

# Removal of demerit points

**This kit contains the form and related material required to apply for the removal of demerit points**

## Items

1. Application form - removal of demerit points
2. 'Removal of demerit points' fact sheet

## Need help?

For more information on how to apply for a liquor or gambling licence or permit:

- visit the Victorian Commission for Gambling and Liquor Regulation (VCGLR) website at [vcglr.vic.gov.au](http://vcglr.vic.gov.au)
- telephone the VCGLR on 1300 182 457
- email the VCGLR at [contact@vcglr.vic.gov.au](mailto:contact@vcglr.vic.gov.au)



Application

# Removal of demerit points

Liquor Control Reform Act 1998

**OFFICE USE ONLY**

Date Rec'd        /        /

File No. \_\_\_\_\_

### Licence/permit details

Licence or permit number        ACN (if applicable)

Name of current licensee/permittee

Name of previous licensee/permittee

Date licence transfer granted        /        /

Number of demerit points seeking to have removed

### Evidence in support of application

Before removing a demerit point, the Commission must be satisfied that sufficient measures have been taken to improve compliance with liquor laws.

Are you providing any written evidence?

**YES**  Please attach any written evidence

**NO**

Please list the written evidence provided.

### Contact details

Business hours contact details for you/your representative

Contact name

Daytime telephone number        Fax number

Postal address

Email

### Premises details

Name and address of licensed premises

### Signature/declaration

I declare/certify that:

- the information contained in this application, including attachments and written evidence, is true and correct
- if a body corporate applicant, I am authorised to sign this application on behalf of the body corporate

It is an offence under section 118 of the *Liquor Control Reform Act 1998* (the Act) to make a statement that is false or misleading in relation to this application. An offence under section 118 of the Act carries a maximum penalty of 60 penalty units.

## How to lodge this application and accompanying documents

### By post to:

Victorian Commission for Gambling and Liquor Regulation  
GPO Box 1988, Melbourne VIC 3001

### In person to:

Victorian Commission for Gambling and Liquor Regulation  
Level 3, 12 Shelley Street Elizabeth Street, Richmond

### By email:

[contact@vcglr.vic.gov.au](mailto:contact@vcglr.vic.gov.au)

## What happens next

You will be sent a letter that confirms we have received your application and outlines any further information required. Once we have received all the required information and documents, your application will be determined. You will be advised of the outcome in writing.





## Victorian Commission for Gambling and Liquor Regulation

### Liquor Licensing Fact Sheet

# Removal of demerit points by a new licensee/permittee

Demerit points are automatically removed from a licence upon the transfer of a licence where no relevant relationship exists between the transferee and transferor. Where a relevant relationship does exist, the transferee may apply to the Victorian Commission for Gambling and Liquor Regulation to remove the demerit points from the licence.

## Who can apply?

Under the *Liquor Control Reform Act 1998* (the Act) it is not possible for a current licensee, whose premises has incurred a demerit point(s), to apply to the Commission to have the demerit point(s) removed.

An application to remove any demerit points can only be made when a transfer occurs where a relevant relationship exists between the transferee and transferor, as otherwise the demerit points are removed automatically. There is no fee for this application.

## The process

Under the Act, the Commission must not remove any demerit points if there is a relevant relationship between transferee and transferor unless it is satisfied that the new licensee or permittee has taken sufficient measures to improve compliance in accordance with the requirements of the Act.

The licensee or permittee is required to submit an application to the Commission, providing adequate evidence to satisfy the Commission that sufficient actions have been taken to improve compliance at the premises.

Factors the Commission may consider, include, but are not limited to:

- written evidence that the new licensee or permittee has taken sufficient steps to improve compliance with liquor laws.

In addition, the Commission may consider any other factors it deems relevant in determining the application.

## The application

If you want to apply to have demerit points removed from your licence, you must complete the 'Removal of demerit points' application form. It is also suggested that you provide supporting materials.

The nature of the materials to be provided to the Commission is up to the applicant, however, it is suggested that the applicant consider providing:

- a current management plan and information about how the new licensee or permittee has improved management
- evidence of changes made to the premises to improve patron safety and improve compliance
- evidence of recent staff training (for example RSA training or new entrant training).

## The decision

All applications will be assessed by a Commissioner. The Commissioner's decision and reasons will be provided to the applicant as well as being published at [vcglr.vic.gov.au](http://vcglr.vic.gov.au).

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Government.