



## How to Object to an Application

In order to object to an application, a 'Notice of Objection to an Application' form must be completed.

A 'Notice of Objection to an Application' must be lodged with the Office of the Liquor and Gambling Commissioner and a copy served on the applicant at least seven days before the hearing date. An objection can only be lodged to an application, which has been advertised. Both the hearing date and the last day for lodging objections are detailed in the advertisements in the local newspaper, 'Government Gazette' and 'The Advertiser' and also on a notice at the site.

In certain circumstances the licensing authority may accept an objection to an application under the *Liquor Licensing Act 1997* or *Gaming Machines Act 1992* even though it is submitted after the deadline.

## On what grounds can an objection be made?

### Objection to Liquor Applications

An objection to an application made under the *Liquor Licensing Act 1997* may be lodged if there are any of the following concerns:

- The grant of the licence would result in undue noise from the premises or from patrons arriving at or leaving the premises.
- The standard of the premises makes it unsuitable to be licensed.
- The proposed premises is in the vicinity of a school or kindergarten.
- The licence would adversely affect the surrounding area.
- The person/company lodging the application is not fit to hold a licence.
- Where an application is for a hotel licence or a retail liquor merchant's licence, the number of hotels or retail liquor merchant's licences already in the area.
- The grant of the application would not be consistent with the objects of the *Liquor Licensing Act 1997*, or would be contrary to the Act in some other way.

For more details, refer to the Sections of the *Liquor Licensing Act 1997* listed on the 'Notice of Objection to an Application' form.

## Lessor's special right to object

A lessor of licensed premises has a special right to object to an application for the removal of the licence to another premises or an application for alterations to the licensed premises under certain circumstances, for example, where a lease condition requires prior consent.

For more details, refer to the Sections of the *Liquor Licensing Act 1997* listed on the 'Notice of Objection to an Application' form.

## Varying an objection

The licensing authority may allow a person who has lodged an objection to vary the objection at any time before the proceedings are determined.

If the licensing authority allows an objection to be varied, the authority must ensure that the parties to the proceedings are notified of the variation, at a reasonable time before the hearing date.

## Objection to gaming applications

An objection to a gaming application may be lodged if there are any of the following concerns:

- The proposed gaming area, or the layout of the gaming machines is unsuitable.
- The security arrangements are inadequate.
- The gaming operations will cause annoyance or disturbance.
- The gaming operations will become the major activity in the premises.
- The gaming operations will detract from the character of the premises.
- The gaming area is designed so that it will be an attraction to minors.
- The person/company lodging the application is not fit to hold a licence.

For more details, refer to the Sections of the *Gaming Machines Act 1992* listed on the 'Notice of Objection to an Application' form.

**Please continue overleaf**



## Call-Over

The purpose of the 'call-over' is to arrange hearing or conciliation dates for all applications currently before the licensing authority and is usually held on a Friday morning at 9 am in the Office of the Liquor and Gambling Commissioner. The objector(s) will be notified in writing of the 'call-over' date once this Office has received a Notice of Objection. The applicant and the objector(s) will be required to attend 'call-over'. If unable to attend, this Office will need to be advised prior to the 'call-over' date and another person may need to be nominated to attend (such as another objector or a solicitor).

At 'call-over' there will be other people present, who are involved with different applications. A date will be organised for a time and place that is convenient for the majority of parties involved, and the application will not be dealt with further until that time.

## Hearing or Conciliation?

At the 'call-over', the applicant and objector(s) to an application will be asked by the Commissioner whether the matter can be conciliated, that is, whether the parties have common ground that could lead to an agreement. If so, a conciliation conference will be organised for a time and place convenient to the majority of parties involved, usually within 10 working days.

**Note:** There is no provision for conciliation of any contested application under the *Gaming Machines Act 1992*.

If, at the 'call-over', it appears that there is no possibility of a successful conciliation, then either the applicant or objector(s) may ask that the application proceed to a contested hearing. Parties may elect that the contested application be heard by either the Commissioner or the Licensing Court. If the application is heard and determined by the Commissioner, any appeal goes to the Licensing Court. If the application is heard in the Licensing Court any appeal goes to the Supreme Court. An appeal of the Commissioner's decision to the Licensing Court is not subject to further appeal.

**Note:** The Commissioner is required to make a reasonable attempt to achieve conciliation. It is only where conciliation is not achievable that the application proceed to a contested hearing.

## At the Conciliation Conference

Parties to the contested application are given an opportunity to voice their concerns before the Commissioner. The Commissioner will encourage parties to find common ground and will suggest ways to resolve the matter, for example, a modification to the application or the addition of conditions to the licence.

Parties may agree that the licence be subject to a trial period. The parties would then have the opportunity to review the operation of the licence and to engage in further conciliation if necessary, either during or at the end of the trial period.

If conciliation is not achieved, the application will proceed to a contested hearing.

If further information is required, please contact this Office.

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