

**Liquor Control Reform Amendment (Licensing)
Act 2009
No. 59 of 2009**

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Victoria

Liquor Control Reform Amendment (Licensing) Act 2009[†]

No. 59 of 2009

[Assented to 21 October 2009]

The Parliament of Victoria enacts:

1 Purposes

The main purposes of this Act are—

- (a) to amend the **Liquor Control Reform Act 1998**—
 - (i) to strengthen the objects of that Act in relation to harm minimisation and the responsible consumption of alcohol;
and

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- (ii) to create three new licence categories for late night licences, restaurant and cafe licences and major event licences; and
 - (iii) to create late night (general) licences, late night (on-premises) licences and late night (packaged liquor) licences as sub-categories of late night licences;
 - (iv) to create renewable limited licences and temporary limited licences as sub-categories of limited licences; and
 - (v) to simplify the process for licensees seeking to change the category of licence they hold; and
 - (vi) to provide a new risk-based structure for licence fees; and
 - (vii) to make other minor and consequential amendments to that Act; and
- (b) to make consequential amendments to other Acts.

2 Commencement

- (1) Sections 1 and 31 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in subsection (2) does not come into operation before 1 July 2011, it comes into operation on that day.

3 Principal Act

In this Act the **Liquor Control Reform Act 1998** is called the Principal Act.

See:
Act No.
94/1998.
Reprint No. 4
as at
22 May 2008
and
amending
Act Nos
21/2008,
2/2009 and
8/2009.
LawToday:
www.
legislation.
vic.gov.au

4 Definitions

- (1) In section 3(1) of the Principal Act, in the definition of *authorised premises* after "section 9(1)(b)" **insert** ", 9A(1)(b) or 11A(3)(b)".
- (2) In section 3(1) of the Principal Act, in the definition of *ordinary trading hours*—
 - (a) in paragraph (a), for "general licence or on-premises licence" **substitute** "general licence, late night (general) licence, on-premises licence, late night (on-premises) licence or restaurant and cafe licence"; and
 - (b) in paragraph (c), after "packaged liquor licence" **insert** "or late night (packaged liquor) licence".
- (3) In section 3(1) of the Principal Act, **insert** the following definitions—

event includes a series of events;

late night trading hours in relation to a licence or BYO permit, means a continuous period from 1 a.m. on a particular day, where the licence or permit also authorises the supply of liquor up to 1 a.m. on that day;

major event means an event determined or taken under section 14B to be a major event;".

5 Objects

- (1) In section 4(a) of the Principal Act, after "abuse of alcohol" **insert** ", including".
- (2) After section 4(a)(iii) of the Principal Act **insert**—
 - "(iv) encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community; and".
- (3) At the end of section 4 of the Principal Act **insert**—
 - "(2) It is the intention of Parliament that every power, authority, discretion, jurisdiction and duty conferred or imposed by this Act must be exercised and performed with due regard to harm minimisation and the risks associated with the misuse and abuse of alcohol."

6 New section 7 substituted

For section 7 of the Principal Act **substitute**—

"7 What are the categories of licences and permits that may be issued under this Act?

The following licences and permits may be issued under this Act—

- (a) general licence;
- (b) on-premises licence;
- (c) restaurant and cafe licence;
- (d) club licence;
- (e) packaged liquor licence;

- (f) late night licence;
- (g) pre-retail licence;
- (h) vigneron's licence;
- (i) limited licence;
- (j) major event licence;
- (k) BYO permit."

7 General licence

For section 8(1)(a)(ii) of the Principal Act
substitute—

- "(ii) between 11 p.m. on any particular day until 1 a.m. on the following day, if so determined by the Director and specified in the licence; and
- (iii) between a time (not being earlier than 5 a.m.) before the commencement of ordinary trading hours and the commencement of ordinary trading hours on a particular day, if so determined by the Director and specified in the licence—".

8 On-premises licence

(1) For section 9(1)(a)(ii) of the Principal Act
substitute—

- "(ii) between 11 p.m. on any particular day until 1 a.m. on the following day, if so determined by the Director and specified in the licence; and
- (iii) between a time (not being earlier than 5 a.m.) before the commencement of ordinary trading hours and the commencement of ordinary trading hours on a particular day, if so determined by the Director and specified in the licence—".

(2) For section 9(1)(b) of the Principal Act
substitute—

"(b) to supply liquor on any other premises
authorised by the Director and specified in
the licence—

- (i) during ordinary trading hours; or
- (ii) between 11 p.m. on any particular day
until 1 a.m. on the following day, if so
determined by the Director and
specified in the licence; or
- (iii) between a time (not being earlier than
5 a.m.) before the commencement of
ordinary trading hours and the
commencement of ordinary trading
hours on a particular day, if so
determined by the Director and
specified in the licence—

for consumption on those premises."

(3) In section 9(2) of the Principal Act, paragraph (a)
is **repealed**.

(4) Sections 9(3), 9(4) and 9(5) of the Principal Act
are **repealed**.

9 New section 9A inserted

After section 9 of the Principal Act **insert—**

"9A Restaurant and cafe licence

(1) A restaurant and cafe licence authorises the
licensee—

(a) to supply liquor on the licensed
premises—

- (i) during ordinary trading hours; and

(ii) at any other times determined by the Director and specified in the licence—

for consumption on the licensed premises where the predominant activity carried out at all times on the premises is the preparation and serving of meals to be consumed on the licensed premises; and

(b) to supply liquor on any other premises authorised by the Director and specified in the licence, during ordinary trading hours or at the times referred to in paragraph (a)(ii) or at any other times determined by the Director and specified in the licence, for consumption on those premises.

(2) A restaurant and cafe licence is subject to—

(a) the conditions set out in subsection (3), and

(b) the condition set out in section 16 (compliance with planning scheme); and

(c) if the licence authorises the licensee to supply liquor outside ordinary trading hours, the condition set out in section 17(1); and

(d) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and

(e) any other conditions determined by the Director and specified in the licence.

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- (3) A restaurant and cafe licence is subject to the following conditions—
- (a) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time; and
 - (b) the licensee must not permit—
 - (i) the live performance of any musical works; or
 - (ii) the playing of any recorded musical works—
on the premises at higher than background music level at any time outside ordinary trading hours.
- (4) The condition in subsection (3)(b) does not apply to music performed or played on licensed premises outside ordinary trading hours as part of a function that is—
- (a) held in an area of those premises that is set aside for the exclusive use of persons who have booked a table in that area and their guests; and
 - (b) attended only by those persons and guests.
- (5) In this section—
- background music level***, in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree."
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10 Packaged liquor licence

For section 11(1)(b) of the Principal Act
substitute—

- "(b) between 11 p.m. on any particular day until 1 a.m. on the following day, if so determined by the Director and specified in the licence; and
- (c) between a time (not being earlier than 5 a.m.) before the commencement of ordinary trading hours and the commencement of ordinary trading hours on a particular day, if so determined by the Director and specified in the licence—".

11 New section 11A inserted

After section 11 of the Principal Act **insert—**

"11A Late night licence

- (1) A late night licence may be—
 - (a) a late night (general) licence; or
 - (b) a late night (on-premises) licence; or
 - (c) a late night (packaged liquor) licence.
 - (2) A late night (general) licence authorises the licensee—
 - (a) to supply liquor on the licensed premises—
 - (i) during ordinary trading hours; and
 - (ii) at any other times determined by the Director and specified in the licence—
- for consumption on and off the licensed premises; and

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- (b) to supply liquor on the licensed premises at any time to a resident of the licensed premises or a guest of such a resident for consumption on the licensed premises; and
 - (c) if the licensee resides on the licensed premises, to supply liquor on that part of the licensed premises set aside for the licensee's private residence at any time to a guest of the licensee for consumption on that part of the licensed premises.
- (3) A late night (on-premises) licence authorises the licensee—
- (a) to supply liquor on the licensed premises—
 - (i) during ordinary trading hours; and
 - (ii) at any other times determined by the Director and specified in the licence—
for consumption on the licensed premises; and
 - (b) to supply liquor on any other premises authorised by the Director and specified in the licence at any times determined by the Director and specified in the licence, for consumption on those premises; and
 - (c) if specifically authorised by the Director, to supply liquor in an open container for consumption in a food court next to, or near, the licensed premises.
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- (4) A late night (packaged liquor) licence authorises the licensee to supply liquor on the licensed premises in sealed containers, bottles or cans—
- (a) during ordinary trading hours; and
 - (b) at any other times determined by the Director and specified in the licence—
- for consumption off the licensed premises.
- (5) A late night licence is subject to—
- (a) the condition set out in section 16 (compliance with planning scheme); and
 - (b) the condition set out in section 17(1); and
 - (c) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and
 - (d) in the case of a late night (packaged liquor) licence, the conditions set out in sections 11(3)(aa) to 11(3)(aad); and
 - (e) any other conditions determined by the Director and specified in the licence.
- (6) Sections 11(2) and 11(4) to 11(8) apply in relation to a late night (packaged liquor) licence as if it were a packaged liquor licence."

12 Limited licence

- (1) For section 14(1) of the Principal Act **substitute—**

"(1) A limited licence may be a temporary limited licence or a renewable limited licence.

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- (1A) A temporary limited licence—
- (a) authorises the licensee to supply liquor at the times determined by the Director and specified in the licence; and
 - (b) is not renewable.
- (1B) A renewable limited licence—
- (a) authorises the licensee to supply liquor at the times determined by the Director and specified in the licence; and
 - (b) may be renewed in accordance with this Act."
- (2) In section 14(3) of the Principal Act for "a general licence or packaged liquor licence" **substitute** "a general licence, a late night (general) licence, a packaged liquor licence or a late night (packaged liquor) licence".

13 New sections 14A and 14B inserted

After section 14 of the Principal Act **insert**—

"14A Major event licence

- (1) A major event licence authorises the licensee to supply liquor in relation to a major event at the times determined by the Director and specified in the licence.
- (2) A major event licence is subject to—
 - (a) if the licensee is a body corporate, the condition set out in section 18 (approval of directors); and
 - (b) any other conditions determined by the Director and specified in the licence.

14B Determination of major event

- (1) The Director may determine that an event is a major event for the purposes of sections 14A and 26.
- (2) The Director may determine that an event is a major event only if he or she is satisfied that the event is likely to have a significant impact.
- (3) Subject to subsection (7), an event is taken to be a major event if the Director determines that the event is likely to attract more than 5000 patrons.
- (4) An event is likely to have a significant impact if—
 - (a) the event is likely to require significant effort or oversight by authorised persons; or
 - (b) the event is likely to have a significant impact on the provision and organisation of public transport and emergency services; or
 - (c) the event is likely to have a significant impact on public safety or the amenity of the area or both in which the event is to be held.
- (5) In determining the number of patrons that the event is likely to attract, the Director may consider—
 - (a) the nature of the event (including any activities held in conjunction with the event);
 - (b) the location of the event;

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- (c) if the same event or substantially the same event has been held previously, the estimated number of patrons who attended that event;
 - (d) the proposed number of tickets to be available for the event, if applicable;
 - (e) any relevant recommendations made by the Chief Commissioner.
- (6) In determining whether an event is likely to have a significant impact, the Director must have regard to—
- (a) the number of patrons the event is likely to attract;
 - (b) the proposed date, time and duration of the event;
 - (c) the nature of the event (including any activities held in conjunction with the event);
 - (d) the location of the event;
 - (e) the potential impact on public transport, emergency services and the council of the municipal district in which the licensed premises to which the application relates are situated;
 - (f) the potential impact on public safety and the amenity of the area in which the event is to be held;
 - (g) the cumulative impact of the grant of other licence applications in relation to the event;
 - (h) if the proposed event, or similar event, has previously been held, the impact of that prior event on the factors in paragraphs (a) to (f);
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- (i) any relevant recommendations made by the Chief Commissioner;
 - (j) any other matter that the Director considers relevant.
- (7) Despite subsection (3), the Director may determine that an event that is likely to attract more than 5000 patrons is not a major event if, in the opinion of the Director, the event is unlikely to have a significant impact on any of the factors set out in subsection (4).
- (8) In this section *authorised person* means an authorised person within the meaning of Division 3 of Part 8."

14 Licence condition—extended hours

For section 17(2)(d) of the Principal Act
substitute—

- "(d) a limited licence other than a limited licence that authorises late night trading hours; or
- (e) a major event licence other than a major event licence that authorises late night trading hours."

15 Further restriction grant of packaged liquor licence

- (1) **Insert** the following heading to section 24 of the Principal Act—

"Further restriction on grant of packaged liquor and late night (packaged liquor) licences".

- (2) In section 24 of the Principal Act, after "packaged liquor licence" **insert** "or a late night (packaged liquor) licence".

16 Restriction on grant of limited licence

At the end of section 26 of the Principal Act **insert—**

- "(2) The Director must not grant a temporary limited licence for a major event.
- (3) If an application is made for a temporary limited licence in relation to an event and the Director determines under section 14B that the event is a major event, the Director must notify the applicant that the Director will consider the application as an application for a major event licence on payment of the fee specified in the notice.
- (4) The fee specified in a notice under subsection (3) must be the amount that is the difference between the prescribed fee for a temporary limited licence and the relevant prescribed fee for a major event licence.
- (5) If a notice is given under subsection (3), the Director is not required to consider the application further until the fee specified in the notice is paid."

17 New section 26A inserted

After section 26 of the Principal Act **insert—**

"26A Restriction on grant of major event licence

The Director may grant a major event licence only if satisfied that the scale and scope of the supply of liquor the subject of the licence is limited in nature."

18 Application for variation of licence or BYO permit

(1) Before section 29(2)(a) of the Principal Act
insert—

"(aa) a variation of the category of licence held by the licensee;"

(2) In section 29(3)(c)(ii) of the Principal Act, after "inspector" **insert** "or an application for a prescribed variation of a licence or BYO permit referred to in section 33, 34 or 35".

19 Copy of application to be given to police and local council

In section 33(3) of the Principal Act—

(a) after "limited licence" (where first occurring) **insert** "or a major event licence";

(b) after "limited licence" (where secondly occurring) **insert** "or major event licence or for a prescribed variation of a licence or BYO permit".

20 Public display of licence application

(1) In section 34(1) of the Principal Act after "limited licence" **insert** ", a major event licence or a prescribed variation of a licence".

(2) In section 34(7) of the Principal Act after "limited licence" **insert** "or a major event licence or a prescribed variation of a licence".

21 Advertisement of licence application

(1) In section 35(1) of the Principal Act, after "packaged liquor licence" **insert** ", a late night (packaged liquor) licence".

(2) After section 35(1) of the Principal Act **insert—**

"(1A) Subsection (1) does not apply to a prescribed variation of a licence".

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- (3) In section 35(2) of the Principal Act **omit** "(other than a packaged liquor licence or prescribed licence)".
- (4) After section 35(2) of the Principal Act **insert**—
"(2A) Subsection (2) applies to a prescribed variation of a packaged liquor licence, late night (packaged liquor) licence or prescribed licence but does not otherwise apply to a packaged liquor licence, a late night (packaged liquor) licence or a prescribed licence."
- (5) In section 35(6) of the Principal Act, after "limited licence" **insert** "or a major event licence";

22 Objection on ground of amenity

In section 38(1A) of the Principal Act, after "packaged liquor licence" **insert** "or late night (packaged liquor) licence".

23 Objection by local council

In sections 40(1A)(a) and 40(1A)(b) of the Principal Act, after "packaged liquor licence" **insert** "or late night (packaged liquor) licence".

24 Determination of uncontested applications

After section 44(4) of the Principal Act **insert**—

- "(5) If the Director refuses to grant an uncontested application for a late night (general) licence, the Director may grant a general licence instead.
- (6) If the Director refuses to grant an uncontested application for a late night (on-premises) licence, the Director may grant an on-premises licence or a restaurant and cafe licence instead.

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- (7) If the Director refuses to grant an uncontested application for a late night (packaged liquor) licence, the Director may grant a packaged liquor licence instead."

25 Determination of contested applications

After section 47(3) of the Principal Act **insert—**

- "(4) If the Director refuses to grant a contested application for a late night (general) licence, the Director may grant a general licence instead.
- (5) If the Director refuses to grant a contested application for a late night (on-premises) licence, the Director may grant an on-premises licence or a restaurant and cafe licence instead.
- (6) If the Director refuses to grant a contested application for a late night (packaged liquor) licence, the Director may grant a packaged liquor licence instead."

26 Variation of licence or BYO permit at initiative of Director

Before section 58(2)(a) of the Principal Act **insert—**

- "(aa) a variation of the category of licence held by the licensee—
- (i) from a late night (general) licence to a general licence;
 - (ii) from a late night (on-premises) licence to an on-premises licence;
 - (iii) from a late night (packaged liquor) licence to a packaged liquor licence;"

27 New section Division 10 inserted in Part 2

After Division 9 of Part 2 of the Principal Act
insert—

"Division 10—Provision of information

66A Information in relation to fees

- (1) An authorised person may from time to time request a licensee or permittee to provide information about the conduct of the licensed premises or premises to which the permit applies for either or both of the following purposes—
 - (a) to assist in determining the relevant fee in relation to the licence or permit;
 - (b) to assist in identifying and measuring the factors that contribute to the risk of alcohol-related harms.
 - (2) The licensee or permittee must comply with a request under this section.
 - (3) If there is any change in the information provided by a licensee or permittee under this section, the licensee or permittee must notify an authorised person of the change as soon as practicable.
 - (4) The Secretary may authorise, for the purposes of this section, any person employed under Part 3 of the **Public Administration Act 2004** in the Department of Justice.
 - (5) In this section *authorised person* means—
 - (a) a person who is authorised under subsection (4); or
 - (b) an authorised person within the meaning of Division 3 of Part 8."
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28 Allowing minors on licensed or authorised premises

In section 120(2)(d) of the Principal Act, for "is an on-premises licence that is subject to the conditions set out in section 9(3); or" **substitute—**
"is—

- (i) an on-premises licence where the permitted use of the licensed premises under the **Planning and Environment Act 1987** is that of a restaurant; or
- (ii) a restaurant and cafe licence; or".

29 Regulations

(1) For section 180(4)(b) of the Principal Act **substitute—**

- "(b) may provide for fees that vary according to time, including but not limited to—
- (i) fees that vary according to the trading hours for which a licensee is authorised to supply liquor; and
 - (ii) fees that vary according to the period of time for which a licence is granted or renewed;".

(2) After section 180(4) of the Principal Act **insert—**

- "(5) Without limiting subsection (4), the regulations may provide for the calculation of fees based on all or any of the following factors—
- (a) the nature and scale of the activities being carried out at the licensed premises;
 - (b) the type of venue;
 - (c) the number of patrons;

- (d) any activities carried out by a licensee or permittee that reduce the risk of alcohol-related harm arising from the operation of a licence or permit;
 - (e) the previous conduct of a licensee or permittee in carrying out activities under a licence or permit;
 - (f) the previous history of a licensee or permittee in complying with this Act and the regulations;
 - (g) any other factors consistent with the objects of this Act.
- (6) A fee provided for by the regulations is not limited to an amount that is related to the cost of providing a service."

30 References to licences

The Principal Act is amended as follows—

- (a) in section 3(1), in the definition of *guest*, after "general licence" **insert** "or late night (general) licence";
- (b) in section 16(2), for "or a limited licence" **substitute** ", a limited licence or a major event licence";
- (c) after section 17(2)(a), **insert**—
 - "(ab) a late night (general) licence that authorises the supply of liquor outside ordinary trading hours only as set out in section 11A(2)(b) or 11A(2)(c); or";
- (d) in section 25(1)(b), for "a general licence or a packaged liquor licence" **substitute** "a general licence, a late night (general) licence, a packaged liquor licence or a late night (packaged liquor) licence";

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- (e) in sections 60(4)(a), 61(2) and 62(8) before "limited" **insert** "renewable";
 - (f) in section 72, after "on-premises licence" **insert** "or a late night (on-premises) licence";
 - (g) in section 100, for "a general licence or an on-premises licence" **substitute** "a general licence, a late night (general) licence, an on-premises licence or a late night (on-premises) licence";
 - (h) in sections 114(1)(c), 123(2)(c), 123(2)(f), 129(6) and 129(7), after "general licence" **insert** "or a late night (general) licence";
 - (i) in section 123(1)(c)(iii), for "a general licence or an on-premises licence" **substitute** "a general licence, a late night (general) licence, an on-premises licence or a late night (on-premises) licence";
 - (j) in section 131(1)(b), for "a general licence or an on-premises licence" **substitute** "a general licence, a late night (general) licence, an on-premises licence or a late night (on-premises) licence";
 - (k) in section 135(b), for "a general licence or an on-premises licence" **substitute** "a general licence, a late night (general) licence, an on-premises licence or a late night (on-premises) licence";
 - (l) in section 148O, after "on-premises licence" **insert** ", a late night (on-premises) licence or a restaurant and cafe licence".

31 New clause 23 of Schedule 3 inserted

At the end of Schedule 3 of the Principal Act
insert—

**"23 Transitional provision—on-premises
licences**

- (1) The holder of an on-premises licence that is subject to the conditions set out in section 9(3) may apply to the Director before the commencement of section 32 of the **Liquor Control Reform Amendment Act 2009** for the continuation after that commencement of the on-premises licence subject to those conditions.
- (2) If the Director grants the application, the licence continues in force (subject to the conditions on which it was granted, including the conditions set out in section 9(3)) on or after the commencement of section 32 of the **Liquor Control Reform Amendment Act 2009—**
 - (a) if the licence authorises the supply of liquor for a continuous period from 1 a.m. on a particular day and also authorises the supply of liquor up to 1 a.m. on that day, as a late night (on-premises) licence; and
 - (b) in any other case, as an on-premises licence.
- (3) An application may be made at any time after the commencement of section 31 of the **Liquor Control Reform Amendment Act 2009** and before the commencement of section 32 of the 2009 Act for a licence under this Act as proposed to be amended by the 2009 Act but the licence does not take

effect before the commencement of section 32 of the 2009 Act.

- (4) Nothing in this clause limits the operation of the **Interpretation of Legislation Act 1984**".

32 New clause 24 of Schedule 3 inserted

After clause 23 of Schedule 3 to the Principal Act insert—

"24 Transitional provisions—Liquor Control Reform Amendment (Licensing) Act 2009

- (1) A general licence that authorises the supply of liquor during late night trading hours that was in force immediately before the commencement of section 11 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is, after the commencement of that section, taken to continue in force (subject to any conditions on which it was granted) as a late night (general) licence.
- (2) An application for a general licence authorising trading during late night trading hours that was made but not finally determined before the commencement of section 11 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is taken to be an application for a late night (general) licence.
- (3) Except as provided in subclause (5) or clause 23(2), an on-premises licence that authorises the supply of liquor during late night trading hours that was in force immediately before the commencement of section 11 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is, after the commencement of that section, taken to continue in force (subject to any conditions
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- on which it was granted) as a late night (on-premises) licence.
- (4) Except as provided in subclause (6), an application for an on-premises licence authorising trading during late night trading hours that was made but not finally determined before the commencement of section 8 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is taken to be an application for a late night (on-premises) licence.
- (5) Except in relation to an on-premises licence that is continued under clause 23, an on-premises licence that is subject to the conditions referred to in section 9(3) that was in force immediately before the commencement of section 9 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is, after the commencement of that section, taken to continue in force (subject to any conditions on which it was granted) as a restaurant and cafe licence.
- (6) An application for an on-premises licence that would if granted before the commencement of section 9 of the **Liquor Control Reform Amendment (Licensing) Act 2009** have been subject to the conditions referred to in section 9(3) and that was made but not finally determined immediately before that commencement is taken to be an application for a restaurant and cafe licence.
- (7) A packaged liquor licence that authorises the supply of liquor during late night trading hours that was in force immediately before the commencement of section 11 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is, after the
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- commencement of that section, taken to continue in force (subject to any conditions on which it was granted) as a late night (packaged liquor) licence.
- (8) An application for a packaged liquor licence authorising trading during late night trading hours that was made but not finally determined before the commencement of section 11 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is taken to be an application for a late night (packaged liquor) licence.
- (9) A limited licence that was granted as a renewable limited licence and that was in force immediately before the commencement of section 12 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is, after the commencement of that section, taken to continue in force (subject to any conditions on which it was granted) as a renewable limited licence.
- (10) Subject to subclause (12), an application for a limited licence for an event that was made but not finally determined before the commencement of section 12 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is taken to be an application for a temporary limited licence.
- (11) An application for a limited licence (other than for an event) that was made but not finally determined before the commencement of section 12 of the **Liquor Control Reform Amendment (Licensing) Act 2009** is taken to be an application for a renewable limited licence.
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- (12) The Director may treat an application for a limited licence that is made after the **Liquor Control Reform Amendment (Licensing) Act 2009** receives the Royal Assent as an application for a major event licence, if the event for which the licence is sought is an event that is capable of being determined as a major event by the Director in accordance with section 14B and is proposed to be held after the commencement of section 13 of that Act."

See:
Act No.
14/2003.
Reprint No. 2
as at
1 October
2007
and
amending
Act Nos
16/2004,
39/2007,
72/2007,
4/2008,
12/2008,
40/2008,
71/2008,
73/2008 and
29/2009.
LawToday:
www.
legislation.
vic.gov.au

33 Amendment to Gambling Regulation Act 2003

In section 1.3(1) of the **Gambling Regulation Act 2003**, in the definition of *pub licence*, after "general licence under section 8" insert "or a late night (general) licence under section 11A".

See:
Act No.
24/1990.
Reprint No. 4
as at
8 November
2007.
LawToday:
www.
legislation.
vic.gov.au

34 Amendment to Control of Weapons Act 1990

In section 3(1) of the **Control of Weapons Act 1990**, in the definition of *licensed premises*, for paragraphs (a) and (b) substitute—

- "(a) a general licence or a late night (general) licence; or
- (b) an on-premises licence or a late night (on-premises) licence);or
- (ba) a restaurant and cafe licence; or"

35 Repeal of Act

This Act is **repealed** on 1 July 2012.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

Endnotes

ENDNOTES

† *Minister's second reading speech—*

Legislative Assembly: 12 August 2009

Legislative Council: 3 September 2009

The long title for the Bill for this Act was "A Bill for an Act to amend the **Liquor Control Reform Act 1998** in relation to licensing and for other purposes."