

This Information Bulletin briefly explains some of the requirements when objecting to a liquor licence application that is currently being advertised as per the *Liquor Control Act 1988 (the Act)*. Advertised applications can be viewed on our [website](#).

WHAT IS AN OBJECTION?

The Act provides that where an application is required to be advertised, a right to object to that application is given. The Act also sets out **who** may object, **how** that objection may be dealt with, and the **general grounds of objection** as per sections 73 and 74 of the Act.

Objections may be lodged against most applications under the Act. The following application types are advertised for public information:

- The grant of removal of a licence, other than an occasional licence
- Permanent extended trading permits
- Major alterations to licensed premises

WHO MAY OBJECT?

Where an application is required to be advertised, any person may object to the application on any ground permitted by section 74 of the Act.

GENERAL GROUNDS OF OBJECTION

No objection may be made unless it is on one or more of the following grounds, as per section 74 of the Act:

- that the grant of the application would not be in the public interest; or
- that the grant of the application would cause undue harm or ill-health to people, or any group of people due to the use of liquor; or
- that, if the application were granted:
 - undue offence, annoyance, disturbance or inconvenience to person who reside or work in the vicinity, or to persons in or traveling to or from an existing or proposed place of public worship, hospital or school, would be likely to occur; or

- the amenity, quiet or good order of the locality in which the premises or proposed premises are, or are to be, situated would in some other manner be lessened; or
- that the grant of the application would otherwise be contrary to this Act.

Grounds of Objection - Public Interest

Where an objection is lodged on the ground that the grant of the application would not be in the public interest:

- the notice of objection shall be accompanied by a statement in writing setting out the reasons why the objector considers the objection can be made out and accompanied by evidence that supports the statements made. **The onus is on the objector to validate the statements made.**
- If the Director so requires, the objector shall provide further particulars of the matters to which the objection relates.
- the Director may require that notice of any facts or grounds alleged or submission made be given to the applicant in a particular manner.
- an objector does not need to reside in the same locality to which the application relates, however the burden of **establishing the validity of the objection lies on the objector** as per section 73(10) of the Act.

GENERAL INFORMATION

The director may require any objector to verify whether:

- the person has any direct or indirect pecuniary interest in the refusal of the application, or any expectation of such an interest;
 - any person other than the objector is interested in the lodging of the objection and, if so:
 - the name of each such person; and
 - where the person is a proprietary company, the names of the directors and principal shareholders; or
 - any other matter required by the Director,
- on oath or affirmation or by statutory declaration.

HOW DO I OBJECT TO THE APPLICATION?

Applications, including the public interest submissions, can be viewed on the Department's website during the advertised period. Plans associated with the application can be viewed, without fee, at the Department during the advertised period.

An objection to an application should be made by lodging a notice with the Director on or before the last date of the advertising period set by the licensing authority. The objection form is attached to this kit.

SUBMISSIONS

Any person may make a submission to the Director of Liquor Licensing in support of or in opposition to an application.

A person who makes a submission to the Director is not a party to proceedings and will not be afforded the same rights and recognition as an objector.

If a person wishes to become a party to proceedings, they should lodge a formal objection.

Submissions must be made in writing (including via email or by post). Persons may submit their submission using a LLD/18 Form which is available from the Department's website.

DOCUMENTATION TO BE LODGED - MINIMUM REQUIREMENTS

This checklist is to be completed and submitted with your objection. Please tick boxes to show items lodged with the objection and sign and date the bottom.

☐ Completed **Form 17** – Notice of Objection

OTHER INFORMATION THAT MAY BE REQUIRED

☐ Objection is related to one of the permitted grounds for objection under section 74 of the Act

☐ Evidence to verify and support the statements made

I confirm that the required documentation accompanying this objection is attached.

Applicant/agent signature and date

Disclaimer

This Bulletin is designed to provide authoritative information in regard to the subject matter covered, and with the understanding that the Director is not passing legal opinion or interpretation or other professional advice.

The information is provided on the understanding that all persons undertake responsibility for assessing the relevance and accuracy of its contents.



NOTICE OF OBJECTION
LIQUOR CONTROL ACT 1988
Section 73(4)

Please print neatly in **BLOCK LETTERS** with a *black* pen only

1. DETAILS OF APPLICATION OBJECTED TO

- (a) Name of applicant: _____
- (b) Nature of application this objection relates to (*ie grant of hotel licence*): _____
- (c) Name of premises/proposed premises: _____
- (d) Address of premises/proposed premises: _____
- _____ Post Code: _____

2. DETAILS OF OBJECTOR(S)

- (a) Full name: _____
- (b) Postal address for service of documents: _____
- _____ Post Code: _____
- (c) Contact Name: _____ Phone Number: _____
- Email: _____
- (d) Does the Objector have any direct or indirect pecuniary interest in the refusal of the application:
YES ☐ NO ☐
- If **YES**, describe it: _____
- _____
- _____

3. GROUNDS OF OBJECTION

What grounds of objection are alleged?

As section 73(10) of the Act places the burden on an objector to establish the validity of any objection you must specify the details, including any evidence, in support of each ground of your objection.

- ☐ The grant of the application would not be in the public interest. [Section 74(1)(a)]

Details in support (including a statement setting out the reasons why you think the objection can be made out):

Please attach separate submission if required

- ☐ The grant of the application would cause undue harm or ill-health to people, or any group of people, due to the use of liquor. [Section 74(1)(b)].

Details in support: _____

Please attach separate submission if required

- ☐ If the application were granted undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital or school, would be likely to occur. [Section 74(1)(g)(i)].

Details in support: _____

Please attach separate submission if required

- ☐ If the application were granted the amenity, quiet or good order of the locality in which the premises or proposed premises are, or are to be, situated would in some other manner be lessened. [Section 74(1)(g)(ii)].

Details in support: _____

Please attach separate submission if required

- ☐ The grant of the application would otherwise be contrary to the Act. [Section 74(1)(j)].

Details in support: _____

Please attach separate submission if required

4. DECLARATION

Dated the _____ day of _____ / _____

WHERE THE OBJECTOR IS A COMPANY OR CLUB THAT HAS A COMMON SEAL:-

The common seal of _____
was hereunto affixed in accordance with section 127 of the Corporations Act 2001 and the Articles of Association in the presence of:

Signature of Director or Committee Member

Name of Director or Committee Member

Signature of Director or Committee Member

Name of Director or Committee Member

WHERE THE OBJECTOR IS A COMPANY THAT DOES NOT HAVE A COMMON SEAL:-

Executed in accordance with section 127 of the *Corporations Act 2001* and the Articles of Association

Signature of Director

Name of Director (*Please print clearly*)

Signature of Director

Name of Director (*Please print clearly*)

WHERE THE OBJECTOR IS ONE OR MORE INDIVIDUAL PERSONS:-

Signature of Objector

Signature of Witness

Signature of Objector

Signature of Witness