



Minister for Liquor and Gaming Regulation

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Mr David Morris MP
Chair, Public Accounts and Estimates Committee
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Dear Mr Morris

Questions on notice arising from the Public Accounts and Estimates Committee (PAEC) hearing for the Liquor and Gaming portfolio

During the PAEC Liquor and Gaming hearing on 13 May 2013, there were two questions that I took on notice as follows:

How many barring orders have been issued since the power was introduced?

Have there been any cases of a barring order or orders being issued against a member of Victoria Police?

I have enclosed a written response in relation to these issues.

Yours sincerely

Edward O'Donohue MLC

**ATTACHMENT: QUESTIONS TAKEN ON NOTICE AND
 FURTHER INFORMATION AGREED TO
 BE SUPPLIED AT THE HEARINGS**

LIQUOR AND GAMING REGULATION PORTFOLIO

1. Regarding barring orders issued by licensees and permittees:
 - a. how many barring orders have been issued since the power was introduced; and
 - b. have there been any cases of a barring order or orders being issued against a member of Victoria Police?

(Page 12 of the Liquor and Gaming Regulation portfolio transcript)

This Government introduced the barring order powers to strengthen the ability of licensees and police officers to manage and deter anti-social behaviour by patrons at licensed premises.

Under the *Liquor Control Reform Act 1998*, a licensee, permittee, responsible person or member of Victoria Police may bar a person from entering or remaining on licensed premises for a specified period if —

- (a) the person is drunk, violent or quarrelsome in the licensed premises; or
- (b) the licensee, permittee, responsible person or member of Victoria Police reasonably believes that the safety of the person, or any other person in the licensed premises, is at substantial or immediate risk as a result of the consumption of alcohol by the person.

Barring orders provide a local solution to local problems by empowering licensees to better manage patrons at their venues. Licensees are responsible for maintaining a record of patrons who have been barred from their premises and the duration of each order. These records are required to be produced by the licensee for inspection on request by a member of Victoria Police or a gambling and liquor inspector from the Victorian Commission for Gambling and Liquor Regulation (the Commission).

Licensees are not required to report barring orders to the Commission. Consequently, the Commission does not keep a record of the number of barring orders issued.

A person who has been served a barring order can request that the barring order be changed or cancelled by the person who served it to them. They can also make a request to the Commission to change or cancel the barring order.

I am advised that there has been a barring order against a member of Victoria Police that did not meet the criteria. In January 2012, the former Director of Liquor Licensing cancelled this barring order as it was determined that the officer was on the licensed premises conducting an inspection in the course of his duties as a member of Victoria Police and was not drunk, violent or quarrelsome. I am not aware of any other barring orders issued against a member of Victoria Police.