

**IN THE MATTER OF THE ROYAL COMMISSION
INTO FAMILY VIOLENCE**

STATEMENT OF CATHERINE MARY CARR

Date of document: 13 July 2015
Filed on behalf of: State of Victoria
Prepared by:
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Level 33
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I, CATHERINE MARY CARR, Executive Director, Office of Liquor, Gaming and Racing, SAY
AS FOLLOWS:

1. I am the Executive Director, Liquor, Gaming and Racing, in the Department of Justice and Regulation.
2. I have been the Executive Director of the Office of Liquor, Gaming and Racing since June 2013.
3. The Office is responsible for providing advice to the Minister for Consumer Affairs, Gaming and Liquor Regulation on the development and implementation of liquor and gambling legislation and regulation, and on current and emerging liquor and gambling-related issues. The Office assists the Victorian Government with delivery and further development of its strategic response to liquor and gambling issues. It is also the primary government point of reference for industry, the community and other government bodies on liquor, gaming and racing. It provides advice to the Minister for Racing and administers racing legislation and policies, and provides a range of advisory, administrative and regulatory services that contribute to the performance of the racing industry.
4. While the Office is responsible for advice and policy development, the Victorian Commission for Gambling and Liquor Regulation (**VCGLR**) is responsible for licensing liquor and gambling venues (and monitoring their compliance).
5. Prior to my role as Executive Director, I held roles within the Office as Director of Liquor and Gambling Policy (2009-2013) and Manager of Gambling Policy (2004-2009). I have also worked as a Legal Policy Officer at Consumer Affairs Victoria

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(2001-2003) and practised as a solicitor at the former Victorian Commission for Gambling Regulation (2003-2004) and the Tenants Union of Victoria (1992-2001).

6. I hold a Bachelor of Laws and an Executive Masters of Public Administration.
7. I have received a notice from the Royal Commission into Family Violence pursuant to s 17(1)(d) of the *Inquiries Act 2014* (Vic.) requiring me to attend to give evidence at the Royal Commission and to provide a written witness statement.

SCOPE OF STATEMENT

8. I make this statement in response to a request by the Royal Commission into Family Violence to provide information regarding matters the subject of the public hearing for Module 5 (Alcohol and Drugs). I understand that the Royal Commission in particular would like evidence about government policy and regulation of packaged liquor licences, including any information about what is known of the relationship between packaged liquor outlet density and volumes of violent crime, including family violence.

REGULATORY OVERVIEW

Licences, conditions and rights of objection

9. The licensing of persons to supply liquor in Victoria is governed by the *Liquor Control Reform Act 1998* (Vic.) (**Liquor Act**). Section 7 of the Liquor Act outlines the types of licence capable of being granted under the Act. Licences fall broadly into two categories, namely: (1) licences that permit the supply of alcohol for consumption only on particular licensed premises (e.g. an on-premises licence or club licence); and (2) licences that permit supply for consumption off the licensed premises (e.g. a packaged liquor licence or a general licence). In the case of a general licence, it permits the liquor to be supplied for consumption both on and off the premises. The types of licences granted under the Liquor Act are:
 - 9.1 general licence;
 - 9.2 on-premises licence;
 - 9.3 restaurant and cafe licence;
 - 9.4 club licence;
 - 9.5 packaged liquor licence;

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- 9.6 late night licence;
 - 9.7 pre-retail licence;
 - 9.8 wine and beer producer's licence;
 - 9.9 limited licence;
 - 9.10 major event licence; and
 - 9.11 BYO permit.
10. Sections 8 to 18B of the Liquor Act set out for each type of licence the authority that it grants and the conditions on which it is granted, including permitted hours of operation and other specific conditions. There are restrictions on granting certain types of licences in specific circumstances, set out in ss 22 to 26C.
 11. The VCGLR is the authority responsible for administering the licensing regime under the Liquor Act. It receives and determines applications for licences, it has an enforcement role alongside Victoria Police, and it works with the industry to establish standards and codes of practice.
 12. Divisions 4, 5 and 6 of Part 2 of the Liquor Act set out the processes for making, objecting to and determining applications for a licence and applications to vary or relocate an existing licence.
 13. In relation to objections, the Liquor Act provides rights of objection, of differing scope and purpose, to three categories of objector: members of the public, Victoria Police (Chief Commissioner of Police) and the council of the municipality in which the relevant premises are situated.
 14. Anyone may object to the grant, variation or relocation of a licence on the ground that it would detract from or be detrimental to the amenity of the area in which the premises are situated (ss 38(1) and 40(1); see also s 39(1)). Amenity is defined in the act as 'the quality that the area has of being pleasant and agreeable' (s 3A(1)). Subsection 3A(2) and s 3AA of the Liquor Act set out factors relevant to determining whether or not the amenity of an area would be affected by an existing or proposed licence (e.g. noise levels, traffic movement and density, evidence of violent behaviour, drunkenness or disorderly behaviour).

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15. Although local councils have the right to object to a licence on the grounds of adverse effect on local amenity (s 40(1)), it is important to observe that the use of premises to supply liquor is also in most cases a planning use subject to relevant planning legislation. This means that licensees or prospective licensees must also obtain planning permission from the relevant local council before the supply of liquor for sale in or from their premises will be lawful. It is also generally a condition of all licences that the licensee complies with the terms of the relevant planning scheme that applies to the premises (s 16). In practical terms, I understand that the VCGLR refrains from finally determining licence applications until applicants provide evidence that they have obtained a planning permit.
16. In addition to the ground of amenity as a basis for objection, amendments were made to the Liquor Act in 2002 to introduce a further ground for objection to the grant of a packaged liquor licence. From that time, anyone could object to the grant of a packaged liquor licence on the basis that it would be 'conducive to or encourage the misuse or abuse of alcohol' (ss 38(1A) and 40(1A); see also s 39(1)). These changes were introduced by the *Liquor Control Reform (Packaged Liquor Licences) Act 2002* (Vic.), which also introduced the provisions setting out factors relevant to amenity (to which I have referred at paragraph 14 above) and a mechanism for the creation of a packaged liquor code of conduct (to which I refer further at paragraphs 60 to 63 below).
17. Victoria Police has wide-ranging responsibilities under the Liquor Act. Aside from its function of enforcing criminal offences created by the Liquor Act, the Chief Commissioner of Police has a right to object to an application for a licence or to vary a licence 'on any ground he or she thinks fit' (s 39(1)). This includes objections based on the suitability of a particular person to hold or be involved in the management of a licence, as well as the amenity and misuse and abuse of alcohol grounds.

Packaged liquor licences

Current regulation

18. Section 11 of the Liquor Act defines the terms of a packaged liquor licence. It states that a packaged liquor licence permits the licensee to supply liquor on the licensed premises in sealed containers, bottles or cans for consumption off the licensed premises, subject to certain conditions including restrictions on trading hours, the activity permitted in the area where liquor is supplied, and compliance with a code of

conduct. An important condition for a packaged liquor licence is that the licensee must ensure that the predominant activity carried on in the area set aside as the licensed premises is the sale by retail of liquor for consumption off the licensed premises (see ss 11(3)(aa) and 24). This generally avoids the mixing of other products with packaged liquor and, for example, requires licensed supermarkets to have a dedicated area for the sale of liquor separate to the rest of the supermarket.

19. As at 30 June 2015, there were 2,007 active packaged liquor licences (including late night (packaged liquor) licences) in Victoria.
20. Other licence categories that permit a licensee to supply liquor for consumption off premises include general licences, club licences, wine and beer producer's licences and some limited licences.
21. The larger packaged liquor retailers in Victoria (such as, for example, Dan Murphy's and First Choice) typically hold a packaged liquor licence. However, many retailers operate under a general licence, for example hotels with adjoining bottle shops. There are currently nearly as many active general licences (1,991 – including late night (general) licences) that permit the supply of packaged liquor as there are active packaged liquor licences. It is likely that some general licensees supply liquor in higher volumes than some small packaged liquor licensees. Six Dan Murphy's stores operate under a general licence. This is because prior to passage of the *Liquor Control Reform Further Amendment Act 2011* (Vic.) a general licensee could supply packaged liquor for consumption off the licensed premises as the whole of the licensee's ordinary business.
22. As I have noted at paragraph 15 above, a person wishing to sell packaged liquor licence from premises requires approval from both the VCGLR and the relevant responsible local council. Clause 52.27 of the Victoria Planning Provisions (being the approved planning provisions under the *Planning and Environment Act 1987* (Vic.)) provides that a permit is required to use land to sell or consume liquor if a licence is required under the Liquor Act. The Planning Provisions set out a number of exceptions to this requirement and, prior to 2011, those exceptions included any premises the subject of a packaged liquor licence. In 2011, however, the Victorian Government decided to remove the planning exception for new packaged liquor outlets. The change to the Planning Provisions was gazetted on 8 April 2011, and as a consequence all packaged liquor licence applicants from that date have also required a planning permit.

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23. The application fee for a Victorian packaged liquor licence is currently \$441.20 and the base annual licence renewal fee (before any applicable risk fees are added) is \$1849.70.
24. Packaged liquor licences are unique in that, save for some general licences issued prior to 2011, no other licence category is subject to a code of conduct.

Historical developments

25. In 1983, a cap was introduced in Victoria that limited any single (or related) entity to holding no more than 8% of the total number of packaged liquor licences issued. The intent of the cap was to prevent market dominance by any one entity.
26. In 1997, as part of a review of all Victorian legislation required by the National Competition Policy, the Victorian Government sought a review of the existing liquor-related legislation, being the *Liquor Control Act 1987* (Vic.). The report on that review was completed in April 1998. A copy of the *Liquor Control Act 1987: Review – Final Report* (April 1998) is attached to this statement at **Attachment CC-1**.
27. The review was principally concerned with aspects of the existing legislation that might be anti-competitive. At page 6 of their report, however, the authors noted that the recommendations which they had proposed:

... would continue the transformation of the Act from one heavily concerned with industry protection and development to one concerned with mitigating the potential harm which can arise from the irresponsible sale and use of liquor.

28. They also reported, at page 7 of the report, that:

Following the implementation of the 1987 Act, there has been a significant increase in the number of licensed premises, and extended hours permits have been granted to many licensees. During this period, per capita consumption has declined slightly. The increased availability of liquor has not coincided with an increase in consumption.

29. The authors of the report recommended, among other things, the removal of the 8% cap on the number of general and packaged liquor licences that could be held by an individual or a corporation. This recommendation was ultimately implemented by the legislative changes described in paragraphs 30 to 32 below. Although the

authors of the report noted that removal of the cap could result in an increase in the amount of packaged liquor in the market, it was considered that this would lead to increased competition, a reduction in prices and an increase in consumer and business welfare (see page 36 of the report).

30. The 1998 review led to the enactment of the Liquor Act. The 8% cap rule in respect of packaged liquor licences was not lifted immediately, however, by the enactment of the Liquor Act.
31. In 1999, the National Competition Council concluded that the 8% cap was in breach of National Competition Policy. In 2000, the Victorian Government released its own further review report, entitled *Review of 8% limit on packaged liquor licence holdings (Attachment CC-2)*. The review examined the case for retaining the cap, and the main recommendation of this review was that the cap should not be removed until there was a mechanism in place to ensure diversity in the market place.
32. In 2002, the Victorian Government passed the *Liquor Control Reform (Packaged Liquor Licences) Act 2002* (Vic.), which relevantly:
 - 32.1 established the phasing out of the 8% cap (which was completed in January 2006); and
 - 32.2 introduced a power for the Minister to determine a code of conduct for packaged liquor licensees.
33. Between 30 June 2004 and 30 June 2015, the total number of packaged liquor licences in existence increased by approximately 26% (from 1,591 to 2,007 licences). During this same period, the number of general licences increased by 2% (from 1,956 to 1,991). Coles and Woolworths are estimated to have significantly increased their market share in that time. This increase in the number of packaged liquor licences includes the establishment of 'big box' liquor outlets, which are estimated to have grown from five in 1998 to over 70 in 2015.

Liquor Control Advisory Council

34. In terms of developing liquor-related policy and regulatory reform, an important body is the Liquor Control Advisory Council. The Council was established by s 5 of the Liquor Act to advise the relevant Minister on problems of alcohol abuse and any other matters referred to it by the Minister (s 5(1)). The current members of the Council are:

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- Ms Sarah Fregon (Chair), Victorian Bar Association
- Deputy Commissioner Jack Blayney, Victoria Police
- Mr Jos de Bruin, Master Grocers Australia
- Mr Patrick Donovan, Music Victoria
- Major Brad Halse, Salvation Army
- Dr Michael Livingston, Turning Point Alcohol and Drug Centre
- Ms Catherine Macneil, Coles
- Mr James Omond, Wine Victoria
- Mr Paddy O'Sullivan, Australian Hotels Association (Victoria)
- Ms Jerril Rechter, VicHealth
- Mr John Rogerson, Australian Drug Foundation
- Mr Shane Tremble, Woolworths Liquor Group
- Mr Hugh van Cuylenburg, Step Back Think

35. The Council provides advice on matters referred to it by the Minister and, on its own motion, other matters falling within its terms of reference, which include providing advice on:

- 35.1 emerging community and industry concerns relating to alcohol-related harm and the development of a vibrant and responsible liquor industry in Victoria;
- 35.2 the formulation and implementation of policies and regulation to support the objects of the Act and progress the government's liquor-related commitments; and
- 35.3 research priorities to support the robust evaluation of policies and collection of data to underpin evidence-based policy development.

36. The Office is responsible for the administrative management of the Council, including the coordination of members to undertake action items arising from meetings of the Council. **Attachment CC-3** is a copy of the current terms of reference for the Council.

Harm minimisation

37. The objects of the Liquor Act are stated in s 4 to be:
- (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.*
38. The objects of the Liquor Act seek to achieve a balance between the aim of facilitating diversity in the range of licensed venues in the community (which is to reflect community expectations) and the aim of minimising the problems arising from the availability of alcohol, in particular the misuse and abuse of it.
39. Over the last 10 years, the Victorian Government has introduced a number of legislative and regulatory measures to address the harms arising from the misuse and abuse of alcohol. Some examples of these measures are as follows.
40. In 2008, the Victorian Government initiated a 'freeze' of new late night licences in certain problematic local government areas. This policy placed a 'freeze' on the issuing of any new licences with trading hours beyond 1.00 am in the local government areas of Melbourne, Port Phillip, Yarra and Stonnington (save for exceptional circumstances). The purpose of the freeze policy was to address in those areas the growing evidence of a correlation between anti-social behaviour, particularly late at night, and the availability of alcohol.

41. In 2009, the *Liquor Control Reform Amendment (Licensing) Act 2009* (Vic.) made several amendments to the Liquor Act to strengthen its harm minimisation objects. These amendments included:
- 41.1 the addition of s 4(a)(iv) to the objects provision, to reflect the need for regulatory actions to encourage a culture of responsible drinking of alcohol;
 - 41.2 the addition of s 4(2), which now provides:
 - (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.*
 - 41.3 the creation of new late night categories of licence, to enhance control over late night trading (after 11.00 pm); and
 - 41.4 the creation of a new risk-based structure for licence fees, which made the amount of licence fees variable depending on the type of licence, the risks posed by the licence (due to, for instance, the size of a venue and whether it permits late night trading) and the previous conduct and history of a licensee (e.g. fees increase where a licensee has previously breached their licence).
42. The Victorian Government's alcohol action plan published in 2012, *Reducing the alcohol and drug toll: Victoria's plan 2013-2017* (**Attachment CC-4**), contained a number of harm minimisation strategies, which have now been implemented. These include:
- 42.1 The establishment of a demerit points system for licences. Under this system, licensees receive demerit points for non-compliance incidents, which includes supplying liquor to intoxicated patrons or supplying liquor to persons who are underage. The accrual of demerit points leads to suspensions of 24-hour, 7-day and 28-day periods, and a licensee's total number of demerit points at any one time is published on the Demerit Points Register on the VCGLR website. Further information is contained in the VCGLR's demerit points fact sheet (**Attachment CC-5**).
 - 42.2 The enactment of legislative provisions to confer powers on licensees and police to issue barring orders to prevent problematic individuals from

gaining entry to licensed venues. Further information as to the available barring powers is provided by the VCGLR in its barring powers fact sheet (**Attachment CC-6**).

- 42.3 The provision of a planning control power to local councils in respect of packaged liquor outlets. As stated at paragraph 22 above, prior to 2011 packaged liquor venues were exempt from the Planning Provisions such that planning permission from the local council for new premises was not required.
- 42.4 The establishment of a system for collecting wholesale alcohol sales data, to inform government of the volume and type of alcohol consumption at both a State and municipal level.
- 43. The collection of wholesale sales data has now been implemented by the *Gambling and Liquor Legislation Further Amendment Act 2014* (Vic.). It requires wholesalers of alcohol (being holders of the following types of licences: wine and beer producer's licence, pre-retail licence or renewable limited licence) to keep records and report to the regulator on the volume of alcohol it has supplied to other licensees, the wholesale dollar value of the alcohol and the type of alcohol.

EVIDENCE OF RELATIONSHIP BETWEEN ALCOHOL AVAILABILITY AND HARM

- 44. The packaged liquor market is the largest liquor industry sector, reportedly accounting for over three quarters of all alcohol sold in Australia (see *The social harms associated with the sale and supply of packaged liquor in Victoria*, VicHealth, 2013 (at page 8)) (**Attachment CC-7**). In Victoria, packaged liquor licences represent less than 10% of the total number of licences issued, but they account for the majority of the volume of alcohol sold. It was reported in 2000 that Victoria had more liquor stores per capita than New South Wales, South Australia or Western Australia (see *Review of 8% limit on packaged liquor licence holdings*, Victorian Government Office of Regulation Reform, 2000 (at page v)).
- 45. There is a growing body of research about the relationship between alcohol-related harms, including violence, in particular geographical areas and the density of licensed premises in those areas. Key examples of this research include:
 - 45.1 Dr Michael Livingston conducted research based on data from 186 postcodes of Melbourne between 1996 and 2005 and found an association between family violence and the density of general, on-premises and

packaged liquor licences in an area (see Michael Livingston, “A longitudinal analysis of alcohol outlet density and domestic violence” (2011) 106 *Addiction* 919–925) (**Attachment CC-8**). In Melbourne, the relationship between the density of packaged liquor outlets and family violence was the strongest (compared with general and on-premises licences). Dr Livingston’s study utilised Victoria Police data of recorded crime and liquor licensing records for each of the 186 postcodes.

- 45.2 Dr Livingston has also conducted research utilising hospital admission data for assaults and for alcohol use disorders over a 14-year period (see Michael Livingston (2011) 30 *Drug and Alcohol Review* 515-523) (**Attachment CC-9**). The research considered the relationship of the hospital data with the density of three types of outlets: hotels and other on-premises licences and packaged liquor licences. It revealed some correlation, albeit relatively small, between packaged liquor licences and rates of assault related hospital admissions. However, packaged liquor outlets are correlated to both acute and chronic alcohol-related harm.
- 45.3 In Western Australia, recent research has found an association between ‘off-site’ (off-premises) outlets and assaults (see William Gilmore et al, *Off-site outlets and alcohol-related harm* (National Drug Law Enforcement Research Fund, 2015) (**Attachment CC-10**). The authors modelled assault data from police on a local government area basis, assessing the relation between rates of violence, alcohol sales and numbers of outlets. The study found significant associations between assaults and the volume of off-premises outlet alcohol sales within a region, such that the volume of sales was considered an important predictor of assault. The study also modelled a similar relationship in Queensland.
- 45.4 In 2010, the Office commissioned VicHealth, with funding from the Victorian Law Enforcement Drug Fund, to review on a State-wide basis the level of packaged liquor supply, community perceptions about the risks arising from packaged liquor outlets, and the short-term harms associated with them (see **Attachment CC-7**). The report showed that over half of those who purchased packaged liquor consume alcohol at levels that put them at risk of an alcohol-related injury on a single occasion at least once a year. However, secondary data analysis of population-level health surveys

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showed that short-term alcohol-related harms were more strongly associated with on-premises trade than packaged liquor trade.

POLICY DEVELOPMENT IN RELATION TO HARM REDUCTION STRATEGIES

46. The Victorian Government has recently determined to conduct a review of the Liquor Act. The Minister for Consumer Affairs, Gaming and Liquor Regulation has been tasked to review the Act, with the aim of assessing the current balance between Victoria's vibrant nightlife culture and the need to reduce alcohol-related harm, particularly alcohol-fuelled street violence and family violence. The review is to consider all relevant regulatory aspects, namely planning, licensing and enforcement regimes.
47. The Liquor Control Advisory Council will contribute to this review by providing advice to the Minister on potential policy responses and initiatives. In that regard, there are four relevant working groups of the Council:
 - 47.1 Targeted Harm Reduction Strategies Working Group;
 - 47.2 Alcohol Advertising Working Group (of which I am the current chair);
 - 47.3 Freeze on Late-Night Licences Working Group; and
 - 47.4 Packaged Liquor Code of Conduct Working Group.

Harm reduction strategies

48. As part of the review of the Liquor Act, the Targeted Harm Reduction Strategies Working Group of the Council is currently considering a range of alcohol-related harm reduction strategies that could be trialled in Victoria. Its terms of reference are attached to this statement at **Attachment CC-11**.
49. Various harm reduction strategies have been trialled in parts of Australia and overseas, such as reducing alcohol outlet opening hours, restricting venue capacity and crowding, reducing alcohol outlet density, increasing the price of alcohol, increasing the minimum legal age for purchasing alcohol and restricting alcohol advertising and promotions. Many of these strategies were considered in a recent report written by Associate Professor Peter Miller and others *Interventions for reducing alcohol supply, alcohol demand and alcohol-related harm* (National Drug Law Enforcement Research Fund, 2015) (**Attachment CC-12**).

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50. In order to inform and advise government, the Targeted Harm Reduction Strategies Working Group is currently considering both the evidence base from harm minimisation trials that have been undertaken in other jurisdictions and the research undertaken into correlations between alcohol density and violence and disorder. Informed by that process, the Working Group is asked to:
- 50.1 identify and recommend specific policy initiatives suitable for trial in Victoria;
 - 50.2 develop criteria for nominating high-risk areas (for example, areas with high rates of violence or disorder, or high rates of alcohol-related ambulance admissions); and
 - 50.3 select from high-risk areas those areas suitable for conducting the trials.
51. The Working Group intends to complete this process and report to the Minister by the end of this year.

Alcohol advertising and promotions

52. Section 115A of the Liquor Act empowers the VCGLR to ban advertising or promotions by licensees that it considers is likely to encourage irresponsible consumption of alcohol or is otherwise not in the public interest.
53. To assist licensees to engage in appropriate advertising and promotions, the VCGLR has published the *Guidelines for Responsible Liquor Advertising and Promotions (Attachment CC-13)*. These Guidelines outline 16 principles underpinning good practice and provide examples for each principle of what is considered to be an unacceptable practice.
54. Recent research indicates a range of problematic associations between alcohol advertising and harmful consumption (see, for example, Alcohol Policy Coalition *Five steps to a safer, healthier Victoria* (2014) (**Attachment CC-14**) and Australian Medical Association *Alcohol and young people: Time for new policy agenda* (2012) (**Attachment CC-15**)). For example:
- 54.1 the targeting of advertising and promotions towards more vulnerable groups in the community (such as young people) may be leading to increased consumption by those groups;

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54.2 saturation alcohol advertising, in particular where connected with sport, is normalising a harmful consumption of alcohol culture; and

54.3 lower prices through promotions are resulting in increased consumption.

55. As a consequence, the Alcohol Advertising Working Group of the Council is currently reviewing this research and the regulatory measures adopted in relation to advertising in Australia and overseas, with a view to identifying any legislative or other changes that might be adopted in Victoria. The Working Group's terms of reference are at **Attachment CC-16**.

56. The Working Group expects to complete this review by the end of this year.

Freeze on Late-Night Licences

57. The 2008 freeze policy initiative was scheduled to expire on 30 June 2015. As a result, the Victorian Government, with advice from the Freeze on Late-Night Licences Working Group, has throughout 2014 and early 2015 considered the options to renew, vary or cease the existing policy.

58. As a result of the review, the Government has recently determined to extend the freeze until 30 June 2019 in the existing local government areas in which it applies (Melbourne, Port Phillip, Yarra and Stonnington), and to strengthen the basis for the making of exceptions to it (which in part involves better distinguishing between temporary, one-off variations to trading hours (e.g. for special events) and new applications for permanent licences).

59. A copy of the Government's relevant Decision Making Guidelines (as gazetted) are attached at **Attachment CC-17**.

Packaged Liquor Code of Conduct

60. Packaged liquor licensees are bound by a Packaged Liquor Code of Conduct, determined by the responsible Minister under s 11 of the Liquor Act. The Code of Conduct aims to establish best practice requirements for packaged liquor licensees in the conduct of their businesses. It deals with matters such as signage requirements, marketing and promotional restrictions, minors on premises, responsible service of alcohol training requirements and unfair market practices. A copy of the current Code of Conduct is at **Attachment CC-18**.

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61. The Code of Conduct was first established in December 2011. It is a requirement that it be reviewed every two years. As a result, the Minister has requested that the Liquor Control Advisory Council conduct a review of the Code, in order to examine its performance and effectiveness.
62. A review is underway by the Packaged Liquor Code of Conduct Working Group of the Council. It is currently examining the evidence as to whether the Code has contributed to responsible practices, including whether it is assisting to reduce harm. In particular, the terms of reference for the Working Group require it to consider whether the Code is contributing to the responsible provision of alcohol (including alcohol supplied online or by home delivery) and the reduction of alcohol-related harm in relation to young people and family violence. A copy of the Working Group's terms of reference are at **Attachment CC-19**.
63. The Working Group expects to complete its review by the end of this year.

Signed by **Catherine Mary Carr**

at Melbourne

this 13th day of July 2015

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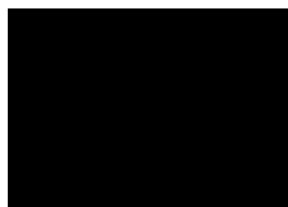
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CATHERINE MARY CARR

Before me



An Australian legal practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)