



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

WHAT IS A TRANSFER OF LICENCE?

When a liquor licence is granted, it is granted to a specific entity known as "the licensee". The licence allows only the licensee to sell or supply liquor at the licensed premises.

A Transfer of Licence application allows the licensee to sell or assign the rights of the business to a new entity. The new entity (the applicant) must lodge an application to transfer the liquor licence. Settlement cannot occur until the licensing authority approves the application.

During the Transfer of Licence application the existing licensee must not vacate the premises and the applicant must not sell or supply liquor until approval has been given by the licensing authority. If the licensee has vacated the premises prior to the transfer application being lodged then consent for the transfer may be given with 'leave of the Director'.

HOW CAN A TRANSFER BE MADE?

There are three situations where a Transfer of Licence can be made:

1. Contract for the Sale or Assignment of Business.
2. Entity has the Right to Carry on Business or may be granted a Protection Order.
3. With leave of the Director.

Contract for Sale or Assignment

A contract must be provided that will give the rights of the licensee to the applicant to carry on business under the licence (section 84(1)(a)).

The contract must be made between the applicant and the current licensee for it to be considered valid.

The contract must be subject to a condition precedent requiring the prior approval of the licensing authority before settlement can occur.

Right to Carry on Business or Protection Order

An application can be made by a person who has the right to carry on the business of the licensee or by a person who may be granted a Protection Order (section 84(1)(b)).

Right to Carry on Business - Section 86

Circumstances where the licensee has become bankrupt, disabled or other events as indicated under section 86 apply to the right to carry on business. Examples of persons who can apply are liquidators, administrators or an executor of the estate.

Protection Order - Section 87

Where the licensee is suddenly unable to operate their business an application for a [Protection Order](#) can be made by the freehold owner or another person mentioned above, to allow the continuation of the business to prevent a loss of income/profit. If approved, the applicant can then apply for a Transfer of Licence to ensure the continuation of the business.

With Leave of the Director

In situations where the licensee is no longer able to give consent for the transfer to occur the applicant must also provide a submission with the application seeking leave of the Director outlining the reasons (section 84(1)(c) and section 84(3)).

This includes situations where the licensee has been evicted, has vacated the premises or has become deceased and a Protection Order is not applicable. You will need to show evidence that you have attempted to contact the licensee to advise them of your application (ie: registered post slip).

Please ensure your submission outlines why there is no contract for the sale or assignment of business and provides justification as to why the Director should exercise discretion.



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 determine their probity.
- ❖ 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 10** – Notice of Application
- Prescribed **Application Fee** (refer to 'Fee Schedule for Liquor Activities')
- A signed copy of the **Offer and Acceptance Document** for the sale of the business or a written agreement between the existing licensee and the applicant assigning the rights under the licence (section 84(1)(a)).
- A **Written Submission** explaining the circumstance surrounding the application (section 84(1)(b) & 84(1)(c)).
- 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
- 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
- Evidence of tenure** – 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).
- Training Certificate** – Management of Licensed Premises (refer to Director's Policy 'Mandatory Training')
- Harm Minimisation** – House Policy, Code of Conduct and management Plan (refer to Director's Policy 'Harm Minimisation')

Continued over....

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



OTHER DOCUMENTS THAT MAY BE REQUIRED

- Where any of the people involved holds office or is 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 company, an 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



Office Use Only	
Paid Date	
Receipt No.	
Amount Paid	

NOTICE OF APPLICATION FOR APPROVAL OF TRANSFER OF LICENCE
LIQUOR CONTROL ACT 1988
Section 68 & 82

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 APPLICANT/S

(a) Full name of applicant(s): _____ / _____ / _____
 Where the applicant is an individual please provide Date of Birth

(b) Daytime contact name: _____ E-mail: _____
 Telephone number: () _____ Mobile number: _____

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

(d) Postal address for service of documents: _____
 (upon determination of application) _____ Post Code: _____

(e) Proposed Trading Name: _____

3. COMPANY DETAILS - To be completed if the applicant is a company

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

(b) ACN number: _____

(c) **Directors and other Officers**

Name: _____

Position: _____

Address: _____
 _____ Postcode: _____

Place of Birth: _____ Date of Birth: ____ / ____ / ____

3. COMPANY DETAILS *continued*

Directors and other Officers *continued*

Name: _____

Position: _____

Address: _____

_____ Postcode: _____

Place of Birth: _____ Date of Birth: ___ / ___ / ___

Name: _____

Position: _____

Address: _____

_____ Postcode: _____

Place of Birth: _____ Date of Birth: ___ / ___ / ___

(d) Shareholders

Name: _____

Address: _____

_____ Postcode: _____

Place of Birth: _____ Date of Birth: ___ / ___ / ___

Name: _____

Address: _____

_____ Postcode: _____

Place of Birth: _____ Date of Birth: ___ / ___ / ___

Name: _____

Address: _____

_____ Postcode: _____

Place of Birth: _____ Date of Birth: ___ / ___ / ___

(e) TRUSTEE DETAILS

Will the applicant hold the licence as a trustee? YES NO

If the applicant is a proprietary company, does any shareholder hold the shares as a trustee? YES NO

If YES, give full details of the trust (including name, address and date of birth of all beneficiaries)

Name of Trust: _____

Name of Beneficiary/Unit Holder	Address	Date of Birth
_____	_____	_____
_____	_____	_____

4. STATUS OF LICENCE

(a) Is the licence subject to a Protection Order under section 87 of the Act?

YES NO

If **YES**, to whom is the Protection Order granted? _____

(b) Is there any dispute between the licensee/former licensee and the owner/lessor of the premises?

YES NO

If **YES**, what is the nature of the dispute and what stage has it reached?

5. TENURE OF PREMISES

The application cannot be granted unless the applicant has, or will have from the date of transfer, exclusive possession of the whole of the licensed premises. Describe the tenure which the applicant has/will have? (including term of tenure)

6. CONSENT OF LICENSEE

The person who is the current licensee, whether or not by virtue of a protection order under section 87, or an interim authorisation under section 86 must complete this part unless that person is also the applicant.

I, (full name of current licensee) _____

hereby consent to the transfer of this licence to (full name of applicant) _____

Dated the _____ day of _____

This consent was freely given by me on the _____ day of _____

WHERE THE LICENSEE IS A COMPANY THAT HAS A COMMON SEAL:-

The common seal of _____
was hereunto affixed in accordance with *The Corporations Law* in the presence of:-

Signature of Director

Name of Director (*Please print clearly*)

Signature of Director

Name of Director (*Please print clearly*)

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

Signature of Director

Name of Director (*Please print clearly*)

Signature of Director

Name of Director (*Please print clearly*)

WHERE THE LICENSEE IS ONE OR MORE INDIVIDUAL PERSONS:-

Signature of Licensee

Signature of Witness

Signature of Licensee

Signature of Witness

7. DECLARATION

Notice of application is hereby given for transfer of the licence and related permits in accordance with, and on the basis of, the information set out above. It is declared that all information and details provided in this form, and in any documentation lodged in support of the application are true and correct and do not omit any relevant information;

Dated the _____ day of _____

WHERE THE APPLICANT IS A COMPANY 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 Name of Director (*Please print clearly*)

Signature of Director Name of Director (*Please print clearly*)

WHERE THE APPLICANT 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 APPLICANT IS ONE OR MORE INDIVIDUAL PERSONS:-

Signature of Applicant Signature of Witness

Signature of Applicant Signature of Witness

8. 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:	

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



Department of
Racing, Gaming and Liquor

LIQUOR CONTROL ACT 1988
PERSONAL PARTICULARS

INSTRUCTIONS

- Please print neatly in **BLOCK LETTERS** with a *black* pen only
- The declaration on the last page **must** be signed and dated where indicated
- If there is insufficient space please provide details on a separate sheet
- **Every question must be answered unless not applicable - if a question is not applicable, please indicate with "N/A"**
- Any omission or false or misleading information may itself lead to the application being refused
- The form must be lodged with the appropriate application form at the office of the Director of Liquor Licensing

PURPOSE OF FORM LLD/5

Provides personal particulars about any person associated with a liquor licence application in a capacity as a licensee, director, shareholder or a trustee.

Completion of the form by the relevant individuals will amount to compliance with Regulation 13 and Schedule 2 of the *Liquor Control Regulations 1989*, in most cases. If further details are required the applicant will be advised of those requirements.

PERSONS TO PROVIDE PARTICULARS

This form is to be completed by the following persons in relation to the following applications:-

Grant of Licence (except an Occasional Licence) or Transfer of Licence

Where the application is made by:-

- two or more individuals jointly - each such person
- a club or association - in the case of an unincorporated association, the person nominated as trustee of the club
- a company - each director of the company and each shareholder of the company (except for public companies)

Approval of a Director or Shareholder

- the director and shareholder

Approval of Persons or Arrangement under Section 104

Where the application is to approve an:-

- unlicensed agent - the person to be approved
- agreement or arrangement between the licensee and another person or persons, that other person or persons, or if the other is a company, each director and shareholder of that company

Any other Application

- as specified by the Director of Liquor Licensing

PENALTY - FALSE OR MISLEADING INFORMATION

It is a serious offence to give false information (fine up to \$10,000)
Applicants are advised that this form must be completed personally
All information provided should be checked thoroughly before signing

2. PERSONAL PARTICULARS OF PERSON TO BE APPROVED (continued...)

(f) **Residences** - list *all* addresses (include your current address) at which you have been a permanent resident (for a period of 6 months or more) over the last **5 years**

From	To	Number, Street & Suburb	State	Country
_____ month year	_____ month year			
_____ month year	_____ month year			
_____ month year	_____ month year			
_____ month year	_____ month year			
_____ month year	_____ month year			

Please attach a separate sheet if required

(g) **If born outside of Australia, date of arrival in Australia:**

day		month		year			

Citizenship: _____

(i) **If an Australian Citizen by naturalisation, Certificate number:** _____
certificate number

(ii) **If a non-Australian Citizen:** _____
passport/identity number country of issue

(h) **Current occupation:** _____

Employer's name: _____

Employer's address: _____
Number street suburb postcode

If the application is granted, do you intend to continue in this occupation? YES NO

If YES, please give details of how you intend to properly carry out your responsibilities under the Act as well as the above position:-

(i) **Do you hold a current motor vehicle driver's licence?** YES NO

Licence Number	State or Country of Issue	Expiry Date																
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day		month		year														

2. PERSONAL PARTICULARS OF PERSON TO BE APPROVED (continued...)

(j) Will your spouse or de facto partner be assisting you in the conduct of the licensed premises? If the answer is yes, please complete the following:

Spouse/De facto partner's full name: _____
first name middle name(s) surname

Date of birth:

--	--	--	--	--	--	--	--

day month year

Spouse's address _____
Number street suburb postcode

3. MANDATORY KNOWLEDGE REQUIREMENT

(a) Have you completed an accredited training course in liquor licensing requirements and/or responsible server practices?
 YES NO

If YES,

(i) Where did you undertake the training course? _____

(ii) Date of approval/graduation:

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day month year

(iii) Certificate/Approval number: _____

(iv) Please attach a copy of training certificate

4. LICENSING EXPERIENCE

a) Give details of any liquor licence where you personally are or have been *the licensee* (in Western Australia or elsewhere)

Licence/Premises Name	Premises Address	When Held

b) Give details of any liquor licence where you are or have been *the approved manager* (in Western Australia or elsewhere)

Licence/Premises Name	Premises Address	When Held

c) Give details of any liquor licence where you are or have been a *director, shareholder or other person in a position of authority* in a licensee company (in Western Australia or elsewhere)

Licence/Premises Name	Premises Address	When Held

Please attach a separate sheet if required

5. RECORD OF CRIMINAL OFFENCES

a) Have you ever been:-

i) convicted of any offence whatsoever (whether or not resulting in a fine) other than Traffic Infringement Notices not dealt with by a Court eg. speeding either in Western Australia or elsewhere? (Juvenile offences or offences which have been spent under the *Spent Convictions Act 1988* do not need to be declared)

YES NO If YES, give details of each offence below:-

ii) issued with a Liquor Infringement Notice either in Western Australia or elsewhere?

YES NO If YES, give details of each offence below:-

A copy of this form will be provided to the Commissioner of Police who will check the truth of any of the statements made and report on them to the Director of Liquor Licensing. All relevant offences must be declared - it is an offence under section 159 of the *Liquor Control Act 1988* to omit information or make a statement that is false or misleading and may result in your application being refused.

Date of Offence	Nature of offence	Place of Conviction	Full name under which Convicted	Sentence Imposed

b) Have you ever been a *director or shareholder of a company* which has been convicted of any offence under any legislation, either in Western Australia or elsewhere?

YES NO If YES, give details of each offence below:-

Date of Offence	Nature of offence	Place of Conviction	Full name under which Convicted	Sentence Imposed

c) Have you ever been disqualified from holding or being involved in a liquor licence either in Western Australia or elsewhere?

YES NO If YES, give details

Please attach a separate sheet if required

6. FINANCIAL BACKGROUND

- a) Are you or have you ever been bankrupt, the subject of a sequestration order or creditor's petition or had your estate assigned for the benefit of creditors?

YES NO

If YES, give full details of the circumstances of the bankruptcy and provide evidence that this matter has been discharged

- b) Are you or have you ever been a director of a company or shareholder of a Pty Ltd company when it was placed under receivership or official management or in liquidation?

YES NO

If YES, give full details of the circumstances surrounding the receivership and advise if you are currently liable for any debts as a result of the receivership/liquidation

- c) Do you know of any proceedings of the type referred to in (a) & (b) above which are pending against you or a company of which you are a director or shareholder?

YES NO

If YES, give details

- d) Are you or have you ever been declared bankrupt either as an individual or as a company director or shareholder of a Pty Ltd company?

YES NO

If YES, give full details, including place and time

Please attach a separate sheet if required

7. DECLARATION

I declare that all details are true and correct and no relevant information is omitted.

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day month year

Signature of Person to be Approved

