TRIM ID: CD/18/11445

**Information Sheet – Contested Liquor Licence Applications**

**Background**

This Information Sheet explains how the Victorian Commission for Gambling and Liquor Regulation (**the Commission**) usually makes decisions about liquor licence applications made under the *Liquor Control Reform Act 1998* (**the Act**) which are 'contested'.

This Information Sheet only applies to contested applications which have been escalated to a single Commissioner to determine.

If you apply for the grant of a licence, or for the variation, relocation or transfer of a licence[[1]](#footnote-1), and a person objects to the application, the application is considered a 'contested' application.

**How do I make a liquor licence application?**

An application for the grant, variation, relocation or transfer of a licence, must:

* be in the form approved by the Commission. There are different forms for the different types of licence, and for new applications or variations. You should check our website (<http://www.vcglr.vic.gov.au>) to confirm which form relates to your application;
* be accompanied by the prescribed fee. The fee is different for different types of applications and the fees are set out on our website (<http://www.vcglr.vic.gov.au/liquor-licence-application-fees-and-timing>); and
* contain all the information that the Commission requires (the relevant approved form details what information is needed).

Once your application is received, we will acknowledge it and let you know if any further information is required and what the next steps are. Those steps may mean you need to display a public notice about the licence application at the proposed premises or in a local newspaper, or give notice of the application to specified persons who may be affected by the application.

We will also forward a copy of the application to the Chief Commissioner of Police and the relevant Local Council.

**How do I object to an application?**

Objections to liquor licence applications can be made by:

* any person, on the grounds that:
  + granting, varying or relocating the licence would detract from or be detrimental to the amenity of the area, or
  + for applications relating to the sale of packaged liquor (that is, from a bottle shop), granting, varying or relocating the licence would be conducive to, or encourage, the misuse or abuse of alcohol;
* the Local Council, in relation to premises within its municipal district, on the same grounds set out above;
* a Victoria Police licensing inspector, on the grounds that the applicant is not a suitable person, or otherwise on the same grounds set out above; and
* the Chief Commissioner of Police, on any grounds he or she thinks fit.

Objections must be made in writing to us **within 30 days** (unless granted an extension under section 174 of the Act) from the date that the display of the public notice started. The notice will state the date by which objections need to be made.

Your objection should clearly set out the grounds on which the objection is made and your reasons.

If an objection is made which is frivolous or vexatious, or not in compliance with the Act, we may refuse to accept it.

The Act also sets out some matters which are not valid reasons for an objection – such as that the proposed business will not be successful or would impact the business of an existing licensee, or that there is insufficient need or demand.

**How will the Commission deal with a contested application?**

The applicant and any objectors are parties to the application.

There are two ways a contested application can be determined – either by holding a hearing or considering the application 'on the papers' (that is: on the basis of written information in the application, and in any objections, alone).

If the Commissioner believes an application can be determined on the papers, we will write to you (and any other parties) asking whether all parties agree to us deciding the application in this way.

**Decisions ‘on the papers’**

For contested applications that are determined 'on the papers':

* we will invite the applicant to provide us with any further written submissions and evidence within a specified timeframe;
* these submissions and evidence will then be provided to any objectors;
* the objectors will, in turn, be invited to provide their own written submissions and evidence within a specified timeframe;
* those materials will be provided to the applicant; and
* the applicant will be invited to respond within a specified timeframe (if necessary).

If we have any other information which affects the application, we will provide that to all parties, and give everyone an opportunity to respond or provide further information (which needs to be provided within the time frames specified). However, if a party does not respond in time, we may make our decision on the information already available to us.

**Hearing**

If a party requests a hearing, or the application is not able to be decided ‘on the papers’, we will invite the parties to attend a hearing.

Preliminary meetings

In certain circumstances, we may decide to hold a preliminary meeting with all parties. At such a meeting, a single Commissioner will work with the parties to:

* identify key issues relevant to the application;
* set an agreed timetable for the exchange of submissions and documents by parties;
* identify relevant witnesses (if any) and estimate the likely duration of any hearing; and
* set an agreed time and date for the hearing.

The outcome of this meeting will be summarised in writing in an agreed timetable document. This will be provided to all parties and is expected to be adhered to.

Preliminary meetings can be in person or by telephone. Parties will be advised of the time and date of a preliminary meeting.

**What happens at a hearing?**

If you request a hearing, or we decide one is needed, we will arrange a time and date that suits all parties and the Commissioner. If any party requires an interpreter, we ask they notify the Commission as soon as possible so that we can arrange for one to be present.

At the hearing, each party will have the opportunity to explain their view and put forward any relevant evidence or submissions. This may include calling witnesses and parties will have the opportunity to ask questions.

The hearing will generally be conducted in public, unless we consider that the circumstances require a private hearing. A party can also request a private hearing – see Practice Note G-02 for further information about private hearings.

There is usually a lawyer present who helps the Commission conduct the hearing. See Practice Note G-01 for more information about this person’s role.

**Do I need a lawyer? Can I bring a support person?**

We aim to conduct hearings with as little formality and technicality as possible. You are not required to have a lawyer represent you but may do so if you wish. You can also bring along a support person.

**What happens if I don’t attend a hearing?**

If you don’t attend a scheduled hearing, we will make a decision on the basis of all of the information already before us. If you cannot attend the scheduled hearing (for example, if you are unwell), you can ask for the hearing to take place on another day.

**Decision**

After considering the application and objections, the Commissioner may grant the application (with or without conditions) or refuse it.

If there is a hearing, we will not usually make an immediate decision, but will consider all the information we have received and make our decision at a later time.

You will be notified of our decision in writing and receive a written statement of the reasons for our decision. If you are not satisfied with the decision of the Commissioner, you may be able to request an internal review of the decision – see Information Sheet – Internal reviews of liquor licence applications for more information.

**Effective Date:** This practice note was approved by the Commission on **26 April 2018** and applies to contested liquor applications made to the Commission after this date.

The Commission has approved this Information Sheet to explain how it generally handles contested liquor applications, but may vary the way it handles a contested liquor application at its absolute discretion.

1. In this Information Sheet, references to ‘licence’ and ‘licensee’ also includes BYO permits and permittees respectively. [↑](#footnote-ref-1)