

Authorised Version

Liquor Control Reform Miscellaneous Amendments Regulations 2012

S.R. No. 5/2012

TABLE OF PROVISIONS

<i>Regulation</i>		<i>Page</i>
1	Objectives	1
2	Authorising provision	2
3	Commencement	2
4	Principal Regulations	2
5	Amendment of objectives	2
6	Definitions	3
7	Revocation of certain definitions in regulation 17	3
8	Venue capacity	3
9	Renewal fees—general	3
10	Renewal fees—licences and permits to which venue capacity multiplier does not apply	3
11	Base fees	4
12	Risk fee—non-standard trading hours for packaged liquor licences and late night (packaged liquor) licences	5
13	Risk fee—Compliance history	6
14	New regulation 29 inserted 29 Renewal fees— <i>Five star rating scheme</i>	6
15	Waiver or reduction of prescribed fees	6
16	Regulation 30A revoked	7
17	Prescribed variations	7
18	Prescribed closure and evacuation notice	7
19	Prescribed variation form for Director	7
20	Amendment of Schedule 1	8
21	Amendment of Schedule 3	8
22	Amendment of Schedule 4	10
23	Classes of prescribed premises	11
ENDNOTES		12

Authorised Version

STATUTORY RULES 2012

S.R. No. 5/2012

Liquor Control Reform Act 1998

Liquor Control Reform Miscellaneous Amendments Regulations 2012

The Governor in Council makes the following Regulations:

Dated: 14 February 2012

Responsible Minister:

MICHAEL O'BRIEN
Minister for Consumer Affairs

MATTHEW McBEATH
Clerk of the Executive Council

1 Objectives

The objectives of these Regulations are to—

- (a) amend the Liquor Control Reform Regulations 2009 as a consequence of the amendments made by the **Liquor Control Reform Further Amendment Act 2011** and the **Victorian Commission for Gambling and Liquor Regulation Act 2011** to the **Liquor Control Reform Act 1998** to—
 - (i) prescribe the fees payable under that Act for the wine and beer producer's licence; and
 - (ii) prescribe the fees payable by licensees under the five star rating scheme under that Act depending on whether non-compliance incidents have occurred in relation to a licence; and

- (iii) prescribe fees that apply to general licences under which a licensee supplies packaged liquor only for consumption off the licensed premises as the whole of the licensee's ordinary business in supplying liquor; and
- (iv) make other amendments of a minor or consequential nature; and
- (b) make consequential amendments to the Liquor Control Reform (Prescribed Class of Premises) Regulations 2008 as a consequence of amendments made by the **Victorian Commission for Gambling and Liquor Regulation Act 2011** to the **Liquor Control Reform Act 1998**.

2 Authorising provision

These Regulations are made under section 180 of the **Liquor Control Reform Act 1998**.

3 Commencement

These Regulations come into operation on 20 February 2012.

4 Principal Regulations

In these Regulations, the Liquor Control Reform Regulations 2009¹ are called the Principal Regulations.

5 Amendment of objectives

In regulation 1(b)(iv) of the Principal Regulations, for "Director" **substitute** "Commission".

6 Definitions

- (1) **Insert** the following definition in regulation 5 of the Principal Regulations—

"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;"

- (2) In regulation 5 of the Principal Regulations, in the definition of **neighbourhood**, **omit** "by the Director".

7 Revocation of certain definitions in regulation 17

In regulation 17 of the Principal Regulations, the definitions of **non-compliance incident**, **relevant infringement notice** and **successful prosecution** are **revoked**.

8 Venue capacity

In regulation 18 of the Principal Regulations, for "Director" (wherever occurring) **substitute** "Commission".

9 Renewal fees—general

In regulation 21 of the Principal Regulations, for "regulation 22, 23 or 29" **substitute** "regulation 22 or 23".

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

In regulation 22(1)(d) of the Principal Regulations, for "vigneron's" **substitute** "wine and beer producer's".

11 Base fees

- (1) Regulation 24(1)(b) of the Principal Regulations is **revoked**.
- (2) After regulation 24(1) of the Principal Regulations **insert—**
 - "(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."
- (3) In regulation 24(4) of the Principal Regulations—
 - (a) in paragraph (b), for "licence." **substitute** "licence,";
 - (b) after paragraph (b) **insert—**
 - "(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."

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

(1) For regulation 26(1) of the Principal Regulations **substitute—**

"(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."

(2) In regulation 26(3) of the Principal Regulations for "packaged liquor licence or late night (packaged liquor) licence" **substitute** "licence specified under subregulation (1)".

(3) After regulation 26(3) of the Principal Regulations **insert—**

"(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."

13 Risk fee—Compliance history

In regulation 27(1) of the Principal Regulations, for "non-compliance incidents relate to the licence or permit in the relevant period" **substitute** "non-compliance incidents have occurred in respect of the licensed premises in the relevant period".

14 New regulation 29 inserted

After regulation 28 of the Principal Regulations **insert—**

"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."

15 Waiver or reduction of prescribed fees

- (1) In regulation 30(1) of the Principal Regulations—
 - (a) for "Director" **substitute** "Commission";
 - (b) for "he or she" **substitute** "the Commission".
- (2) In regulation 30(2) of the Principal Regulations, for "Director" (wherever occurring) **substitute** "Commission".
- (3) In regulation 30(3) of the Principal Regulations, for "Director" **substitute** "Commission".

16 Regulation 30A revoked

Regulation 30A of the Principal Regulations is **revoked**.

17 Prescribed variations

In regulation 31(1) of the Principal Regulations—

- (a) in paragraph (c)(iii), for "staff." **substitute** "staff;"
- (b) after paragraph (c) **insert**—
 - "(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;
 - (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."

18 Prescribed closure and evacuation notice

In regulation 31A of the Principal Regulations, for "Director" **substitute** "Commission".

19 Prescribed variation form for Director

- (1) In the heading to regulation 57B of the Principal Regulations, for "**Director**" **substitute** "**Commission**".
- (2) In regulation 57B of the Principal Regulations, for "Director" **substitute** "Commission".

20 Amendment of Schedule 1

(1) In Table A of Schedule 1 to the Principal Regulations after—

"29(3)(c)(ii)	Fee for variation of licence or BYO permit	14.62 fee units
---------------	--	-----------------

"

insert—

"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
---------------	---	----------------

".

(2) In Table A of Schedule 1 to the Principal Regulations after—

"67(2)(c)(iii)	Fee for club licence on application by amalgamated club	14.62 fee units
----------------	---	-----------------

"

insert—

"86I(2)	Fee for application to remove demerit points after transfer of licence or permit	nil
---------	--	-----

".

21 Amendment of Schedule 3

(1) In Form 1 of Schedule 3 to the Principal Regulations—

- (a) for "Director of Liquor Licensing" (where first and secondly occurring) **substitute** "Victorian Commission for Gambling and Liquor Regulation";
- (b) for "the Director has" **substitute** "the Commission has";

- (c) for "Director of Liquor Licensing" (where thirdly occurring) **substitute** "Victorian Commission for Gambling and Liquor Regulation";
 - (d) for "*have management or control of the licensed premises*" **substitute** "*be a responsible person*";
 - (e) for the following paragraph—

"Director of Liquor Licensing or authorised delegate name [*insert name of Director of Liquor Licensing*/authorised delegate issuing notice**]"

substitute—

"Commissioner or authorised delegate [*insert name of commissioner*/other authorised delegate issuing notice**]"
 - (f) for "Director of Liquor Licensing" (where sixthly and seventhly occurring) **substitute** "Victorian Commission for Gambling and Liquor Regulation";
 - (g) for "the Director that" **substitute** "the Commission that".
- (2) In Form 2 of Schedule 3 to the Principal Regulations—
- (a) for "Director of Liquor Licensing" (where first occurring) **substitute** "Victorian Commission for Gambling and Liquor Regulation";
 - (b) for "The Director has" **substitute** "The Commission has";
 - (c) for "*have management or control of the licensed premises*" **substitute** "*be a responsible person*";

(d) for the following paragraph—

"Director of Liquor Licensing or authorised delegate name [*insert name Director of Liquor Licensing*/authorised delegate issuing notice**]"

substitute—

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

22 Amendment of Schedule 4

In Form 2 of Schedule 4 to the Principal Regulations—

(a) for the following paragraph—

"I, [*insert name of Director Liquor Licensing or delegate*], delegate of* the Director of Liquor Licensing appointed under the **Liquor Control Reform 1998 (Act)**, am empowered under section 106I(2) to vary a barring order."

substitute—

"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.";

(b) for "[*insert name of Director of Liquor Licensing/delegate, title of Director of Liquor Licensing/delegate, signature of Director of Liquor Licensing/delegate*]"

substitute "[*insert name of commissioner/ other authorised delegate, title of*]"

*commissioner/delegate, signature of
commissioner/delegate]*".

23 Classes of prescribed premises

In regulation 4(2) of the Liquor Control Reform
(Prescribed Class of Premises) Regulations 2008²,
for "Director" (wherever occurring) **substitute**
"Commission".

ENDNOTES

¹ Reg. 4: S.R. No. 134/2009 as amended by S.R. Nos 125/2010, 149/2010 and 70/2011.

² Reg. 23: S.R. No. 13/2008.