

Licensing

Applications during transitional period

This factsheet summarises how new applications and renewal applications for licences and managers certificates will be considered between 19 December 2012 and 18 December 2013. This timeframe is the transitional period between the licensing regime under the Sale of Liquor Act 1989 and the new regime under the Sale and Supply of Alcohol Act 2012.

The Sale and Supply of Alcohol Act 2012 (the new Act) makes changes to the licensing regime for the sale of alcohol. The process is similar to the system under the Sale of Liquor Act 1989 (the old Act), with a few changes. Existing licences and managers certificates remain valid until they expire.

Licensing bodies

From 19 December 2012, the Liquor Licensing Authority became the Alcohol Regulatory and Licensing Authority (ARLA).

The current District Licensing Agencies (DLAs) will continue to operate until the new District Licensing Committees (DLCs) come into effect at 18 December 2013.

There is a transitional period from 19 December 2012 to 18 December 2013. During this time, applications are treated differently according to whether they are contested or uncontested:

- an application is “uncontested” if no objections are received and the licensing inspector, Police and Medical Officer of Health do not oppose it
- an application is “contested” if objections are received, or the licensing inspector, Police and Medical Officer of Health oppose the application.

Applications for new licences

An application for a new licence may be:

- for new premises, or

- by a new licensee for existing premises (eg, if a bar has a new owner who is applying for a licence).

New licence applications filed before 19 December 2012

If an application was filed before 19 December 2012 but has not been determined, then:

- uncontested applications are considered by a DLA under the old Act
- contested applications are considered by the ARLA under the old Act.

New licence applications filed between 19 December 2012 and 18 June 2013

If an application is filed between 19 December 2012 and 18 June 2013, an interim licence can be issued for:

- uncontested applications considered by a DLA under the old Act
- contested applications considered by ARLA under the old Act.

An interim licence will only last for one year. When an interim licence expires, the holder will have to apply for a new licence under the criteria of the new Act.

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However, an applicant for a new licence can opt to defer consideration of their application until after 18 June 2013. It will then be considered under the criteria of the new Act and the licence will be renewable a year after being granted.

New licence applications filed between 18 June 2013 and 18 December 2013

If an application is filed between 18 June 2013 and 18 December 2013, then:

- uncontested applications are considered by a DLA under the old Act, but using the broader criteria in the new Act
- contested applications are considered by the ARLA under the old Act, but using the broader criteria in the new Act.

From 18 June 2013, people can object on the basis of any of the licensing criteria in the new Act. A person may object to the granting of a licence only if that person has a greater interest than the general public in the application.

Applications to renew licences

Licence renewal applications filed before 18 June 2013

If an application to renew a licence is filed before 18 June 2013 (including those filed before 19 December 2012), then:

- uncontested applications are considered by a DLA under the old Act
- contested applications are considered by the ARLA under the old Act.

Licence renewal applications filed between 18 June 2013 and 18 December 2013

If a renewal application is filed between 18 June 2013 and 18 December 2013 then:

- uncontested applications are considered by a DLA under the old Act, but using the criteria in the new Act
- contested applications are considered by the ARLA under the old Act, but using the criteria in the new Act.

The licence can be renewed for a period of up to 3 years.

If an existing licence does not meet the criteria in the new Act, then the DLA or ARLA may renew the licence for a limited period (ending not later than 18 December 2014), to enable the

applicant to sell off existing stock or reconfigure their business to comply with the new Act.

All applications filed on or after 18 December 2013

If an application for a new licence or the renewal of an existing licence is filed on or after 18 December 2013, then both contested and uncontested applications are considered by a DLC under the new Act.

A DLC can transfer an application to ARLA for its consideration, with the agreement of the Chair of ARLA.

If an uncontested application has not been determined by a DLA before 18 December 2013, it will be considered by a DLC. Contested applications made before 18 December 2013 that have not been determined by ARLA will continue to be considered by ARLA until the process is complete. In both instances, ARLA or the DLC will deal with the application under the relevant Act (ie, either the old or new Act, depending on when the application was filed).

Appeals

All appeals filed before 18 December 2013 will be dealt with using the procedure in the old Act.

All appeals filed on or after 18 December 2013 will be dealt with under the new Act.

Certificates for managers

Managers certificates remain largely unchanged. The biggest changes are that a person must be 20 years or older to be a manager, and there is no longer a separate type of certificate for club managers.

All applications for a new managers certificate or to renew a certificate that are filed before and during the transitional period will be considered under the old Act. This means that even if an application is determined after 18 December 2013, it will be considered under the old Act. Certificates granted under the old Act will remain valid until they expire.

All applications for new managers certificates or to renew certificates that are filed after 18 December 2013 will be considered under the new Act.