

Liquor Control Bill 1983 **ARTHUR ROBINSON & CO.**

NOTES ON CLAUSES

Clause 1 is a clause in the conventional form specifying the short title citing the *Liquor Control Act 1968* as the Principal Act and providing for commencement.

Clause 2 is a clause in the conventional form which defines certain terms used in the Bill.

Clause 3 amends section 6 of the Principal Act so as to create the office of "Deputy Chairman" of the Commission in place of the present office of "Additional Chairman".

Clause 4 amends section 7 of the Principal Act consequentially upon the amendment in Clause 3.

Clause 5 amends section 8 of the Principal Act to achieve two purposes. First, to authorize the Governor in Council to fix an additional allowance for the Chairman of the Commission. Secondly, to permit both the Chairman and the Deputy Chairman to be members of a Full Commission.

Clause 6 amends section 10 (1) of the Principal Act consequentially upon the amendment made in Clause 4.

Clause 7 amends section 13 (2) of the Principal Act so as to make it clear that if the Chairman and Deputy Chairman are both members of a Full Commission, that it is the Chairman who will determine any questions of law which arise.

Clause 8 repeals sections 11A and 104 (6) of the Principal Act. These are the provisions under which minimum retail prices for packaged beer are determined and enforced.

Clause 9 amends section 26 of the Principal Act.

Paragraph (a) amends sub-section 1 (e) and has the effect of extending the hours during which a hotelkeeper may serve liquor for consumption with a bona fide meal on a Sunday from the present hours of midday to 3.00 p.m. and 6.00 p.m. to 10.00 p.m. to the new hours of midday to 4.00 p.m. and 6.00 p.m. to 11.30 p.m.

Paragraphs (b) to (f) (other than (d)) empower the Commission to grant an annual permit to a licensed hotelkeeper authorizing Sunday bar trading. The effect of these paragraphs will be that licensed hotelkeepers may obtain permits to conduct a bar trade for either one or two periods of two hours between the hours of midday and 8.00 p.m. on Sunday. Where two periods are applied for, there must be a space of at least two hours between the two periods. The Commission will not be able to grant a permit unless it is satisfied there is a popular demand for a bar trade at the premises and that persons residing or worshipping in the vicinity of the premises would not be unduly inconvenienced.

Paragraph (d) inserts new sub-sections (1c) and (1D). The effect of these sub-sections is that the Commission will not be able to grant a hotelkeepers licence to a corporation if that corporation already holds more than 8 per cent of the hotelkeepers licences issued. In calculating the number of licences held by the corporation, licences held by corporations related to the applicant corporation within the meaning of the *Companies (Victoria) Code 1982*, will be taken into account.

Clause 10 amends section 28.

Paragraph (a) has the effect of extending the hours during which a licensed restaurateur may serve liquor for consumption with a bona fide meal on a Sunday from the present hours of midday to 3.00 p.m. and 6.00 p.m. to 10.00 p.m. to the new hours of midday to 4.00 p.m. and 6.00 p.m. to 11.30 p.m.

Paragraph (b) amends sub-section (1) (e) and authorizes the granting of a permit to a licensed restaurateur authorizing the sale of alcohol at a particular function between the hours of 1.00 a.m. and 2.00 a.m.

Clause 11 amends section 32 of the Principal Act by inserting new sub-sections (4) and (5). The effect of these sub-sections is that the Commission will not be able to grant a retail bottled liquor licence to a corporation if that corporation already holds more than 8 per cent of the retail bottled liquor licences issued. In calculating the number of licences held by the corporation, licences held by corporations related to the applicant corporation within the meaning of the *Companies (Victoria) Code 1982*, will be taken into account.

Clause 12 amends section 35A of the Principal Act by inserting new sub-sections (1B) and (1c). The effect of these sub-sections will be that holders of Cider Tavern Licences will be able to apply for annual permits authorizing them to trade between the hours of 10.00 p.m. and 1.00 a.m. on nights other than Sunday or Good Friday nights.

Clause 13 amends section 37 (1) of the Principal Act to provide that wholesale liquor merchants may sell small quantities of liquor to persons requiring samples for analysis pursuant to section 287 of the *Health Act 1958*.

Clause 14 amends section 38 of the Principal Act.

Paragraph (a) amends sub-section (1) (b) to give licensed clubs the same extension of hours for the service of alcohol with bona fide meals on a Sunday as was provided in respect of hotels in clause 9.

Paragraphs (b), (c) and (d) grant to all licensed clubs the right to conduct a bar trade during the same hours and subject to the same conditions regarding applications as are provided for hotels in Clause 9.

Clause 15 amends section 38B (4) of the Principal Act to increase the licence fee for an Exhibition Licence from \$100 to \$1000.

Clause 16 amends section 38C (3) of the Principal Act so that premises which can accommodate 400 persons and are adequately equipped to enable the seating of not less than 300 persons to be provided with bona fide meals at the same time, will be eligible to apply for a Convention Facility Licence. The present figures are 1000 and 750 respectively.

Clause 17 amends section 38D (1) of the Principal Act to permit the Victorian Food and Wine Festival to be held in any park or garden under the control of the City of Melbourne. At present the Festival must be held in the Fitzroy Gardens.

Clause 18 amends section 40A (1) of the Principal Act to provide that a Tertiary Institution Licence may be issued for the hours specified in the licence and to remove the requirement that liquor may only be sold with refreshments.

Clause 19 amends section 43A (3) of the Principal Act to allow a Works Licence to be issued in respect of premises situated on land in the vicinity of land on which construction work is being undertaken. At present, premises must be actually situated on the construction site.

Clause 20 amends section 45A (2) of the Principal Act to extend the licence hours available under a Cafe Permit on Sundays from the present hours of midday to 3.00 p.m. and 6.00 p.m. to 10.00 p.m. to the new hours of midday to 4.00 p.m. and 6.00 p.m. to 11.30 p.m.

Clause 21 amends section 45c of the Principal Act to enable Particular Occasion Permits for public halls to be issued for a series of functions or occasions and to enable the Commission to suspend or revoke such permits.

Clause 22 amends section 45D (2) of the Principal Act to enable cricket clubs to obtain Restricted Club Permits for the hours 6.00 p.m. to 8.00 p.m. on a Saturday and Sunday. Hours for all other holders of Restricted Club Permits will not be altered.

Clause 23 amends section 49 of the Principal Act by repealing sub-section (3) so as to remove impediments upon the granting of Restricted Hotelkeepers Licences.

Clause 24 amends section 52 of the Principal Act.

Paragraph (a) amends sub-section (1) to simplify the application procedures in relation to the Victorian Food and Wine Festival.

Paragraphs (b) and (c) amend sub-sections (5) and (6) to remove all references to testimonials as to the character of applicants for licences.

Clause 25 amends section 53 of the Principal Act consequentially upon the amendment made in Clause 24 (a).

Clause 26 amends section 54 of the Principal Act.

Paragraph (a) inserts a new paragraph (da) in sub-section (1) which will give associations of employers or employees engaged in the liquor industry the right to object to applications made under the Act.

Paragraph (b) amends sub-section (4) to provide that a poll may be demanded in respect of an application for a Convention Facility Licence.

Clause 27 inserts new sections 56A and 56AA which specify the procedures that must be followed by an applicant for the grant or renewal of an annual permit under the Principal Act.

Clause 28 amends section 56B (1) of the Principal Act to authorize the making of objections in respect of the granting or renewal of annual permits granted under the Principal Act.

Clause 29 substitutes a new sub-section (5) in section 58 of the Principal Act. The new sub-section will achieve two objectives. First, it will remove the limitation currently placed upon the Equal Opportunity Board that it can only object on the grounds that an applicant has failed to comply with an order of the Board. Secondly, it will empower the Federated Liquor and Allied Industries Employees Union to object to an application on the grounds that the applicant has failed to observe the terms and conditions of an award relevant to his employees or failed to comply with the provisions of the *Industrial Relations Act 1979*.

Clause 30 amends section 64 of the Principal Act by removing all references to testimonials as to the character of an applicant for the transfer of a licence.

Clause 31 inserts a new section 66A in the Principal Act directing the Commission not to transfer a retail bottled liquor licence or a hotelkeepers licence to a corporation if that corporation already holds more than 8 per cent of the retail bottled liquor licences or hotelkeepers licences issued. In calculating the number of licences held by the corporation, licences held by corporations related to the applicant corporation within the meaning of the *Companies (Victoria) Code 1982*, will be taken into account.

Clause 32 inserts a new paragraph (d) in section 77 (4) of the Principal Act which will require a licensee applying to remove a licence from the premises for which it was granted to give notice of the application to the municipality in which the premises are located at the time the application is made.



