

# APPLICATION FOR VARIATION OF CONDITIONS OF LICENCE/PERMIT

<b>Application fee</b>
refer to <a href="#">Schedule of Fees</a>

NOTE: This fee is GST exempt

An application for a variation may only be applied for by the licence/permit holder.

**1] LICENSEE/PERMIT HOLDER:**

SURNAME	GIVEN NAMES	TITLE

**2] PREMISES:**

NAME OF PREMISES	
LICENCE/PERMIT NUMBER	
ADDRESS OF PREMISES	

**3] CURRENT CONDITION:**

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**4] PROPOSED VARIATION TO CONDITION:**

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**5] PURPOSE OF VARIATION:**

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**6] LICENSEE/PERMIT HOLDER SIGNATURE:**

**Signature**

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**Date**

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## Variation of Conditions of Licence/Permit

Section 25D and section 34C of the *Liquor Licensing Act 1990* provides the Commissioner for Licensing with the power to vary conditions of a liquor licence or permit on the application of the licensee. An application for variation must be made on the form approved by the Commissioner and accompanied by the prescribed application fee.

The power to vary a licence or permit is to provide a mechanism whereby **reasonable adjustments** can be made without the need for the licensee/permit holder to make application for a new licence or permit.

In this regard, the Commissioner for Licensing has determined that any changes approved under section 25D or section 34C of the Act should not be changes that would undermine, or be clearly contrary to, the decision when the licence application was first considered.

### Requests for variation by the Commissioner that are likely to be granted

Most straightforward requests, such as a variation or increase to trading hours or a variation or increase in trading days, are likely to be approved. Other requests for variation may involve requests for additional authority for the sale of liquor that had not been envisaged by the licensee/permit holder at the time of the initial application. These requests are also likely to be granted.

For example:

- a request by the operator of a combined restaurant and retail craft outlet who has the ability to sell a limited amount of wine with food and who may not have initially considered sales of, say, Tasmanian wine for consumption off the premises and who now wishes to satisfy customer requests; or
- a request for some limited takeaway sales of Tasmanian wine from the operator of a cruise vessel operating in and visiting vineyards in a high profile wine region.

In all these cases, however, while there may not be any fundamental changes to the operation of the licence, the Commissioner will take account the initial decision when the licence was first considered to ensure that there were no particular circumstances in that decision that would be relevant in approving the subsequent variation.

### Requests for variation by the Commissioner that are not likely to be granted

Other requests, however, are unlikely to be granted. For example:

- a request by a restaurateur operating under a special licence for authority to sell liquor for consumption with or without a meal; or
- a request from the operator of a premises located in a tourism and hospitality area (with a focus on the promotion of Tasmanian products) for authority to sell non-Tasmanian and / or non-Australian wines.

### Right of appeal

If you choose to apply for a variation to your licence/permit and are refused, you have the right to appeal to the Tasmanian Liquor and Gaming Commission against the Commissioner's decision.

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