



This Information Bulletin briefly explains the requirements when applying for a Liquor Restricted Premises Declaration as per the *Liquor Control Act 1988* (the Act).

WHAT IS A LIQUOR RESTRICTED PREMISES DECLARATION?

Part 5B of the *Liquor Control Act 1988* (the Act) enables the owner or occupier of a private premises or privately owned land to apply to the Director of Liquor Licensing ("the Director") to have the premises declared a restricted residence for a specified period.

Private premises are considered to be:

- Residential premises, including single unit/apartment within a complex or building.
- Crown land leased or occupied under a licence or agreement.
- Privately owned land, including any buildings on the land.

The owner or occupier is defined as a person who is, or is entitled to be, in occupation or control of the premises, whether exclusively, jointly, or in common with other people.

The restricted premises process is designed to address, in an expedient manner, isolated and localised issues where it is reasonable in the circumstances for the Director to declare a premises a liquor restricted premises.

If friends and relatives regularly cause trouble when drinking liquor in a person's home, or the owner or occupier is concerned about other antisocial alcohol related behaviour in the home, they can apply to have that place declared a liquor restricted premises.

Once a Liquor Restricted Premises Declaration has been issued, a notice must be displayed onsite. Declarations may be varied or revoked by the Director.

If someone is then drinking liquor or taking liquor into that restricted premises, the owner or occupier will be able to call the police, who will have the power to seize the liquor and take action against the person who committed the offence.

Police will also have the power to enter restricted premises if they believe that an offence is being committed. Police can then search the premises and anyone at the premises for liquor and can seize any opened or unopened containers.

WHO CAN APPLY FOR A LIQUOR RESTRICTED PREMISES DECLARATION?

Section 152P(4) of the Act sets out who can make application to the Director for a liquor restricted premises declaration. An application can only be made by:

- an owner or occupier of a premises; or
- a prescribed class of persons.

Where the applicant is not the sole owner and occupier of a premises, the Director must be satisfied that each other person who owns or occupies the premises consents to the declaration being made or has been provided the opportunity to lodge a submission with the Director on the matter.

A lessor cannot automatically expect their premises be declared a liquor restricted premises without the lessee being consulted in the first instance.

DETERMINING AN APPLICATION

In determining an application, the Director must be satisfied that making the declaration either reflects the wishes of the majority of the occupiers of the premises; or is in the public interest, despite not reflecting the wishes of the majority of the occupiers of the premises; and is reasonable in the circumstances.



The Director may consult with the Commissioner of Police, local government, owners or occupiers of the premises subject of the application or any other person considered relevant when determining an application. For example, if the application is for an apartment within a residential complex of multiple apartments, the Director may consult with the body corporate in relation to common use areas within the building.

Another example may be that the tenant of a Department of Housing property may seek the declaration, so the Director may consult with Department of Housing.

A declaration could be made for the whole property or only part. For example, if the application is in relation to a shopping centre, the declaration might be made for those areas other than restaurants and cafes.

Once a declaration is made, a notice must be displayed at the premises in a conspicuous place so that people entering that premises are aware of the declaration.

DURATION OF DECLARATIONS

A liquor restricted premises declaration comes into force when the Director determines the application, or at a time specified in the declaration.

A declaration ceases to be in force when:

- the specified period of the declaration expires;
- the Director of Liquor Licensing revokes the declaration; or
- the applicant who originally applied for the declaration ceases to be the owner or occupier of the premises the declaration relates to.

The applicant for a declaration must give the Director notice should they no longer be a person who could apply for the declaration, i.e., the applicant ceases to reside at the residence.

VARYING OR REVOKING DECLARATIONS

A declaration can be varied or revoked on the initiative of the Director of Liquor Licensing or on the application by the applicant who originally applied for the declaration, any other person who owns or occupies the restricted premises, or the Commissioner of Police.

A variation may be made to do any or all of the following:

- change the area;
- change the periods during which the premises is declared a restricted premises;
- create or change exemptions or conditions; or
- change the duration.

Revoking or varying declarations cannot be made unless the Director is satisfied that each person who owns or occupies any part of the premises consents to the variation, or has had the opportunity to lodge a submission with the Director regarding the proposed variation or revocation.

The Director may consult with the Commissioner of Police, local government or any other person considered relevant when determining an application.

The Director may vary a declaration if satisfied that the varied declaration reflects the wishes of the majority of the occupiers of the premises; or is in the public interest, despite no reflecting the wishes of the majority of the occupiers of the premises; and is reasonable in the circumstances.

The Director may revoke a declaration if satisfied that the continuation does not reflect the wishes of the majority of occupiers of the premises; or is not in the public interest for it to remain; or it is no longer considered reasonable to be in force.

PENALTY PROVISIONS

A penalty of \$2,000 applies if:

- a person brings or attempts to bring liquor, causes or attempts to cause liquor onto declared liquor restricted premises or consumes or possesses liquor on a declared restricted premises;
- the applicant fails to display a notice declaring that the premises is a restricted premises; and
- the applicant fails to notify the Director that they have ceased to be a person who could apply for the declaration (not applicable to any person, or class of person, prescribed in the Regulations).



It is not an offence for a person who is passing through restricted premises, open to or used by the public, with unopened liquor if it is to be consumed somewhere else. For example, if part of a shopping centre is a restricted area you can carry liquor bought at a liquor store through the area without committing an offence.

A person cannot be charged if that person did not know, and could not reasonably have been expected to know, that the premises were liquor restricted premises.

LODGING AN APPLICATION

Applicants must lodge completed applications at the Department of Racing, Gaming and Liquor. An application for a liquor restricted premises declaration can be made by either using the form provided in the application kit, via the Department's website at www.rgl.wa.gov.au, or by letter. A Lodgement Guide is also provided in this kit that identifies all documentation which should accompany the application.

The application must:

- be in writing;
- provide the address of the premises where prohibition is sought, including a description and a diagram of the proposed area;
- state the grounds on which the application is sought;
- provide proof of ownership or occupancy of the premises;
- provide written evidence that all owner or occupiers of the premises have been notified of application; and
- any other information in support of the application.

The applicant must provide the Director with any information or documents that is reasonably required.

Disclaimer

This Bulletin is designed to provide authoritative information in regard to the subject matter covered, and with the understanding that the Director 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.

Level 2, Gordon Stephenson House, 140 William Street, Perth Western Australia 6000

Postal Address: PO Box 6119, East Perth, Western Australia, 6892

Tel: (08) 6551 4888 Facsimile: (08) 9325 1041 Country Callers: 1800 634 541

Email: rgl@rgl.wa.gov.au Web Site: www.rgl.wa.gov.au



Please ensure that all documentation is provided with your application to avoid delays. To assist with this please complete the checklist below and submit with your application. Applications may be returned to the applicant if the application is incomplete.

DOCUMENTATION TO BE LODGED

This checklist is to be completed and submitted with your application. Please tick boxes to show item lodged with application and sign and date at the bottom.

- Completed Notice of Application
- Prescribed Application Fee – please note that no fee is charged when the applicant is the occupier of the premises.
- An illustrated plan of the premises clearly showing the extent of the area to be declared a Liquor Restricted Premises.
- Proof of ownership (ie Certificate of Title, mortgage payment documents etc) where the applicant is an owner of the premises.
- A copy of the Tenancy Agreement where the applicant is not the owner of the premises, demonstrating proof of occupancy.
- The acknowledgment form to show that all owners or occupiers have been advised that an application will be lodged. Please note the application will not be accepted unless all owners or occupiers have been notified.
- Any other relevant information in support of the application such as copies of police reports, copies of complaints to the local council and/or witness statements.

I confirm that the required documentation accompanying this application is attached.

Applicant signature and date



Office Use Only	
Paid Date	
Receipt No.	
Amount Paid	

APPLICATION FOR A LIQUOR RESTRICTED PREMISES DECLARATION
LIQUOR CONTROL ACT 1988
Section 152W

Please print in **BLOCK LETTERS** with a black pen

1. DETAILS OF APPLICANT

a) Name of Applicant: _____

b) Date of Birth: _____

c) Name of Organisation (where the applicant is a prescribed class of person): _____

d) Postal Address: _____
_____ Postcode: _____

e) Daytime Contact Name: _____
Contact Number: _____ Mobile: _____
E-mail: _____ Fax Number: _____

f) In relation to the premises, are you the: **OWNER** **OCCUPIER** **OWNER & OCCUPIER** **OTHER**
If Other, please list details (i.e. a prescribed class of person): _____

2. DETAILS OF PROPOSED LIQUOR RESTRICTED PREMISES

a) Address of proposed restricted premises: _____
_____ Postcode: _____

b) Describe boundary of area to be declared as restricted (*attach an illustrated plan of area*): _____

2. DETAILS OF PROPOSED LIQUOR RESTRICTED PREMISES *cont'd*

c) Provide reasons for seeking alcohol restriction on the premises (*attach additional pages if required*): _____

d) Do you have any supporting information to substantiate your application (*e.g. police reports, witness statements*)?
YES **NO** *If YES, please attach copies of supporting information*

e) Is the Declaration sought for a specific period of time? **YES** **NO**

If YES, please provide:

i) Start Date: _____ / _____ / _____

ii) End Date: _____ / _____ / _____

iii) Provide reasons for seeking alcohol restrictions for a specific period of time (*attach additional pages if required*):

f) How many persons are living at the premises who will be affected by the declaration? _____

g) Please list names and age of each occupant (*attach additional pages if required*):

1. Name: _____ Age: _____

2. Name: _____ Age: _____

3. Name: _____ Age: _____

4. Name: _____ Age: _____

h) Name of Owners (*if not the applicant*): _____

Address: _____

_____ Postcode: _____

i) Have all Owners or Occupiers of the premises been advised of the application (*where the premises is part of a strata title, apartment complex, duplex, triplex or otherwise shared common areas, has the applicant advised all occupiers*)? **YES** **NO**

If YES, please attach the acknowledgement and consent form with this application

*If NO, all Owners and Occupiers will need to be advised **PRIOR** to lodging this application*

2. DETAILS OF PROPOSED LIQUOR RESTRICTED PREMISES *cont'd*

j) Do all Owners and Occupiers consent to the application? **YES** **NO**

If YES, please attach the acknowledgement and consent form with this application

If NO, please attach the reason/s why consent has not been given

k) Has the WA Police been advised of the application? **YES** **NO**

i) Name of Stations: _____

ii) Name of Officer: _____

iii) Contact phone number: _____

3. DECLARATION BY APPLICANT

I declare that all details are true and correct and no relevant information is omitted. *(Under section 159 of the Liquor Control Act 1988, it is an offence to make a statement that is false or misleading. Penalty \$10,000)*

a) Name of Applicant: _____

b) Signature of applicant *(includes individual or *authorised person on behalf of applicant organisation):*

c) Position/Relationship with applicant organisation: _____

d) Dated: _____ day of _____ / _____

4. PAYMENT DETAILS

Entering your credit card details below, you give consent for the appropriate application fee to be deducted from your card

Card Type: Visa <input type="checkbox"/> MasterCard <input type="checkbox"/>	Copy of Receipt (<i>email only</i>): YES <input type="checkbox"/> NO <input type="checkbox"/>
Card Number:	Expiry Date:
Cardholder's Name:	Cardholder's Signature:
Email Address:	

ACKNOWLEDGMENT & CONSENT FORM LIQUOR RESTRICTED PREMISES

APPLICANT/S DETAILS

Name of Applicant/s

1. _____ Sign: _____

2. _____ Sign: _____

3. _____ Sign: _____

Address to which the application relates:

Applicant's relation to the premises: OWNER OCCUPIER

OTHER PERSON/S (who own or occupy the premises to which the application relates)

Name of other person/s:

1. _____		
Print name		Signature
Connection to the premises:	OWNER <input type="checkbox"/>	OCCUPIER <input type="checkbox"/>
Do you consent to this application?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

2. _____		
Print name		Signature
Connection to the premises:	OWNER <input type="checkbox"/>	OCCUPIER <input type="checkbox"/>
Do you consent to this application?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

3. _____		
Print name		Signature
Connection to the premises:	OWNER <input type="checkbox"/>	OCCUPIER <input type="checkbox"/>
Do you consent to this application?	YES <input type="checkbox"/>	NO <input type="checkbox"/>



FEE SCHEDULE FOR LIQUOR ACTIVITIES
EXTRACT FROM LIQUOR CONTROL REGULATIONS 1989
EFFECTIVE AS FROM 1 JANUARY 2017

DESCRIPTION <i>(Please note: Fees are generally not refunded if an application is not approved)</i>	FEE
ADD, VARY OR CANCEL a condition of a licence or permit	
Permanent	
• Club restricted licence	\$43.00
• Any other type of licence	\$237.00
One-Off <i>(for a period of 21 days or less)</i>	
• Club restricted licence	\$43.00
• ¹ Any other licence type if the anticipated number of patrons is:	
○ Up to 500	\$110.00
○ Between 501 and 1,000	\$226.00
○ Between 1,001 and 5,000	\$1137.00
○ Between 5,001 and 10,000	\$2275.00
○ Over 10,000	\$4560.00
Alteration or redefinition of a licensed premises	\$399.00
APPROVAL OF MANAGER	
Application for Approval of Manager lodged at Australia Post	\$168.00
Upgrade from restricted licence to unrestricted licence	
• Lodged at Australia Post	\$56.00
• Lodged online	\$15.00
Renewal of Manager's Approval (Identification Card) for a period of five years	
• Application for renewal lodged at Australia Post	\$164.00
• Lodged online	\$126.00
Replacement identification Card	
○ Lodged at Australia Post	\$52.00
○ Lodged online	\$10.00
⁴ Approval of person in position of authority	\$159.00
Approval to conduct non-liquor business on licensed premises	\$221.00
Change of name of licensed premises	\$73.00
EXTENDED TRADING PERMIT	
Ongoing	
• Alfresco	\$348.00
• Liquor without a meal (not restricted to 120 persons)	\$466.00
• Liquor without a meal (restricted to 120 persons or less)	\$53.00
• Associations	\$348.00
• Hours, dining, late delivery, restaurant with accommodation	\$1168.00
• Cellar Door Operation (producers only):	
- new cellar door operation (one licensee only)	\$345.00
- new cellar door operation (two or more licensees) – applications must be lodged concurrently	\$345.00 plus \$290.00 per additional licensee
- existing cellar door permit where an additional licensee is seeking approval to operate under a permit	\$290 per additional licensee
EXTENDED TRADING PERMIT <i>continued</i>	



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One-Off	
Increase hours, extend the licensed area and/or sell liquor to non-members	
<ul style="list-style-type: none"> • Club restricted licence \$43.00 • ^{1 & 3}For all other licence types <ul style="list-style-type: none"> ○ Up to 500 \$110.00 ○ Between 501 and 1,000 \$226.00 ○ Between 1,001 and 5,000 \$1137.00 ○ Between 5,001 and 10,000 \$2275.00 ○ Over 10,000 \$4560.00 	
² Grant or removal of a club, club restricted, restaurant, producer's or wholesaler's licence	\$886.00
² Grant or removal of a hotel, hotel restricted, tavern, tavern restricted, small bar, casino liquor licence, nightclub, special facility or liquor store licence	\$3454.00
Juvenile function (under section 126A)	\$64.00
Application for Liquor Restricted Premises Declaration:	
<ul style="list-style-type: none"> • Where the applicant is the occupier of the premises No charge • Where the applicant is the owner of the restricted premises; or a prescribed class of persons as defined in the <i>Liquor Control Regulations 1989</i> \$264.00 	
^{1 & 3} OCCASIONAL LICENCE	
<ul style="list-style-type: none"> • Up to 250 \$53.00 • Between 251 and 500 \$110.00 • Between 501 and 1,000 \$226.00 • Between 1,001 and 5,000 \$1137.00 • Between 5,001 and 10,000 \$2275.00 • Over 10,000 \$4560.00 	
³ Profit Sharing	\$231.00
² Protection order under section 87(1)	\$231.00
² Transfer of liquor licence	\$849.00
Vary or substitute plans approved under a conditionally granted licence	\$277.00
ANNUAL LICENCE FEE	
⁵ Club Restricted	\$288.00
⁵ For all other licence types	\$584.00
Extended Trading Permit – Ongoing:	
<ul style="list-style-type: none"> • No more than 2 \$277.00 • 3 or more \$556.00 	
SEARCH AND SUPPLY FEES	
Address labels for licensed premises	\$142.00
Advertising Banner "Liquor Control Act – Notice of Application"	\$25.00
Copy of a decision of the Commission or Director	



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<ul style="list-style-type: none"> • For each • Additional fee for certification 	<p>\$25.00</p> <p>\$25.00</p>
Copy of documentation, other than already prescribed, per page	\$4.00
Copy of plan (requires licensee's consent) <ul style="list-style-type: none"> • For each sheet (up to a maximum of \$200) • Certified (for each sheet) 	<p>\$25.00</p> <p>\$35.00</p>
Database printout of record of general licence details	\$35.00
Duplicate licence (requires licensee's consent)	\$35.00
Full search of a licence record (requires licensee's consent and will incur additional fees for copies of documents as listed above)	\$52.00
Issue of a summons to a witness	\$20.00
List of licensed premises or owners of licensed premises <ul style="list-style-type: none"> • Hardcopy • Electronic format 	<p>\$89.00</p> <p>\$58.00</p>
Search of postcodes <ul style="list-style-type: none"> • 1 to 10 postcodes • More than 10 postcodes 	<p>\$35.00</p> <p>\$77.00</p>

FOOTNOTES

¹ Where an application is for a function or event that takes place over a number of consecutive dates, the fee will be based upon the total maximum number of persons expected to be present in the licensed/permit area at any one time over the consecutive dates. For example: if a function or event runs for 2 days and the maximum number of persons expected to be present in the licensed/permit area at any one time is 300, then the fee will be calculated on an attendance of 600 people in total and will be \$224.

² In addition to the application fee, new applicants in respect of protection orders and permanent liquor licences (i.e. grant or transfer applications, with the exception of a club or club restricted licence) will pay an additional \$148.00 fee for each individual in a position of authority (including each director and shareholder of a company and adult trust beneficiary or unit holder).

³ In addition to the application fee, new applicants in respect of profit sharing agreements or arrangements will pay an additional \$148.00 fee for each individual who is party to the agreement or arrangement and in relation to whom a background check is sought from the Police Service.

⁴ In addition to the application fee, in respect of a body corporate seeking to be approved as a shareholder in the licensee company after the licence is granted, an additional \$148.00 fee applies for each individual to whom a background check is sought from the Police Service (including each director and shareholder and adult trust beneficiary or unit holder related to that body corporate) other than for the first individual, which will be captured by the application fee.

⁵ Annual licence fees for newly granted licences are charged on a quarterly pro-rata basis as follows:

Licence Effective	Fee: Club Restricted	Fee – All Other Licences
1 January - 31 March (100%)	\$288.00	\$584.00
1 April – 30 June (75%)	\$216.00	\$438.00
1 July – 30 September (50%)	\$144.00	\$292.00
1 October – 31 December (25%)	\$72.00	\$146.00