

**Liquor Control Reform Miscellaneous  
Amendments Regulations 2012**

**S.R. No. 5/2012**

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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 2009<sup>1</sup> 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."

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**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".
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**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
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"

**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
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## (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
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"

**insert—**

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

**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";

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- (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*";
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(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*"

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*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 2008<sup>2</sup>,  
for "Director" (wherever occurring) **substitute**  
"Commission".

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**ENDNOTES**

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

<sup>2</sup> Reg. 23: S.R. No. 13/2008.