



APPLICATION FOR TRANSFER OF A LIQUOR LICENCE

Liquor Act 2010
Liquor Regulation 2010

PURPOSE OF THIS FORM

This form is to be used by a licensee to apply for the transfer of a liquor licence to a new proposed licensee under Section 40 of the *Liquor Act 2010* (the Act). You can access the legislation and its regulation at www.legislation.act.gov.au. You may also obtain further information and forms at www.act.gov.au.

PRIVACY

The *Liquor Act 2010* authorises the Commissioner for Fair Trading (the Commissioner) to collect the personal information required by this form for the purposes of assessing the applicant's suitability to hold a liquor licence under the Act. The Commissioner prevents any unreasonable intrusion into a person's privacy in accordance with the *Information Privacy Act 2014*. The Privacy Policy can be found on the Access Canberra website at <http://www.act.gov.au/privacy>. The Commissioner provides identifiable information to law enforcement organisations and authorised organisations that have legal authority to request information under prescribed circumstances.

INSTRUCTIONS FOR COMPLETION

- A liquor licence can only be transferred whilst it remains in force. The application form must be submitted at least 30 days prior to the current licensee ceasing to trade.
- Read the Further Information provided below prior to completing the application form.
- You must complete **all relevant sections** of the form before it will be processed.
- The application will not be processed until payment of the application fee has been received.

TRANSLATING AND INTERPRETING SERVICE

If you require further information or require advice, a language assistance service is available by phoning the Translating and Interpreting Service (TIS) on 13 14 50.

LODGEMENT AND CONTACT INFORMATION

Email: ACliquor@act.gov.au

In Person: Please visit www.act.gov.au/accessCBR

Or call **132281** to find an

Access Canberra Shopfront

FURTHER INFORMATION ABOUT APPLYING FOR A LIQUOR LICENCE

An application must outline the suitability of the proposed new licensee/s, close associates, influential persons (if the new licensee is to be a corporation), and the person/s with day-to-day control (if not the licensee).

The **proposed new licensee** is the person/s or corporation that will hold the licence for the premises following the transfer of the licence.

If the new licensee is to be a club, they must be an **eligible club**. This is a club that:

- is established for the purposes of recreation, promoting social, religious, political, literary, scientific, artistic, sporting or athletic purposes, or a purpose prescribed by regulation;
- has a constitution or set of rules that requires the election of members to manage the affairs of the club; keeps records of elections for two or more years; nominates at least once every three years members to manage the affairs of the club; prohibits the sale of liquor to persons who are not members unless there at the invitation of a member; and prohibits the payment of a commission, profit or allowance from, or on receipts from, the supply of liquor at the club premises; and
- has a membership of at least 200 adult financial members; or if a club licence has been held continuously since before 1 July 1979, with at least 150 financial adult members.

A **close associate** is a person who: holds, or will hold, an executive position in the new licensee's business; is able to exercise significant influence over the conduct of the new licensee's business because they hold, or will hold, a financial interest in the business; or is entitled to exercise a relevant power in the business.

An **influential person** for a corporation is: an executive officer; a person who may exercise a power in relation to the corporation's management, decision making, elections or appointments, and conduct; a related corporation; or an executive officer in a related corporation.

A person with **day-to-day control** is a person, beside the new licensee, who has control of the business operated under the licence on a day-to-day basis.

The licence may not be transferred if the Commissioner for Fair Trading (the Commissioner) determines that any of the people listed above are not suitable. This may include, but is not restricted to, any of the following occurring in the last five (5) years before the day the application is made:

- a person has been found guilty of an offence that makes them unsuitable to hold a liquor licence; or
- a person's liquor licence has been cancelled or suspended on grounds that makes them unsuitable to hold a liquor licence; or
- a person is subject to a court order prohibiting their involvement in the sale of liquor.

If you consider that the proposed new licensee might not be eligible to hold a liquor licence, for example because of an occupational discipline order, past public representations, or past convictions, you should contact Access Canberra before you submit your application form.

Amendments to the licence

This form cannot be used to change particular details of the licence. If you wish to change aspects such as trading hours, on licence subclass or occupancy loading you may submit an amendment form at the time of submitting this application.



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Liquor Licence Number:

Current licence type (select **one** of the following):

- ON – select one of the following sub-classes:
- | | |
|--|--|
| - <input type="checkbox"/> Bar | <input type="checkbox"/> OFF |
| - <input type="checkbox"/> Nightclub | <input type="checkbox"/> OFF – Micro-producer (First Year) |
| - <input type="checkbox"/> Café and Restaurant | <input type="checkbox"/> GENERAL |
| <input type="checkbox"/> CLUB | <input type="checkbox"/> CATERING |
| | <input type="checkbox"/> SPECIAL |

APPLICATION CHECKLIST

You must provide the following as part of your application, for the organisation (if applicable):

<input type="checkbox"/>	Organisation particulars (Part B)
<input type="checkbox"/>	Police certificate for the corporation issued within the previous three (3) months (consent form can be obtained from the AFP)
<input type="checkbox"/>	Evidence of business registration / creation of the organisation (e.g. company or incorporation extract, club constitution and evidence of financial member numbers, enabling legislation, or certificate of registration)
<input type="checkbox"/>	If the proposed licensee is a corporation, a current company extract issued by the Australian Securities and Investment Commission (ASIC) issued in the last 30 days

You must provide the following as part of your application, for **each** of the following persons:

- **Proposed new licensee/s**
- **Close associates**
- **Influential persons** (if applicable)
- **Person/s with day-to-day control** of the premises (if not the proposed new licensee)

<input type="checkbox"/>	Personal particulars (Part C)
<input type="checkbox"/>	Evidence of Citizenship or Resident status (if born outside Australia)
<input type="checkbox"/>	Police certificate issued within the previous three (3) months (use the consent form available from http://www.afp.gov.au/what-we-do/police-checks/national-police-checks.aspx - fees apply)
<input type="checkbox"/>	Two forms of identification (at least one form to be current photo identification)
<input type="checkbox"/>	Declaration regarding their suitability and any required attachments

For the licensed premises you must provide:

<input type="checkbox"/>	Licensed premises details (Part D)
<input type="checkbox"/>	Amendment to Risk Assessment Management Plan (RAMP) if substantial changes required.

Risk-Assessment Management Plan

If the licensed premises sells liquor for consumption on the premises (general, on, club or special licence), it should already have had a RAMP approved by the Commissioner.

New Licensees should complete a new [RAMP](#), however you may request to view the previously approved RAMP in order to inform your responses.



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PART B - ORGANISATION PARTICULARS *(If you are applying as a sole trader, skip this section)*
If the proposed new licensee is to be a corporation, partnership, association, not-for-profit organisation or statutory authority this part must be completed. The personal particulars form (Part C) must still be completed for each influential person or person with day-to-day control.

Please obtain a Company police check prior to submitting this application. Police check processing times may vary.

Registered entity name		
Australian business number (ABN) - - -		
Australian corporation number (ACN) - -		
Incorporated association number or cooperative number		
Registered business address <i>(Property name, unit, floor/level number, street number and street name)</i>		
City/ suburb/ town	State / territory	Postcode
Postal address – (if different to the one shown above)		
City/ suburb/ town		
State / territory		
Postcode		
Business telephone number ()		
Contact mobile number		
Business or contact email address		

Application contact person:

Name
Position

Ongoing Contact person: *(Correspondence for when the liquor licence has been issued)*

Name
Position
Phone number ()
Contact email address



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PART C - PERSONAL PARTICULARS

A copy of this part must be completed and signed by every: influential person, person with day-to-day control or proposed new licensee

Person completing this part:		
<input type="checkbox"/> Influential person	<input type="checkbox"/> Day-to-day control	<input type="checkbox"/> Proposed new licensee (sole trader)
Title (<i>Ms, Mr, Dr</i>)		
Given name/s		
Family name / Surname		
Other name/s (e.g. aliases, maiden name)		
Date of birth / /		
City / town of birth		
Country of birth		
Australian business number (ABN) - - -		
Home address (Property Name, Unit, Flat No, Street Number, Street Name)		
City / suburb / town	State	Postcode
Country		
Home phone number ()		
Mobile number		
Work phone number ()		
Email address		

ACCEPTABLE FORMS OF IDENTIFICATION

You must provide at least one form of **current** photo identification, and one other document from the following list:

https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/2917/kw/proof#!tabs-2

DECLARATION

- I,
- declare that I have read and understood the information provided in this form, that the details shown are true and correct;
 - agree to abide by any conditions that form part of the licence issued by the Commissioner;
 - consent to Access Canberra having access to the records relating to my history, only for the purposes of this application; or in relation to a liquor licence subsequently granted by the Commissioner; and
 - understand that it is an offence to provide false or misleading information in an application for a liquor licence.

Signature of person making the declaration

Full Name (Print)

Date: / /



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SUITABILITY INFORMATION – PERSON

This part must be completed for the proposed licensee/s, each influential person for a corporation, and the person/s who are to have day-to-day control of the business (if not the licensee)

DECLARATION

I, Name in full
of Full residential address
whose current position/occupation is
make the following declaration,

- That I will give true answers to all questions in this declaration by selecting the corresponding YES or NO box beside the questions; and
- That for each question I answer YES, I will provide full and accurate details of the facts or matters specified or associated with the question, attaching additional details on an annexure form.

1.	Have you ever been convicted or found guilty of an offence under any of the laws in any State or Territory in Australia listed below? You may refer to your attached police certificate in the attached additional details.		
	- ACT <i>Liquor Act 2010</i> or any corresponding liquor laws	<input type="checkbox"/> No	<input type="checkbox"/> Yes
	- ACT <i>Crimes Act 1900</i> or the <i>Crimes Act 1914</i> (Cwlth)	<input type="checkbox"/> No	<input type="checkbox"/> Yes
	- ACT <i>Criminal Code 2002</i> or the <i>Criminal Code Act 1995</i> (Cwlth)	<input type="checkbox"/> No	<input type="checkbox"/> Yes
	- ACT <i>Unlawful Gambling Act 2009</i>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
	- <i>Trade Practices Act 1974</i> (Cwlth)	<input type="checkbox"/> No	<input type="checkbox"/> Yes
	- ACT <i>Fair Trading Act 1992</i> or corresponding fair-trading laws	<input type="checkbox"/> No	<input type="checkbox"/> Yes
	- A law of the ACT or elsewhere with a maximum penalty of imprisonment for 1 year or more	<input type="checkbox"/> No	<input type="checkbox"/> Yes
2.	Have you ever been convicted or found guilty of an offence against a law in Australia or anywhere else relating to the supply or consumption of liquor?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
3.	Have you ever been the subject of a cancellation order relating to a liquor licence or permit?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
4.	Have you ever been proven to be non-compliant with any legal obligation in relation to the supply of liquor?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
5.	Have you ever been refused a licence, permit or other authority (however described) in relation to the supply of liquor?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
6.	In the last five (5) years have you been declared bankrupt, personally insolvent, or been involved in the management of a corporation when the corporation was insolvent?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
7.	If the proposed licensee is a corporation, in the last five (5) years has the corporation been insolvent?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
8.	If the proposed licensee is a club, is the club an eligible club ? (see page 2 for definition of an eligible club)	<input type="checkbox"/> No	<input type="checkbox"/> Yes

Understanding of Obligations under the Act:

9.	I understand that I may not serve liquor without a current Responsible Service of Alcohol (RSA) Certificate or equivalent interstate qualification	<input type="checkbox"/> No	<input type="checkbox"/> Yes
10.	I understand that I may not serve liquor to persons under the age of 18	<input type="checkbox"/> No	<input type="checkbox"/> Yes
11.	I understand that I may not serve liquor to intoxicated persons	<input type="checkbox"/> No	<input type="checkbox"/> Yes
12.	I understand that I must supply water free of charge and ensure food is available to patrons	<input type="checkbox"/> No	<input type="checkbox"/> Yes
13.	I understand that I am required to report incidents directly to Access Canberra within 24 hours of an incident occurring	<input type="checkbox"/> No	<input type="checkbox"/> Yes

I understand that a person who intentionally makes a false statement may be guilty of an offence. I believe that the statements in this declaration are true and correct.

Signature of person making the declaration

Full Name (Print)

Date: / /



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PART D – LICENCED PREMISES DETAILS

Registered Trading name		
Postal address for premises		
Suburb	State	Postcode

Contact details for the premises:

Premises phone ()
Premises mobile

CURRENT LICENSEE/S' DETAILS

It is recommended that at the time the transfer is approved, that the new licensee obtains from the current licensee the liquor sales information required to be provided to the Chief Health Officer at the end of each financial year. Further information and a template are available on the [Access Canberra website](#).

Declaration of consent to transfer

I,
being the licensee/or on behalf of the licensee of the premises at
premises address and/or business name
herby consent to the transfer of licence number number
to the proposed new licensee,
proposed new licensee name.

Signature of licensee (director/authorised person) consenting to transfer

Full Name (Print)

Date: / /

Signature of licensee (director/authorised person) consenting to transfer (optional)

Full Name (Print)

Date: / /

Signature of licensee (director/authorised person) consenting to transfer (optional)

Full Name (Print)

Date: / /



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LIQUOR PURCHASE/SALES INFORMATION FOR PREMISES (OFF LICENCES ONLY)

(attach another page if insufficient room)

A licensee of an **off licence** is required to provide the Commissioner for Fair Trading with the gross wholesale price paid for liquor **purchased** during the financial year, within one month of the end of each financial year. The gross purchase price includes duties or taxes, but not freight or packaging costs. The value of purchases, the name and address of each wholesaler from whom liquor was purchased must be provided. The volume of liquor purchased does not have to be provided.

A **first year micro-producer off licensee** must, at the end of the reporting period for the licence, tell the commissioner in writing the gross price paid or payable for **sales**, during the reporting period, of liquor produced on its licensed premises.

The outgoing licensee is required to report all purchases (off licensee) or sales (off - micro-producer) of liquor accrued up to the point of transfer of the liquor licence.

From 1 July	(year)	To	/	/
SUPPLIER NAME		SUPPLIER ADDRESS		
GROSS PRICE * PAID/PAYABLE FOR LIQUOR:				
\$. 00			

* Gross price includes any duty, tax or other charge payable; but does not include costs for freight, or packaging for freight.

Lodgement and payment methods

This form should be lodged via email to ALiquor@act.gov.au

You will be contacted for payment once your application has been received.

Please note that the licence fee is GST exempt.