

Commissioner's Practice Direction: Submissions and Communications on Applications

This document provides directions regarding the process for parties to make submissions in respect of applications and communications with the Liquor and Gambling Commissioner (or his Hearings Delegates) in such matters

General right to make written submissions

Under s 77 of the *Liquor Licensing Act 1997* (the Act), a person may make written submissions to the Commissioner in respect of an application.

Those submissions must be lodged with the Commissioner and a copy provided to the applicant at least 7 days before the date appointed for the hearing or determination of the application (or a lesser period approved by the licensing authority).

Applicant's right of reply

Applicants may lodge a submission in reply to a submission lodged by a person under s 77(2) within one clear business day of the hearing or determination date of the application without requesting permission of the Commissioner (Applicant's reply).

The applicant must also forward a copy of the Applicant's reply to any party who has lodged a submission under s 77.

A person who has lodged a submission under s 77 is not entitled to lodge a submission in reply to the Applicant's reply.

Further Written Submissions

Pursuant to s78(1)(a) of the Act, the Commissioner may, in the Commissioner's absolute discretion, call for further written submissions to be made in relation to a particular application.

Where the Commissioner calls for further written submissions from the applicant, a copy will be provided to all parties to the matter, however no other party is entitled to lodge a submission in reply to the applicant's further submissions.

Where the Commissioner calls for further written submissions from a party to the application other than the applicant, the Commissioner will provide a reasonable time for the applicant to respond to the further submissions called for by the Commissioner.

Where the Commissioner invites written submissions from a person or body who is not a party to the matter under s 78(1)(b) of the Act, a copy of those submissions will be provided to the applicant and any persons who have lodged a submission under s 77 within a reasonable time before determination or hearing of the matter.

Unless otherwise directed by the Commissioner, the applicant is entitled to respond to the submissions called for by the Commissioner under s 78(1)(b) within a timeframe set by the Commissioner, however no other party to the matter may lodge a submission in reply.

Communications

In any applications where submissions have been lodged by a person under s 77, all communications to the licensing authority by any party (including the applicant) regarding the matter should be in writing and copying in all parties to ensure transparency.

Parties should not contact the delegate directly by phone to discuss any aspect of the application.

Decisions

The Commissioner and the Commissioner's delegates will use their best endeavours to determine matters expeditiously. With respect to more complex applications, if a decision has not been received within three months from the date of hearing or closing of all submissions, the applicant may seek a status update by emailing Liquor & Gaming, Attention: Assistant Director, Licensing at liquorandgaming@sa.gov.au.