



**DECISION AND REASONS FOR DECISION**

In the matter of an application by Ingadwi Pty Ltd under section 153 of the *Liquor Control Reform Act 1998* for an internal review of the decision to grant a renewable limited licence for the premises trading as Ingadwi Pty Ltd located at Flat 2, 15 Field Street, Caulfield South.

**Commission:**

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

**Date of Decision:**

19 November 2021

**Date of Reasons:**

19 November 2021

**Decision:**

The Commission has determined to vary the decision of the Delegate and, in substitution, grant the application for a renewable limited licence subject to the conditions set out in Appendix One.

**Signed:**

A handwritten signature in black ink, appearing to read 'Deirdre O'Donnell'.

**Deirdre O'Donnell**

Deputy Chair



## REASONS FOR DECISION

### BACKGROUND

#### The Original Application

1. On 8 September 2020, Ingadwi Pty Ltd (the **Applicant**) applied to the Victorian Commission for Gambling and Liquor Regulation (the **Commission**) for a renewable limited licence under the *Liquor Control Reform Act 1998 (LCR Act)*<sup>1</sup> in relation to premises located at Flat 2, 15 Field Street, Caulfield South (the **Premises**) (the **Original Application**).
2. The Applicant sought a renewable limited licence to supply liquor in the form of themed tasting packs for in-person (**In-person tasting events**) and online tasting events (**Online tasting events**). The Applicant further sought to supply packaged liquor for online sales.
3. The Original Application consisted of:
  - (a) a 'Declaration of Associates' by the Applicant and the director of the Applicant;
  - (b) a Liquor Licensing Questionnaire completed by the director of the Applicant;
  - (c) a 'Declaration of Right to Occupy' the Premises by the Applicant by way of a lease in the name of the Applicant's director;
  - (d) a copy of a certificate evidencing that the director for the Applicant completed a 'New Entrant Liquor Licence Training' course on 1 September 2020;
  - (e) a copy of a certificate evidencing that the director for the Applicant completed a responsible service of alcohol (**RSA**) course on 2 September 2020;
  - (f) a copy of the Residential Tenancy Agreement for the Premises under the *Residential Tenancies Act 1997*, dated 17 December 2019;
  - (g) a copy of ASIC's 'Current and Historical Company Extract' for the Applicant dated 27 August 2020; and
  - (h) a copy of ASIC's 'Record of Registration of a Company' for the Applicant of 12 March 2015.
4. The Applicant also made the following submissions addressing the 'scale and scope'<sup>2</sup> requirement in support of the Original Application:

---

<sup>1</sup> All references to legislation are references to the LCR Act unless stated otherwise.

<sup>2</sup> See section 26 of the LCR Act.



- (a) The Applicant intends to provide liquor tasting events to individuals, businesses, social groups and charities either online or as In-person tasting events at customers' premises.
  - (b) Tasting events will be limited to no more than thirty (30) individuals at any one time.
  - (c) Tasting packs will be limited to five (5) samples with no more than thirty (30) mls of liquor per sample.
  - (d) Trading hours for In-person and Online tasting events will be limited from 10.30 am to 10.30 pm, seven (7) days a week, with online orders available at any time.
  - (e) Prices for tasting events and tasting packs will be at the premium end of the cost spectrum.
  - (f) The Applicant's website will require all visitors to confirm that they are of legal age (at least 18 years old) as a condition to access the website and prior to purchasing any tasting events or tasting packs.
5. On 8 September 2020, the Commission wrote to the Applicant seeking the following information regarding scale and scope of the activities of the business:
  - (a) The website address from which the Applicant proposes to trade.
  - (b) The following details in relation to the provision of off-site catering services:
    - (i) the types of premises in which the Applicant proposes to supply liquor;
    - (ii) whether food will be served as part of the services provided;
    - (iii) how often tasting events will be conducted;
    - (iv) the intended maximum duration for tasting events;
    - (v) whether security and staff will be provided for tasting events;
    - (vi) the location for the proposed tasting events; and
    - (vii) the manner in which the Applicant will protect the amenity of the area in which tasting events will be conducted.
  - (c) The manner in which the Applicant will obtain the liquor prior to it being served at pre-booked tasting events or delivered as part of an online packaged liquor order.
6. On 8 September 2020, the Applicant wrote to the Commission with submissions addressing the limitations in scale and scope of the activities of the business, which can be summarised as follows:



- (a) The Applicant proposes to trade mainly under [www.thewhiskeyparliament.com.au](http://www.thewhiskeyparliament.com.au). However, the Applicant has also registered [www.whiskytastingaustralia.com](http://www.whiskytastingaustralia.com) as a "feeder" and may register [www.thewhiskeyrepublic.com.au](http://www.thewhiskeyrepublic.com.au) in the future.
  - (b) The Applicant intends to supply liquor at In-person tasting events by making David Jacobs (the sole director and shareholder of the Applicant) available for businesses, social groups or charities that wish to engage the Applicant's services at a venue of their choice. The Applicant submitted the following in answer to the Commission's specific request for information about In-person tasting events:
    - (i) the Applicant expects to conduct tasting events in private or commercial premises;
    - (ii) the Applicant will encourage a food element to the tasting events;
    - (iii) the Applicant expects to conduct one tasting event per month, however this number might increase around holiday periods such as Christmas;
    - (iv) tasting events will last between one-and-a-half to two hours;
    - (v) the Applicant will encourage a security element to the tasting events;
    - (vi) the Applicant will provide In-person tasting events only in Victoria;
    - (vii) the Applicant will ensure that the amenity of the area in which tasting events will be conducted is protected.
  - (c) The Applicant will order the liquor as required prior to each tasting event, rather than storing it at the Premises.
7. On 8 September 2020, the Applicant wrote to the Commission with further submissions regarding scale and scope:
- (a) The Applicant will provide tasting events to individuals, businesses, social groups or charities either online or at venue of their choice. The Applicant has no intention to host any tasting events at the Premises.
  - (b) The Applicant will focus on delivering whisky tasting events, however other spirits will be offered at a later stage if there is sufficient demand for it.
  - (c) The Applicant will deliver Online tasting events via a conferencing platform such as Zoom or GoToMeeting.
  - (d) In-person tasting events will be limited to 30 customers at any one session. Each customer will receive only one tasting pack per event containing no more than six (6) samples of spirit,



with each sample being of no more than thirty (30) mls of spirit for the event. That means that no more than 180 mls of spirit will be delivered to each customer per event.<sup>3</sup>

- (e) The tasting packs will be themed by either spirit type, country of origin, style or any other distinguishing aspect of a spirit that may be of interest to a customer.
- (f) The Applicant's website will offer tasting packs to those who are not able to attend an Online tasting event but still want to enjoy the tasting experience. Tasting packs will also be limited to no more than six (6) samples of spirit and no more than thirty (30) mls of spirit.
- (g) The Applicant will refer customers who enquire about purchasing a full bottle of spirit to a distributor or reseller, and receive a commission for it.

### The Amended Application

- 8. On 9 September 2020, the Applicant amended the Original Application and submitted that liquor would be stored, prepared and shipped from an off-site location, and that the director of the Applicant would host Online tasting events from the Premises without any liquor present (the **Amended Application**).
- 9. On 10 September 2020, a copy of the Amended Application was served on the Chief Commissioner of Victoria Police (**Victoria Police**). On 5 October 2020, Victoria Police advised the Commission that they did not object to the grant of the Amended Application.
- 10. On 7 October 2020, an authorised delegate of the Commission (**the Delegate**) determined to grant the Amended Application pursuant to section 26(1) of the LCR Act, subject to the following conditions:

#### *TYPE OF LICENCE*

*This is a renewable limited licence and authorises the licensee to supply:*

- *liquor for consumption at pre-booked functions*
- *packaged liquor only when such liquor is ordered by mail, telephone, facsimile transmission or Internet.*

#### *RESTRICTIONS ON SALES*

*The licensee must not use the above licensed premises to provide for:*

- *personal shopping for liquor*
- *browsing liquor stocks or stores*
- *the display of liquor for sale*
- *the collection of liquor by customers*

#### *SUPPLY OF LIQUOR AT FUNCTIONS*

*The function must be held in an area of a premises that is set aside for the exclusive use of persons who have booked the function which is attended only by those persons and their guests. This*

---

<sup>3</sup> The Applicant proposed to increase from 5 to 6 the number of samples of whisky contained in each tasting pack.



*licence does not allow the supply or consumption of liquor at public events which are attended by the general public.*

*Any premises where the supply and/or consumption of liquor occurs under this licence is considered to be a licensed premises for the purposes of the Liquor Control Reform Act 1998. The area set aside for the exclusive use of persons who have booked the function for the supply and/or consumption of liquor must be clearly delineated from any other area. This condition does not apply to private residential premises.*

*This licence does not authorise the supply of liquor for consumption on the following premises:*

- *a premises already licensed under the Liquor Control Reform Act 1998*
- *a premises where the current licence has ceased to be in force within the previous 6 months or has been suspended*
- *a premises where the Commission is currently considering an application for a licence.*

#### **RESPONSIBLE SERVICE OF ALCOHOL**

*All staff involved in the service of liquor must have completed an approved RSA training program within the previous three years. Licensees must ensure evidence of completion of the RSA training program (e.g. certificates) is available for inspection at the request of Victoria Police or a gambling and liquor inspector.*

#### **AMENITY**

*The licensee will not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises where the supply and/or consumption of liquor occurs under this licence.*

#### **SUPPLY OF PACKAGED LIQUOR FOR ONLINE/ELECTRONIC SALES**

*The supply of liquor is restricted to tasting packs containing 5 x 30mL samples of liquor. A maximum of one tasting pack may be supplied per person, per day.*

#### **DELIVERY OF LIQUOR**

*Liquor must be delivered to a person aged 18 or over. The licensee must ensure that delivery arrangements include requiring evidence of age where appropriate. Liquor must not be delivered and left at unoccupied premises on the same day the order is received.*

*Liquor may only be delivered during the following hours:*

- *between 9 a.m. and 11 p.m on any day other than Sunday, Good Friday, ANZAC Day or Christmas Day.*
- *between 10 a.m. and 11 p.m on Sunday.*
- *between 12 noon and 11 p.m on ANZAC Day.*

*No deliveries are permitted on Christmas Day or Good Friday.*

#### **INFORMATION REQUIRED TO BE DISPLAYED ON WEBSITE/S**

*The following notice must be prominently displayed on the licensee's website/s:*

#### **WARNING**

*Under the Liquor Control Reform Act 1998 it is an offence:  
To supply alcohol to a person under the age of 18 years (Penalty exceeds \$17,000)  
For a person under the age of 18 years to purchase or receive liquor. (Penalty exceeds \$700)*

*The licensee is required to prominently display the number of this licence on the website.*

#### **ORDERS FOR LIQUOR**

*Orders for the supply of liquor may be taken at any time on any day.  
Internet orders may only be taken through the following website(s):  
[www.thewhiskyparliament.com.au](http://www.thewhiskyparliament.com.au)*



*www.whiskytastingaustralia.com*  
*www.therumrepublic.com.au*

**TRADING HOURS**

*For supply as part of pre-booked functions*

*ANZAC Day            Between 12 noon and 10.30pm*

*On any other day    Between 10.00am and 10.30pm*

*For the supply of packaged liquor for online/electronic sales*  
*At any time.*

(the **Original Decision**)

**The Review Application**

11. On 9 October 2020, the Applicant applied for an internal review of the Original Decision (the **Review Application**).
12. The Applicant made the following submissions in support of the Review Application:
  - (a) The supply of liquor will be limited to tasting packs containing five (5) samples of no more than thirty (30) mls of liquor each. This amounts to 150 mls of liquor per tasting pack.<sup>4</sup>
  - (b) To limit the supply of packaged liquor for online/electronic sales to one (1) tasting pack per person, per day, is restrictive to the Applicant's business as it will be offering over twenty different themed tasting packs.
  - (c) The minimum cost for a tasting pack containing 150 mls of whisky will be \$60. This contributes to minimise the potential misuse or abuse of alcohol, since it would be significantly cheaper to purchase a standard bottle of alcohol in the market.
  - (d) The Applicant proposes to increase the limitation on the supply of packaged liquor for online/electronic sales from one (1) to four (4) tasting packs per person, per day.
13. On 10 November 2020, the Commission wrote to the Applicant to seek further submissions regarding the Applicant's business model and the number of tasting packs that the Applicant intended to supply at each In-person and Online tasting event. Particularly, the Commission sought clarification as to whether customers attending the Applicant's tasting events would be able to attend back-to-back events on the same day or whether consecutive tasting events would only be offered to different groups of participants.
14. On 10 November 2020, the Applicant responded to the Commission and submitted the following information regarding scale and scope:

---

<sup>4</sup> The Applicant proposed to reduce from 6 to 5 the number of samples of whisky contained in each tasting pack.



- (a) The Applicant has created over twenty themed tasting packs for customers to explore and sample.
  - (b) The price of the tasting packs will range between \$68 and \$108. This means that the price for a tasting pack containing 150 mls of spirit will have the equivalent market price of a bottle of 700 mls of mid-range spirit.
  - (c) To limit the supply of packaged liquor for online/electronic sales to one (1) tasting pack per person, per day, constrains the Applicant's business and adds a penalty to customers who wish to try a variety of tasting packs and save on postage.
  - (d) The primary goal of the tasting events is for customers to taste and discover the whisky, rather than drinking it and becoming intoxicated.
  - (e) The Applicant will be unlikely to conduct more than one tasting event per day with the same group of participants, unless it involves different customers.
15. On 21 December 2020, the Commission wrote to the Applicant to seek further submissions regarding the Applicant's proposed limitation to the supply of liquor at off-site events/functions and the procedure by which the Applicant intends to receive commissions from vendors.
16. On 21 December 2020, the Applicant responded to the Commission and submitted the following information:
- (a) Limit the supply of liquor at In-person tasting events/functions to one (1) tasting pack per person, per day.
  - (b) The Applicant will serve customers by preparing the tasting pack containing five samples of whisky in advance and placing each sample on seated tasting tables.
  - (c) The Applicant will refer customers who enquire about purchasing a full bottle of whisky to the relevant vendor and potentially receive a commission for it, although at this point in time there are no such arrangements in place. The Applicant stated that this is because the purpose of its business is to educate customers and expose them to different varieties of whisky, rather than to sell them additional whisky.

## Hearing

17. On 10 November 2020, the Applicant advised the Commission that it was agreeable to have the matter determined on-the-papers without the need to attend a hearing.

## LEGISLATION AND THE TASK BEFORE THE COMMISSION





### The Commission's internal review power

18. Division 2 of Part 9 of the LCR Act governs internal review applications. Under section 152, the Original Decision is a reviewable decision, and the Applicant is eligible to apply for review of that decision. The Review Application was made under section 153 of the LCR Act.
19. Pursuant to section 157(1), the specific task for the Commission with respect to the Review Application is to make a fresh decision that:
  - (a) affirms or varies the reviewable decision; or
  - (b) sets aside the reviewable decision and substitutes another decision that the Commission on review considers appropriate<sup>5</sup>.
20. Under the LCR Act, an application for a renewable limited licence may be contested or uncontested. Pursuant to section 3(1), an uncontested application is:

*an application for the grant, variation, transfer or relocation of a licence or BYO permit in respect of which any objections are received under Division 5 of Part 2 within the period set out in that Division for that objection (or that period as extended under section 174)<sup>6</sup>.*
21. The Review Application is uncontested, as was the Original Application, as no objections were received. The Commission on review stands in the shoes of the original decision maker and, in respect of an uncontested application, must either:
  - (a) grant the application (and may do so subject to conditions)<sup>7</sup>; or
  - (b) refuse to grant the application<sup>8</sup>.

### Exercising the internal review power

22. Section 9 of the *Victorian Commission for Gambling and Liquor Regulation Act 2011* (the **VCGLR Act**) requires the Commission, in exercising its internal review function, to have regard to the objects of the LCR Act and any decision-making guidelines issued by the Minister under section 5 of the VCGLR Act<sup>9</sup>.

---

<sup>5</sup> Section 157(2) to (5) of the LCR Act and section 25(3) of the VCGLR Act further prescribe how the Commission is to undertake internal reviews.

<sup>6</sup> Conversely, a "contested application" is defined in section 3(1) as being "*an application for the grant, variation, transfer or relocation of a licence or BYO permit in respect of which any objections are received under Division 5 of Part 2 within the period set out in that Division for those objections (or that period as extended under section 174)*".

<sup>7</sup> LCR Act, sections 44, 49 and 157.

<sup>8</sup> LCR Act, section 44 and 157.

<sup>9</sup> VCGLR Act, sections 9(3) and (4).



23. The objects of the LCR Act are set out in section 4(1):

*The objects of this Act are—*

- (a) *to contribute to minimising harm arising from the misuse and abuse of alcohol, including by—*
  - (i) *providing adequate controls over the supply and consumption of liquor; and*
  - (ii) *ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life; and*
  - (iii) *restricting the supply of certain other alcoholic products; and*
  - (iv) *encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community; and*
- (b) *to facilitate the development of a diversity of licensed facilities reflecting community expectations; and*
- (c) *to contribute to the responsible development of the liquor, licensed hospitality and live music industries; and*
- (d) *to regulate licensed premises that provide sexually explicit entertainment.*

24. Section 4(2) of the LCR Act provides further that:

*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<sup>10</sup>.*

25. In exercising the internal review power, the Commission:

- (a) must consider all the information, material and evidence before the original decision maker<sup>11</sup>;
- (b) may consider further information or evidence<sup>12</sup>; and
- (c) may, in respect of uncontested applications on review, have regard to any matter the Commission considers relevant, make any enquiries the Commission considers appropriate but is not required to give any person an opportunity to be heard concerning the application<sup>13</sup>.

26. The Commission considers that while the grounds of refusal outlined in section 44(2) of the LCR Act are relevant considerations, the ultimate determination of an uncontested application is

<sup>10</sup> See further *Kordister Pty Ltd v Director of Liquor Licensing* [2012] VSCA 325, which confirms that harm minimisation is the primary regulatory object of the LCR Act and therefore the primary consideration in liquor licensing decisions (although not to the exclusion of the other objects).

<sup>11</sup> LCR Act, section 157(2).

<sup>12</sup> LCR Act, section 157(3).

<sup>13</sup> LCR Act, section 44(4).



to be made pursuant to section 44(1) and 157(1) of the LCR Act at the discretion of the Commission, and with reference to the objects of the LCR Act at section 4.

27. Under section 49 of the LCR Act, the Commission may impose any condition it thinks fit on the grant of an application.
28. Section 44(1) of the LCR Act states that the Commission must grant or refuse to grant an uncontested application at any time after the expiry of the period for objection under Division 5 (or that period as extended under section 174 of the LCR Act).
29. Section 44(2)(b) of the LCR Act empowers the Commission to refuse to grant the Review Application on various grounds, including that:
  - i. the granting of the application would detract from or be detrimental to the amenity of the area in which the premises to which the application relates are situated; or
  - ii. the granting of the application would be conducive to or encourage the misuse or abuse of alcohol.
30. Section 26(1) of the LCR Act provides that the Commission may grant a limited licence only if it is satisfied that the scale and scope of the supply of liquor the subject of the licence is limited in nature.

### **Conduct of an inquiry**

31. Section 34 of the VCGLR Act provides that, subject to that Act, gambling legislation or liquor legislation, the Commission may conduct any inquiry in any manner it considers appropriate.
32. During the conduct of an inquiry, section 25(3) of the VCGLR Act provides that the Commission is not bound by the rules of evidence, however must comply with the rules of natural justice.

### **MATERIAL BEFORE THE COMMISSION**

33. The Commission on review had before it and considered all materials received by the Delegate as referred to in paragraphs 3 to 9 above.
34. The Commission also had before it and considered additional information and evidence including:
  - (a) the Original Decision, made on 7 October 2020, with reasons for decision dated 13 October 2020;
  - (b) the Review Application, including submissions, received on 9 October 2020; and
  - (c) further submissions made by the Applicant, dated 10 November 2020 and 21 December 2020, as referred to in paragraphs 14 and 16 above.



## **DETERMINATION OF THE REVIEW APPLICATION**

### **Issues for determination**

35. In order for the Commission to make its decision on review, two principal issues require consideration:
- (a) firstly, whether the Commission is satisfied that the scale and scope of the proposed supply of liquor in the Review Application is limited in nature, particularly having regard to the maximum patron capacity at pre-booked functions and the increase in the number of tastings packs to be supplied online from one to four; and
  - (b) secondly, whether the Commission should exercise its discretion under section 44(1) of the LCR Act to grant a renewable limited licence, having regard to the objects of the LCR Act, in particular harm minimisation, which is the primary object.

### **Limited in scale and scope**

36. The Commission must be satisfied that the scale and scope of the supply of liquor the subject of the licence is limited in nature, in accordance with section 26 of the LCR Act.
37. The Commission has carefully considered the evidence before it in the Review Application. The Commission notes that the scale and scope of the proposed supply of liquor has changed to what was proposed in the Original Application.
38. The Commission has had regard to the following aspects of the Review Application in considering whether the scale and scope of the supply of liquor the subject of the licence is limited in nature:
- (a) the type of liquor product that is to be supplied to customers as a part of the proposed business. The Commission finds that the Applicant will only be supplying tasting packs of whisky and considers this to be a limitation in relation to the scale and scope of the supply of liquor in this case, where the business is that of In-person and Online tasting events focused on offering customers a journey of discovery for each whisky;
  - (b) the supply of liquor at In-person and Online tasting events. The Commission notes that the supply of liquor at In-person and Online tasting events will be limited to one tasting pack containing five samples of no more than thirty (30) mls of whisky, per person, per day. The Commission also notes that the Applicant will only supply liquor to customers who hold a valid ticket and, for In-person tasting events, will place the five samples of liquor for each person in advance at seated tasting tables. The Commission considers that the scale and scope of the supply of liquor is sufficiently limited for a business conducting In-person and Online tasting events/functions;



- (c) the supply of packaged liquor for online/electronic sales. The Commission notes that the supply of packaged liquor for online sales (other than Online tasting events) will be limited to four tasting packs containing five samples of no more than thirty (30) mls of whisky, per person, per day. The Commission finds that four tasting packs amount to 600 mls of whisky, which is less liquor than what is contained in the average standard bottle in the market. The Commission further notes that the Applicant's websites will require all customers to confirm that they are at least 18 years old as a condition to access the website and prior to purchasing any tasting events or tasting packs. The Commission considers that the scale and scope of the supply of liquor is limited for a business selling packaged liquor online; and
- (d) the proposed customer numbers for off-site functions. The Commission notes that each In-person or Online tasting event/function will be conducted with a maximum of 30 customers per event.

39. The Commission is satisfied, having regard to the combination of matters above, together with the conditions in Appendix One, that in all the circumstances the proposed scale and scope of the supply of liquor the subject of the licence sought in the Review Application is limited in nature and therefore meets the requirement in section 26 of the LCR Act.

**Grounds of refusal set out in section 44(2) of the LCR Act and general discretion**

- 40. The Commission has considered the objects of the LCR Act, as well as the grounds for refusal identified in section 44(2) of the LCR Act, in determining the Review Application and whether to vary the Original Decision and exercise its discretion to grant a renewable limited licence.
- 41. The Commission does not consider that any particular amenity concerns are likely to arise from the proposed supply of liquor at In-person tasting events. The Commission has considered the limited number of customers permitted in each session, the educational nature of the proposed business and the limited quantity of whisky that will be supplied in each event. Further, the imposition of the standard amenity condition will assist in reducing any potential impact on the amenity of the relevant area.
- 42. The restrictions proposed by the Applicant as to hours of operation, the range of liquor that will be supplied and the maximum number of customers permitted in each tasting event are able to be reflected in the conditions on the licence. Those conditions provide a measure of protection relevant to the amenity of the area.
- 43. The conditions in Appendix One will also constrain the Applicant when supplying liquor at tasting events. Patrons will need to hold a valid ticket to access the premises where the event will be conducted, and will be encouraged to remain seated during the event. This will reduce the risk



profile of the supply of liquor that can occur under the limited licence, thereby assisting in the minimisation of amenity concerns and risk of misuse or abuse with supply of liquor.

44. The Commission finds that the price of one tasting pack containing 150 mls of whisky will have the equivalent market price of a bottle of 700 mls of spirit, and that the price of four tasting packs containing 600 mls of whisky will be significantly higher, thereby assisting in the minimisation of the risk of misuse or abuse with supply of liquor through online sales.
45. The Commission notes that Victoria Police has not raised any objection to the licence application, and that the director of the Applicant has provided evidence of undertaking and successfully completing the relevant RSA and New Entrant Training.
46. Having regard to the objects of the LCR Act and the grounds for refusal identified in section 44(2) of the LCR Act, the Commission is satisfied that granting the Review Application would be consistent with those objects and appropriate in all the circumstances.

#### **DECISION**

47. After considering all the material before it, and taking into account all necessary considerations under the legislative framework, the Commission has determined to vary the decision of the Delegate and grant the renewable limited licence subject to the conditions set out in Appendix One.

***The preceding 47 paragraphs are a true copy of the Reasons for Decision of Ms Deirdre O'Donnell, Deputy Chair, Ms Danielle Huntersmith, Commissioner and Mr Andrew Scott, Commissioner.***

## **Appendix One**

### **TYPE OF LICENCE**

This is a renewable limited licence and authorises the licensee to supply:

- liquor for consumption at pre-booked functions
- packaged liquor only when such liquor is ordered by mail, telephone, facsimile transmission or Internet.

### **RESTRICTIONS ON SALES**

The licensee must not use the above licensed premises to provide for:

- personal shopping for liquor
- browsing liquor stocks or stores
- the display of liquor for sale
- the collection of liquor by customers

### **SUPPLY OF LIQUOR AT FUNCTIONS (CONDUCTED EITHER IN-PERSON OR ONLINE)**

The supply of liquor is restricted to tasting packs containing 5 x 30mL samples of liquor. A maximum of one tasting pack may be supplied per person, per day.

A maximum patron capacity of 30 patrons at any one function.

The function must be held in an area of a premises that is set aside for the exclusive use of persons who have booked the function which is attended only by those persons and their guests. This licence does not allow the supply or consumption of liquor at public events which are attended by the general public.

Any premises where the supply and/or consumption of liquor occurs under this licence is considered to be a licensed premises for the purposes of the Liquor Control Reform Act 1998. The area set aside for the exclusive use of persons who have booked the function for the supply and/or consumption of liquor must be clearly delineated from any other area. This condition does not apply to private residential premises.

This licence does not authorise the supply of liquor for consumption on the following premises:

- a premises already licensed under the Liquor Control Reform Act 1998
- a premises where the current licence has ceased to be in force within the previous 6 months or has been suspended
- a premises where the Commission is currently considering an application for a licence.

### **RESPONSIBLE SERVICE OF ALCOHOL**

All staff involved in the service of liquor must have completed an approved RSA training program within the previous three years. Licensees must ensure evidence of completion of the RSA training program (e.g. certificates) is available for inspection at the request of Victoria Police or a gambling and liquor inspector.



### AMENITY

The licensee will not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises where the supply and/or consumption of liquor occurs under this licence.

### SUPPLY OF PACKAGED LIQUOR FOR ONLINE/ELECTRONIC SALES (OTHER THAN FOR ONLINE FUNCTIONS)

The supply of liquor is restricted to tasting packs containing 5 x 30mL samples of liquor. A maximum of four tasting packs may be supplied per person, per day.

### DELIVERY OF LIQUOR

Liquor must be delivered to a person aged 18 or over. The licensee must ensure that delivery arrangements include requiring evidence of age where appropriate. Liquor must not be delivered and left at unoccupied premises on the same day the order is received.

Liquor may only be delivered during the following hours:

- between 9 a.m. and 11 p.m on any day other than Sunday, Good Friday, ANZAC Day or Christmas Day.
- between 10 a.m. and 11 p.m on Sunday.
- between 12 noon and 11 p.m on ANZAC Day.

No deliveries are permitted on Christmas Day or Good Friday.

### INFORMATION REQUIRED TO BE DISPLAYED ON WEBSITE/S

The following notice must be prominently displayed on the licensee's website/s:

**WARNING**  
Under the Liquor Control Reform Act 1998 it is an offence:  
To supply alcohol to a person under the age of 18 years (Penalty exceeds \$17,000)  
For a person under the age of 18 years to purchase or receive liquor. (Penalty exceeds \$700)

The licensee is required to prominently display the number of this licence on the website.

### ORDERS FOR LIQUOR

Orders for the supply of liquor may be taken at any time on any day.

Internet orders may only be taken through the following website(s):

[www.thewhiskyparliament.com.au](http://www.thewhiskyparliament.com.au)

[www.whiskytastingaustralia.com](http://www.whiskytastingaustralia.com)

[www.therumrepublic.com.au](http://www.therumrepublic.com.au)

### TRADING HOURS

For supply as part of functions

ANZAC Day      Between 12 noon and 10.30pm

On any other day      Between 10.00am and 10.30pm





Victorian Commission for  
Gambling and Liquor Regulation

For the supply of packaged liquor for online/electronic sales  
At any time.