

Tasmanian Liquor and Gaming Commission: Appeal - Reasons for Decision

Purpose

To conduct a hearing into an appeal against a decision of the Commissioner for Licensing in relation to:

Applicant: Mr Craig John Baldock, 'Alcohol Deliveries'.

Type of Application: Special Licence (Section 11 *Liquor Licensing Act 1990*).

The appeal was heard in Hobart on 1 May 2017.

Decision: 1 May 2017.

Background and hearing of the appeal

The Commissioner for Licensing delivered his Reasons for Decision on 10 February 2017. The Commissioner determined:

“In weighing the evidence provided I am not satisfied that the application is in the best interests of the community or that it furthers the object of the Act relating to the minimising of harm arising from the misuse of liquor, consequently the application is refused.”

The applicant lodged an appeal against the Commissioner's decision on 3 March 2017 and included an amended application proposal ('Liquor Licence Application - Amended Proposal') which addressed some of the concerns the Commissioner had raised in his decision.

For the purposes of *Liquor Licensing Act 1990*, and particularly section 214 of the Act the Commission determined it was not open to it to consider the part of the document outlined as an 'Amended Proposal', as this was not material which was before the Commissioner when he determined to refuse to grant the special licence.

In making its decision, the Commission considered:

- Memo to the Commissioner for Licensing dated 9 January 2017;
- Application for a Liquor Licence dated 25 November 2016;
- National Police Certificate issued on 4 October 2016;
- VEDA commercial credit check issued on 9 December 2016;
- Liquor Licence Applicant Report dated 14 December 2016;
- Initial submission and additional submission from Craig Baldock (undated);
- Email from and to Craig Baldock dated 12 and 11 December 2016 respectively, together with response to queries from Craig Baldock;
- Email to Craig Baldock from the Branch dated 21 December 2016, together with the representation (objection) from Peter Freshney dated 20 December 2016;

- Email and related attachments from Craig Baldock dated 23 December 2016 as an initial response to Mr Freshney's objection;
- Further response from Craig Baldock to Mr Freshney's objection (undated) - electronically filed on 9 January 2017;
- Reasons for Decision of the Commissioner for Licensing dated 10 February 2017;
- Appeal of Liquor Decision by Craig Baldock (undated) received on 3 March 2017.

Decision

Having considered the written evidence that the Commissioner for Licensing had before him at the time of making his decision, under the provisions of subsection 214(1)(c)(i) of the *Liquor Licensing Act 1990*, the Tasmanian Liquor and Gaming Commission agrees with the Commissioner's findings and confirms the decision of the Commissioner for Licensing to refuse the application for a Special Licence for 'Alcohol Deliveries'.

Jenny Cranston (Chair), Stuart Barry (Member), Leanne Topfer (Member)

9 May 2017