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## NTIA Submission Re: Late-Night Liquor Licensing Guidelines Review

To A/Deputy Secretary,

The Night Time Industries Association (NTIA) welcomes the opportunity to contribute to the Department of Justice and Community Safety review of the Late-Night Liquor Licensing Guidelines.

The NTIA advocates for a vibrant and diverse night-time economy that supports cultural and economic activity without compromising on safety and public amenity.

We acknowledge the Victorian Government's decision to lift the Late Night Freeze in 2023 and introduce new guidelines aimed at supporting responsible late-night trade. We view this as a positive step forward, however more will need to be done for these changes to have the intended benefit.

In our below submission we have incorporated the feedback of our members and identified further recommendations to support the Government's intention to, *"reduce the potential harm associated with the operation of late-night venues, while supporting the responsible development of Victoria's liquor and licensed hospitality sectors."*

The NTIA is committed to working collaboratively with government, councils, and community stakeholders to support this vision to ensure that venues, residents, and patrons can all benefit from a thriving and well-managed night time economy.

If further feedback or industry consultation is required the NTIA would be eager to assist.

Regards,

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## Current industry experience

Despite the repeal of the freeze, a high degree of uncertainty continues to surround the application process. Operators remain hesitant to lodge applications for post 1:00 am trade, citing concerns that the process is overly complex, adversarial, and ultimately lacking in transparency. The prevailing sentiment is that the freeze has been lifted in name only, with the underlying regulatory culture and practical barriers remaining in place.

Operators report the objection process remains a significant deterrent. Even in cases where applications comply with planning requirements and are accompanied by robust venue management plans and supportive acoustic reports, a single objection from a nearby resident can delay or derail the process entirely. The potential for these objections to escalate into costly and time-consuming conciliation or tribunal hearings further discourages investment in late-night trading.

There is also a widely shared perception that regulators are not making full use of their existing enforcement powers. Rather than allowing compliant operators the opportunity to prove they can trade responsibly and responding decisively to breaches when they occur, regulators often apply restrictive conditions upfront, undermining the principle of proportionality and burdening businesses before they've even begun to operate under the new conditions.

## Challenges

Noise and amenity issues have become a flashpoint. While the guidelines make reference to venue operators' obligations to manage noise, the broader reality is that responsibility for amenity has become fragmented across multiple regulators. In many cases, complaints that would traditionally be managed by local council or the Victorian Liquor Commission are now being referred to the EPA, which, while well-resourced, often lacks the local context necessary to resolve disputes constructively.

Compounding this issue is the absence of a formal threshold for complaints. One-off or vexatious objections can trigger investigations and conditions, regardless of whether the complaint is substantiated or proportionate. In some instances, operators have been forced to spend tens of thousands of dollars responding to persistent objectors, even when operating well within reasonable standards.

Furthermore, there is concern that certain license conditions, such as limits on the number or type of drinks served after 1.00 am, are duplicative of existing responsible service of alcohol obligations and create unnecessary operational complexity without improving safety or compliance outcomes.

## Recommendations for a more effective framework

To better meet the intent of the policy, the NTIA proposes a recalibration of how the guidelines are applied and enforced.

**First, there must be a clearer, more consistent pathway for responsible operators to apply for extended trading hours.** Venues with a strong track record of compliance should be given a fair opportunity to trade later, with appropriate oversight applied only in response to demonstrated issues. A "presumption to grant" approach for good operators, combined with swift enforcement against genuine breaches, would send a strong signal that Victoria is open for late-night business while still prioritising safety.

**Second, the objection process requires reform.** Introducing a threshold for objections, such as requiring a minimum number of unique complainants, or evidence of actual amenity impact, would protect the integrity of the process without allowing individual objectors to unduly hold up applications. Mediation should be prioritised before escalation, with a clear requirement that complainants must engage directly with venue operators in the first instance

**In the area of noise management, we recommend that councils retain primary responsibility for local amenity issues.** They are best placed to understand the context and build relationships with operators. However, this should be supported by a state-wide framework that sets out consistent expectations and standards across jurisdictions. This would provide clarity to both operators and residents, while allowing councils to respond to their unique urban character. It would be beneficial to implement a similar model to NSW under the Vibrancy reforms which outlines:

- The complainant must first attempt to resolve the complaint directly with the licensee or venue operator.
- The number of people needed to make a complaint is five. Complainants cannot be part of the same household/business or part of the complainant's household/business.
- Order of occupancy' to be a key consideration in determining the thresholds associated with the level of disturbance that must be satisfied to uphold the complaint.

**One area where the guidelines impose unnecessary red tape is in the form of additional licence conditions relating to the service of alcohol after 1.00 am,** particularly caps on the number of drinks served per order or restrictions on drink types.

These types of conditions are not only duplicative but often unworkable in practice. Responsible Service of Alcohol (RSA) requirements are already well-established and legislated in Victoria.

Operators and staff are trained, accredited, and held accountable under these standards. The introduction of blanket conditions, such as limiting drinks per transaction or banning specific styles of drinks, assumes poor behaviour by default and removes the ability of trained venue staff to exercise discretion based on the circumstances and the patron in front of them.

These rules also fail to consider the operational realities of a busy venue, leading to staff confusion, enforcement inconsistencies, and poor patron experience. They can interfere with legitimate service models such as sharing cocktails, table service, or creative beverage formats without actually reducing harm.

Most importantly, these conditions shift the burden from regulators onto venues without adding any new regulatory tools or insights. The Commission already retains the power to take action in cases of poor RSA compliance or excessive intoxication. These powers should be enforced against venues that demonstrate an inability to meet their responsibilities, not applied universally to operators who are already compliant.

The NTIA recommends that RSA-related licence conditions after 1.00 am be removed unless justified by a venue's specific compliance history or risk profile. Broad, one-size-fits-all conditions are counterproductive and undermine trust in the system. Regulators should instead focus on enforcing RSA standards through education, targeted inspections, and meaningful penalties for non-compliance.

**Applications for late night trading are subject to a range of additional criteria required to satisfy Ministerial Guidelines**, including:

- Alcohol and Venue Management Plan
- Noise Mitigation Strategy
- Disclosure of Compliance with EPA Requirements
- Gender-Based Violence Prevention Plan
- Response to the Late-Night Trading Guidelines

While initial guidance has been provided regarding these requirements, further clarification is necessary to help applicants understand what is expected and thereby avoid delays in application assessments.

**Application processing timelines** remain a significant concern in Victoria. We have observed that variation applications often require over 4 months for processing and determination, creating substantial challenges for hospitality operators. Given the sensitive nature of late-night trade applications, licensees expect even greater prolonged timeframes which can act as a deterrent. To address these concerns, Victoria should consider adopting elements of the process implemented in New South Wales, where public notification must commence within two working days of an applications lodgement. Introducing a similar requirement could benefit all stakeholders and contribute to reducing overall processing times, as applications in Victoria frequently



experience a delay of 30 days or more before assignment to an officer, thus missing the opportunity for concurrent public notification.

**Finally, we encourage the Victorian Government to explore the introduction of special entertainment precincts, modelled on the successful examples emerging in New South Wales.** These precincts would recognise the unique cultural and economic value of late-night areas, with clear planning and noise frameworks, targeted investment in activation, and reduced regulatory burden for venues delivering performance and cultural activity. Such zones would also help diversify night-time offerings and encourage a broader demographic of patrons, improving both safety and vibrancy.

The repeal of the Late Night Freeze marks a welcome and progressive shift in Victoria's approach to the night-time economy. It opens the door to new opportunities for cultural activation, economic growth, and a more vibrant after-dark experience for all Victorians.

To fully realise this potential, there is an opportunity to build greater clarity, consistency, and coordination across planning, policing, and regulatory frameworks. With the right settings in place, Victoria can lead the way nationally in creating safe, inclusive, and dynamic late-night precincts.