



Policy

Inspection of Records and Access to Documents

Disclaimer

This Policy is designed to provide information in regard to the subject matter covered, and with the understanding that the Director of Liquor Licensing 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.

Introduction

This policy provides guidance to the legislative and operational requirements associated with the inspection of and access to documents relating to licensed premises that are held by the licensing authority.

Inspection of/Access to Documents Relating to Advertised Applications

Section 68(3) of the *Liquor Control Act 1988* (the Act) provides that any person may inspect any notice of application for a liquor licence or permit lodged together with the accompanying records, plans and specifications during the objection period.

Documents that may be inspected (photocopies will not be provided) during this period include:

- 1) Application forms relevant to the application, excluding LLD/5 forms (personal particulars);
- 2) Plans/specifications of the proposed premises (if applicable);
- 3) Section 40 certificate or development approval lodged in lieu of a Section 40 certificate (if applicable);
- 4) Public Interest Assessment (PIA) including submissions and evidence lodged; and
- 5) Club constitutions (if applicable).

After the objection period and prior to the determination of an application, in accordance with section 16(11) of the Act, only parties to proceedings (i.e. bona fide objectors, interveners and/or their legal representatives) may view the above documents.

It should be noted that applicants must not lodge any documentation which they consider to be confidential. Parties must lodge a redacted version of a confidential document, bearing in mind that only such documents that are lodged and are available for inspection, will be considered by the decision maker. Alternatively, should parties claim confidentiality in respect of any document which they are relying on, then the Department must forward the whole matter to the Liquor Commission for determination and for a confidentiality direction pursuant to section 16(9) of the Act.

Any person wishing to inspect documents must make an appointment with the Manager Customer Services. Viewing arrangements will be at the discretion of the Manager Customer Services and at a time that is operationally convenient.

Access to/Inspection of Documents Relating to Existing Licences

General Search

A person may request a general search of a licence record held by the Department by completing the [Request for Search of a Licensed Premises](#) form. The following information will be provided by way of a general search:

- 1) Licence number, licence conditions and category of licence;
- 2) Licensee name and premises contact details;
- 3) Mailing address and contact details of licensee; and
- 4) Premises address and owner details.

The consent of the licensee is not required for a general search. Information regarding applicable fees can be obtained by referring to the [fee schedule](#).

Full Search

A person wishing to undertake a detailed search of the Department's database to access documents relating to an active licensed premises must have the written consent of the relevant licensee to access/inspect those documents. The [Request for Search of a Licensed Premises](#) form is required to be completed and the documents to be accessed/inspected must be identified.

Access to Department of Racing, Gaming and Liquor internal memoranda/documentation and other documents deemed by the Director to be confidential will not be permitted.

Information regarding applicable fees can be obtained by referring to the [fee schedule](#).

Freedom of Information

Depending on the nature and scope of the request, parties may be directed to the Freedom of Information process. The *Freedom of Information Act 1992* gives people a general right of access to documents held by Ministers, State Government Departments, Local Authorities and Statutory Authorities.

In certain cases, access to only part of a document will be provided if it contains information considered to be exempt. Exempt information includes but is not limited to:

- personal information;
- commercial and business information;
- legal professional privilege; and
- deliberative processes of Government.

Freedom of information applications must:

- be in writing;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the Department with any application fee payable (fees and charges schedule can be located in the [Freedom of Information Policy Statement](#)).

If access to personal information is being sought, the Department will require proof of identification, there will be no fee for this service. If access to documents on behalf of another person is being sought, the Department will require written authorisation from that person. Applications will be acknowledged in writing and notification of the decision will be issued within 45 days.

For further information, please see the Department's [Freedom of Information Policy Statement](#).

DIRECTOR OF LIQUOR LICENSING