



This Information Bulletin briefly explains some of the requirements when applying for a protection order as per the *Liquor Control Act 1988* (the Act). This is meant to be read in conjunction with Bulletin 'Transfer of Licence' available from DRGL or www.rgl.wa.gov.au.

WHAT IS A PROTECTION ORDER?

Liquor licences are issued to a specific entity (individual person, company, or partnership) known as the licensee which authorises that entity to sell liquor at a specified place known as the licensed premises. Only the licensee may use the liquor licence. The liquor licence is not considered property in the normal sense, but it is a *personal right* vested in the licensee.

A protection order authorises a person to sell and supply liquor at a licensed premises as if that person were the licensee. It is used in situations where the licensee is no longer able to operate their own licensed premises and a separate entity intends to carry on the business until the licensee resumes control of the premises or a transfer of licence application can be made.

A protection order is generally only granted for a period of three months and will not be renewed unless special circumstances warrant it.

WHO MAY BE GRANTED A PROTECTION ORDER?

An application for the grant of a protection order can be made under certain circumstances (refer to next page).

DO I HAVE AUTHORISATION TO CARRY ON BUSINESS WITHOUT A PROTECTION ORDER?

The Act provides flexibility to allow persons other than the licensee to carry on business under the licence on a temporary basis in certain situations without the need to apply for a protection order. This is called 'Interim Authorisation'.

A relevant entity may take over the business and trade under the licence without the Director's approval, however, must, **within 7 days of exercising that right, give written notice to the Director of that fact**. This written notice must set out when the right was exercised and upon what basis (see table below). In some of these cases approval must be sought to exercise the interim authorisation (refer to next page).



CIRCUMSTANCES WHERE AN APPLICATION FOR A PROTECTION ORDER MAY BE LODGED?

Circumstance	Applicable Entity
a) Licensee vacates licensed premises or ceases to carry on business.	<ul style="list-style-type: none"> • Owner, lessor or mortgagee of licensed premises; or • Nominee of above.
b) Licence operation is suspended.	<ul style="list-style-type: none"> • A person who can show that they will thereby suffer loss; or • Nominee of above.
c) Person with interim authorisation who wants to carry on business longer than 28 days.	<ul style="list-style-type: none"> • A person with interim authorisation; or • Nominee of above.
d) Any event or circumstance which may lead to the grant of interim authorisation where a transfer of licence is proposed to be lodged.	<ul style="list-style-type: none"> • The proposed transferee; or • Nominee of above.
e) A hotel or liquor store serving the community in a rural area has ceased to carry on business.	<ul style="list-style-type: none"> • Relevant local shire/council; or • Nominee of above.

CIRCUMSTANCES WHERE AN APPLICATION FOR A PROTECTION ORDER IS NOT REQUIRED FOR THE FIRST 28 DAYS OF CARRYING ON BUSINESS

Circumstance	Applicable Entity
a) Death of an individual licensee.	<ul style="list-style-type: none"> • Executor of licensee's estate; • Other person who has grant of administration of licensee's estate; • Relative or legatee of licensee*; or • Nominee of above*.
b) Individual licensee becomes permanently disabled through accident, physical or mental illness, or infirmity.	<ul style="list-style-type: none"> • Person authorised or appointed by law to administer the licensee's affairs; • Relative of licensee*; or • Nominee of above*.
c) Licensee is insolvent under administration, within the meaning of Corporations Law.	<ul style="list-style-type: none"> • The person who has lawful control of the licensed premises; or • Nominee of above*.
d) Company licensee becomes an externally-administered body corporate, within the meaning of Corporations Act.	<ul style="list-style-type: none"> • The person who has lawful control of the licensed premises; or • Nominee of above*.

The entities marked with an asterisk require prior approval from the licensing authority before trading can commence.



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 or their solicitor/consultant if the application is incomplete.

- ❖ Please note that during the processing of the application, applicants may be required to have their fingerprints taken at their nearest Police Station in order to fulfill probity requirements. Moreover, all Director's Policies, Information Bulletins and Application Packs referred to below are available from DRGL or at www.rgl.wa.gov.au.

DOCUMENTATION TO BE LODGED - MINIMUM REQUIREMENTS

Please tick boxes to show item lodged with application and sign and date at the bottom.

- Completed **Form 13** – Notice of Application and **prescribed fee** (refer to 'Fee Schedule for Liquor Activities')
- Certificate of Title**, including sketch of the land if specified
- Lease Agreement** or similar document in the case where the applicant is not the freehold owner of the premises. This document must give the applicant exclusive right to occupy the premises (pro forma evidence of tenure document available in the application kit)
- A **Written Submission** explaining the circumstances surrounding the application
- Completed **Personal Particulars** form (LLD/5 or LLD/5A) for each person involved – in the case of a limited company each director, and in the case of a proprietary limited company each director and shareholder

OTHER DOCUMENTS THAT MAY BE REQUIRED

- Trust Schedule** – a copy is required where the applicant is a trustee for a trust. The Schedule must details each primary or specified beneficiary and/or unit holder. In the case of a company this information is also required in respect of the directors and shareholders if they are trustees in their own right
- Where any of the people involved hold office or are employed in the Public Service of the State or Commonwealth or in any agency or instrumentality of the Crown, a letter from the Department which employs that person stating that they have no objection to the person being involved with a licensed premises
- Where any of the people involved has been previously bankrupt and the bankruptcy has been discharged, a letter evidencing the discharge of the bankruptcy must be lodged.
- If the applicant is a corporation a company extract showing all current directors may be required (this can be obtained from the Australian Securities and Investments Commission)

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

Applicant/agent signature and date

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



Office Use Only	
Paid Date	
Receipt No.	
Amount Paid	

NOTICE OF APPLICATION FOR PROTECTION ORDER
LIQUOR CONTROL ACT 1988
Sections 68 & 87

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

1. DETAILS OF LICENCE

a) Licence number: _____

b) Name of Licensed Premises: _____

c) Address of Licensed Premises: _____
 _____ Post Code: _____

d) Name of Licensee: _____

2. DETAILS OF APPLICATION

(a) Name of Applicant: _____

(b) Residential Address/Registered Office (if company): _____
 _____ Post Code: _____

(c) Postal address for service of documents: _____
 _____ Post Code: _____

(d) Contact Person: _____ E-mail: _____
 Telephone: () _____ Mobile: _____

(e) Explain in detail the status of the applicant under section 87 (attach documentary evidence of status):

(f) Does the applicant occupy the licensed premises now? YES NO

(g) Is the applicant already conducting business at the licensed premises under an interim authorisation pursuant to section 86? YES NO

(h) Does the applicant wish to appoint a nominee to carry on the business from the licenced premises?
 YES NO (if Yes, nominee to complete section 4).

(i) For what period is the Protection Order sought? _____

3. COMPANY DETAILS

(a) Date of Incorporation:/...../..... Place of Incorporation: _____

(b) *Full details of each Director, Secretary, Managing Director and Executive Officer:-

_____/...../.....
 Name of Director Date of Birth

 Address of Director

_____/...../.....
 Name of Director Date of Birth

 Address of Director

_____/...../.....
 Name of Director Date of Birth

 Address of Director

(c) *Full details of each shareholder or other member (if the applicant is a proprietary company):

_____/...../.....
 Name of Shareholder Date of Birth

 Address of Shareholder No & Class of shares held

_____/...../.....
 Name of Shareholder Date of Birth

 Address of Shareholder No & Class of shares held

_____/...../.....
 Name of Shareholder Date of Birth

 Address of Shareholder No & Class of shares held

(d) *Where the applicant company or a shareholder or other member of the company in the case of a proprietary company is trustee of or beneficiary under a trust or holds company shares or trust units in trust for another person, provide full details of each such trust or person:

Name of Trust: _____

 Name of Beneficiary/Unit Holder Date of Birth

 Name of Beneficiary/Unit Holder Date of Birth

*If more information is required please add an attachment

4. DETAILS OF NOMINEE

(a) Name of Nominee(individual/partnership/company): _____

(b) Residential Address/Registered Office (if company): _____

_____ Post Code: _____

(c) Postal address for service of documents: _____

_____ Post Code: _____

(d) Contact Person: _____ E-mail: _____

Telephone: () _____ Mobile: _____

(e) Date of Incorporation:/...../..... Place of Incorporation: _____

(f) *Full details of each Director, Secretary, Managing Director and Executive Officer:- (if company):

Name of Director Date of Birth

Address of Director

Name of Director Date of Birth

Address of Director

(g) *Full details of each shareholder or other member (if the nominee is a proprietary company)

Name of Shareholder Date of Birth

Address of Shareholder No & Class of shares held

Name of Shareholder Date of Birth

Address of Shareholder No & Class of shares held

(h) *Where the nominee company or a shareholder or other member of the company in the case of a proprietary company is trustee of or beneficiary under a trust or holds company shares or trust units in trust for another person, provide full details of each such trust or person:

Name of Trust: _____

Name of Beneficiary/Unit Holder Date of Birth

Name of Beneficiary/Unit Holder Date of Birth

*If more information is required please add an attachment

6. 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:	

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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