

COMMISSIONER FOR LICENSING

INFORMATION FOR PEOPLE MAKING A REPRESENTATION ABOUT A LIQUOR LICENCE APPLICATION

This information is provided to explain how to make a representation to the Commissioner for Licensing in relation to an application for a liquor licence.

A representation needs to be lodged in writing and it needs to be objective and supported by factual material.

HOW DOES THE COMMISSIONER DETERMINE WHETHER AN APPLICATION SHOULD BE APPROVED “IN THE BEST INTERESTS OF THE COMMUNITY”?

In considering applications for a liquor licence, the Commissioner is required to determine whether granting the licence is *in the best interests of the community*.

There is no “one size fits all” answer to this question, as every application must be dealt with on its own merits.

The best guide to whether the Commissioner will find an application is in the ‘best interests of the community’ is likely to be found in the past decisions on applications which are similar to the application on which you wish to make a submission. Previous decisions are available at <http://www.liquorlicensing.tas.gov.au>.

These previous decisions may help you to identify previous applications for the same type of licence, in the same or a similar locality, with the same or a similar people living and working in the locality, and with other similar factors.

The following is provided as guidance on the factors which may prove relevant in determining whether an application is in the best interests of the community. This list is not exhaustive, however, and other matters that are not listed here may be relevant (given the individual nature of the application).

- Will the business provide something positive to the social fabric? Or is it solely for the sale of liquor?
- Will it provide economic benefit? Will it provide new employment?
Will it use existing premises, improve or add to existing premises or is it new premises?
- Will it cause other community facilities to close and hence result in an overall reduction in facilities (as a result of the transfer of income or profit)? Will it cause other facilities to be under economic pressure, but nevertheless provide increased facilities overall?
- Will it provide something other than sale of liquor – for example, hospitality generally, accommodation, dining, other retail items of benefit to a diverse community?
- Are the premises in a difficult area which has special community concern – for example in a zone which is inappropriate for dispensing liquor in the manner intended?

- Will it provide liquor in a manner known to be safe and to minimise adverse impact?
- Are the plans for the business well thought out and clear or are they vague, imprecise or purely expressed in terms of personal benefit, without any obvious social or economic benefit to counter the risk of adverse impact from consumption of liquor?
- Is there a sense of 'integrity', capability, track record, and reality to the applicant's intentions?
- Is there community opposition? Is there police or council opposition?

While no single matter may be decisive, you may need to address them in your representation, depending on the nature of the licence on which you wish to make a submission and the location of the intended licensed business.

The overriding issue is that the Commissioner will make a decision on each matter on the basis of weighing the individual aspects for and against a licence grant. It will not always be that local community opposition is certain to cause the refusal of a licence application.

The onus is on the applicant to demonstrate that the licence grant will be in the best interests of the community, but representations by an objector needs to be credible. The generalised assertion that 'another liquor outlet will increase harm' is not sufficient to cause rejection of an application.

No doubt it would benefit an applicant for a licence to demonstrate that the local community would desire to have the new facility. The question posed by the legislation is 'what is in the best interests of the community' which is really the whole community, of which the local community forms part.

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