Advertising of applications

Information guide

The Liquor Licensing Act 1997 (the Liquor Act) and the Gaming Machines Act 1992 (the Gaming Act) require certain liquor and gaming applications to be advertised. Where deemed appropriate and justified, the Liquor and Gambling Commissioner (the Commissioner) may dispense with, or modify, advertising requirements. The Commissioner may also direct that advertising apply to other liquor and gaming applications not specifically listed as requiring advertising.

Advertising requirements will only be dispensed with, or modified, where the Commissioner agrees that individual cases justify a relaxation of one or more of the advertising requirements set out in the relevant legislation. The advertising requirements for an application will be determined on a case by case basis. When applying, applicants should be prepared to meet all advertising obligations set out in the Liquor Act and the Gaming Act, where applicable.

Applications and advertising

Liquor applications

The following types of applications are required to be advertised:

Grant, transfer and removal of liquor licence

Applications for the grant, transfer or removal of a liquor licence, excluding packaged liquor sales licences which are restricted to direct sales transactions only and short term licences, will require full advertising.

If the application relates to a short term licence, the licensing authority will, in most cases, dispense with the requirement to advertise.

Packaged liquor sales licences

Restricted to direct sales transactions only will only be advertised on the Consumer and Business Services (CBS) website.

Other applications

Applications for the following applications under the Liquor Act will require full advertising:

> the conversion of a temporary licence into a permanent licence;
> the variation to conditions, except where the variation is to reduce the capacity of the premises or to remove a club transport endorsement, a club event endorsement or a liquor production endorsement from the licence;
> prescribed entertainment; and
> the variation to trading hours, except where the variation is to reduce the number of hours during which the licensee trades in liquor (but not so as to allow the licensed premises to trade at later hours than those previously fixed in relation to the licence).

If an application seeks to reduce the trading rights of the licensee, the licensing authority may authorise modified advertising or dispense with the requirement to advertise.

If the application relates to a variation to conditions of a short term licence or an application for prescribed entertainment on a short term licence, the licensing authority will, in most circumstances, dispense with the requirement to advertise.
Gaming applications

The following types of applications require full advertising:

- an application for the grant of a gaming machine licence;
- an application for the grant of a proposed premises certificate;
- an application for the grant of a social effect certificate;
- an application for the variation of a gaming machine licence if the applicant is required to conduct a social effect inquiry;
- an application for the transfer of a gaming machine licence; and
- an application for the grant of a gaming machine dealer’s licence.

The Commissioner may direct that an application of any other class also undertake advertising.

What does ‘advertising’ mean?

Liquor applications

CBS will issue the applicant with a Notice of Application under the Liquor Act (the Liquor Notice). The applicant must display the Liquor Notice on the premises or, in the case of a proposed premises, on the relevant land, for 28 days immediately before the set determination date. The Liquor Notice must:

- be clearly visible to, and legible by, persons passing the premises or land;
- must be in the Form 1 set out in Liquor Licensing (General) Regulations 2012;
- be on paper of dimensions not smaller than international size A3 paper;
- include a heading that is in bold faced letters of a height of at least 15 millimetres in height; and
- must otherwise be in a typeface that is at least 5 millimetres in height.

CBS will provide the Liquor Notice when issuing the advertising directions.

CBS will also ensure that a copy of the Liquor Notice is published on the CBS website.

Non-compliance with advertising directions may delay the determination of the application.

Modified advertising and directions

CBS may dispense with or modify advertising requirements, or direct that notice be given to specified authorities and persons in addition to any other notice required by the legislation.

Gaming applications

CBS will issue the applicant with a notice issued under the Gaming Act. The notice must be published by the applicant, at least 28 days before the date fixed for the hearing of the application:

- in a newspaper circulating generally throughout the State (i.e. The Advertiser); and
- in the Gazette.

In relation to applications in respect of a gaming machine licence, a proposed premises certificate or a social effect certificate, the notice must:

- also be published, at least 28 days before the date fixed for hearing, in another newspaper circulating in the area in which the licensed premises are, or are to be, situated; and
- be served on the council under the Local Government Act 1999 for the area in which the licensed premises are, or are to be, situated.

CBS will provide the notice when issuing the advertising directions.

Non-compliance with advertising directions may delay the determination of the application.

Modified advertising and directions

CBS may dispense with or modify advertising requirements.

Confirmation of advertising

If an application requires advertising, evidence that the advertising directions were met must be lodged with CBS at least seven days prior to the determination or hearing date of the application. If such evidence is not received by CBS at least seven days prior to the determination or hearing date, the application will be adjourned for determination at a later date.

Confirmation may be in the way of dates of display of the premises notice, and if directions were given, copies of notifications provided to authorities or other people.
Submissions and objections

Under the Liquor Act, a person may, by notice lodged by way of the submission form located on the Advertised Applications page on cbs.sa.gov.au, at least seven days before the day appointed for determination or hearing of the application (or such lesser period as the licensing authority may allow), make written submissions to the Commissioner in respect of an application that has been advertised.

Under the Gaming Act, any person may, by notice in the prescribed form lodged with the Commissioner at least seven days before the day appointed for the hearing of the application, object to an application that has been advertised.

Submissions under the Liquor Act

The Liquor Act sets out the following grounds on which submissions may be based:

- that the grant of the application would not be consistent with the objects of this Act or would be contrary to this Act in some other way;
- in the case of a designated application – that the granting of the designated application is not in the community interest;
- in the case of an application by a natural person for the grant or transfer of a licence, or for the conversion of a temporary licence into an ordinary licence – that the applicant is of bad reputation or character or is in other respects not a fit and proper person to be licensed;
- in the case of an application by a trust or corporate entity for the grant or transfer of a licence, or for the conversion of a temporary licence into an ordinary licence – that the applicant is not a fit and proper person to be licensed or that a person who occupies a position of authority in the entity is of bad reputation or character or is in other respects not a fit and proper person to hold such a position in an entity that holds a licence;
- in the case of an application for the grant or removal of a licence – that the position, nature or quality of the premises renders them unsuitable to be licensed, or to be licensed under a licence of the kind to which the application relates; or

that if the application were granted:

- undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises or proposed premises to which the application relates would be likely to result;
- the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises or proposed premises to which the application relates would be likely to be prejudiced; or
- the amenity of the locality in which the premises or proposed premises to which the application relates are situated would be adversely affected in some other way.

A person who makes a written submission must ensure that the applicant is given a copy of the written submissions at least seven days before the day appointed for the hearing or determination of the application (or such lesser period as the licensing authority may allow).

The licensing authority must have regard to any written submission received in relation to an application.

More information about the submission process can be found by visiting sa.gov.au.

Objections under the Gaming Act

An objection may be made on the ground that the grant of the advertised application would be contrary to the Gaming Act, in that any one or more of the matters as to which the Commissioner is required by the Gaming Act to be satisfied before granting the application would not, in the opinion of the objector, be satisfied.

A copy of the notice of objection must be served by the objector on the applicant at least seven days before the day appointed for the hearing of the application.

More information about the objection process can be found by visiting sa.gov.au.

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