



CASE NOTE G (Liquor – Internal Review) 1 November 2021

In the matter of an application under section 153 of the *Liquor Control Reform Act 1998* for internal review of a decision to refuse to grant an on-premises licence.

Commission:

Ms Deirdre O'Donnell, Deputy Chair
Ms Danielle Huntersmith, Commissioner
Mr Andrew Scott, Commissioner

Date of Hearing:

4 August 2021

Date of Decision:

1 November 2021

Date of Reasons:

1 November 2021

Decision:

The Commission determined to set aside the decision of the delegate and grant the on-premises licence.



CASE NOTE

1. On 23 April 2021, a delegate of the Victorian Commission for Gambling and Liquor Regulation (**Commission**) refused an application for an on-premises licence (**Original Application**). The delegate found that the original application was not made in accordance with the *Liquor Control Reform Act 1998* (the **Act**) on account of having failed to declare associates correctly and because certain matters impacted on the Director of the Applicant's suitability (**the Original Decision**).
2. On 24 April 2021, the Applicant applied for internal review of the Original Decision under section 153 of the Act (the **Review Application**).
3. In accordance with section 154 of the Act, the Commission notified Victoria Police of the Review Application. Victoria Police confirmed that they maintained their objection to the Original Application on the ground that the Applicant was not a suitable person to hold the licence due to having an unsuitable Director.
4. On 1 November 2021, the Commission handed down its decision regarding the Review Application.
5. On the question of whether the Applicant is a suitable person to hold the licence, the Commission considered the suitability of the Director of the Applicant as well as considering whether Person A is still an associate of that Director or the Applicant, and the suitability of any other associates of the Applicant. The Commission also considered the intended operation of the Premises and whether the granting of the Application would be conducive to or encourage the misuse or abuse of alcohol.
6. Regarding matters potentially impacting the suitability of the Director, the Commission had regard to facts presented in the proceedings and submissions by the Director and Victoria Police. The Commission did not consider that the facts and circumstances alleged to undermine the Director's suitability justified the Commission exercising its discretion to refuse the Application on suitability grounds. The Commission also found that Person A was no longer an associate of the Director or the Applicant.
7. The Commission accepted the Applicant's characterisation of the venue as low risk and did not find any evidence to suggest that the Application posed an unacceptable risk of misuse and abuse of alcohol that would lead the Commission to exercise its discretion to refuse the Application.
8. The Commission determined to set aside the decision of the Delegate and grant the on-premises licence.
9. The Commission decided not to publish its reasons for decision in this instance due to privacy considerations relating to the Director of the Applicant, but publishes this case note in the interests of transparency.