



The Director, Courts Strategy
Department of Communities and Justice
By email: policy@justice.nsw.gov.au

9 July 2019

Dear Sir/Madam

Review of the *Civil and Administrative Tribunal Act 2013*

Thank you for the opportunity to provide input into your review of the *Civil and Administrative Tribunal Act 2013*.

The NSW Civil and Administrative Tribunal (NCAT) was introduced as the review body for licensing decisions of the Independent Liquor & Gaming Authority (Authority) on 1 March 2016. The key policy objective of this change was to establish an accessible appeals mechanism – one that would be low cost, flexible and informal, and available to local residents and stakeholder organisations who oppose the granting of a new licence.

Since that time a total of 12 Authority liquor licensing decisions have been the subject of review at NCAT. 10 of these were decisions to either refuse an application for a packaged liquor licence (relating to a bottle shop or supermarket), or to impose conditions on a packaged liquor licence upon approval. All of the appeals were lodged by the applicant rather than by any other interested parties (such as, for instance, local community groups, NSW Police, NSW Health, local councils or individual members of the public, each of whom play an important role in the liquor licensing consultation process).

The majority of NCAT review applications have been lodged by ALDI, with others lodged by Chambers Cellars, Endeavour Drinks Group/Woolworths or other smaller bottle shop operators. Some of these matters have involved senior counsel representation. These matters have averaged a total of approximately \$40,000 each in legal fees, which is a significant expense to the Authority.

The abovementioned facts indicate that the introduction of NCAT review rights in respect of the Authority's licensing decisions has not achieved the original policy intent. Members of the public have not engaged with this appeal mechanism, rather it has been used by well-resourced applicants to challenge Authority decisions, usually made on social impact grounds, to refuse applications for packaged liquor licences.

I would welcome the Authority's involvement in face-to-face roundtable discussions. To facilitate this please contact [REDACTED]

Yours sincerely

[REDACTED]