Bottles in big boxes: liquor licensing regulations and the history of Melbourne bottle shops

Elizabeth Taylor
Abstract

This paper traces a twentieth century history of bottle shops—sites for purchasing takeaway alcohol—using Victoria (principally Melbourne) as a case study. It borrows from Valverde’s work on the ‘many smaller prohibitions’ of alcohol control: revealing layers of ‘street level’ and ‘common sense’ policies (spatial, material and temporal) rarely subject to critical reflection. The paper approaches bottle shops as sites shaped by regulations: as both reflecting and reinforcing norms and fears about alcohol and consumption. Bottle shops are also ephemeral, leaving few traces of their earlier forms. The paper newly examines the history of regulations applicable to bottle shops in Victoria, corresponding these to changes in location, layout and design. This trajectory moves from earlier licensed grocers and wine merchants; through increasingly regulated ‘swill’ hotels; to the emergence of separate and supermarket bottle shops; drive-in bottle shops; and later the rise of ‘big box’ liquor outlets. Showing how the liberalisation that characterised liquor and planning law at the end of the twentieth century has seeded renewed tensions, the paper considers some of the debates that bottle shops draw out: relationships between packaged alcohol and car-oriented suburban development, the spectre of the park-bench dwelling ‘wino’ versus ideas of civilised drinking, links between packaged alcohol and domestic violence, and concerns about the dominance of major supermarket liquor chains in disadvantaged suburban areas. The paper argues that bottle shops, and the deceptively mundane regulations that shape them, reveal broader contentious relationships between regulation, urban form, consumption, and liberal ideals.

Introduction

In Australia, ‘bottle shop’ has two basic meanings: a section of a hotel set aside for purchasing alcohol consumed off-site (‘take away’), or a shop licensed specifically to sell alcohol for consumption elsewhere. National and regional-specific terms and regulations exist for these sites (‘kiosks’, ‘off-licenses’, ‘liquor stores’, ‘ABCs’), and have shifted over time as have their physical forms. This paper traces a primarily twentieth century history of bottle shops, sites for purchasing takeaway alcohol, using Victoria (principally Melbourne) as a case study. This trajectory moves from the licensed grocer, to highly regulated hotels, drive-in bottle shops, and to recent growth in big box suburban outlets owned by major supermarket chains.

The role of legislation in shaping the spaces of hotels (and other on-premises licensed venues) in Australia has been fairly closely examined, including work on the influence of the temperance movement from the late nineteenth to early twentieth centuries (Dunstan 1968; Lewis 1991; Phillips 1980); and more recently on the vulnerability of the night-time economy and live music (Homan 2010; Burke & Schmidt 2009). Research attention to takeaway outlets
has primarily been in terms of public health and domestic violence concerns (Livingston 2011, 2017; Morrison et al 2016). This paper newly approaches bottle shops in terms of what they reveal about relationships between regulations, consumption, and urban form. It examines bottle shops as sites of what Valverde (1998) terms ‘many smaller prohibitions’ of alcohol control. These are layers of ‘street level’ and ‘common sense’ policies rarely subject to critical reflection given that, Valverde argues, ‘liquor regulation strategies – with the exception of general prohibition – have been under-theorised even by those implementing them’ (1998 p146). Bottle shops are sites closely shaped by regulations, in turn reflecting and reinforcing changing norms and fears about alcohol consumption. They are also ephemeral, leaving few traces of earlier forms.

The paper is structured as follows: it first outlines key literature on controls on alcohol; and the attention paid to takeaway alcohol stores, including briefly noting regional variations in categories and terminology for them. It then focuses on the history of legislation applicable to bottle shops in Victoria, corresponding this to changes in outlet locations and layouts. The paper considers some of the tensions and debates that bottle shops brings out: relationships between packaged alcohol and car-oriented development: the spectre of the park-bench dwelling ‘wino’ versus ideas of civilised drinking, links between packaged alcohol and domestic violence, and concerns about the recent dominance of major supermarket liquor chains in disadvantaged suburban areas. The paper concludes by arguing that bottle shops, and the deceptively mundane regulations that shape them, reveal broader contentious relationships between regulation, urban form, consumption, and liberal ideals.

**Message in a bottle shop?**

From its earliest years the Victorian colony inherited essentially all its laws, including liquor licensing, from England and from the penal world of New South Wales, with a licensing system overseen by magistrates (see Lewis 1991; Nicholls 2011). Early liquor licensing laws in Australia uneasily combined the protection of oligarchical business interests, avoiding the social disorder associated with alcohol, and avoiding the inverse social disorder associated with regulating alcohol too punitively. Lewis (1991) in *A Rum State* emphasised the often-contradictory relationships between government and alcohol in Australian colonial history, with governments both profiteering from alcohol (through taxes on spirits, for example), and involved in moral panics about its use (see also Gilling 2016). The influence of regulations on hotels (and other on-premises licensed venues) in Australia has been described in several works. Some of these have focused on the influence of the temperance movement: a suite of values, beliefs and policies framed in opposition to alcohol, politically influential over the late nineteenth to early twentieth centuries. Accounts of the spread of temperance beliefs and policies in Australia are found in several works including Dunstan (1968); Lewis (1991) and Wright (2014). While many aspects of hotel and licensing history are common across Australian states and territories, unless stated this paper refers to liquor licensing legislation applicable in the state of Victoria.

The introduction of early closing times, sought by temperance proponents and adopted as a patriotic measure during the First World War, is widely understood to have placed intense impact on the built form of Australian pubs, including their industry structure and drinking cultures (Phillips 1980; Oldham 2013). The ‘six o’clock swill’—the crush of heavy drinking by men in public bars between 5pm knock off and 6pm closing—was to define a utilitarian Australian drinking culture for decades afterwards the First World War, and in Victoria until the late 1960s. Oldham (2013) described ‘swill’ era pubs as utilitarian and tiled, entertainment-free, and built for ease of hosing down (p121). In a cynical account of early closing Dunstan described the décor that resulted as ‘Late Edwardian Urinal’ (Dunstan 1968 p73). Greater government controls accompanied the decades of the swill, characterised by general stasis in an industry of powerful but intricately regulated hotels, an irony of which was that regulation seemed to create worse amenity (Merrett 1978). Lewis (1991 p115) pointed to the perverse outcomes of early closing that proved hostile to the values that had promoted it, ‘antithetical to civility, moderation and heterosociability’. 
Liquor licensing has since been the subject of liberalisation efforts in Victoria, beginning with changes to liquor licensing came in 1965 and 1968 (adding restaurant licenses, for example) and most significantly in the 1987 Liquor Control Act. Based on a review by a Melbourne University economist, Niewenhuysen, this ushered in Melbourne’s reputation for a proliferation of small bars and music venues, and sought to promote civilised or European drinking styles, rather than protect ‘powerful trade interests’ (Niewenhuysen 1988). While outright prohibitions on alcohol seem humorously of the past, liquor licensing and planning regimes in the 21st century continue to control alcohol through what Valverde (1998) termed ‘many smaller prohibitions’. After the repeal of prohibition in Ontario, for example, a complex web of licensing and street level regulations took its place, with license inspectors closely monitoring the furniture, music, and food of venues (1998 p159). A similar move from criminalised to licensed and zoned activity is underway in Canada and in American states where forms of cannabis sales have recently been legalised (McComas 2016; Nemeth & Ross 2014).

Valverde (1998) characterised the instruments of alcohol controls as having a focus on time, liquid, or space. Time-based elements of Australian liquor licensing (the six o’clock swill) have been comparatively well studied. Australia has also long had complex taxation laws around alcoholic liquid such as alcohol excise, an important source of central government revenue. National prohibition in the United States (The Volstead Act, 1919-1933); and Australia’s six o’clock swill; are the better-known manifestations of temperance-inspired alcohol controls. However, for much of its history temperance influence worked at far smaller scales than national. Neither Australia, nor Victoria, saw total prohibition on alcohol of the kind once famously applied in the United States or as remains in many religious jurisdictions today. Instead Victoria saw additional restrictions on the times when and people for whom drinking was legal, and local prohibitions introduced on the places where alcohol could be served and under what conditions.

Liquor licensing regimes in the twenty first century continue to regulate alcohol in many of these ways, in combination with shapers of sites for alcohol consumption operating through planning, environmental law, police powers and local government by-laws. Thus while many temperance-era controls on alcohol became subjects of liberalisation efforts, this larger story of change obscures the endurance and re-emergence of many smaller less-examined policies (spatial, material, temporal). Some of these can be illustrated by examining the history of bottle shops.

Take-away or off-premises liquor sales have typically been defined by a requirement that anything purchased must be consumed off the site. Rather than stipulating interior spaces (as with hotels and bars), definitions and regulations around bottle shops have been designed to keep alcohol sealed and to ensure it is consumed at a distance from the site of purchase and with limited visibility. Bottle shop definitions and licensing conditions also work in tandem with public drinking by-laws. Public drinking laws are used to stipulate norms of civilised drinking and consumption, preferring private spaces over public spaces including parks, and banning drinking at certain times and places, or outside of commercial premises. McNamara & Quilter (2015) show public drunkenness has always been effectively criminalized in Australia, with public drinking laws long focused on ‘sweeping’ degenerate people from public view. Australian public drinking laws have also been unequally used against Indigenous people: for example the Northern Territory’s 2 kilometre law, compounding discrimination in licensed venues (Healy et al 1985). Langton (1993) explored the long-term impact of the constructed image of the ‘degenerate native’ narratives informing the policing of public drinking.

Terms for takeaway alcohol sites vary by jurisdiction: some of these colloquial terms are revealing categories in themselves. ‘Bottle shop’ is common in Australia, and ‘bottle-o’ as an abbreviation. New Zealand has ‘bottle stores’; Germany has the ‘Trinkhalle’ or ‘Kiosk’ (typically small outlets open late at night); in the United Kingdom ‘off-licenses’ (meaning licensed for consumption off-premises); in the United States more commonly ‘liquor stores’ but sometimes ‘package stores’. Many countries (including New Zealand, the US, Scandinavia) distinguish between where hard liquor (spirits) may be sold; as distinct from beer, wine and other lower alcohol drinks. In for example Canada (except Alberta), Norway (the ‘Vinmonopolet’), and ‘alcoholic beverage control’ (ABC) states of the US, retail sales of stronger beverages are run by state-owned monopolies.
Research attention to takeaway outlets has primarily been in terms of their possible links to public health and domestic violence impacts (Heaton 2012; Livingston 2011, 2014, 2017; Morrison et al 2016). However, as differences in names suggest, bottle shops are closely shaped by differences in, and changes to, regulatory approaches and the dual role of the state as regulator and profiteer. Looking at a case study example of historical changes to bottle shops is an opportunity to examine how regulations of alcohol sales shape urban form, intentionally and otherwise.

**Bottle shop controls in Victorian history**

The paper now considers the history of legislation applicable to bottle shops in Victoria, Australia, corresponding these to changes in location, layout and design. It draws primarily on historical liquor licensing legislation (AUSTLII – see references for licensing legislation names, usually here called ‘Acts’, by year). These are supplemented by planning regulations and by secondary literature focused either on the history of the hotel industry in Australia or on public health concerns about the social impacts of alcohol outlets including packaged liquor shops. It also considers archived photographs and maps that illustrate physical changes to bottle shops.

Since the establishment of the Colony in the 1830s and its split from New South Wales in 1851, Victoria always had a licensing system for alcohol sales, regulated through a series of liquor licensing acts. The earliest specifically Victorian liquor legislation was the *Wines Beer and Spirits Sale Statute 1864*. In this Act and its later amendments, 9 available liquor license categories were included, in addition to a publican’s licence, a Colonial Wine License and a Grocer’s License. The Colonial Wine License permitted sales of locally grown fermented drinks up to two gallons and of less than ‘spirituous’ alcohol (less than 26% proof). A grocer’s license authorised the sale of both fermented liquids and of spirits, as in:

> a grocer’s license shall authorise the licensee being also a spirit merchant to sell and dispose of liquor in bottles containing not less than a pint and in quantities not exceeding two gallons to be taken away in any one day by any one person and not to be drunk in or near the house or premises in which such liquor is sold. (1864, s5)

Incidentally, sites where alcohol was sold unlicensed were known, and policed, as ‘sly grog’ outlets. Early on, Victorian liquor licenses had strict limits on ownership; only one licensee per license and thus per site. Early legislation distinguished fermented drinks (lower in alcohol) from spirits, partly because spirits were subject to special duties (taxes). It also defined both a minimum and maximum amount of liquid for sale; and stipulated alcohol was not to be drunk either in or near a grocer’s site. This is contrast to hotels for which much stricter controls on interior facilities were applied, including for bars, accommodation, and provisions like toilets.

Similar definitions of and conditions for licensed grocers in Victoria continued in the 1876 Act (s.8). In 1890, stipulations on opening hours were added and as with shops, licensed grocers could not open before 7am and had to close by 11:30pm (s. 10). Grocers and spirits merchants in the
1890 Act were licensed to sell liquor ‘in bottles containing not less than a reputed pint provided that such liquor be not drunk on the premises’. Colonial wine stores continued as a separate licensing category – a photo shows a wine store around 1890 advertising “hot spiced wine”, and “iced claret punch” (Figure 1).

Temperance politics in Victoria became prominent in the 1880s, with two international temperance conventions held in Melbourne. Australian temperance campaigners in their peak period of political influence sought a higher drinking age, weaker liquor, shorter hotel hours, Sunday closing, and to remove barmaids from hotels. They also sought and partly attained a greater local say in reducing hotel numbers and determining their locations (known as ‘local option’). Political compromises between the temperance movement and the hotel industry combined to create the 1906 Licensing Act. This saw the establishment of the License Reduction Board (LRB), which closed thousands of hotels and sought to increase their size and standards (Wright 2014). The 1906 also set up conditions for the first state-wide local option poll, to be held in 1920.

The 1906 Act included 9 liquor license types, including grocers’ licenses; and Australian wine licenses (formerly Colonial wine licenses). A grocer’s license was defined as authorising:

- the licensee being also a licensed spirit merchant to sell and dispose of liquor in bottles provided that a) no such bottle shall contain less than a reputed pint; b) no such bottle shall be supplied for the reception of any ale or stout by or on behalf of the purchaser; c) no such shall liquor shall be drunk on the premises where the same is sold. (1906 s.30).

The 1916 Act extended the powers of the LRB, and also introduced 6 o’clock closing for hotels as well as for grocers, restricting sales to 6pm. Grocers could only sell non-alcohol drinks between 6pm and 11:30pm, or between 6am and 9pm, and were not allowed sell them from behind a bar. Through 1922 and 1928 liquor legislation the key definition of grocers remained similar: that ‘no such liquor shall be drunk on such premises’; that ‘no such bottle shall contain less than a reputed pint’, and in addition, that customers could not bring their own bottles to be filled.

Liquor sales through the first half of the twentieth century in Victoria were characterised by early closing; increasing conditions on licenses; and by the de-licensing of outlets by the LRB either of their own volition or as empowered by local option polls. Although there were myriad small changes to details of regulating alcohol in Victoria in the decades following the first world war, essentially ‘the hotel industry was in stasis’ (Lewis 1991 p48). A map of Fitzroy by Oswald Barnett, as part of the slum crusade, showed hotels (23); wine shops (5) and licenced grocers (2) in a section of Fitzroy alongside many de-licensed hotels and wine shops (Figure 2).

The year 1956 saw a failed referendum for 10 o’clock closing in Victoria (Essendon Airport, on Commonwealth Land, was one

Figure 2: Slum Abolition Board map of Fitzroy, 1935, showing locations of delicensed hotels, wine shops, and licensed grocers (F. Oswald Barnett Collection, State Library of Victoria).
of the few drinking venues available during the Olympic Games). The first reference to take-away sales of alcohol from hotels came in the 1958 Act, which required hotels in metropolitan Melbourne to maintain a separate entrance, signage and section for take-away sales, as follows:

no victualler’s license shall not be granted or renewed in respect of any house in the city of Melbourne unless – a) such house has an entrance for the sale of liquors not to be drunk on the premises separate from and in addition to the entrance to the bar-room. (1958 s.13)

The 1965 Act in Victoria added more licensing types, including for example restaurants and theatres, seeking to expand the social realm of drinking. Ten o’clock closing was introduced in 1966; and 1968 legislation bought in more license types, extended drinking hours to 1am, and reduced the legal drinking age to 18. It replaced terminology and licensing categories including a wholesale liquor merchant license (replacing a spirit merchant’s licence); and a retail bottled liquor licence (replacing a grocer’s licence). A retail bottled liquor licence allowed sales ‘on the premises specified in the licence in sealed containers bottles or cans and for consumption off the premises’. These were also defined as shop under any law in force, including legislation for shop closing hours.

Although a significant shift, the 1968 Act was still labyrinthine, and as Merrett (1978) points out, retained protection of existing liquor interests. For example, it contained provisions for retail liquor applications to prove that ‘substantial demand exists’ and ‘that substantial inconvenience results to the public in resorting to other existing licensed premises selling and supplying liquor’ (s. 49), thus protecting existing hotel outlets from competition. Further changes to liquor licensing in Victoria occurred in the mid 1970s to early 1980s with the introduction of licenses for tourist facilities and, although this was more the domain of zoning decisions (as with fast food outlets (Taylor 2015), the arrival of bottle shop drive-through facilities. In 1983 a cap on ownership of 8% of all retail liquor licenses in the state was introduced, to slow the expanding dominance of major supermarket chains:

The commission shall not transfer a retail bottled liquor license or an hotelkeeper’s licence to a corporation where the corporation holds, at the time of the application for the transfer, in the case of a retail bottled liquor licence, more than 8 per centum of the retail bottled liquor licences issued or, in the case of an hotelkeeper’s licence more than 8 per centum of the hotelkeeper’s licences issued. (1983 s.32)

The 1983 Act also introduced maximum purchases: limiting purchase at retail outlets to ‘liquor in sealed containers, bottles or cans of a capacity of not more than ten litres’. Earlier, the 1979 Act (19.4.1A) stipulated that ‘a retail bottled liquor licence shall not authorize the licensee to sell bulk beer in casks’.

The late 1960s through to the mid 1980s saw the spread of bottle shops, including those occupying normal storefronts, as well as newer drive-in bottle shops (Figure 3). From photographs, and in contrast to the range of twenty first century bottle shops, Victorian bottle shops of this era were limited to a few bulk beer brands and flagon-shaped wine bottles. There was also growth of Liquorland and other supermarket associated liquor stores through the 1980s, but constrained by ownership caps.

The 1987 Liquor Control Act represented a substantial liberalisation of liquor licensing in Victoria. Amongst other changes, pub-type licenses were changed to ‘general’

![Figure 3: Drive-in bottle shop adjacent to regional Victorian hotel. (Photo by author, 2018).](image-url)
licenses, and what were previously retail licenses became ‘packaged liquor’ licences. A general license included on and off premises sales. Packaged liquor licenses (s. 51) allowed ‘the licensee to sell and dispose of liquor on the licensed premises in sealed containers, bottles or cans for consumption off the licensed premises’. Section 61 of the 1987 Act retained the 8% limit on licenses (general or packaged liquor) held either by individuals or by corporations. S. 135 specifically prohibited even having or consuming, let alone selling, alcohol in ‘any milk bar, convenience store or mixed business.

The 1998 Liquor Control Reform Act retained the ‘packaged liquor licence’ definition (which ‘authorises the licensee to supply liquor on the licensed premises in sealed containers, bottles or cans’) but added ‘late night’ (11A) license types. Thus the possibility for purchasing taking alcohol from normal hotels, and at later hours, emerged. There were, however (s. 24), special restrictions on the grant of packaged liquor and late night (packaged liquor) licenses. These newer types of bottle shops were possible, but subject to additional conditions particularly around location and their potential impacts on amenity. Some special allowances for staff in supermarkets were added, allowing liquor to be sold ‘at any checkout located in the supermarket if the person receiving the payment is of or over the age of 18 years’—that is, lowering internal separation requirements. By this stage supermarket owners were expanding across gaming machines and in liquor stores, but still constrained (in the latter) by Victoria’s ownership cap on liquor licenses. In 1998, provision for a Ministerial ‘code of conduct’ for packaged liquor was introduced, but required the Minister to first consult packaged liquor licensees before introducing such a code.

The 1998 Act originally retained the 8% maximum ownership law (s. 23) introduced in 1983. However, this was removed in 2000. Both sides of state governments supported retaining the cap, but a National Competition Council review recommended that if it were not renewed then financial repercussions for Victoria should follow. That same NCC review noted that Victoria’s was clearly the most progressive Australian liquor framework. For example at that time a packaged liquor license in Victoria cost $500, compared to $60,000 in NSW. It also noted three states prohibited supermarkets from selling liquor (Queensland, South Australia and Tasmania, of which, in 2018, Queensland still does). Since the removal of Victoria’s cap on ownership, the number of packaged outlets and the share owned by major supermarket chains (including their brands Dan Murphy’s, BWS and others) has increased rapidly Livingston (2017). These outlets are vastly larger than preceding models of bottle shops both in their range of products (Dan Murphy’s advertises around 5,000 products), and in floor space (around 1,000 – 2,000 square metre stores).

**Tensions and debates**

**Suburbs, Automobility and Bottle-shops**

This paper has outlined how Victoria’s bottle shops were reshaped over the twentieth century, both by regulations and by changing preferences and norms of consumption. Close regulatory attention has been paid to where and when takeaway liquor may be sold, sometimes including additional controls on the permissible amount and strength of alcohol, and often emphasising spatial separation. In so doing a sometimes-awkward link between alcohol and suburban car-oriented development has also been facilitated. Requirements on location, separation and amenity, and rates of car parking have applied to bottle shops in Victoria both through liquor licensing and through zoning and planning permit systems. From 1950s onwards, hotels and shops (and other land uses) have been subjects of planning requirements, including zoning separating residential from other uses.

Zoning and planning have long seen licensed outlets and residential amenity as incompatible. In the UK’s early model town Bourneville, for example, a covenant bans hotels and off-licenses. When in 2015 a newsagent obtained an off-licence just outside this ‘dry zone’, Bourneville villages worried it would ‘wreck the unique nature of Bourneville and lead to drinking in the streets and antisocial behaviour’ (The Guardian, 1 October 2015.). Metropolitan zoning introduced to Melbourne in 1954 has excluded new hotels from most residential zones. Zoning
also required off-street parking for new hotels: 1 space per 20 square feet of public bar; plus 1 for every 60 square feet of lounge or beer garden (MMBW 1959). The zoning also required off-street parking for shops (1 for each 1,000 square feet). The 1960s and 1970s saw the advent of the drive-in bottle shop and supermarket bottle shop, car-oriented suburban forms partly facilitated by zoning and liquor licensing categories.

Licensed premises in Victoria today are controlled by at least two sets of parallel regulation (Rowley 2017), each with provision for objections and protections on residential amenity, and requirements for car parking. As at 2018, all new or expanding liquor outlets in Victoria need a liquor license. And all uses with a liquor license also have to apply for a planning permit under the Planning and Environment Act 1987. Both liquor licensing, and land use planning, processes in Victoria contain provisions determining the permissible location of packaged liquor outlets. Liquor licensing legislation has explicit protections on local amenity, particularly residential amenity. Amenity under the Liquor Control Reform Act 1998 is defined as ‘the quality of an area that is pleasant and agreeable’. Factors considered in defining amenity impact are car parking facilities, traffic, noise, ‘the possibility of nuisance or vandalism’, and ‘the harmony and coherence of the environment’. Any member of the community can object to a liquor license application on two main allowable grounds. One, impact on the amenity of the locality. Grounds for objection to licensing applications also include, for packaged liquor and late night outlets, grounds of alcohol related harm that:

Any person may object to the grant, variation or relocation of a packaged liquor licence or late night (packaged liquor) licence on the ground that the grant, variation or relocation would be conducive to or encourage the misuse or abuse of alcohol. (Liquor Control Reform Act 1998 38 (1A)).

Meanwhile aspects of amenity considered relevant in the Planning and Environment Act for licensed venues also include car parking; as well as size, residential zoning, traffic, and hours. This closely, but not precisely, overlaps with considerations of the liquor licensing system. Newer forms of bottle shops in Victoria have thus been oriented toward extensive space for private vehicles, in areas distant from homes (similar to the rise of fast food takeaway franchises, (Taylor 2015)). This has been in tension, however, with Victoria’s increased enforcement of drink driving laws (Homel 1994; Homel et al 1995). While purchasing alcohol became increasingly associated with driving a car, drinking while driving became increasingly criminalised.

Winos vs. Wine Festivals

To Johnson (2005) liquor licensing rules function more as narratives and warnings than as policies. The sale of off-premises alcohol has, in Victoria as in other locations, long balanced a tension between two cultural meanings. On the one hand is the specter of the impoverished problem drinker, particularly those who, rather than taking their purchases away to private spaces, drink in public. These ‘winos’, it has long been feared, drink their purchases miserably (albeit usually from faux-discrete paper bags) in the vicinity of stores and in public parks and streets. The ‘wino’ was a small step above the ‘metho’ (a destitute drinking industrial alcohol). Public drinking laws, both criminal laws and by-laws, have long focused on removing such people from public view (McNamara and Quilter 2015). Legislation to raise entry costs and sizes of liquor sales, and to forbid consumption around bottle shops (combined with by-laws controlling public drinking), also seem oriented toward this anxiety.

In tension with this fear has been, particularly since the 1960s, the liberalisation that characterised Australian liquor and planning laws aspiring to encourage ‘more civilised’ and ‘European’ drinking practices (Lewis 1991). This has included the promotion, through legislative changes in the 1960s and 1970s, of the wine industry and of special wine events in Victoria including the Rutherglen Wine Festival and Melbourne Food and Wine Festival. Illustrating these competing images, a 1955 article noted that ‘in N.S.W., flagons had attracted the worst type of trade – the class of person to be found in parks in a pitiful condition and a disgrace to the community’. However, the Canberra Chamber of Commerce argued ‘in the ACT the class of people purchasing half-gallon flagons were highly respectable and unlikely to abuse the privilege’ (Canberra Times, 30 March 1955, p.2). Retailers sought to remove a restriction
on selling wine in containers less than two gallons, with the report noting Canberra had high demand for wine, including ‘a certain class of their clientele, which included a number of hostel-dwellers and the New Australian population’ (Canberra Times 30 March 1955, p.2).

Bottle shops thus reveal competing shifts around industries and their marketing, social fears and aspirations, and the role of alcohol in consumer cultures. These fears and anxieties have been embodied in (sometimes contradictory) requirements for either minimum (typically a pint or a gallon) or maximum (typically two gallons) amounts of alcohol sales at outlets in Victoria and requirements that alcohol not be consumed near the store: in other words, in attempts to anticipate what would be a civilized or acceptable amount of alcohol to purchase and where to drink it. Changes in regulation and in consumption mean the appearance of Victorian bottle shops is almost unrecognisable even from the 1980s to today: earlier archival photos show only portly Penfolds wine flagons and two or three major brands of beer, replaced in the 21st century by thousands of craft-styled beer and wine products. Proliferation has been ushered in, however, with new anxieties and debates.

**Rise of the Big Box-ers**

Prior to the 1950s, single-ownership licensed grocers were the standard outlet for bottled alcohol in Victoria. A rise in separate bottle shops, and more recently big box formats, has been in part facilitated by minimum parking requirements and expectations of separation for new developments. Corporate ownership of liquor stores was also constrained in Victoria between 1983 and 2000, with caps on the share of ownership (to 8% of the total retail liquor outlets) by individuals or corporations. Changes to ownership laws in 2000 removing caps on shares of ownership has seen a sudden proliferation of corporately owned big box liquor stores often in outer suburban locations (Figure 4). The rise of large, corporate owned big-box bottle shops has seeded renewed debates: planning disputes over the social impacts of large suburban liquor stores, and controversial lock-out laws limiting operating hours.

Victorian licensing long capped the proportion of the liquor market that could be owned, introduced in the 1980s ‘to ensure diversity in the liquor market in the face of the sharp growth of S.E. Dickens outlets (later Liquorland – now owned by Coles/Wesfarmers)’ (Livingstone 2017, p.5). Since the removal of restrictions in ownership in 1998, major supermarket chains have expanded into an emerging oligopoly of liquor outlets in Victoria. Woolworths purchased the five-chain Dan Murphy’s store in 1998, expanding to 66 stores in 2018 (as well as owning several other chains). Coles owns Liquorland, with 84 stores, and other major outlets. Livingston (2017) found there were 2,023 packaged liquor outlets in Victoria, with 14.5% owned by Woolworths (including Dan Murphy’s and BWS); 10.7% by Wesfarmers (including Liquorland,

![Figure 4: ‘Big box’ franchised bottle shop, Brunswick. (Photo by author, 2018).](image-url)
Vintage Cellars and First Choice); and 6.3% by ALDI. Around a third were independent outlets. The number of packaged outlets increased by half between 2001 and 2016, ahead of population growth. Around 80% of alcohol in Australia is now sold in packaged format.

Concurrently, concerns about violence, a catalyst for much earlier temperance-era activity, have been voiced around bottle shops in recent years. There is evidence that packaged liquor, and particularly chain liquor, is associated with harm and is disproportionately in disadvantaged areas (Livingston 2011; Morrison et al 2016). Livingston (2011) matched outlet density to domestic violence, finding that of three major types (hotel, on-premises, packaged) only packaged alcohol density (in Melbourne, 1996-2005) had a strong positive correlation with domestic violence.

Tribunal cases in Victoria, notably Hunt Club (VCAT 2013a), demonstrate the complex ways in which liquor licensing and planning issues overlap. Large bottle shops and their links to domestic violence were central to the Hunt Club discussion, which debated the concentration of large corporate bottle shops in outer suburban areas, and their potential links to domestic violence and poor health outcomes. In Hunt Club the local council opposed the large format packaged liquor outlet. A planning tribunal rejected their grounds for refusing a permit. The Hunt Club finding did not necessarily assert that bottle shop density would not cause social impacts, rather that social impacts (such as domestic violence) were not relevant planning considerations. This debate occurred around the issue of a planning permit – testament to the complexity of smaller prohibitions on alcohol, the applicants subsequently had to obtain a liquor license via an overlapping process of objection and debate around amenity impacts. The liquor licensing commission, too, approved the proposal.

While recent Victorian policy supports Hunt Club type outlets, the diversity of regulatory approaches to large-format and supermarket liquor sales show how spatially and temporally contingent big-box stores are. For example New Zealand permitted wine sales in grocery stores in 1990 but limited to lower concentration alcohol (Wagenaar & Langley 1995). In Queensland, legislation still forbids sales of alcohol in supermarkets. In Western Australia, the burden of proof is now on packaged liquor outlets to prove they would be of community benefit (Livingston 2014 p5). In the Northern Territory, Dan Murphy’s unsuccessfully pursued legal action over a 400-sqm cap on liquor store floor sizes (ABC March 2017). Shortly after Hunt Club a Royal Commission on Family Violence made recommendations to consider domestic violence in planning decisions about alcohol (State of Victoria 2016). Critical media contrasted the recommendations with the Hunt Club decision (3AW, April 16th 2016). Thus liberalisation and growth in large-format bottle shops is mirrored by increasing concern–voiced by health researchers, local governments, social services and increasingly by state authorities–about their impacts. Anxieties around public drinking and drunkenness have also increasingly associated public drinking with violence (McNamara and Quilter 2015). Bottle shops and restrictions on their hours are part of controversial ‘lock out’ laws in response to incidents of public violence in NSW.

Conclusions

Bottle shops in Victoria began in the nineteenth century as ‘licensed grocers’; then became sub-sections of ‘swill’ hotels; and emerged separate and supermarket bottle shops (‘retail liquor outlets’, ‘packaged liquor outlets’) via licensing changes from the 1960s. From 2000, major supermarket ownership of large format ‘big box’ liquor stores has increased rapidly, but also seeded renewed debates. These include tensions around relationships between alcohol and automobility; ideas of problem public drinking versus aspirations for civility; and fears around links between liquor outlets and violence. What seems normal in purchasing liquor for takeaway is contingent on local and temporal changes to regulation: Valverde’s ‘many smaller prohibitions’, of diverse and deceptively mundane street-level rules of liquor control. Even the varying terminology of bottle shops—the state-controlled ‘ABCs’ of some US states, for example—point to these differences in norms. Victoria’s rise in big-box supermarket-owned liquor stores has occurred through specific changes to legislation and is not shared in all Australian states. Packaged alcohol outlets of today in Victoria, big, suburban, car-oriented, and corporate, are...
also a product of planning requirements over the twentieth century emphasising separation from residential areas and the provision of car parking.

Bottle shops have always had their own licensing conditions: sealing, size rules, not reusing bottles, not consuming near the premises. In these there has always been a tension between social anxiety over the derelict ‘wino’ (holder of paper bags, dweller on park benches); and aspiration to civilised European drinking, demonstrating Johnson’s (2005) idea of liquor licensing rules functioning as narratives and warnings. Takeaway alcohol now accounts for the majority (80%) of alcohol sold in Australia; and outlets no longer stock only the iconic chunky flagon and small range of major beers. Private liquor consumption is more normalised, yet still the ever-renewed focus of regulation and of anxiety.

This paper has only briefly analysed bottle shop history in one case study area. Further research could more closely compare differences over time and between jurisdictions, and explore broader theoretical and institutional contexts relevant to bottle shops. The brief study given here nonetheless illustrates how packaged alcohol outlets channel broader concerns about the negative social impacts of alcohol consumption, including domestic violence and social isolation. Bottle shops and the diversity of regulations applied to them reveal broader tensions around regulation, consumption, and liberal ideals: how for each step toward an ideal of civility, anxieties and regulations re-emerge and become mapped onto the urban form.

Governments typically walk a fine line between the contradictions of profiting from and attempting to control alcohol. Liquor regulations too, are a blurry line between control and creating insider trade interests. In times of fear, they acquire extra layers of narrative-based controls (the ‘lock out’ rules, for example): even if the effects are sometimes contrary to intentions. As with swill pubs and the effects of early closing, bottle shops in Australia demonstrate the often-unanticipated effects of regulations. Reflecting on their history, bottle shops begin to seem surprisingly central to attempts to create order and contain violence in Australian urban settlements, from colonial to suburban. And bottle shops in Victoria, while not in any danger of disappearing, are still largely ephemeral sites of consumption, channelling prevailing norms and fears but leaving few traces of their earlier forms. They also invite little cause for preservation beyond certain vintage signage or the facades of hotels themselves. Designed as places where people were not to linger, they in turn, are always moving on.

References


Wines Beer and Spirits Sale Statute 1864  
Licensing Act 1876  
Licensing Act 1890  
Licensing Act 1906  
Licensing Act 1916  
Licensing Act 1922  
Licensing Act 1958  
Licensing Act 1965  
Liquor Control (Amendment) Act 1968  
Liquor Control (Amendment) Act 1979  
Liquor Control Act 1983  
Liquor Control Act 1987  
Liquor Control Reform Act 1998


Homan, S 2010, ‘Governmental as anything: Live music and law and order in Melbourne,’ Perfect Beat, vol 11, no 2, pp. 103-118.


Livingston, M 2014, ‘Liquor regulation: beyond the night-time economy,’ In E. Manton, R. Room et al. (eds.), Stemming the tide of alcohol: liquor licensing and the public interest, Canberra, Foundation for Alcohol Research and Education in collaboration with The University of Melbourne, pp. 79-85.


Oldham, P. 2013, “’Suck More Piss’: How the Confluence of Key Melbourne-Based Audiences, Musicians, and Iconic Scene Spaces Informed the Oz Rock Identity,’ *Perfect Beat*, vol 14, no 2, pp. 120-139.


