



Liquor Licensing Act 1997
Gaming Machines Act 1992
Practice Direction

Application requirements and lodgement of documents

Effective March 2016

Introduction

This document sets out the Liquor and Gambling Commissioner's requirements¹ for applications made pursuant to the *Liquor Licensing Act 1997* and the *Gaming Machines Act 1992*. These application requirements supersede any previously issued requirements or Practice Directions.

Applicants and their representatives must ensure that all applications made to Consumer and Business Services (CBS) include a completed application form (including any appendix) and necessary supporting documents.

Most supporting documents must be provided when the application is lodged. Other required information can be lodged after initial lodgement and at least seven days prior to the scheduled determination (outcome/decision of application) date (as advised by CBS) or the matter will automatically be adjourned (postponed to a later date).

CBS will not determine an application until all required information has been provided.

The Application Process

Each new application is checked to ensure minimum requirements (as set out in this document) are met and application fees paid. Applications lodged in person are checked at the time of lodgement, before the application fees are receipted. Applications received via the mail, electronically or fax are checked generally within three business days of receipt. If applications do not meet minimum requirements at this stage, they are returned to you with an explanation of what information is missing.

If the application meets the minimum requirements it will progress to the next stage of the process. It will first be assessed for advertising needs in accordance with the Advertising of Applications Information Guide (LINK:http://www.cbs.sa.gov.au/assets/files/applications-and-advertising-Information-guide_FINAL.pdf) and advertising directions (or advice that advertising has been waived) will be issued to you, along with details of the scheduled determination date and time. This will generally occur within seven business days of CBS having received all relevant information.

Most applications (particularly where advertising is required) are allocated a CBS Case Manager. This person will contact you (usually via email) to provide details of any further documentation required for determination. Any such documentation needs to be received by your Case Manager at least seven days prior to your scheduled determination date, or the matter will **automatically be adjourned for six months. Once all documentation is received, the application will be re-listed for determination within two weeks.**

If all information is received on time and there are no interventions² or objections³ received in respect of your application, a draft Order of the Commissioner will be forwarded to you at least two days prior to the scheduled determination date.

Please note should an application receive interventions or objections and proceed to a conciliation hearing a draft Order of the Commissioner will not be issued.

Following the determination of the application a final Order of the Commissioner and other relevant approvals (for example: Licence, Plans; Responsible Person Badges etc.) will be provided soon after determination.

Please refer to Attachment 'A' for flowcharts of the process your application will go through.

¹ Ref. Section 51 of the *Liquor Licensing Act 1997* and Section 18 of the *Gaming Machines Act 1992*

² SA Police or councils may intervene on an application to introduce evidence or make representations

³ Any person may object to an advertised application by notice at least 7 days before the determination date.

Checklist of minimum documents to be lodged at time of making application

The following documents (as relevant to the applications listed below) **must** be lodged as a minimum at the time of making application

Application for a New Licence / Transfer of Existing Licence	
Application Form	<ul style="list-style-type: none"> ● To be completed: <ul style="list-style-type: none"> <input type="checkbox"/> Application form (including Appendix A, outlining all people requiring approval) <input type="checkbox"/> Additional Information Sheet ● If an applicant is seeking to be represented for their application, other than a barrister, solicitor or a genuine industry association, the representative must request approval under section 20(1)(e) of the Liquor Licensing Act 1997. <ul style="list-style-type: none"> <input type="checkbox"/> Written request to represent the applicant (if applicable)
Applicant Details	<ul style="list-style-type: none"> ● If the applicant is a company, please include: <ul style="list-style-type: none"> <input type="checkbox"/> Current ASIC report showing all directors and shareholders ● If the applicant is acting as a trustee of any trusts: <ul style="list-style-type: none"> <input type="checkbox"/> Details of the name of each trust involved including the names of the trustees and all adult beneficiaries of the trust(s) ● A Personal Information Declaration must be completed and lodged for each of the following people (unless the person is already approved for the purposes of the <i>Liquor Licensing Act 1997</i> or the <i>Gaming Machines Act 1992</i>). <ul style="list-style-type: none"> <input type="checkbox"/> Licensee (if the applicant is an individual(s)) <input type="checkbox"/> Director, Shareholder, or any other person exercising influence/control over the business (including but not limited to CEO's) <input type="checkbox"/> Committee Member (<u>NOTE: Personal Information Declarations/photos are not required for a Club that does not hold a gaming machine licence</u>) <input type="checkbox"/> Adult Trust Beneficiary ● Two passport sized photographs for each person requiring approval
Premises Details <i>(Not applicable to a Transfer Application)</i>	<ul style="list-style-type: none"> ● Two (2) plans of premises <ul style="list-style-type: none"> <input type="checkbox"/> One unmarked plan; and <input type="checkbox"/> One marked plan with coloured lines showing various authorisations sought (<u>Refer to Submitting a Plan Lodgement Guide.pdf</u>).
Evidence of tenure	<ul style="list-style-type: none"> <input type="checkbox"/> Written evidence that the owner/landlord of the property consents to the application; or <input type="checkbox"/> If the applicant is the owner of the property a Certificate of Title must be provided
Evidence of planning approvals, consents or exemptions (including outdoor dining permits)	<ul style="list-style-type: none"> <input type="checkbox"/> If you are seeking approval of an outdoor area please provide a copy of the permit granted by the local Council. <input type="checkbox"/> Exemptions from required building and/or planning approvals, consents or permits have been granted by Council.
Other documents	<ul style="list-style-type: none"> ● If an application for a <u>Special Circumstances</u> Licence: <ul style="list-style-type: none"> <input type="checkbox"/> General submission explaining why the proposed business model does not fit into any other licence category, and how the business would be substantially prejudiced if required to operate under another licence category ● If an application for a <u>Producer</u>, <u>Wholesale</u> or <u>Direct Sales</u> Licence: <ul style="list-style-type: none"> <input type="checkbox"/> Questionnaire

Application for a new Gaming Machine Licence (<i>in addition to above</i>)	
Application Form	<ul style="list-style-type: none"> ● To be completed: <ul style="list-style-type: none"> <input type="checkbox"/> Application form <input type="checkbox"/> Any required appendix to the application form ● If an applicant is seeking to be represented for their application, other than a solicitor or a genuine industry association, the representative must request approval under section 8(1) of the Gaming Machines Act 1997. <ul style="list-style-type: none"> <input type="checkbox"/> Written request to represent the applicant
Social Effects Certificate	<ul style="list-style-type: none"> ● Evidence that: <ul style="list-style-type: none"> <input type="checkbox"/> A 'Social Effect Inquiry' has been conducted and a 'Social Effect Certificate' issued by the Liquor and Gaming Commissioner in respect of the premises to which the gaming machine licence is being sought (Refer to Process and Principles - Prescription Notice 2011.pdf)

Application for Alterations and/or Redefinition of Licensed Area Application for Extended Trading Area (Outdoor Dining) Adding an authorisation (designated dining, sampling, etc.)	
Application Form	<ul style="list-style-type: none"> ● To be completed: <ul style="list-style-type: none"> <input type="checkbox"/> Application form <input type="checkbox"/> Any required appendix to the application form ● If an applicant is seeking to be represented for their application, other than a solicitor or a genuine industry association, the representative must request approval under section 20(1)(e) of the Liquor Licensing Act 1997. <ul style="list-style-type: none"> <input type="checkbox"/> Written request to represent the applicant
Premises Details	<ul style="list-style-type: none"> ● Two (2) plans of premises <ul style="list-style-type: none"> <input type="checkbox"/> One unmarked plan; and <input type="checkbox"/> One marked plan with coloured lines (refer to Submitting a Plan Lodgement Guide.pdf).
Evidence of tenure	<ul style="list-style-type: none"> <input type="checkbox"/> Written evidence that the owner/landlord of the property consents to the application; or <input type="checkbox"/> If the applicant is the owner of the property a Certificate of Title must be provided
Evidence of planning approvals, consents or exemptions (including outdoor dining permits)	<ul style="list-style-type: none"> <input type="checkbox"/> If you are seeking approval for an Extension of Trading Area (outdoor area) please provide a copy of the permit granted by the local Council. <input type="checkbox"/> Exemptions from required building and/or planning approvals, consents or permits have been granted by Council

Application for Removal of Licence (from one location to another)	
Application Form	<ul style="list-style-type: none"> ● To be completed: <ul style="list-style-type: none"> <input type="checkbox"/> Application form <input type="checkbox"/> Any required appendix to the application form ● If an applicant is seeking to be represented for their application, other than a solicitor or a genuine industry association, the representative must request approval under section 20(1)(e) of the Liquor Licensing Act 1997. <ul style="list-style-type: none"> <input type="checkbox"/> Written request to represent the applicant
Premises Details	<ul style="list-style-type: none"> ● Two (2) plans of premises (for the new premises to be moved to) <ul style="list-style-type: none"> <input type="checkbox"/> One unmarked plan; and <input type="checkbox"/> One marked plan with coloured lines (Refer to Submitting a Plan Lodgement Guide.pdf).
Evidence of tenure (for the new premises to be moved to)	<ul style="list-style-type: none"> <input type="checkbox"/> Written evidence that the owner/landlord of the property consents to the application; or <input type="checkbox"/> If the applicant is the owner of the property a Certificate of Title must be provided

<p>Evidence of planning approvals, consents or exemptions (including outdoor dining permits)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> If you are seeking approval of an outdoor area please provide a copy of the permit granted by the local Council. <input type="checkbox"/> Exemptions from required building and/or planning approvals, consents or permits have been granted by Council
---	--

Application to Change Licensee Corporate Structure

<p>Application Form</p>	<ul style="list-style-type: none"> ● To be completed: <ul style="list-style-type: none"> <input type="checkbox"/> Application form ● If an applicant is seeking to be represented for their application, other than a solicitor or a genuine industry association, the representative must request approval under section 20(1)(e) of the Liquor Licensing Act 1997. <ul style="list-style-type: none"> <input type="checkbox"/> Written request to represent the applicant
<p>Proposed Corporate Structure</p>	<ul style="list-style-type: none"> ● Details of Proposed Corporate Structure Change <ul style="list-style-type: none"> <input type="checkbox"/> A Personal Information Declaration must be completed for each director, shareholder, or any other person exercising influence/control over the business (including but not limited to CEO's) ● Two passport sized photographs for each person requiring approval

Application to Carry on Business by Landlord/Mortgagee

<p>Application Form</p>	<ul style="list-style-type: none"> ● To be completed: <ul style="list-style-type: none"> <input type="checkbox"/> Application form <input type="checkbox"/> Any required appendix to the application form ● If an applicant is seeking to be represented for their application, other than a solicitor or a genuine industry association, the representative must request approval under section 20(1)(e) of the Liquor Licensing Act 1997. <ul style="list-style-type: none"> <input type="checkbox"/> Written request to represent the applicant
<p>Evidence of Landlord Right to Occupy Premises</p>	<ul style="list-style-type: none"> ● Evidence that landlord has the right to re-enter / take possession of premises <ul style="list-style-type: none"> <input type="checkbox"/> Copy of expired lease; or <input type="checkbox"/> Notice of re-entry <input type="checkbox"/> Certificate of title
<p>Applicant Details</p>	<ul style="list-style-type: none"> ● If landlord/mortgagee wishes to trade under the licence rather than suspend (seek approval to cease trade with liquor) the licence <ul style="list-style-type: none"> <input type="checkbox"/> A Personal Information Declaration must be completed and lodged for each person listed as landlord/mortgagee (unless the person is already approved for the purposes of the Liquor Licensing Act 1997 or the Gaming Machines Act 1992) <input type="checkbox"/> Two passport sized photographs of each person requiring approval ● If licensee company has gone into liquidation/administration and the landlord applies to take possession and carry on the business: <ul style="list-style-type: none"> <input type="checkbox"/> Evidence that the liquidator/receiver has no further interest in the liquor/gaming machine licence

Other Documents

<p>Other Documents</p>	<ul style="list-style-type: none"> ● Any further documents requested by the Liquor and Gambling Commissioner
-------------------------------	---

Documentation to be lodged at least seven (7) days prior to the scheduled determination date

The following documents (as relevant to the application made) must be lodged at least seven (7) days prior to the scheduled determination date, or the matter **will** automatically be adjourned for six months. Once all documentation is received, the application will be re-listed for determination within two weeks.

Advertising (where directed)	
Evidence of Advertising (if and as required)	<ul style="list-style-type: none">• Copies of advertisement, including publication date, as it appeared in:<ul style="list-style-type: none"><input type="checkbox"/> The Advertiser<input type="checkbox"/> A relevant local paper• Copies of notices provided to:<ul style="list-style-type: none"><input type="checkbox"/> Local Council, including date notice provided<input type="checkbox"/> Occupiers of land or premises adjacent to the licensed (or proposed licensed) premises, including addresses and date notice provided• Confirmation of dates of:<ul style="list-style-type: none"><input type="checkbox"/> Display of Form 2 notice of application on premises

Council / Private Certifier Related Approvals, Consents and Exemptions	
Evidence of planning approvals, consents or exemptions (including outdoor dining permits)	<ul style="list-style-type: none">• Written evidence that:<ul style="list-style-type: none"><input type="checkbox"/> All required building and/or planning approvals or consents have been given by Council; or<input type="checkbox"/> Exemptions from required building and/or planning approvals, consents or permits have been granted by Council
Details of Capacities	<ul style="list-style-type: none">• Details of:<ul style="list-style-type: none"><input type="checkbox"/> Capacities as set by Council, a Private Certifier, or a Registered Architect

Application for a new Gaming Machine Licence	
Other documents	<ul style="list-style-type: none">• To be completed:<ul style="list-style-type: none"><input type="checkbox"/> Responsible Gambling Agreement<input type="checkbox"/> Direct Debit Consent Form<input type="checkbox"/> IGC Agreement<input type="checkbox"/> Gaming Service Agreement

Other Documents	
Other Documents	<ul style="list-style-type: none">• Any further documents requested by the Liquor and Gambling Commissioner

Annual Licence fee to be paid on grant of licence

On the grant of a licence, an annual licence fee becomes payable to the Liquor and Gaming Commissioner by the licensee in June of each year.

The amount payable is a proportion of the annual fee for the licence, as set by Regulation and is payable within 28 days after the grant of the licence.

If the trading hours or conditions of the licence are varied, the annual fee payable may also vary, depending on the change made.

Approved



Dini Soulio
Liquor and Gambling Commissioner
18 March 2016

Fees and Charges

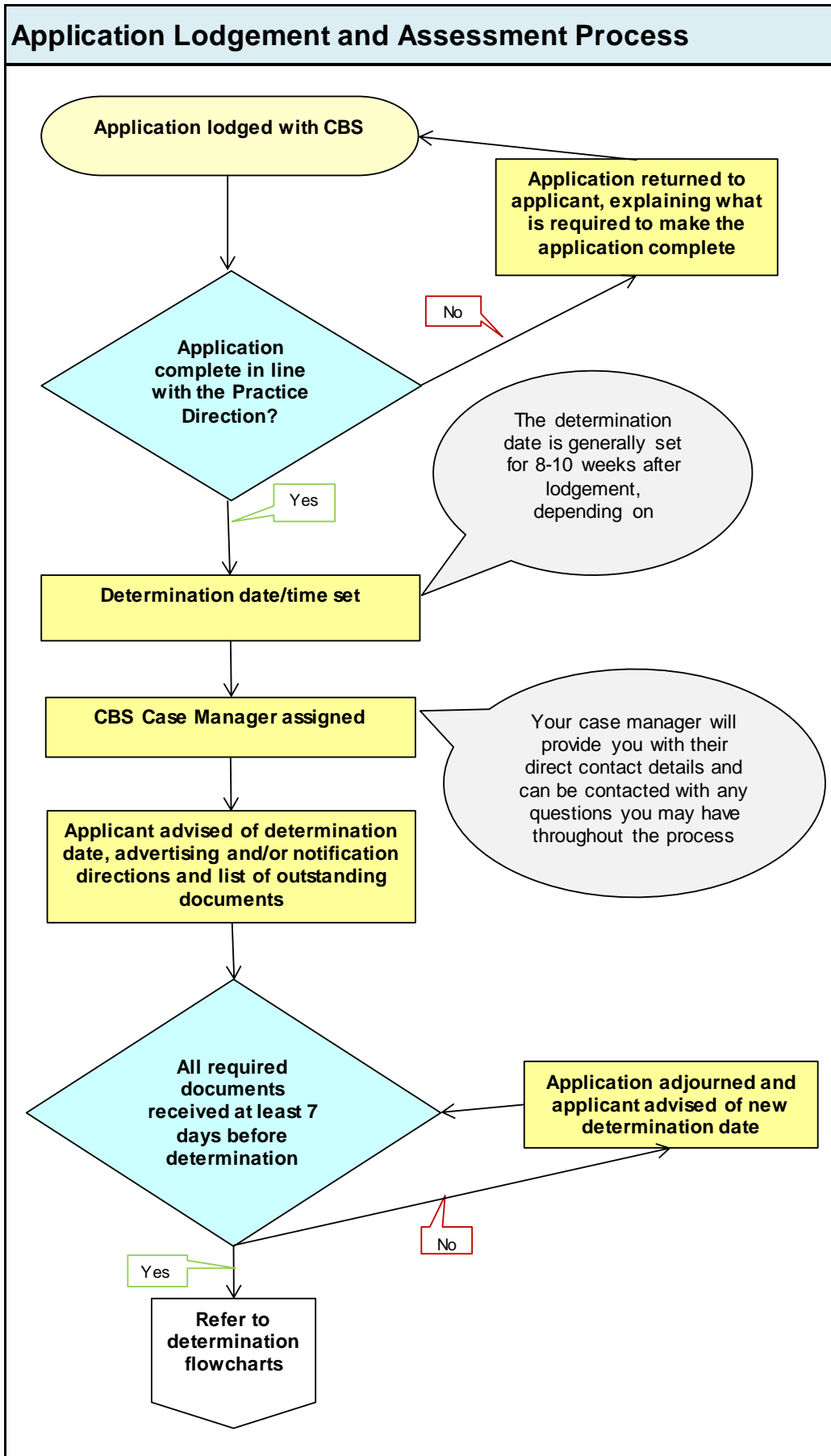
- [Application Fees.pdf](#)
- [Person Approval Fees.pdf](#)
- [Annual Liquor Fees.pdf](#)

Other Information Guides Available

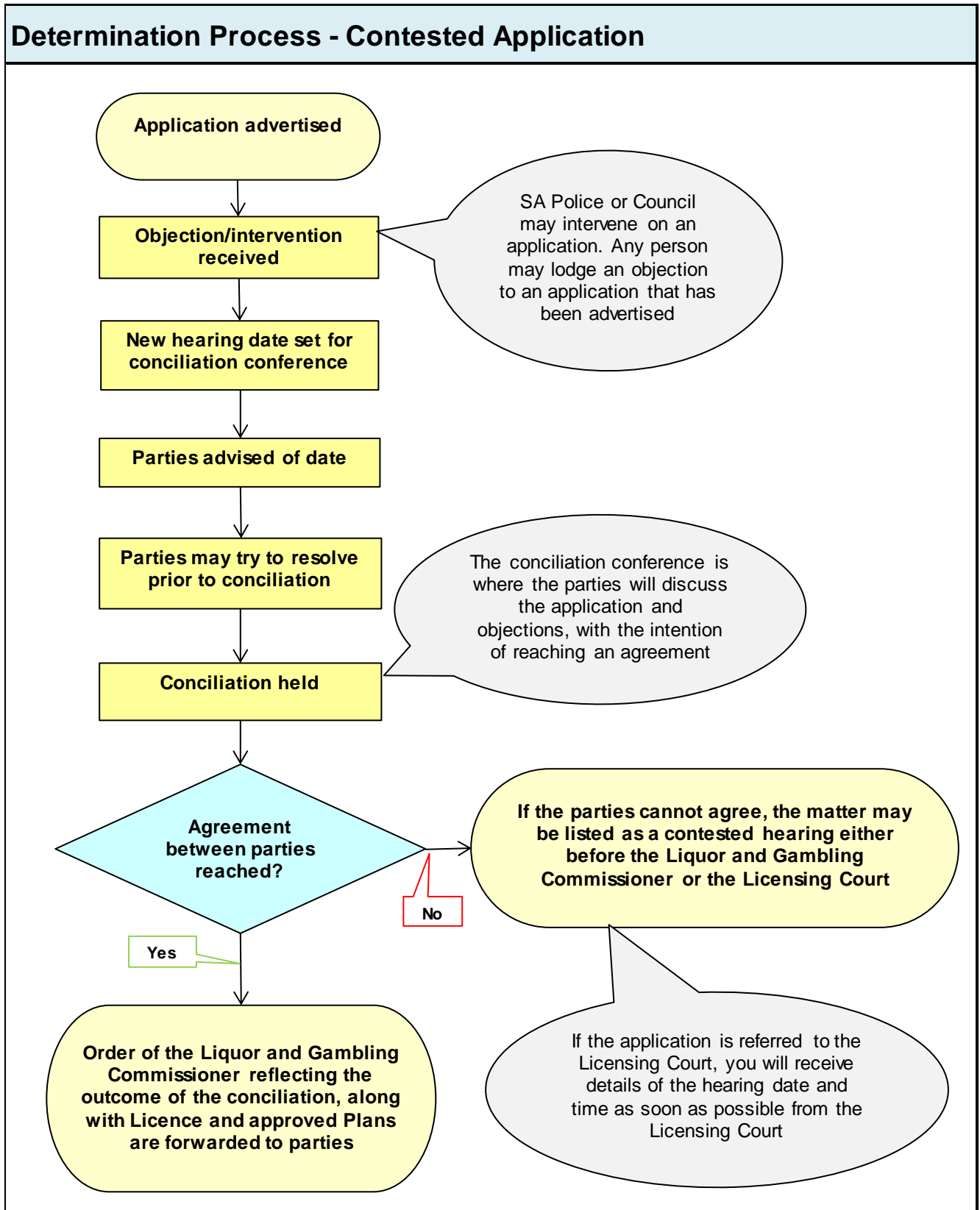
- [Applications and Advertising Information Guide](#)
- [Small Venues Licence Fact Sheet.pdf](#)

Attachment A

Application Process Flow-Charts - Application Lodgement and Assessment Process



Application Process Flow-Charts (cont.) - Determination Process - Contested Application



Application Process Flow-Charts (cont.) - Determination Process - Non-Contested Application

