

**NOTICE UNDER SECTION 92A(1)(b) OF THE LIQUOR CONTROL REFORM ACT 1998**

1. Pursuant to section 91 of the *Liquor Control Reform Act 1998* (**LCR Act**), the Victorian Liquor Commission (**Commission**) proposes to conduct an inquiry into whether there are grounds to take disciplinary action against Ryans Family Hotel Pty Ltd (**Licensee**), holder of late night (general) licence no. 31914888 (**the Licence**).
2. Persons whose commercial or financial interests may be detrimentally affected by the inquiry may make a submission to the Commission.

**Summary**

3. Victoria Police have alleged that the Licensee has supplied liquor contrary to the terms of its licence, being found guilty before the Courts for contravening the LCR Act, paid infringement penalties for LCR Act offences, and caused detriment to amenity.
4. A director, and a manager of the Licensee, have also been alleged by Victoria Police as being unsuitable to be involved in operating a licensed premises based on:
  - 4.1. alleged failure to exercise sufficient management and control over the Premises to ensure that the conditions of the licence and provisions of the LCR Act were complied with;
  - 4.2. alleged failure to exercise sufficient management and control over the Premises to ensure that the business was not conducted in a manner that detracts from and is detrimental to the amenity of the area in which the Premises is situated; and
  - 4.3. prior findings of unsuitability by the Commission.

**Grounds the Commission proposes to consider**

5. The grounds the Commission proposes to consider in the inquiry are:
  - 5.1. that the Licensee has contravened a provision of the LCR Act, the regulations made under the LCR Act (**Regulations**), the Licence or a condition of the Licence: section 90(1)(a) of the LCR Act;
  - 5.2. that the Licensee has been found guilty of an offence against the LCR Act or the Regulations: section 90(1)(e) of the LCR Act;
  - 5.3. that the Licensee has paid a penalty for an offence under the LCR Act for which an infringement notice within the meaning of the *Infringements Act 2006* has been served: section 90(1)(l) of the LCR Act;
  - 5.4. that the Licensee has conducted its business under the Licence, or allowed it to be conducted, in a manner that detracts from or is detrimental to the amenity of the area in which the premises are situated: section 90(1)(o) of the LCR Act; and

5.5. that the Licensee is otherwise not a suitable person to hold a licence:  
section 90(1)(q) of the LCR Act.

### **Date, Time and Venue of Inquiry**

6. The Commission will commence the inquiry by way of a directions hearing to determine procedural matters, including witnesses that may be called, lodgement of submissions, evidence or other documents, possible length of the hearing and further dates of hearing. The directions hearing will be held on:

**Date:** Tuesday, 12 December 2023  
**Time:** 10.30 AM  
**Location:** Victorian Liquor Commission, 49 Elizabeth Street, Richmond.

### **Invitation to Make a Submission**

7. The arrangements for making any submission will be dealt with at the directions hearing. Alternatively, you may make a submission by providing it in writing to the Commission by email at [contact@liquor.vic.gov.au](mailto:contact@liquor.vic.gov.au) or by mail to Level 3, 12 Shelley Street, Richmond 3121.
8. Following the inquiry, the Commission may make a determination pursuant to section 93 of the Act, regardless of whether or not you have made a submission to the Commission.

### **Outcome of the disciplinary action inquiry**

9. Section 93 of the LCR Act provides that, after having conducted the disciplinary action inquiry, the Commission must make a determination based on the inquiry. If the Commission determines that any grounds for disciplinary action have been established, the Commission may take disciplinary action including:
  - the cancellation or suspension of the Licence;
  - the variation of the Licence;
  - the endorsement of the Licence;
  - the issue of a letter of censure to the Licensee; and/or
  - the imposition of a fine not exceeding an amount that is 250 times the value of a penalty unit fixed by the Treasurer under section 5(3) of the *Monetary Units Act 2004* on the Licensee.
10. Additionally, section 93D of the Act provides that the Commission may, upon finding that a ground for taking disciplinary action exists, also determine that the licensee or a related person, be disqualified:
  - from holding a licence or BYO permit;
  - from being a director in any body corporate that holds a licence or BYO;

- from being a partner in any partnership that holds a licence or BYO permit;
- from having a beneficial interest (whether directly or indirectly) in the shares of any body corporate that holds a licence or BYO permit;
- from in any way (whether directly or indirectly) taking part in, or being concerned in, the management of any licensed premises or any body corporate that holds a licence or BYO permit or any licensed club; and/or
- from being employed by any licensed club or any person that holds a licence or BYO permit.

A related person, in relation to a licensee or permittee, means –

- any director or nominee of the licensee or permittee (if it is a body corporate); or
- any member the committee of management or nominee of the licensee or permittee (if it is a club); or
- any person who, whether directly or indirectly, is concerned in or takes part in the management of licensed premises or club of the licensee or permittee.



**Ms Danielle Huntersmith**  
Chairperson