



NOTICE OF OBJECTIONS

Information Bulletin No. 12

INTRODUCTION

The *Liquor Control Act 1988* (the Act) provides that where an application is required to be advertised, a right to object to that application is given. The Act also sets out **who** may object, **how** that objection may be dealt with, and the **general grounds of objection** (sections 73 and 74).

Objections may be lodged against most applications under the Act. The following applications are advertised for public information —

- the grant or removal of a licence, other than an occasional licence;
- extended trading permit (ongoing hours); and
- major alterations to licensed premises.

WHO MAY OBJECT?

Where an application is required to be advertised, any person may object to the application on any ground permitted by section 74 as appears here →

Where an objection is lodged on the ground that the grant of the application would not be in the public interest —

- the notice of objection shall be accompanied by a statement in writing setting out the reasons why the objector considers the objection can be made out and accompanied by evidence that supports the statements made. **The onus is on the objector to validate the statements made** ;
- if the Director so requires, the objector shall provide further particulars of the matters to which the objection relates.
- the Director may require that notice of any facts or grounds alleged or submission made be given to the applicant in a particular manner.
- an objector does not need to reside in the same locality to which the application relates, however the burden of **establishing the validity of the objection lies on the objector** (section 73 (10)).

Liquor Control Act 1988

Grounds for objection

No objection may be made unless it is on one or more of the following grounds —

- that the grant of the application would not be in the public interest; or
- 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; or
- that, if the application were granted -
 - undue offence, annoyance, disturbance or inconvenience to person who reside or work in the vicinity, or to persons in or traveling to or from an existing or proposed place of public worship, hospital or school, would be likely to occur; or
 - 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
- that the grant of the application would otherwise be contrary to this Act. (section 74).

GENERAL INFORMATION

The Director may require any objector to verify whether –

- the person has any direct or indirect pecuniary interest in the refusal of the application, or any expectation of such an interest;
- any person other than the objector is interested in the lodging of the objection and, if so –
 - the name of each such person; and
 - where the person is a proprietary company, the names of the directors and principal shareholders; or
- any other matter required by the Director,

on oath or affirmation or by statutory declaration.



A person who lodges an objection must serve a copy of the notice on the applicant.

HOW DO I OBJECT TO THE APPLICATION

Applications, including the public interest submissions, can be viewed on the Department's website at www.rgl.wa.gov.au during the advertised period. Plans associated with the application can be viewed, without fee, at the Department during the advertised period.

An objection to an application should be made by lodging a notice with the Director on or before the last date of the advertising period set by the licensing authority. The objection form is attached to this kit (if viewing online please scroll down).

Before serving a copy of your objection on the applicant and lodging it with the licensing authority, please check you meet the following requirements when lodging your objection:

- A completed Form 17 Notice of Objection.
- The objection relates to one of the permitted grounds for objection under section 74 of the Act.
- Evidence to verify and support the statements made.
- The objection will be lodged on or before the last objection date.

OBJECTIONS RECEIVED THAT ARE DEFICIENT IN ANY OF THE REQUIREMENTS LISTED ABOVE WILL BE INVALID AND WILL NOT BE ACCEPTED BY THE LICENSING AUTHORITY

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.



NOTICE OF OBJECTIONS

Lodgement Guide and Checklist

Liquor Control Act 1988

Documentation to be lodged

A copy of the objection notice and supporting submissions must be served on the applicant on or before the last objection date. You will be asked to declare that you have done this on the notice of objection.

Form 17 - Notice of Objection

Please note the following information –

- All applications for the grant of a new licence and any other advertised application can be viewed online at www.rgl.wa.gov.au during the advertised period. Interested parties will have access to the public interest assessment submissions online during that period. Moreover, the applicant must make the submissions available for inspection during the advertised period at an address nominated by the applicant within the locality to which the premises will be situated.
- Plans associated with the proposed premises can be viewed, without fee, at the Department during the advertised period.
- the objector must provide full particulars in support of their objection on or before the last objection date.
- Where an objection is lodged, the objector must specify the ground(s) to which the objection is made, as permitted under section 74 of the Act. **The onus is on the objector to validate the statements made and the burden of establishing the validity of the objection lies on the objector.**

OBJECTIONS RECEIVED THAT ARE DEFICIENT IN ANY OF THE REQUIREMENTS LISTED IN THE INFORMATION BULLETIN WILL BE INVALID AND WILL NOT BE ACCEPTED BY THE LICENSING AUTHORITY.

Please refer to Information Bulletin - *Notice of Objections* for further information regarding the objection process and what is required to be lodged.



NOTICE OF OBJECTION
LIQUOR CONTROL ACT 1988
Section 73(4)

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

1. DETAILS OF APPLICATION OBJECTED TO

- (a) Name of applicant: _____
- (b) Nature of application this objection relates to (*ie grant of hotel licence*): _____
- (c) Name of premises/proposed premises: _____
- (d) Address of premises/proposed premises: _____
_____ Post Code: _____

2. DETAILS OF OBJECTOR(S)

- (a) Full name: _____
- (b) Postal address for service of documents: _____
_____ Post Code: _____
- (c) Daytime contact Name: _____ Email: _____
Daytime Telephone Number:() _____ Mobile: _____
- (d) Does the Objector have any direct or indirect pecuniary interest in the refusal of the application:
YES NO
If **YES**, describe it: _____

3. GROUNDS OF OBJECTION

What grounds of objection are alleged?

As section 73(10) of the Act places the burden on an objector to establish the validity of any objection you must specify the details, including any evidence, in support of each ground of your objection.

- The grant of the application would not be in the public interest. [Section 74(1)(a)]

Details in support (including a statement setting out the reasons why you think the objection can be made out):

Please attach separate submission if required

- 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. [Section 74(1)(b)].

Details in support: _____

Please attach separate submission if required

- If the application were granted 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. [Section 74(1)(g)(i)].

Details in support: _____

Please attach separate submission if required

- If the application were granted 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. [Section 74(1)(g)(ii)].

Details in support: _____

Please attach separate submission if required

- The grant of the application would otherwise be contrary to the Act. [Section 74(1)(j)].

Details in support: _____

Please attach separate submission if required

4. DECLARATION

It is hereby declared that a copy of this objection has been served on the applicant by

_____ on the day of _____ / _____
(Name of objector)

Pursuant to section 73(4a) of the Act, failure to serve the objection on the applicant may render the objection invalid.

WHERE THE OBJECTOR IS A COMPANY OR CLUB THAT HAS A COMMON SEAL:-

The common seal of _____
was hereunto affixed in accordance with section 127 of the Corporations Act 2001 and the Articles of Association in the presence of:

Signature of Director or Committee Member

Name of Director or Committee Member

Signature of Director or Committee Member

Name of Director or Committee Member

WHERE THE OBJECTOR IS A COMPANY THAT DOES NOT HAVE A COMMON SEAL:-

Executed in accordance with section 127 of the *Corporations Act 2001* and the Articles of Association

Signature of Director

Name of Director (*Please print clearly*)

Signature of Director

Name of Director (*Please print clearly*)

WHERE THE OBJECTOR IS ONE OR MORE INDIVIDUAL PERSONS:-

Signature of Objector

Signature of Witness

Signature of Objector

Signature of Witness

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