees for licence and BYO permit related applications

The prescribed fee referred to in the provision set out in column 1 of Table A and described in column 2 of that Table is the amount set out in column 3 opposite that description.

**Table A**

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Description of fee</i>	<i>Column 3</i> <i>Fee</i>
28(1)(c)(ii)	Fee for licence (other than a temporary limited licence or a major event licence)	32.44 fee units
28(1)(c)(ii)	Fee for BYO permit	17.43 fee units
28(1)(c)(ii)	Fee for temporary limited licence where the applicant holds a licence or permit (other than a temporary limited licence or major event licence)	7.74 fee units
28(1)(c)(ii)	Fee for temporary limited licence where the applicant does not hold a licence or permit (other than a temporary limited licence or major event licence)	4.18 fee units
28(1)(c)(ii)	Fee for major event licence where a single applicant makes one or more licence applications in relation to the event	66.60 fee units
28(1)(c)(ii)	Fee for major event licence where multiple applicants make licence applications in relation to the event	9.99 fee units

Liquor Control Reform Regulations 2009  
S.R. No. 134/2009

Sch. 1

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Description of fee</i>	<i>Column 3</i> <i>Fee</i>
29(3)(c)(ii)	Fee for variation of licence or BYO permit	14·62 fee units
29(3)(c)(ii)	Fee for variation of wine and beer producer's licence to add a condition authorising the supply of liquor that is the licensee's product at promotional events that are conducted off the licensed premises	7·74 fee units
31(2)(c)(ii)	Fee for relocation of licence or BYO permit	14·62 fee units
32(2)(c)(ii)	Fee for transfer of licence or BYO permit	14·62 fee units
54(2A)	Fee for approval of nominee	14·62 fee units
67(2)(c)(iii)	Fee for club licence on application by amalgamated club	14·62 fee units
86I(2)	Fee for application to remove demerit points after transfer of licence or permit	nil
104(1A)	Fee for approval of director	14·62 fee units
120(2A)	Fee for temporary approval to allow minors on licensed premises while entertainment for minors is provided	14·62 fee units

Sch. 2

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**SCHEDULE 2**

Regulation 33

**BALLOT PAPER**

Resolution that a <sup>1</sup> be granted in (or relocated to)  
the neighbourhood of <sup>2</sup> .

Do you approve the resolution?

*Directions to the Voter*

If you desire to vote for the resolution write the word "YES" in  
the square provided opposite the question.

If you desire to vote against the resolution write the word "NO"  
in the square provided opposite the question.

<sup>1</sup> Insert the type of licence.

<sup>2</sup> Insert the neighbourhood in which the grant or relocation of  
the licence is to be considered.

**SCHEDULE 3**

Sch. 3  
(Heading and  
Forms 1, 2)  
inserted by  
S.R. No.  
125/2010  
reg. 14.

**FORM 1**

Regulation 31A

**Liquor Control Reform Act 1998**

Sch. 3 Form 1  
inserted by  
S.R. No.  
125/2010  
reg. 14,  
amended by  
S.R. No.  
5/2012  
reg. 21(1).

**CLOSURE AND EVACUATION NOTICE**

This notice is issued by the Victorian Commission for Gambling and Liquor Regulation under section 148ZD of the **Liquor Control Reform Act 1998**.

Name of licensed premises

Address of licensed premises

Name of licensee\*/permittee\*

Licence number\*/permit number\*

Notice number

This notice is issued because a fire safety inspector has advised the Victorian Commission for Gambling and Liquor Regulation that, having regard to the factors in section 148ZC(2) of the **Liquor Control Reform Act 1998**, that he or she reasonably believes a serious fire threat exists.

This venue must be evacuated as directed by the fire safety inspector and must remain closed until the following rectification work has been completed to rectify the serious fire threat, inspected and the Commission has revoked this notice.

You are required to carry out the following works:

*[specify details of the rectification work]*

The fire safety inspector may provide a subsequent notice issued by the Victorian Commission for Gambling and Liquor Regulation within 48 hours after service of this notice containing additional information about the work that must be completed to rectify the serious fire threat.

Refer to additional pages *[insert number of additional pages\*]*

It is an offence for the licensee or permittee to fail to comply with this notice. Maximum penalty 240 penalty units.

**Sch. 3**

The work to rectify the serious fire threat must be completed to the satisfaction of the fire safety inspector.

**Notice served on** [*insert name of person served on, being the licensee, permittee or person who appears to be a responsible person*]

This notice was served and takes effect on [*insert time and date*].

**Notice served by** [*insert name of fire safety inspector, position of fire safety inspector, signature of fire safety inspector*]

Commissioner or authorised delegate [*insert name of commissioner\*/other authorised delegate issuing notice\**]

**Reinspection**

The licensee\*/permittee\* of the licensed premises must notify the Victorian Commission for Gambling and Liquor Regulation in writing when the work listed above and in any subsequent notice has been completed to rectify the serious fire threat.

The licensee\*/permittee\* may request the fire safety inspector to conduct an inspection of work completed to rectify the serious fire threat.

The Victorian Commission for Gambling and Liquor Regulation may revoke this notice under section 148ZP of the **Liquor Control Reform Act 1998** when the fire safety inspector has advised the Commission that the work required to rectify the serious fire threat has been satisfactorily completed.

**Offences**

Until this notice is revoked, it is an offence to allow a person to enter the licensed premises, except to allow entry to a person engaged in carrying out the work specified in this notice. Maximum penalty 120 penalty units.

Until this notice is revoked, it is an offence not to display the signs provided at all entrances and exits of the licensed premises. Maximum penalty 10 penalty units.

\* Delete if inapplicable

**FORM 2**

Regulation 31C

**Liquor Control Reform Act 1998**

**NOTICE OF REVOCATION OF CLOSURE AND EVACUATION  
NOTICE**

This notice is issued by the Victorian Commission for Gambling and Liquor Regulation) under section 148ZP of the **Liquor Control Reform Act 1998**.

Name of licensed premises

Address of licensed premises

Name of licensee\*/permittee\*

The above licensed premises has previously been issued with a Closure and Evacuation Notice.

The Commission has revoked the closure and evacuation notice number [insert number] and any subsequent notice [insert number\*].

**Notice served on** [insert name of person served on, being the licensee, permittee or person who appears to be a responsible person]

This notice was served and takes effect on [insert time and date].

**Notice served by** [insert name of fire safety inspector, position of fire safety inspector, signature of fire safety inspector]

Commissioner or authorised delegate [insert name of commissioner\*/other authorised delegate issuing notice\*]

This notice has effect on service.

\* Delete if inapplicable

Sch. 3 Form 2  
inserted by  
S.R. No.  
125/2010  
reg. 14,  
amended by  
S.R. No.  
5/2012  
reg. 21(2).

Sch. 4

Sch. 4  
inserted by  
S.R. No.  
70/2011 reg. 6.

**SCHEDULE 4**

**FORM 1**

Regulation 57A

**Liquor Control Reform Act 1998**

**BARRING ORDER**

This barring order is issued\*/varied\* by the licensee\*/permittee\*/responsible person\*/member of the police force\* under section 106D\*/106I\* of the **Liquor Control Reform Act 1998**.

Type of order—barring order\*/notice of variation to a barring order\*

Name of barred person

Address of barred person (if known)

Date of birth of barred person (if known)

Trading name of licensed premises

Liquor licence number

Address of licensed premises

Name of licensee\*/permittee\*/responsible person\*/member of the police force\*

Victoria Police registered number (if applicable)\*

Barring order reference number

Commencement date and time

Expiry date and time

This order has been issued because the person being barred is drunk, violent or quarrelsome in the licensed premises\*/the person issuing the order reasonably believes the safety of the person being barred, or any other person in the licensed premises, is at substantial or immediate risk as a result of that person's consumption of alcohol\*. (not applicable to variation)

The following is a brief description of the particulars of the circumstances giving rise to the issue of the order\*/the nature of the variation\*—

*[specify reasons for issuing barring order or nature of the variation]*



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**Offences**

If you have been served with this barring order, it is an offence for you to—

- Enter or remain on the licensed premises without a reasonable excuse;  
or
- Re-enter or remain in the vicinity of the licensed premises without a reasonable excuse for the duration of the order.

The vicinity of a licensed premises means a public place that is within 20 metres of the licensed premises.

These offences carry a maximum fine of 20 penalty units.

**Order issued by** [*insert name and signature of licensee, permittee, responsible person or member of the police force*]

This order was issued on [*insert date*].

\*Delete if inapplicable

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Sch. 4

Sch. 4 Form 2  
amended by  
S.R. No.  
5/2012 reg. 22.

FORM 2

Regulation 57B

Liquor Control Reform Act 1998

NOTICE OF VARIATION OF BARRING ORDER

I, *[insert name of commissioner or other authorised delegate]*, delegate of\* the Victorian Commission for Gambling and Liquor Regulation established under the **Victorian Commission for Gambling and Liquor Regulation Act 2011**, am empowered under section 106I(2) of the **Liquor Control Reform Act 1998** to vary a barring order.

1 I hereby order the following variation(s\*) to barring order reference number *[insert barring order reference number]* (Barring Order) issued to *[insert name of barred person]* of *[insert barred person's address]* in respect of *[insert name of licensed premises]* at *[insert address of licensed premises]*, liquor licence number *[insert liquor licence number]*—

*[specify variation(s) to barring order].*

2 The remaining details in the Barring Order are not affected by this notice and will remain in force for the duration of the Barring Order, unless otherwise amended.

**Notice issued by** *[insert name of commissioner/ other authorised delegate, title of commissioner/delegate, signature of commissioner/delegate]*

Date: *[insert date]*

Time: *[insert time]*

\*Delete if inapplicable

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## ENDNOTES

### 1. General Information

The Liquor Control Reform Regulations 2009, S.R. No. 134/2009 were made on 4 November 2009 by the Governor in Council under sections 18B and 180 of, and clause 17 of Schedule 3 to, the **Liquor Control Reform Act 1998**, No. 94/1998 and came into operation as follows:

Regulations 1–26, 28–59 on 1 January 2010: regulation 2(1); regulation 27 on 1 January 2011: regulation 2(2).

The Liquor Control Reform Regulations 2009 will sunset 10 years after the day of making on 4 November 2019 (see section 5 of the **Subordinate Legislation Act 1994**).

Liquor Control Reform Regulations 2009  
S.R. No. 134/2009

Endnotes

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## 2. Table of Amendments

This Version incorporates amendments made to the Liquor Control Reform Regulations 2009 by statutory rules, subordinate instruments and Acts.

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Liquor Control Reform Amendment Regulations 2010, S.R. No. 125/2010  
(as amended by S.R. No. 149/2010)

*Date of Making:* 26.10.10  
*Date of Commencement:* Regs 10, 12 on 26.10.10: reg. 3(1); regs 5–9 on  
1.1.11: reg. 3(2); regs 13, 14 on 22.3.11: reg. 3(3)

Liquor Control Reform Amendment (Fees) Regulations 2010, S.R. No. 149/2010

*Date of Making:* 20.12.10  
*Date of Commencement:* Regs 4, 5 on 1.1.11: reg. 3(2)

Liquor Control Reform Amendment Regulations 2011, S.R. No. 70/2011

*Date of Making:* 26.7.11  
*Date of Commencement:* 1.8.11: reg. 3

Liquor Control Reform Miscellaneous Amendments Regulations 2012,  
S.R. No. 5/2012

*Date of Making:* 14.2.12  
*Date of Commencement:* 20.2.12: reg. 3

Liquor Control Reform Amendment (Live Music Events and Other Matters)  
Regulations 2014, S.R. No. 58/2014

*Date of Making:* 17.6.14  
*Date of Commencement:* 1.7.14: reg. 3

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### 3. Explanatory Details

<sup>1</sup> Reg. 3: S.R. No. 13/1999. Reprint No. 2 as at 1 March 2006.  
Reprinted to S.R. No. 13/2006 and subsequently amended by  
S.R. Nos 102/2008 and 143/2008.

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#### Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2014 is \$13.24. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.