

Applications to change existing authorisations, conditions or boundaries



Who should read this guideline

You should read this Guideline before you lodge an application to the Independent Liquor & Gaming Authority (“Authority”) for:

- ▲ a **new liquor licence** or **new authorisation** for an existing licence, where the application is required to be accompanied by a Category B community impact statement (“CISB”) – for example, applications for a hotel licence, packaged liquor licence, or extended trading authorisation for an existing hotel,
- ▲ **variation to an existing authorisation** for a liquor licence, where a CISB was provided with the original application for the authorisation, or
- ▲ **changes to the conditions/hours of an existing liquor licence**, or the **boundaries** of an existing licensed premises, where a CISB was provided with the original application for the licence, or
- ▲ a **new delivery only packaged liquor licence** or **changes to the conditions** of an existing delivery only packaged liquor licence.

For more information about the preparation and assessment of a CISB, please refer to the Authority’s Guideline 6.

Reason for this Guideline

This Guideline has been developed in response to an increasing number of applications seeking amendments to existing licences by way of variations to authorisations, conditions and/or boundaries, shortly after the Authority’s approval of the relevant authorisations, conditions and/or boundaries.

In many cases, applications to modify elements of an existing licence do not require the same level of public consultation as does the original application for a new licence or authorisation. As a result, members of the community who were first consulted in respect of the original proposal are not afforded the same opportunity to provide comments about the revised proposal.

IMPORTANT NOTICE Under s.36 *Gaming and Liquor Administration Act 2007* and s.307A *Crimes Act 1900*, it is an offence to provide information to the Authority that is false or misleading.

Staged applications made within a short period of time may confuse the local stakeholders who believe they have already addressed a proposal. They may also inaccurately convey the impression that liquor and gaming operations will be conducted within a more moderate scale or timeframe than what is later proposed.

General expectations regarding proposed business model

In their application and community impact statement, applicants for a new liquor licence or new authorisation for an existing licence should provide a commercially realistic estimate of their proposed business model for the short to medium term, including:

- ▲ the size and layout of the licensed area, trading hours and any restrictions on the liquor products to be sold,
- ▲ the intended delivery area for delivery only packaged liquor licences, as this is relevant to the Authority’s understanding of the business model and risk profile.

When institutional stakeholders and members of the public are consulted about a proposed new licence or authorisation, they are entitled to hold the reasonable expectation that the proposed business model will remain substantially for a period of **12 months** following the approval of the licence or authorisation, or that they be given a further opportunity to comment should changes be sought within this period.

While each application will be considered on its merits, the Authority’s policy view is that it is not in the public interest, in respect of the balanced development of the liquor industry, to approve an application that is reflective of a staged approach to expanding a licensed business within a relatively short period of time (12 months as a general rule) after the initial approval, unless:

- ▲ exceptional or unforeseen circumstances can be demonstrated,
- ▲ there have been substantial attempts to notify the local community of the intention to make the subsequent application, and

- ▲ the community is provided with an adequate further opportunity to consider and comment on the overall social impacts, particularly the potential negative social impacts, of the revised proposal.

This policy does not apply to proposals to maintain or reduce the scope of a licensed business, such as to maintain (or not materially increase) or reduce the boundaries of an existing licensed premises or to reduce late-night trading hours of an existing licensed premises.

Applications to increase licence boundaries by more than 50%

The Authority requires change of boundaries applications that are to increase licence boundaries by more than 50%, and where a CISB was provided with the original licence application (or would currently be required for an application of this type), to be accompanied by a CISB, irrespective of the length of time since the community was previously consulted with. The Authority considers such applications to represent a change in business model, and that consultation with the community through a CISB would better inform the decision making process.

Evidence of development approval or consent

For applications to change existing licence boundaries, the Authority requires applicants to provide a copy of their current development consent or approval to demonstrate that the business or activity to which the licence relates is compliant with local council requirements.

Review of this Guideline

The Authority may review the operation of this Guideline from time to time and may update the Guideline as and when considered appropriate.

APPROVED by the Independent Liquor & Gaming Authority

15 September 2021



PHILIP CRAWFORD
Chairperson