



Objections conference

The Liquor Act 1992 is consultative in its approach to the granting, renewal and amendment of liquor licences and permits.

Statutory provisions ensure the widest possible opportunity for input is provided to anyone who might be affected by the operation of a liquor licence or permit. This includes offering the chance to people who live, work or do business in the area to object to applications.

The objections process is designed so the public, police and council can have their say on applications that may impact on the amenity of the local area and affect the lives of people living around the premises.

Police probity checks are conducted on all prospective licensees and nominees. This ensures the criminal history of those seeking a licence is available for the chief executive to consider when making a decision whether to issue a permit.

Can I object to the granting of a liquor licence?

Objections can be lodged by anyone over the age of 18 years either individually or as a group by way of petition.

To lodge an objection you must either live in the area or be likely to be affected by the granting of the application.

For standard applications, objectors may object on the grounds the application may cause 'undue offence, annoyance, disturbance or inconvenience' or 'the amenity, quiet or good order' of the locality is affected.

When lodging an objection you must clearly state the grounds for your objection. Objections can only be made if:

- the granting of a licence or application would be likely to cause undue offence, annoyance, disturbance or inconvenience to persons living, working or doing business in the area or
- if the amenity or good order of the locality would be lessened in some way.

It is important to note the closing date for objections. Objections received after the closing date are invalid.

What if I want to lodge a petition?

Objections can also be lodged in the form of a petition. A petition will be disregarded unless it follows the following format:

- Each sheet of the petition must have an identical heading clearly stating the subject matter. The heading must be positioned so it is clearly legible to every person whose signature is sought.
- Each signatory must add particulars of his or her connection with the locality to which the application relates. For example, advise whether you reside, work or do business in the area.
- Each sheet of the petition must state the name of the petition's sponsor. This is the person with whom all contact between the chief executive and the signatories to the petition will be made.

What happens if objections are received?

If objections are received, an objections conference may be held. The conference is an opportunity for the objector/s and the applicant to get together and informally discuss any concerns.

Who conducts the conference?

A licensing officer from the Office of Liquor and Gaming Regulation (OLGR) chairs the objections conference. The purpose of the conference is to obtain all relevant information on a liquor application from people who have lodged valid objections.

The licensing officer will ensure everyone attending (objectors and the applicant) has the opportunity to discuss the application and their concerns. Information from the conference is reported to the chief executive who is the ultimate decision maker.

How is the conference conducted?

All objectors are advised of the date, time and venue for the objections conference.

Objectors attending the conference will be required to print their name on a list of participants so the licensing officer can verify they are a valid objector.

Who is a valid objector?

A person who has lodged an objection in writing by the due date stating the grounds for their objection is a valid objector. Police and council may be invited to attend. The conference is not a public meeting. Only valid objectors may attend to discuss their concerns. Therefore, it is not appropriate for the media to attend.

At the start of the conference the chair will identify himself/herself, outline the application being discussed and explain how the conference will proceed, which is normally as follows:

1. The applicant will outline what is proposed.
2. Objectors may then speak about their concerns (there are some restrictions). Each objector must identify themselves before contributing.
3. The applicant will be provided an opportunity to respond to concerns expressed.

What can be discussed at the conference?

Objectors can discuss issues relating to the grounds for objection. That if the application was granted:

- undue offence, annoyance, disturbance or inconvenience to persons who reside or work or do business in the locality, or to persons travelling to or from an existing or proposed place of public worship, hospital or school is likely to happen or
- the amenity, quiet or good order of the locality would be lessened in some way.

What cannot be discussed at a conference?

General comments as to whether the application is in the public interest cannot be discussed at the conference. Written submissions on these issues can be forwarded to the chief executive, who will undertake an independent assessment of the application in relation to public interest.

The approval of gaming is not considered by the chief executive, therefore, these issues are not considered at the objections conference. Any enquiries relating to gaming should contact OLGR on 13 13 04.

What happens if an agreement is reached?

If an agreement is reached between the parties concerned, either on a single issue or on a range of issues, a document recording the agreement may be drafted. Both the objectors and the applicant will be asked to sign the agreement. This does not mean the application will be granted. This is a matter for the chief executive to decide when all relevant information has been finalised.

Lodging more information

If objectors wish to provide the chief executive with additional information to support their concerns, this must be lodged within 14 days of the conference.

What happens next?

The issues and concerns raised at the conference will be detailed in a report made by the licensing officer chairing the conference.

The decision

In making a decision, the chief executive will consider the conference report and comments from police and council, as well as conduct an assessment as to whether the application is in the public interest. This may take several weeks and, in some cases, much longer if other materials or information are to be collected.

When the chief executive makes a decision, all parties, including objectors, are informed of the decision.

In relation to petitions, only the sponsor will be notified, as it is their responsibility to communicate this information to other petitioners.

What if I am not satisfied with the chief executive's decision?

When advising a decision, the chief executive will inform both parties of their appeal rights to the Queensland Civil and Administrative Tribunal (QCAT). Parties have 28 days from the receipt of the advice to lodge an appeal. Only original objectors have the right to appeal. QCAT may conduct a review of the material before the chief executive. Ordinarily, no new evidence may be admitted but there are some circumstances in which QCAT may consider new evidence.

Further information on the tribunal is available at www.qcat.qld.gov.au or phone 1300 753 228.

Public interest submissions

A member of the public may also make a separate written submission to the chief executive as to whether the liquor licence is in the public interest in the locality to which the application relates.

It should be noted the lodgement of a submission on public interest does not provide you with a right of appeal to QCAT. You have merely provided information for the chief executive to consider.

For further information, please contact the Office of Liquor and Gaming Regulation on 13 13 04 or visit www.olgr.qld.gov.au

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