



Royal Commission into Aboriginal Deaths in Custody Recommendation

59. Policing provisions of liquor licensing laws

That Police Services use every endeavour to police the provisions of Licensing Acts which make it an offence to serve intoxicated persons.¹

Background²	The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) identified systemic concerns regarding the relationship between licensed premises and police in regional and remote communities. In smaller towns, frequent interactions between police and hotel staff, particularly in response to alcohol-related incidents, often resulted in perceived alliances between publicans and law enforcement. This perception was reinforced by a pattern of police inaction in response to hotels serving alcohol to already intoxicated Aboriginal patrons, despite this constituting an offence. The Commission noted that these practices contributed to community grievances, particularly regarding the unequal enforcement of liquor laws and the perception that publicans benefited economically while avoiding accountability.
Intent	That police fairly and consistently enforce laws that make it an offence to service a person who is intoxicated.
Responsibility	The Commonwealth and all state and territory governments.
Key contacts	Victoria Police; Liquor Control Victoria, Department of Justice and Community Safety.

Key action taken

2005 Review³	<p>Victoria Police assessed Recommendation 59 as fully implemented and advised that it was an offence to serve intoxicated persons on licensed premises. Offences were regularly detected, and offenders were charged.</p> <p>In 2004 amendments were made to the <i>Liquor Control Reform Act 1998</i> to help address underage drinking and to enhance the enforcement powers of Victoria Police. The penalty for supplying liquor to an intoxicated person increased to 60 penalty units. It was also an offence to procure or aid and abet a person to obtain liquor which carried penalties of 20 penalty units. Liquor Licensing advised that, out of approximately 6,000 infringement notices issued annually across Victoria, only a small number were issued to licensees for the offence of serving alcohol to intoxicated persons.</p>
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¹ Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 2, 180 ('RCIADIC').

² Ibid vol 2, 179-180 [12.3.8].

³ Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 1, 249 ('2005 Review').

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	<p>Review Team</p> <p>The Review Team noted the different levels of enforcement activity reported by Victoria Police and Liquor Licensing respectively.</p>
<p>2018 Review⁴</p>	<p>Deloitte concluded that Recommendation 59 was partially implemented in Victoria through a ‘demerit points’ scheme introduced under the <i>Liquor Control Reform Act 1998</i> (Vic).</p>
<p>Since then</p>	<p>Victorian Auditor General’s Office⁵</p> <p>A 2017 Victorian Auditor-General’s audit found that the Victorian Commission for Gambling and Liquor Regulation (VCGLR) was not adequately monitoring compliance with liquor laws, with compliance activities lacking a risk-based focus. While information sharing with Victoria Police was effective, a joint enforcement strategy was recommended to improve coordination. VCGLR piloted intelligence-led inspections and refocused its risk and intelligence functions, producing reports and mapping tools to better target high-risk venues. A 2019 follow-up audit confirmed that VCGLR had implemented improvements and strengthened its approach.</p> <p>Guidelines published by the Commission were reviewed in consultation with Victoria Police, and the then Department of Justice and Regulation. Revised guidelines were published on the VCGLR website.</p> <p>The Victorian Liquor Commission⁶</p> <p>The Victorian Liquor Commission delivers licensing, investigative, disciplinary and other regulatory functions under the <i>Liquor Control Reform Act 1998</i> and regulations relating to the supply and consumption of liquor in Victoria.</p> <p>Since July 2022, it has been responsible for the regulation of liquor. The Victorian Liquor Commission together with staff from the Department of Justice and Community Safety that support its functions are called Liquor Control Victoria (LCV).</p> <p>Liquor Control Victoria⁷</p> <p>Divisions of LCV cover licensing, compliance and enforcement, and legal, policy and harm minimisation. LCV inspectors check licensed venues in Victoria to ensure licensees follow their liquor licence conditions and rules in the <i>Liquor Control Reform Act 1998</i>. Inspections may occur at any time, 24-hours a day, 7 days a week. Inspectors issue fines when a licensee or a staff member breaks the liquor law.</p> <p>LCV inspectors have the power to:</p> <ul style="list-style-type: none"> • enter and inspect licensed venues or stores

⁴ Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 120-121 ('2018 Review').

⁵ Victorian Auditor-General's Office, *Regulating Gambling and Liquor* (Report, February 2017) ('Regulating Gambling and Liquor').

⁶ Victorian Government, 'The Victorian Liquor Commission', *Vic.gov.au* (Web Page, April 2025) <<https://www.vic.gov.au/liquor-regulation-victoria>> ('The Victorian Liquor Commission').

⁷ Liquor Control Victoria, 'Refusing Entry to a Licensed Premises' (Media Release 7 February 2024) <<https://www.vic.gov.au/refusing-entry-licensed-premises>>; Liquor Control Victoria, 'Powers of Liquor Control Victoria's Inspectors', *Vic.gov.au* (Web Page, April 2025) <<https://www.vic.gov.au/powers-lcv-inspectors>> ('Powers of LCV's Inspectors'); Gaming and Liquor Integrity Regulation and Legal Services, 'Response to Aboriginal Justice Caucus Request for Liquor Control Victoria Information'.

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- request that licensees and their staff answer questions and provide information, documents, records and equipment
- seize items as evidence
- request proof of age and seize liquor from a minor
- issue infringement notices
- enter a private home if they have a search warrant, or if the home is situated on the licensed premises and the inspector has prior consent from the licensee to enter.

LCV operates in conjunction with Victoria Police, allowing the police to focus on the most serious examples of breaking liquor laws and areas where known issues of violence and antisocial behaviour have occurred. LCV inspectors work in partnership with Victoria Police and have similar powers to enforce liquor laws.

LCV and Victoria Police both assessed Recommendation 59 as **fully implemented** in 2023.

Victoria Police⁸

Enforcement is carried out by the State Liquor Unit, Local Area Commanders (Licensing Inspectors), Police Service Area licensing portfolio holders and divisional licensing units.

Introduced in 2013, the Victoria Police Manual Guidelines (VPMG) Policing Licensed Premises articulate the role of Victoria Police, which is to monitor and enforce the requirements of the *Liquor Control Reform Act 1998* by ensuring licensees operate within the law. These guidelines provide a framework for policing licensed premises with the aim of reducing alcohol related violence and public disorder associated with licensed premises in Victoria. To be successful, the framework requires collaborative partnerships between government agencies, licensed premises and Police Service Areas.

Divisional licensing units

In the high-risk Police Service Areas of Geelong, Melbourne, Prahran and Yarra, divisional licensing units have been formed. All these units, as well as the State Liquor Unit, perform specialist enforcement activities within licensed premises to identify the service of liquor to intoxicated persons

State Liquor Unit

This unit has operated since 2008 with the aim of providing:

...an intelligence driven specialist response to reduce alcohol related violence and disorder associated with licensed premises through partnerships, early intervention and enforcement of liquor licensing and related provisions.

The State Liquor Unit targets the operation and management of licensed premises through overt and covert policing techniques. It analyses intelligence to identify venues linked to alcohol-related harm and prioritizes enforcement accordingly. Small teams conduct general and targeted operations under the *Liquor Control Reform Act* and *Private Security Act*, covertly monitoring venues to detect high-risk behaviour and unsafe practices, which then guide enforcement actions.

⁸ Victoria Police, *Victoria Police Manual - Policy Rules - Professional and Ethical Standards* (Internal Policy, rev ed, January 2024, ('VPM - Professional and Ethical Standards').

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Evidence of impact

Authorising documents

Liquor Control Reform Act 1998 (Vic)⁹

The purpose of this Act is to reform the law relating to the supply and consumption of liquor. Under Section 108(4) it is an offence for the holder of a liquor licence or permit to serve a person who is intoxicated:

A licensee or permittee— (a) must not supply liquor to a person who is in a state of intoxication; (b) must not permit drunken or disorderly persons to be on the licensed premises or on any authorised premises. Penalty: 120 penalty units.

Section 109C outlines that the same penalties apply for delivering liquor to people who are intoxicated:

A person must not knowingly deliver liquor to a person who made an off-premises request if that person is intoxicated or in respect of whom there is a substantial risk of intoxication. Penalty: 120 penalty units.

Victoria Police Manual Guidelines – Policing Licensed Premises¹⁰

The role of Victoria Police is to monitor and enforce the requirements of the *Liquor Control Reform Act 1998 (Vic)* by ensuring the licensees operate within the law.

The policing of licensed premises occurs at a local level under the direction of the Local Area Commander, who is also the Licensing Inspector for the purposes of the Act. Victoria Police have a range of enforcement options:

Victoria Police can enforce breaches to liquor licensing laws through verbal and written warnings, the issue of infringement notices and undertaking prosecutions at the Magistrates Court.

Outputs

Structural and procedural reforms support enforcement of liquor laws. Victoria Police undertake enforcement through the State Liquor Unit, divisional licensing units and local licensing inspectors. The Victoria Police Manual Guidelines – Policing Licensed Premises were introduced to provide a clear framework for reducing alcohol-related harm through intelligence-led, covert, and overt enforcement.

The VCGLR strengthened its compliance approach through piloting intelligence-led inspections, refocusing its risk and intelligence unit and producing monthly risk reports. These were supported by mapping tools and the use of police and ambulance data to better identify and monitor high-risk venues.

In 2022 a new offence was added to the *Liquor Control Reform Act 1998* making it unlawful to deliver alcohol to an intoxicated person.

⁹ *Liquor Control Reform Act 1998 (Vic)* ('*Liquor Control Reform Act*').

¹⁰ Victoria Police, *Victoria Police Manual Guidelines - Policing Licensed Premises* (Victoria Police Manual, November 2013) ('VPMG - Policing Licensed Premises').

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<p>Outcomes</p>	<p>Victorian Auditor General’s Office¹¹</p> <p>In 2017, the Victorian Auditor-General tabled the Regulating Gambling and Liquor audit report in the Victorian Parliament. The audit examined the actions of the Victorian Commission for Gambling and Liquor Regulation (the independent statutory authority that regulated Victoria's gambling and liquor industries at the time), Victoria Police and the former Department of Justice and Regulation.</p> <p>The audit found that VCGLR was not adequately monitoring compliance with liquor legislation. Compliance activities were not sufficiently risk-based and failed to target inspections to areas of high risk or high potential for harm. The audit noted VCGLR had formal and informal relationships with Victoria Police that led to effective information sharing, however there was a need for VCGLR and Victoria Police to develop a joint enforcement strategy to better coordinate enforcement activities.</p> <p>The audit noted the VCGLR’s 2015 Intoxication Pilot Program which used intelligence to target licensed venues suspected of serving intoxicated patrons for covert inspections. The results showed that although venues appeared to be well targeted, inspectors were sometimes hampered in making covert observations by the need to identify themselves to gain entry to some venues, or by being recognised by venue staff.</p> <p>At the beginning of 2016, VCGLR refocused its risk and intelligence unit. It began to collect intelligence and produce a range of reports on issues and risks in the community that could be used to inform the targeting of compliance activities, including monthly risk reports to the director of compliance. These reports were supported by data from past compliance activities and data from Victoria Police.</p> <p>VCGLR took other actions to review and improve its practices, making them more risk based, including producing a range of maps that:</p> <ul style="list-style-type: none"> • identify venues and high-risk venues not inspected within 12 months, recent licence transfers and recidivism of licensees • show data from Victoria Police and Ambulance Victoria on assaults and ambulance callouts mapped against the location of licensed venues. <p>A follow up audit (tabled in Parliament in 2019) focused on whether the VCGLR had implemented the 13 recommendations made in the 2017 audit. It found that the VCGLR had reviewed and improved its compliance activities.</p> <p>Actions taken have focused on general harm reduction and venue compliance. Community perspectives on whether these enforcement activities ensure greater accountability of liquor licenses, particularly in regional areas with relatively large Aboriginal populations, could not be found.</p>
<p>Community views</p>	<p>None identified.</p>

¹¹ *Regulating Gambling and Liquor.*

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Related recommendations

Victorian Auditor-General's Office 2017¹²

Recommendation 13

That the Victorian Commission for Gambling and Liquor Regulation and Victoria Police develop a comprehensive collaborative enforcement strategy to more efficiently and effectively target harms associated with licensed premises.

2005 Review¹³

Recommendation 22

That the Department of Justice (Liquor Licensing) investigate the serving of intoxicated persons, the apparent disparity between levels of enforcement across Victoria and provide a report to the Aboriginal Justice Forum.

That the Victorian Government continue to implement and monitor recommendations 59, 63, 272-274, 276-278 through any monitoring process established as a result of this Review.

Assessment summary¹⁴

The intent of Recommendation 59 was to ensure police enforce laws that make it an offence to serve alcohol to intoxicated persons to ensure publicans are accountable for their actions.

Actions taken align with the intent of Recommendation 59. Under the *Liquor Control Reform Act 1998* (Vic) it is an offence for the holder of a liquor licence or permit to serve a person who is intoxicated. In 2022, it also became an offence to deliver liquor to a person who is intoxicated.

Liquor Control Victoria inspectors work in partnership with Victoria Police and have similar powers to enforce liquor laws. They monitor and enforce the requirements of this Act by ensuring that licensees operate within the law. Police enforcement activities are undertaken by the State Liquor Unit, divisional licensing teams in high-risk areas, and local licensing inspectors through covert and overt surveillance.

There is evidence that the general enforcement of liquor licensing laws has improved in Victoria, but little information about the impacts on Aboriginal communities, particularly in terms of harm reduction or licensee accountability.

Recommendation 59 remains relevant given our concerns about racism, and lack of accountability for harm caused to our people and communities. Further implementation might reduce some of this harm if enforcement focuses on the accountability of licensees rather than penalising patrons.

¹² Victorian Auditor-General's Office, 'Annual Report 2017-18', *Victorian Government audit* (Web Page 2018) <<https://www.audit.vic.gov.au/report/annual-report-2017-18>> ('Annual Report 2017-18').

¹³ *2005 Review*, vol 1, 53, 72.

¹⁴ Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 14 July 2023) ('*Working Group Meeting (14 July 2023)*'); Meeting with Aboriginal Justice Caucus (Project Team, In Person, 16 August 2023) ('*Aboriginal Justice Caucus Meeting (16 August 2023)*').

Assessment of Recommendation 59

Is the intent of the recommendation accurately described?

Yes No

Does the action taken align with the intent of the recommendation?

0 – No action taken

1 – Action taken is of little relevance to the intent of the recommendation

2 – Action taken partially aligns with the intent of the recommendation

3 – Action taken fully aligns with the intent of the recommendation

3

(Score out of 3)

Is there evidence of the desired impact or outcome/s?

0 – No evidence

1 – Evidence of output rather than outcome

2 – Some evidence action contributed to outcome/s

3 – Clear link between action and impact or outcome/s

2

(Score out of 3)

How relevant is the recommendation in the current context?

0 – No relevance – refers to practices, agencies or laws that no longer exist

1 – Low – some relevance, but most aspects of the recommendation no longer apply

2 – Moderate – remains relevant, but some aspects of recommendation no longer apply

3 – High – entirely relevant to current context

3

(Score out of 3)

Does full implementation have the potential to reduce incarceration, increase safety in custody and/or progress Aboriginal self-determination?

0 – No potential to improve Aboriginal justice outcomes

1 – Low – potential to improve Aboriginal justice outcomes, but none of the three identified

2 – Moderate – potential to progress one or two of the outcomes identified

3 – High – potential to reduce incarceration AND increase safety in custody AND self-determination

1

(Score out of 3)

Potential actions for further work

None identified.

Low priority for further work

Relevance and potential impact

		Low (0-2)	Moderate (3-4)	High (5-6)
Extent of action taken and evidence of outcomes	High (5-6)		Rec 59	
	Moderate (3-4)			
	Low (0-2)			

Bibliography

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