

Community input into liquor licensing

Objecting to a liquor licence application

The WA laws provide a right to object to a liquor licence application where that application has been required to be advertised. This right extends to applications for new liquor licences; variations of licence conditions; extended trading permits; removal of a licence to a new venue; and alterations to the licensed premises.

Where an application is required to be advertised, it is generally open for public comment for periods of up to 28 days. However, this can vary and particular attention must be paid to the closing date for public comment.

You can search for and obtain information on all current advertised applications by searching the [Department's database](http://liquor.reports.rgl.wa.gov.au/liquor/appqry.php). (link = <http://liquor.reports.rgl.wa.gov.au/liquor/appqry.php>)

Under the *Liquor Control Act 1988* (section 74) objections to applications can only be made on one or more of the following grounds:

1. that the grant of the application would not be in the public interest;
2. that the grant of the application would cause undue harm or ill health to people, or any group of people, due to the use of liquor;
3. that if the application were granted —
 - a. undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital or school, would be likely to occur; or
 - b. the amenity, quiet or good order of the locality in which the premises or proposed premises are, or are to be, situated would in some other manner be lessened; or
4. that the grant of the application would otherwise be contrary to the Act.

To assist you understand the matters that are considered by the licensing authority when determining an application, you may wish to read the Director of Liquor Licensing policy on Public Interest Assessments (link: <http://www.rgl.wa.gov.au/Default.aspx?NodId=132>)

The Director of Liquor Licensing can refuse to accept an objection if the following requirements are not met:

1. The objection must be lodged in the form approved by the Director – Form 17 *Notice of Objection*.
2. The objection must be lodged no later than the last date of objection as specified in the application advertisement.
3. A copy of the objection must be sent by the objector to the applicant.
4. The objection can only be lodged on one or more of the grounds provided for under section 74.

How to submit your objection

If you wish to lodge an objection to an application, you need to submit a **Form 17 - Notice of Objection** which can be obtained from our Forms and Pamphlets page (link:

<http://www.rgl.wa.gov.au/ResourceFiles/ApplicationKits/Liquor/Objections.pdf>)

Your objection must be received by the Director of Liquor Licensing by no later than the last date of objection as specified in the application advertisement, and you must also send a copy of your objection to the applicant.

Further, you must include with your objection detailed submissions and evidence that supports your grounds of objection. Assumptions, opinions, speculation and generalised statements alone will not demonstrate why your objection is valid. You must provide sufficient supporting evidence that is objective, accurate and relevant to the application that you are objecting to.

Note:

Failure to comply with the above requirements can result in your objection not being considered.

Send your objection to:

1. Director of Liquor Licensing
PO Box 6119
East Perth WA 6892

Email: rgl@rgl.wa.gov.au

Facsimile: (08) 9325 1041

2. The applicant at the address detailed in the application. *Failure to do so can result in your objection not being considered.*

Once an objection has been received, it will be assessed for compliance with the above requirements. Following that, the Department will write to you advising of the next steps in the process of determining an application.

Withdrawing an objection

If you have made an objection and decide to withdraw it, you can do so at any time. Simply write to the Director of Liquor Licensing stating your wishes.

Complaining about a licensed premises

In the first instance, complaints about noise should be directed to your local government authority who is responsible for ensuring compliance with the noise regulations in WA.

However, the WA liquor laws provide a right to lodge a complaint with the Director of Liquor Licensing against a licensee about noise or behaviour related to a particular licensed premises.

A complaint may be lodged alleging –

1. that the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; or
2. that any –
 - a. behaviour of persons on the licensed premises;
 - b. noise emanating from the licensed premises; or
 - c. disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of persons who have resorted to the licensed premises,is unduly offensive, annoying disturbing or inconvenient to persons who reside or work in the vicinity, or to persons in or making their way to or from a place of public worship, hospital or school.

In addition to various authorities such as the Police and local government, a complaint may be made by provided you –

1. reside, work or worship;
 2. attend, or are a parent of a child who attends, a school; or
 3. attend, or are a patient in, a hospital,
- in the vicinity of the licensed premises concerned.

However, to be considered valid, your complaint must be signed by 3 unrelated adults (including the complainant). That means; 3 adults who reside at different addresses and who are not related to you in any way.

How to submit your complaint

If you wish to lodge a complaint about a licensed premises, you need to submit a **LLD/9 Complaint** which can be obtained from our Forms and Pamphlets page (link:

<http://www.rgl.wa.gov.au/ResourceFiles/ApplicationKits/liquor/Complaints.pdf>)

However, before lodging the complaint with the Director of Liquor Licensing, you must first send a copy of your complaint to the licensee and allow sufficient time for the licensee to attempt to rectify the cause of the complaint. If the licensee does not rectify the problems within a reasonable time frame, the complaint may be pursued with the Director of Liquor Licensing.

There is no fee payable for the lodgement of a complaint.

Send your complaint to:

1. Director of Liquor Licensing

PO Box 6119
East Perth WA 6892

Email: rgl@rgl.wa.gov.au

Facsimile: (08) 9325 1041

2. The licensee of the premises about which the complaint relates.

Once your complaint has been received, the licensing authority must by law, in the first instance, attempt to resolve the issues through conciliation or negotiation.

Where a complaint cannot be resolved, the Director of Liquor Licensing may then determine the matter.