

Transfer an existing licence or permit

This kit contains all the forms and related materials required to transfer an existing licence in Victoria.

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 - ‘Plans of licensed premises’ fact sheet
 - ‘Maximum patron capacity’ fact sheet
 - ‘Training for licence applicants’ fact sheet

To confirm the current fee, please refer to 'Liquor licence fees' on our website at vcglr.vic.gov.au

Privacy

The Victorian Commission for Gambling and Liquor Regulation (the VCGLR) is committed to protecting the privacy of your personal information. The VCGLR endorses fair information handling practices and uses of information in compliance with its obligations under the Privacy and Data Protection Act 2014 (Vic). Personal information collected from you is only used for the purposes of the application for the licence or permit and Acts administered by the VCGLR.

Personal information is not disclosed to third parties unless required or authorised by law, or with your consent. As part of the application process information provided may be forwarded to and retained by Victoria Police.

Need help?

For more information on how to apply for a liquor or gambling licence or permit:

- visit the Victorian Commission for Gambling and Liquor Regulation (VCGLR) website at vcglr.vic.gov.au
- telephone the VCGLR on 1300 182 457
- email the VCGLR at contact@vcglr.vic.gov.au



Transfer an existing licence or permit

Who may apply for the transfer of a licence?

An application to transfer a liquor licence can be made by either:

- the current licensee and the proposed licensee, or
- the owner or mortgagee of the licensed premises and the proposed licensee if the existing licensee has been evicted or has ended the tenancy, or deserted the premises.

Application fee

The application fee must be paid at the time of application. If your application is granted, the renewal fee for the following year is due annually on 31 December, irrespective of when the licence is granted. A renewal notice will be issued prior to this date detailing how to make payment to the State Revenue Office and the cost. There is no GST payable on this fee. Please refer to the liquor licence fees fact sheet for current details. The fee can be paid by cheque, money order or credit card. Cheques and money orders are to be made payable to Victorian Commission for Gambling and Liquor Regulation.

Right to occupy the premises

For a licence to be issued, the proposed licensee must have the legal right to occupy the premises. This can be the result of the execution of a lease agreement, settlement of the sale of the property or through acquiring the legal right to occupy through other means.

If you have the legal right to occupy at the time of lodging your application please complete the declaration of right to occupy form.

If you obtain the legal right to occupy while your application is still being processed and before it is granted please complete and post or email the VCGLR the declaration of right to occupy.

If the VCGLR grants your application pending confirmation that you have the legal right to occupy you will be required to complete and submit to the VCGLR a notice of right to occupy in order for a licence to be issued with your name on it. This must be submitted within 24 hours of gaining the legal right to occupy the premises. Note: There are penalties for failing to notify the VCGLR within 24 hours of gaining the legal right to occupy the premises.

Declaration of associates

The purpose of the declaration of associates form is to identify an applicant's associates. The application must be accompanied by completed declaration of associates form(s).

- If the applicant is an individual, the individual must complete the form.
- If the applicant is a partnership, each partner must complete the form separately.
- If the applicant is a body corporate, the body corporate must complete the form advising of its associates and each director of the body corporate must complete this form separately.

You cannot supply alcohol until your application is approved

The transferee (proposed licensee) cannot supply alcohol until the transfer application is granted by the VCGLR and the transferee has the legal right to occupy the premises.

Maximum patron capacity

Patron capacity is the maximum number of patrons allowed on the licensed premises at any one time.

If you are applying to transfer a general, on-premises, late night general, late night on-premises, restaurant and cafe, restricted club or full club licence and the current licence does not have a maximum patron capacity endorsed you must provide documentation to assist the VCGLR to determine a maximum patron capacity. Please refer to the 'Maximum patron capacity' fact sheet for more information.

Red line plan

Please ensure you have viewed the current red line plan, which is a defined area where liquor can be supplied and/or consumed. If you have not viewed the red line plan, please contact the VCGLR and a red line plan can be emailed to you at no charge. If you intend to alter the red line area (i.e. by extending or incorporating new areas), a separate variation application will need to be lodged.



Transfer an existing licence or permit

Variations

If you wish to vary the trading hours or conditions of the licence or intend to increase the size of the licensed area from what the VCGLR has authorised under an existing approval plan, you will need to complete the relevant variation form(s) found on the VCGLR website.

A variation application process will take longer than a transfer application process in most cases. As part of the variation application, the VCGLR requires the applicant to display a public notice on the site or premises for 28 days to allow members of the public the right to object to the grant of your variation application. All objections must be made within 30 days of the notice being first displayed.

This does not apply for a BYO permit application variation.

Current and Historical Company Extract – company applicants only

If you are applying for a licence in the name of a company you are required to provide a Current and Historical Company Extract from the Australian Security and Investments Commission (ASIC). Current and Historical Company Extract identifies the type, status, registered address, roles within the organisation, share structure, members and charges and documents lodged (current and historical) of organisations registered with ASIC.

When making a search application to ASIC, ensure that you specify that you require a Current and Historical Company Extract and not a Current Company Extract. A Current and Historical Company Extract identifies both current and historical information about the applicant, while the Current Extract identifies only current information.

You can purchase a Current and Historical Company Extract from the ASIC website at asic.gov.au.

Incorporated association information

If you are applying for a licence in the name of an incorporated association you must provide the certificate of incorporation, rules and minutes of the most recent meeting confirming the committee members.

Body corporate definition

A body corporate is an organisation which has a separate legal status to its members (i.e. it can own property, sue and be sued, and enter into contracts in its own name). Examples of body corporates include companies, incorporated associations, incorporated partnerships, municipal councils and co-operatives. Unincorporated clubs/associations and unincorporated partnerships are not body corporates.

A minimum of one director must reside in Victoria unless a proposed nominee has been nominated.

Licensee definition

A licensee is the holder of a liquor licence.

Nominee definition

A body corporate may apply to the VCGLR for the approval of a person to be the nominee of the proposed licensee. Once approved, the nominee then becomes liable as if he or she were the licensee or permit holder. The nominee will cease being a nominee if he or she ceases to manage or control the licensed premises. Where this occurs, the licensee or permit holder needs to notify the VCGLR within 14 days. The nominee must reside in Victoria.

Permit holder definition

A permit holder is the holder of a BYO permit.

Proposed licensee definition

The proposed licensee is the proposed new holder of a licence or permit.



Transfer an existing licence or permit

This checklist details the documents required to accompany your application. Supplying these with your application will allow the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to commence assessment of the application and can reduce processing time. Your application may be returned if the accompanying documents do not meet the requirements below. The VCGLR may contact applicants to request additional documentation depending on the circumstances of their business. All forms and fact sheets referred to are available on the VCGLR website vcglr.vic.gov.au.

Please tick that you have provided all the required documents with lodgement of your application

☐ **Application form**

Please ensure:

- all fields on the application form are completed
- the nature of the business is detailed, clearly demonstrating why a liquor licence is sought
- application form is signed and dated by the applicant
- that correct fees are attached, as detailed in the 'Liquor licence fees' fact sheet.

☐ **Responsible Service of Alcohol (RSA) training**

Evidence of completion on an approved RSA training course for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.

☐ **New entrant training**

A copy of an approved new entrant training certificate for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.

☐ **Declaration of the right to occupy the premises**

For a licence to be issued, the applicant must have the right to occupy the premises. If you already have the right to occupy the premises, you must sign and attach the declaration provided at the end of this form.

☐ **Questionnaire**

Each person listed on the application, including any nominee, must complete a 'Questionnaire' attached in this application kit. For companies, partnerships or clubs, questionnaires are required from each director, partner or executive committee member respectively. Questionnaires will only be accepted if they are dated within the last three months.

☐ **Maximum patron capacity documents (if applicable)**

Patron capacity is the maximum number of patrons allowed on the licensed premises at any one time. Please refer to the 'Maximum patron capacity' fact sheet and the useful information section.

☐ **Declaration of Associates**

The declaration of associates form attached within this application kit must be completed by each of the following:

- If the applicant is an individual, the individual must complete the form.
- If the applicant is a partnership, each partner must complete the form separately.
- If the applicant is a body corporate, the body corporate must complete the form advising of its associates and each director of the body corporate must complete this form separately.

☐ **Business name certificate**

A business name certificate is required if an individual or partnership is applying for a liquor licence, or if the trading name of the business registered with Australian Securities and Investment Commission (ASIC) is different to the company's name or incorporated club's name. A copy of the business name certificate from ASIC is required. To register your business name, go to the ASIC website at asic.gov.au for further information.

☐ **Current and Historical Company Extract**

A Current and Historical Company Extract is required if a company is applying for a liquor licence. A Current and Historical Company Extract can be purchased from the ASIC website at asic.gov.au. Refer to the 'Useful information' section for further information.

☐ **Incorporated association information**

If you are applying for a licence in the name of an incorporated association you must provide the certificate of incorporation, rules and minutes of the most recent meeting confirming the committee members.

How to lodge this form

By post

Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988, Melbourne VIC 3001

In person

Victorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street, Richmond

By email

contact@vcglr.vic.gov.au

What happens next

If your application is accepted, you will be emailed or sent an acknowledgement letter. This will confirm that the VCGLR has received your application and outline any further information required and the date by which it must be submitted. Once the VCGLR has received all required information and documents, your application will be determined. You will be advised of the outcome in writing.



Victorian Commission for
Gambling and Liquor Regulation

Victorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street, RICHMOND VIC 3121
GPO Box 1988, MELBOURNE VIC 3001

Email contact@vcglr.vic.gov.au
Telephone 1300 182 457
vcglr.vic.gov.au
ABN 56 832 742 797



TR-1901-znfr

Application

Transfer an existing licence or permit

Liquor Control Reform Act 1998

OFFICE USE ONLY

v18-08

Date Rec'd / /

Receipt No. _____

File No. _____

1. Details of premises

Licence or permit number

Business trading name of licensed premises

Owner of licensed premises

Street address of licensed premises

Postcode

2. Details of current licensee or owner/mortgagee

Who is the current licensee?

- ☐ The current licensee/permit holder **OR**
- ☐ The owner/mortgagee of the licensed premises because the licensee/permit holder has been legally evicted or has deserted the licensed premises

Name of current licensee/permit holder or owner/mortgagee (person/partnership/company/club)

Australian Business Number/Australian Company Number

Contact name

Daytime telephone number

Should this application **NOT** be approved, do you wish to be released from your obligations pursuant to section 64 of the Liquor Control Reform Act 1998?

☐ YES ☐ NO

Signature of current licensee

Who must sign this application – If the licensee/permit holder or owner/mortgagee is:

A person – That person

A partnership – All partners

A company – One director of the company

A club – One committee member

Signature

Date

Print name and position

Signature

Date

Print name and position

3. Details of proposed licensee

Type of proposed licensee (tick one box)

- ☐ Person ☐ Partnership
- ☐ Company ☐ Club

Name of proposed licensee or permit holder (person/partnership/company/club)

Australian Business Number*/Australian Company Number**

Contact name (business hours contact details)

Email address

☐ Correspondence may be sent by email. Please mark the box if you DO NOT wish to receive correspondence by email.

Daytime telephone number (business hours contact details)

Mobile telephone number (business hours contact details)

Postal address for service of documents at

Postcode

* ABN is a unique identifier issued by the Australian Business Register which is operated by the Australian Tax Office.

** ACN is a unique nine-digit number issued by the Australian Securities and Investments Commission to companies.



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3. Details of proposed licensee (cont'd)

Give details of each person, partner, director, company secretary or executive committee member who is part of this application (if more than 4 people, attach a separate page which lists all names and addresses).

Each individual listed below will need to complete a 'Questionnaire', which forms part of this application.

Full name	Residential address	Position held / Relationship to applicant (i.e. director, company secretary, etc.)

4. Authorised representative

The proposed licensee can authorise a person or an organisation (such as a legal representative) to access and discuss details about this application.

Do you want an authorised representative to make enquiries and provide information on your behalf regarding this application?

- ☐ NO
- ☐ YES – please provide details below

Contact name

Organisation name

--

Postcode

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- ☐ Correspondence may be sent by email. Please mark the box if you DO NOT wish to receive correspondence by email.

5. Nominee details – body corporate only (body corporate can be companies, incorporated associations, incorporated partnerships, municipal councils and co-operatives)

A body corporate may apply for approval of a person as nominee of the applicant. The nominee must complete a 'Questionnaire'.

Please refer to the 'Training for licence applicants' fact sheet to determine if the nominee requires new entrant and/or RSA training.

Name of proposed nominee*

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* Once approved, the nominee then becomes liable as if he or she were the licensee or permit holder. Please refer to the Definitions section.

6. Proposed person in day-to-day management or control of premises (body corporate only)

It is **MANDATORY** for body corporate applicants (company, incorporated association, a co-operative or a municipal council) to nominate the person in management or control of the premises who will run the day-to-day operations of the business.

Name of proposed person in management or control of premises

Daytime telephone number/mobile telephone number

The person who will be in management and control of the licensed premises must complete a VCGLR approved RSA training course and details of course completion must be provided on the 'Mandatory training' section.

7. Business trading name details

Will you be trading under a new business name?

☐ YES – please provide the new business name below* (as stated on your certificate of registered business name)

☐ * Please tick that you have attached a copy of your business name certificate from ASIC as it is required in order to finalise processing of your application (see lodgement checklist for further information)

Australian Business Number/Australian Company Number

☐ NO

Note: If you will be trading under the existing business trading name it is your responsibility to transfer the business name with ASIC.

8. Nature of the business

Provide details of the nature of the business you are intending to conduct. Please note that if you are changing the nature of the business, a 'Variation to category of licence' application may need to be submitted. Contact the VCGLR for more details.

Some licensees choose not to open for the full amount of time they are licensed. What days and hours do you think you will trade?

What would be your likely peak periods of trade during the week (i.e. Monday to Sunday)?

How many patrons do you expect to have during your peak trading hours?

Are there any other variations that you may want to make to the licensed premises or liquor licence conditions?

☐ YES

☐ NO

If yes, please refer to the Variations information in the 'Useful Information' section, contact the VCGLR for further information or visit the VCGLR website.

9. Mandatory training - new entrant training and Responsible Service Alcohol (RSA) training

Please refer to the 'Training for licence applicants' fact sheet to determine if you require new entrant and/or RSA training.

Have all required person(s) completed a VCGLR approved new entrant training course?

☐ YES – please attach a copy of your certificate.

☐ NO – a copy of your certificate must be attached or this application form may be returned.

Have all required person(s) completed a VCGLR approved RSA training course within the past three years?

☐ YES – please provide details below.

☐ NO – details of course completion must be provided below or this application form may be returned.

Full name	Position	RSA Certificate number	Date of Completion	Training Provider

10. Right to occupy

For a licence to be issued, the proposed licensee must have the right to occupy the premises. You will need to provide a declaration of your right to occupy the premises once the lease agreement has been executed and/or settlement has occurred for the sale of the property and/or you have otherwise acquired the legal right to occupy the premises.

- ☐ Please tick that you have attached the 'Right to occupy declaration' form with your application if you already have the right to occupy the premises to which this application relates.

If you do **not** have the right to occupy the premises to which this application relates, please provide the proposed date on which you expect to have the right to occupy the premises.

Please send or email the VCGLR your declaration once you have the right to occupy the premises.

Your application can be finalised without the right to occupy declaration, and where this occurs you must provide the VCGLR with a notice of right to occupy within 24 hours of you gaining the legal right to occupy the premises.

Signature by proposed licensee

Who must sign this application – If the proposed transferee is:

A person –
That person

A company –
One director of the company

A partnership –
All partners

A club–
One committee member

I/ we declare/certify that:

- the information contained in this application, including attachments is true and correct.
- the existing approved plan of the licensed premises held by the VCGLR accurately depicts the floor layout of the premises.
- if a body corporate applicant, I am authorised to sign this application on behalf of the body corporate.

Signature

Date

Print name and position

Signature

Date

Print name and position

Signature

Date

Print name and position

Signature

Date

Print name and position

It is an offence under section 118 of the *Liquor Control Reform Act 1998* to make a statement that is false or misleading in relation to this application. An offence under section 118 of the *Liquor Control Reform Act* carries a maximum penalty of 60 penalty units.

Payment method

Please select your payment method:

- ☐ Cheque
- ☐ Money order
- ☐ Credit card

For credit card payments, please enter your payment details on the next page.



Victorian Commission for
Gambling and Liquor Regulation

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GPO Box 1988, MELBOURNE VIC 3001

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Telephone 1300 182 457
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ABN 56 832 742 797



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Credit card payment details

Visa ☐ Mastercard ☐ Amex ☐

Amount

\$

Card number

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Name of cardholder

Card expiry date

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Daytime telephone number of cardholder

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Signature

X															
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Date

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Privacy – the VCGLR is committed to responsible and fair handling of personal information consistent with the *Privacy and Data Protection Act 2014* and its obligations under the *Liquor Control Reform Act 1998*. This page will be destroyed once your payment has been processed.



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Declaration - right to occupy for transfer of an existing licence or permit

Liquor Control Reform Act 1998

Date rec'd / /

File no. _____

For a liquor licence to be issued, **the proposed licensee must have the right to occupy the premises**. A right to occupy the premises may arise from being a tenant under a lease agreement, as a freehold owner of the property, or through some other legal arrangement. If you currently have the legal right to occupy the premises, or acquire the legal right to occupy the premises before the licence transfer is granted, you will need to sign this declaration and post or email it to the Victorian Commission for Gambling and Liquor Regulation (VCGLR).

If you gain the legal right to occupy the premises after the transfer is granted, you will need to provide the VCGLR with a notice of right to occupy within 24 hours of gaining the legal right to occupy the premises. This notice can be found on the VCGLR's website.

Note: There are penalties for failing to notify the VCGLR of you gaining the legal right to occupy within 24 hours of gaining the legal right to occupy.

Section A: Right to occupy the premises

Address of premises where right to occupy is held:

(Please include postcode)

Please provide details of how you have obtained the right to occupy the premises by completing the section below that applies to your situation.

1. Freehold owner of property

Name the certificate of title is held in (person(s)/company/club):

2. Tenants of premises

Name of the tenant on the lease (person(s)/company/club):

3. Legal right to occupy premises

Name on the agreement or other document providing legal right to occupy premises is held in (person(s)/company/club):

Please specify how you have acquired the legal right to occupy the premises:

Please proceed to Section B if you are a transfer applicant, if not proceed to Section C.

Section B: Date of settlement (transfers only)

**Do not submit this form until settlement has occurred.
The VCGLR cannot accept your declaration until settlement has occurred.**

Please specify the date settlement occurred (DD/MM/YYYY):

Section C: Applicant declaration

Who must declare?

If the applicant or proposed licensee is:

- **A person:** That person
- **A company:** One director of the company
- **A partnership:** One partner
- **A club:** One committee member

I/we declare that this statement is true and correct and that the person(s)/company/club listed under section A has the right to occupy the premises, and I/we are authorised to make and sign this declaration:

Name of person making this declaration:

Signature of person making this declaration:

Date (DD/MM/YYYY):

Name of person making this declaration:

Signature of person making this declaration:

Date (DD/MM/YYYY):

**It is an offence under section 118 of the *Liquor Control Reform Act 1998* to make a statement that is false or misleading in relation to this application.
Penalties may apply.**



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Questionnaire

Liquor Control Reform Act 1998

Date rec'd / /

File no. _____

CD/16/67560

The following information is required from each applicant for a liquor licence or permit. If the application is from a company, partnership or club, a questionnaire is required from each director, partner or executive committee member. If a nominee is to be appointed, then he or she is also required to provide the following information.

Important information you must read and note before completing this form

The information supplied on this form to the Victorian Commission for Gambling and Liquor Regulation (the Commission) will be disclosed to Victoria Police as part of your application under the *Liquor Control Reform Act 1998* (the Act).

Victoria Police will use the information you supply to make an informed decision on whether to object to your application on the grounds that you or anyone named on this form are not suitable to be involved directly or indirectly in the sale of liquor.

Please Note:

- Complete all sections of this form in **BLOCK CAPITALS ONLY**.
- If you require any help in completing this form, assistance can be obtained from a legal practitioner or liquor consultant.
- Failure to provide requested information (no matter how minor) may be detrimental to the outcome of your application.
- Having a criminal record in itself may not prevent you or a body corporate you are involved with from being successful with your application.
- It is a criminal offence under Section 118 of the Act to provide false or misleading statements.
- This form is to be completed and dated no more than three months prior to your application being submitted.

Personal information

Family name

First given name

Second given name

Date of birth

☐ Male

☐ Female

Residential address

Flat/unit number Street number Lot number

Street name

Town/suburb

Postcode

State

Contact details

Home phone (incl. area code)

Mobile phone

Business phone (incl. area code)

Fax number (incl. area code)

Email address (please indicate correct case)

Driver licence number

If you do not hold a drivers licence, please provide details of another form of photo identification

State of issue

Business address

Flat/unit number Street number Lot number

Street name

Town/suburb

Postcode

State

Business details

Name of business

Details of any other person who will, or is likely, to or is likely to directly or indirectly have a management role or exercise control over the business.

Family name

First given name

Date of birth

☐ Male

☐ Female

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Declaration of associates

Liquor Control Reform Act 1998

OFFICE USE ONLY

v19-01

Date rec'd

/ /

File no.

Who should complete this form?

If the applicant is a **body corporate**:

- the body corporate must complete PART A: Declaration of associates – Body corporate (only) (page three).
- each director of the body corporate must also complete a separate PART B: Declaration of associates – Individual/s (pages four and five).

If the applicant is an **individual**:

- the individual must only complete PART B: Declaration of associates – Individual/s (pages four and five).

If the applicant is a **partnership**:

- each partner must complete a separate PART B: Declaration of associates – Individual/s (pages four and five).

Examples:

Where the applicant is a body corporate:

1. ABC Pty Ltd is applying for a restaurant and café liquor licence. There are two directors, John Smith and Jane Smith.
2. ABC Pty Ltd completes PART A: Declaration of associates – Body corporate (only).
3. John Smith and Jane Smith both complete separate PART B: Declaration of associates – Individual/s.

Where the applicant is an individual:

4. John Smith is applying for a BYO permit.
5. John Smith only needs to complete PART B: Declaration of associates – Individual/s.

Where the applicant is a partnership:

6. John Smith and Jane Smith are applying for a pre-retail liquor licence and have entered a partnership agreement.
7. John and Jane Smith both complete separate PART B: Declaration of associates – Individual/s.

Where the applicant is an Associated Incorporation:

1. ABC Inc is applying for a Full Club liquor licence. There are 4 Executive Committee members, John Smith, Jane Smith, Tony Smith and Carl Smith.
2. ABC Inc completes PART A: Declaration of associates – Body Corporate (only).
3. John Smith, Jane Smith, Tony Smith and Carl Smith complete separate PART B: Declaration of associates – Individual/s.

Definitions - Associate

Before completing this declaration, please ensure that you read and understand the explanation of what is meant by “associate”.

Section 3AC of the *Liquor Control Reform Act 1998* (“the Act”), defines an associate as

1. For the purposes of this Act, an associate of a person (the “first person”) is-
 - a) a person who-
 - i. holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in any business of the first person involving the sale of liquor; and
 - ii. by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that business, or
 - b) a person who is or will be a director, whether in right of the person or on behalf of another person, of any business of the first person involving the sale of liquor; or
 - c) if the first person is a natural person, a person who is a relative of the first person, other than a relative -
 - i. who is not, and has never been, involved in any business of the first person involving the sale of liquor; or
 - ii. who will not be involved in the business the first person proposes to conduct as a licensee or permittee.



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Definitions - Associate (cont'd)

4. In this section-

“relative”, in relation to a person, means-

- a). the spouse or domestic partner of the person, or
- b). a parent, son, daughter, brother or sister of the person; or
- c). a parent, son, daughter, brother or sister of the spouse or domestic partner of the person;

“relevant financial interest”, in relation to a business involving the sale of liquor, means-

- a). any share in the capital of the business; or
- b). any entitlement to receive any payment as a result of money advanced;

“relevant power” means any power, whether exercisable by voting or otherwise and whether excisable alone or in association with others-

- a). to participate in any directorial, managerial or executive decision; or
- b). to elect or appoint any person as a director.

Please note: Further to the above, a person who is or will be able to exercise a significant influence over includes a shareholder owning 10 percent or more of the shares of any business of the first person involving the sale of liquor.

Definitions - Body Corporate

A body corporate is an organisation which has a separate legal status to its members (i.e. it can own property, sue and be sued, and enter into contracts in its own name).

Examples of body corporates include companies, incorporated associations, incorporated partnerships, municipal councils and co-operatives.

Unincorporated clubs/associations and unincorporated partnerships are not body corporates.

The director of a body corporate includes –

- any person occupying or acting in the position of director of the body corporate, by whatever name called (including partner, office holder, chief executive officer, executive committee member) and whether or not validly appointed to occupy or duly authorised to act in the position; and
- any person in accordance with whose directions or instructions the directors of the body corporate are instructed to act.

Please note that Directors of a Council, university or TAFE institute are not required to complete a declaration.

Who should be declared as an associate?

Examples of persons who may be captured as associates include, but are not limited to, the following:

- each director, public officer, secretary, chief executive, chief financial officer, committee member of a body corporate.
- shareholders who are able to exercise a significant influence over or with respect to the management or operation of any business of the applicant/director of the body corporate involving the sale of liquor.
- where the applicant is a trustee of a trust, associates may include trust unit holders or beneficiaries who, by virtue of the Trust Deed, have voting rights enabling them to remove or change the trustee, or to influence decisions of the trustee.



PART A: Declaration of associates - Body Corporate (only) to complete

NOTE: Individuals, partnerships and directors of a body corporate are not required to complete this part. Please proceed to **Part B**.

1: Name of body corporate making declaration

2: Businesses involving the sale of liquor

Provide details of all businesses that the body corporate has that involve the sale of liquor (including the business which is the subject of this declaration).

Business name/ Company name	Type of business	Registered address	ACN/ABN

3: Declaration of associates - Relevant financial interest/relevant power and significant influence or director

For each business listed above in question two, provide details of all individuals who are associates. This includes:

- directors (either in their own right or on behalf of another person) of the business.
- individuals that hold a relevant financial interest in the business AND is/will be able to exercise a significant influence over the management or operation of the business.
- individuals that will be entitled to exercise any relevant power in the business (either in their own right or on behalf of another person) AND is/will be able to exercise a significant influence over the management or operation of the business.

Name of individual	Residential address	Date of birth (dd/mm/yyyy)	Business name/ (as listed in Part 2)	Tick if also a director of this business
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

4: No associates to declare (if applicable)

- ☐ I have read the definition of associates and confirm that the body corporate has no associates as defined in the *Liquor Control Reform Act 1998*.

Signature/declaration of person/body corporate who is making this declaration

I declare that:

- the information contained in this form is true and correct
- if a body corporate is making this declaration by declaring its associates, I am authorised to sign this application on behalf of the body corporate.

Name:

Position (if body corporate):

Signature:

Date (dd/mm/yyyy):

PART B: Declaration of associates - Individual/s to complete

NOTE: Directors of the body corporate in PART A, applications in an individual's name and all members of a partnership need to complete this form. Please refer to the 'Who should complete this form' section on page one.

1: Name of individual completing this declaration

--

2: Relationship to applicant (for example director of body corporate)

--

3: Businesses involving the sale of liquor

Provide details of all businesses that you have an interest in, that involve the sale of liquor (including the business which is the subject of this declaration).

Business name/ Company Name	Type of business	Registered Address	ACN/ABN

4: Declaration of associates - Relevant financial interest/relevant power and significant influence or director

If you are part of a body corporate completing this form, the directors that are part of that body corporate do not need to be listed below. For every business you are involved in listed above in question three, provide details of all individuals who are associated with those businesses. This includes:

- directors (either in their own right or on behalf of another person) of the business
- individuals that hold a relevant financial interest in the business AND is/will be able to exercise a significant influence over the management or operation of the business
- individuals that will be entitled to exercise any relevant power in the business (either in their own right or on behalf of another person) AND is or will be able to exercise a significant influence over the management or operation of the business.

Name of individual	Residential address	Date of birth (dd/mm/yyyy)	Business name/ (as listed in Part 3)	Tick if also a director of this business
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

5: Declaration of associates - Relatives

Please refer to the definition on page one of this form prior to completing this section.

Name	Residential address	Date of birth (dd/mm/yyyy)



Victorian Commission for
Gambling and Liquor Regulation

Victorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street, RICHMOND VIC 3121
GPO Box 1988, MELBOURNE VIC 3001

Email contact@vcglr.vic.gov.au
Telephone 1300 182 457
vcglr.vic.gov.au
ABN 56 832 742 797



TR-1901-znfr

6: No associates to declare (if applicable)

☐

I have read the definition of associates and confirm that I have no associates as defined in the *Liquor Control Reform Act 1998*.

Signature/declaration of individual who is making this declaration

I declare that the information contained in this form is true and correct

Name:

Date (dd/mm/yyyy):

Signature:



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Victorian Commission for Gambling and Liquor Regulation

Liquor licensing fact sheet

Plans of licensed premises

When a liquor licence or BYO permit is granted, it is for a defined area where liquor can be supplied and/or consumed. This is shown by a red-line drawn on a plan of the premises. This plan needs to be submitted to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) as part of the application process and may be required upon request at any time.

The plan of the premises must accompany applications for:

- a licence or BYO permit excluding a pre-retail licence or a BYO permit for party bus
- a variation of a licence or BYO permit that involves a change to the size or perimeter of the licensed premises
- a transfer of a licence or BYO permit if the current floor layout of the premises differs from the plan held at the VCGLR
- the relocation of a licence or BYO permit.

Four copies of the plan should be lodged when submitting an application form.

Why do I need to submit four copies of the plan?

Four copies are required to enable:

- a copy to be endorsed as an approved plan and retained by the VCGLR
- a copy to be provided to Victoria Police as part of the application process
- a copy to be provided to the relevant local council as part of the application process
- an approved copy to be provided to the applicant on the grant of an application.

Plan of premises should be given to the VCGLR if internal changes are made.

If a change is made to the internal area of licensed premises (for example, by adding or removing a particular structure), the licensee should submit an updated plan of the licensed premises.

Plan of the premises to be given to the VCGLR if requested

In addition to the above, section 101A of the *Liquor Control Reform Act 1998* provides that the VCGLR may at any time request that a licensee submit a current plan of a licensed premises.

What form should a plan take?

The VCGLR has specified that a plan must contain the following elements:

- be on suitably sized paper, minimum A4 size (graph paper is not acceptable)
- be drawn in ink and be neat and legible
- show the floor plan(s) of the owned or leased property
- outline in red the boundaries of the proposed area to be licensed
- if the proposed area does not follow a physical barrier (such as a wall), describe what is being used to separate the area
- show clear and consistent measurements on the plan
- include the address of the premises
- include a compass point showing north and names of the surrounding streets
- show basic functions or fixtures, for example, bar and dining area/kitchen area or in the case of a packaged liquor outlet, shelf areas where alcohol is displayed and the cash register is located
- a plan should be drawn to a suitable scale so that all elements above are clearly identified. A suggested scale is 1:100 (1cm = 1m).

Restaurant and cafe licences and On-premises licences

If applying for kerbside trading, identify the area to be licensed and separately outline this area in red on the plan. The VCGLR will mark this area with an A.A on the approved copy of the plan. This area is referred to as the Authorised Area.

General licences

A general licence authorises the supply of liquor to patrons for consumption off the licensed premises, being a footpath or kerbside area. Therefore this area does not need to be identified on the plan.

Please note that licensees must comply with relevant local planning laws.

Where a proposed licensed or authorised area includes large outdoor spaces, a separate site plan must be provided that shows:

- the entire site including internal and external areas drawn to a suitable scale
- outline in red the proposed area that is to be licensed

- clear descriptions of how the proposed outdoor area will be distinguished (for example, fence, portable barriers, warning signs).

If the plan does not meet these requirements, the applicant will be required to resubmit the plan.

What am I required to do with my approved plan?

A copy of the approved plan must be kept on the licensed premises and must be available for inspection on request by a member of Victoria Police or a Compliance Inspector.

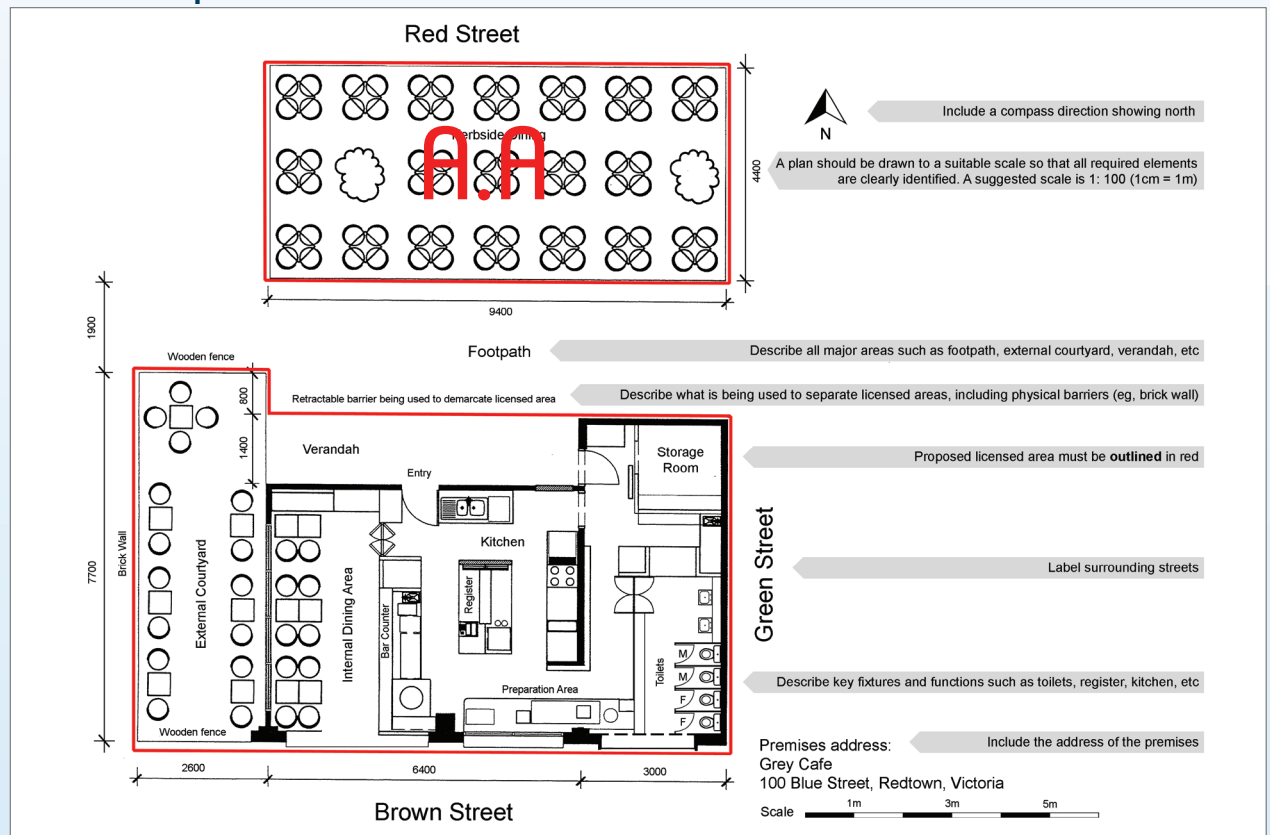
Failure to keep a copy of the plan on the licensed premises or produce a copy of the plan for inspection could result in a fine being issued.

Where can I get a copy of my approved plan?

If you do not have a copy of your approved plan, you can obtain a copy from the VCGLR at no extra cost.

An example of a plan is provided below.

Plan Example



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Victorian Commission for Gambling and Liquor Regulation

Liquor licensing fact sheet

Maximum patron capacity

The Victorian Commission for Liquor and Gambling Regulation (VCGLR) has a maximum patron capacity policy that guides how patron capacity is determined for a liquor licence.

Maximum patron capacity is the maximum number of patrons allowed on a licensed premises at any one time. This is to prevent overcrowding inside the venue and to minimise impacts on local amenity. Patron capacity may be used to calculate the annual licence fee payable by each licensee.

Applicants will be required to provide specific documentation in order for the VCGLR to determine and endorse maximum patron capacity for a premises.

Under the *Liquor Control Reform Act 1998* (the Act) the VCGLR can set a maximum patron capacity as a condition of a liquor licence. This is enforceable, and penalties apply for licensees who do not comply.

This factsheet provides guidance as to how the VCGLR will determine maximum patron capacity for the purposes of the Act. It is the building owner's responsibility to ensure that building occupants comply with all other regulatory requirements.

Which licences have a maximum patron capacity?

Maximum patron capacity will be endorsed in respect of applications for the following new licences:

- general
- on-premises
- restaurant and cafe
- late night (on-premises and general)
- full club
- restricted club.

Some existing licences may also be endorsed with maximum patron capacities.

Maximum patron capacities may also be required on some major event licences where appropriate.

How does the VCGLR determine maximum patron capacity?

In the first instance, the VCGLR will determine maximum patron capacity based on the maximum patron capacity stated within the most recently issued planning permit provided with the application.

If the planning permit does not contain a maximum patron capacity, or if the planning permit has not been granted by the local council prior to the grant of the liquor licence, applicants are encouraged to contact their local council to obtain a copy of an occupancy permit. The VCGLR will then determine the maximum patron capacity based on the number stated on the occupancy permit.

In circumstances where neither the planning permit nor occupancy permit specify a maximum patron capacity, applicants are required to obtain a report from a registered building surveyor that states:

- the area in square metres available to the public for the whole of the internal premises (excluding toilets, passageways and the like) and (if applicable) for any external areas such as courtyards or decks, and
- the number of patrons that may be accommodated on the internal premises and (if applicable) on any external areas of the premises based on a ratio of one person per 0.75 square metres.

Please ensure that the report displays the building surveyor registration number.

Note: The VCGLR may request a building report from a registered building surveyor showing a calculation based on a ratio of one person per 0.75 square metres if the VCGLR considers that the capacity provided in the planning or occupancy permit is inaccurate or inappropriate. This may be requested in light of any information contained within the licence application and having regard to the objects of the Act.

Restaurant and cafe licences

For restaurant and cafe licences, tables and chairs must be available for at least 75 per cent of patrons. For example, if the licence states that maximum patron capacity is 100 patrons then there must be tables and chairs available for at least 75 patrons. Likewise, if there are tables and chairs available for only 50 patrons, a maximum of 66 patrons may be legally accommodated on the premises.

Patron capacity for specific areas

In addition to the overall maximum patron capacity for the licensed area, the VCGLR may set separate patron capacities on specific areas within a licensed area, such as:

- balconies
- terraces and courtyards
- beer gardens.

Patron capacities allocated for specific areas are calculated in accordance with the methods listed above, as well as amenity considerations.

While the VCGLR considers amenity as part of the patron number calculation, the relevant local council also retains responsibility for managing issues of amenity in each council region.

External areas

The overall maximum patron capacity for a licensed area is generally no larger than the maximum capacity allowed for the internal area of the premises.

This is to prevent overcrowding, and minimise sanitation and fire safety risks associated with patrons moving from outdoor to indoor areas, for example, to get a drink, to exit the premises or if it rains.

In some circumstances, the VCGLR may consider increasing the overall maximum patron capacity to allow for external areas.

Applicants with external licensed areas who wish to apply for this increase can submit a building report from a registered building surveyor demonstrating that fire safety and sanitation arrangements for the additional patrons will be met.

Features of an external area that may support an increase to the overall maximum patron capacity include:

- an external area that is large compared to the internal area, such as a large beer garden
- effective weather proofing
- separate entrances and exits
- separate facilities such as bars and toilets.

Function and accommodation areas

Function and accommodation areas may be excluded from the overall maximum patron capacity, and may be given their own separate capacity limits.

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Victorian Commission for Gambling and Liquor Regulation

Liquor licensing fact sheet

Training for liquor licence applicants

Training for licence applicants helps potential licensees to understand their obligations under the *Liquor Control Reform Act 1998*. Applicants must complete mandatory training requirements before a liquor licence is granted. There are three courses that applicants must complete depending on the licence type they are applying for. These are:

- A. New entrant training
- B. Responsible Service of Alcohol (RSA)
- C. Advanced Responsible Service of Alcohol (RSA)

It is the applicant's responsibility to ensure the correct course is completed and to provide evidence of completion with their application.

A. New entrant training

What is new entrant training?

New entrant training is a training standard developed by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to ensure that liquor licence applicants have an adequate knowledge of the liquor law. This includes:

- liquor licensing legislation
- understanding liquor licence obligations
- best practice in managing licensed premises.

Section 44 (2)(iii) of the *Liquor Control Reform Act 1998* (the Act) provides that the VCGLR may refuse to grant a liquor licence application if the applicant does not have an adequate understanding of the Act.

What must I do?

Applicants are required to complete one of the following approved training courses to meet the new entrant training requirement:

- Licensees' First Step
- Achieve Liquor Licence Compliance
- Victorian Licensee's Training Course
- Achieve Liquor Licensing Knowledge (also available in Mandarin)
- New Entrant Liquor Licensee Training Course
- Club Seminar (restricted club or renewable limited club licence applicants only)

Where can I find a Registered Training Organisation?

There are a number of Registered Training Organisations (RTOs) that provide new entrant training. Please refer to the VCGLR website at vcglr.vic.gov.au for a list of RTOs that provide new entrant training.

Which licence applications require evidence of new entrant training?

Applications for the following licences require evidence that the applicant has completed New entrant training:

- general
- on-premises
- packaged liquor
- late night (general, on-premises and packaged liquor)
- restaurant and cafe
- full club
- restricted club
- producer's
- renewable limited
- transfer of an existing licence or permit.

Who must complete new entrant training?

The list below identifies who will need to complete new entrant training. If applying as:

- individuals – all natural persons
- partnerships – all partners
- company (body corporate) – at least one director
- club – at least one committee member
- association – at least one committee member.

In addition:

- all persons being appointed as a liquor licence nominee must complete new entrant training.
- all applicants seeking approval to sublet any part of the licensed premises, or to carry on the business of supplying liquor on the licensed premises, must complete new entrant training.

B. Responsible Service of Alcohol (RSA)

What is Responsible Service of Alcohol (RSA) training?

RSA training provides licensees and staff who work in licensed venues with the skills and knowledge necessary to contribute to a safe and enjoyable environment in licensed premises.

Which licence applications require evidence of RSA training?

Applications for the following licences require evidence that the applicant has completed RSA training:

- general
- on-premises
- packaged liquor
- late night (general, on-premises and packaged liquor)
- restaurant and cafe
- full club
- restricted club
- producer's
- renewable limited (only where face-to-face sales occur)
- transfer of an existing licence or permit.

Who must complete RSA training?

The list below identifies who will need to complete RSA training. If applying as:

- individuals – all natural persons
- partnerships – all partners
- body corporate applicants (companies, incorporated associations, co-operatives or municipal councils)
- the person who is or will be in management and control of the licensed premises and who will run the day-to-day operations of the business.

Note: Body corporate applicants must advise the VCGLR of the name of the person who manages or will manage the day-to-day operations of the business on the application form.

Where can I find a Registered Training Organisation (RTO)?

There are a number of registered training organisations that provide RSA training. Please refer to the VCGLR website at vcglr.vic.gov.au for a list of RTOs that provide RSA training.

I've previously completed an RSA course, is it still valid?

The approved RSA training course must have been completed within the past three years.

If you completed your RSA training course more than three years ago, you can complete a free RSA refresher course online at vcglr.vic.gov.au.

Can I be exempted from RSA training?

In exceptional circumstances, a liquor licence applicant may seek an exemption from one or all of the RSA training obligations.

General, on-premises, packaged liquor or late night (general, on-premises and packaged) licence applicants must complete the 'Application for the exemption from the Responsible Service of Alcohol training requirements' form available at vcglr.vic.gov.au.

All other liquor licence applicants are required to write a letter to the VCGLR detailing the reasons for seeking an exemption before the licence is granted.

C. Advanced Responsible Service of Alcohol

What is the Advanced Responsible Service of Alcohol (RSA) training?

The Advanced RSA training program was developed by William Angliss Institute in conjunction with the VCGLR. It is designed for licensees, managers and staff of late night venues who often face a range of challenges and issues.

For further information about the course and how to book, please visit the William Angliss Institute website at shortcourses.angliss.edu.au

Which licence applications require evidence of Advanced RSA training?

Applicants for a new late night (general) licence or late night (on-premises) licence that authorises the supply of liquor after 1am for on-premises consumption must complete the Advanced RSA training program.

This requirement does not apply in relation to late night (on-premises) licences with restaurant and cafe conditions.

When must Advanced RSA training be completed?

For new applicants, the Advanced RSA training program must be completed within six months of the licence being granted. This is in addition to RSA training and new entrant training which must be completed prior to the licence being granted.

For licensees that receive a demerit point, the Advanced RSA training program must be completed within six months of the demerit point being recorded in the demerits register.

Who must complete the training program?

The Advanced RSA training program must be completed by the holder of the licence and by the responsible person for the premises.

1. The holder of the licence means, in relation to a licence held by:

- a natural person, that person
- a partnership, one partner
- a body corporate incorporated under the *Corporations Act 2001*, one director, and
- an association incorporated under the *Associations Incorporation Reform Act 2012*, one committee member.

2. Responsible person is defined by section 3 of the *Liquor Control Reform Act 1998* as the person responsible for the management or control of licensed premises.

Where the holder of the licence is effectively the responsible person, only the holder of the licence is required to complete the training program.

Evidence of approved new entrant and approved RSA training courses must be provided to the VCGLR prior to a liquor licence being granted, transferred or endorsed. You will be required to provide this evidence with submission of your application.

For further information about new entrant, RSA and Advanced RSA training requirements, please visit the VCGLR website at vcglr.vic.gov.au.

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