



CONVERSION FROM A CLUB RESTRICTED LICENCE TO A CLUB LICENCE

Information Bulletin No. 21

Liquor Control Act 1988

INTRODUCTION

Pursuant to section 63(ca) of the *Liquor Control Act 1988 (the Act)*, the licensing authority may remove the restrictions on a club restricted licence so that it can be converted to a club licence. Where a holder of a club restricted licence seeks to remove the restrictions imposed on that licence so that it operates as a club licence, an application to convert to a club licence is necessary.

In essence, the difference between a club restricted licence and a club licence is that a club restricted licence cannot sell packaged liquor to members, the trading hours are determined by the Director rather than specified by the Act and all liquor must be purchased from any retail or wholesale liquor outlet *authorised to sell packaged liquor* (other than the holder of a club licence).

PLANS AND SPECIFICATIONS

Plans of the proposed premises are required to be lodged with the application in order for the licensing authority to define the area in which the sale, supply and in some cases, the consumption of liquor will occur if the licence is granted (**section 66**). Please refer to Bulletin no. 25 "[Plans and Specifications](#)" and policy guideline on "[Standards of Licensed Premises](#)" for more information.



PUBLIC INTEREST TEST

In the case of an application to convert to a club licence, the applicant may be required to demonstrate that the application is in the public interest, having regard to the likely health and social impacts on the community and sub-groups within the community. The applicant will be advised during the processing of the application.

The public interest test will require that the applicant satisfy the licensing authority by way of a public interest assessment that it is in the public interest for the application to be granted. For more details refer to the policy guideline "*Public Interest Assessment*" and Public Interest Form available upon request or on our website at www.rgl.wa.gov.au/PublicInterest.

ADVERTISING

In respect of applications for the conversion from a club restricted licence to a club licence, the applicant may be required to:

- Undertake a letter drop to residents and businesses within a 200 metre radius of the proposed premises (200m radius of the perimeter of the playing fields/ovals), giving notice of the application and the intended manner of trade. This letter must be delivered on the first day of the advertising period and must identify the last date by which objections may be lodged with the licensing authority.
- In the case of an application for the conversion from a club restricted licence to a club licence, a 14 day advertising period may apply or such other period as determined by the licensing authority.
- Serve notice of the application and intended manner of trade on all: schools and educational institutions; hospitals; hospices; aged care facilities; any drug and alcohol treatment centres; any short term accommodation or refuges for young people; child care centres; churches; any local government authority; and any local police stations, which may be situated in the specified locality of the proposed premises. This notice must be served on the first day of the advertising period and must identify the last date by which objections may be lodged with the licensing authority.
- Where applicable, serve notice of the application and intended manner of trade on any local aboriginal community, and where applicable, on a Regional Office of the Department of Indigenous Affairs. This notice must be served on the first day of the advertising period and must identify the last date by which objections may be lodged with the licensing authority.
- Advertise the application on the site of the premises for a 14 day period or such other period as determined by the licensing authority.
- Make a copy of the Public Interest Assessment submissions available for public inspection at the place that has been identified in the letter drop and notice served to the parties in point 2 and 3 above.

OBJECTIONS

Objections may be lodged in respect of an application for the grant of a club licence and club restricted licence.

Where an objection is lodged against an application, it may be determined on the papers or by a formal hearing before the Director or alternatively, the Commission.

MANDATORY TRAINING REQUIREMENTS

In addition, within four (4) weeks of commencing employment at the premises, or as otherwise determined by the licensing authority, any person who will be engaged in the sale, supply and service of liquor on proposed licensed premises, senior staff, and any other person required to do so by the Director, will be required to undertake an examination or complete the nationally accredited *Responsible Service of Alcohol* unit of competency.

In order to demonstrate compliance with the training of staff, licensees will be required to maintain a register detailing each staff member's name and date of training, and retain a copy of the relevant training certificate(s).

For more details on the training requirements, refer to policy guideline "Mandatory Training" available on our website at www.rgl.wa.gov.au/Mandatory_Training or upon request.

Please note that penalty provisions apply to any person that does not comply with the requirements of the Act.

SUPERVISION AND MANAGEMENT

Section 100 of the Liquor Control Act 1988 requires that an approved manager must, unless the Director of Liquor Licensing determines otherwise, be present on the licensed premises at any time that the business is conducted at those premises. It is the obligation of the licensee to ensure that the business is personally supervised at all times by a person holding a valid approval of manager ID card. Applications for approval as either a Restricted Manager or an Unrestricted Manager must be lodged online at www.rgl.wa.gov.au by the person that will be appointed as a manager at your premises.

For more details, refer to policy guideline "[Managers at Licensed Premises](#)" or the [lodgement guide](#) available upon request or on our website.

LODGING THE APPLICATION

Applicants must lodge *completed* applications at the Department of Racing, Gaming and Liquor. An application for the conversion from a club restricted licence to a club licence should be made using the forms provided in the *application kit* available upon request or on our website. A Lodgement Guide is also provided in this kit that identifies all documentation which should accompany the application.

Department staff will be available between 8:30am and 4:00pm to assess your application to ensure that it meets the legislative requirements prior to lodgement.

APPLICATION FEES

The application fee must be lodged with the application. Please refer to the fee schedule [available on our website](#) or upon request. Please note that the application cannot be examined until the fee is received. Generally, the application fee is not refundable, even if the application is refused or withdrawn.

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.

CERTIFICATE OF LOCAL GOVERNMENT
LIQUOR CONTROL ACT 1988
Section 39

THIS SECTION TO BE COMPLETED BY THE LOCAL GOVERNMENT

I, *(full name)* _____

being the *(title)* _____

for the *(name of Local Government)* _____

with respect to an application by _____

(Name of applicant)

hereby certify that the premises known as _____

and situated at _____

Postcode _____

comply with all relevant requirements under the *Health Act 1911*, under the *Food Act 2008*, under any written law relating to the sewerage or drainage of those premises and under the *Local Government Act 1995* and the *Building Act 2011*;

OR

do not comply with the requirements set out above and could not reasonably be made to comply;

OR

Do not comply with the requirements set out above but could be made to conform if the following requirements were carried out:-

Dated the _____ day of _____

Signature of Authorised Officer

THIS SECTION TO BE COMPLETED BY THE APPLICANT BEFORE SUBMISSION TO THE LOCAL GOVERNMENT

Type of Licence:

- | | | | |
|--|--|---------------------------------------|---|
| <input type="checkbox"/> Casino | <input type="checkbox"/> Hotel (Restricted) | <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Special Facility |
| <input type="checkbox"/> Club | <input type="checkbox"/> Hotel (Tavern) | <input type="checkbox"/> Nightclub | <input type="checkbox"/> Wholesaler's |
| <input type="checkbox"/> Club Restricted | <input type="checkbox"/> Hotel (Tavern Restricted) | <input type="checkbox"/> Producer's | |
| <input type="checkbox"/> Hotel | <input type="checkbox"/> Hotel (Small Bar) | <input type="checkbox"/> Restaurant | |

Nature of application and an outline of proposed use of the premises _____

In the case of a **Special Facility Licence** application:

a) What category is sought? Pursuant to Regulation 9A of the Liquor Control Regulations 1989)

- | | | |
|--|---|---|
| <input type="checkbox"/> Works Canteen | <input type="checkbox"/> Theatre/Cinema | <input type="checkbox"/> Reception/Function Centre |
| <input type="checkbox"/> Transport | <input type="checkbox"/> Tourism | <input type="checkbox"/> Education & Training Institution |
| <input type="checkbox"/> Education & Training Course | <input type="checkbox"/> Sports Arena | <input type="checkbox"/> Foodhall |
| <input type="checkbox"/> Catering | <input type="checkbox"/> Bed & Breakfast Facility | <input type="checkbox"/> Room Service Restaurant |
| <input type="checkbox"/> Amusement Venue | <input type="checkbox"/> Auction | <input type="checkbox"/> Online Wine Sales |

b) What trading hours are sought?

Monday:	_____	am/pm	to	_____	am/pm
Tuesday:	_____	am/pm	to	_____	am/pm
Wednesday:	_____	am/pm	to	_____	am/pm
Thursday:	_____	am/pm	to	_____	am/pm
Friday:	_____	am/pm	to	_____	am/pm

c) Is approval sought to sell and supply liquor on:

Christmas Day: YES NO ; Good Friday: YES NO ; ANZAC Day: YES NO

d) Is approval sought to sell liquor for consumption off the licensed premises: YES NO

e) Please detail the trading conditions sought and provide an outline on how it is proposed the premises will operate (attach separate submission if necessary):

LIQUOR CONTROL ACT 1988 CERTIFICATE OF LOCAL PLANNING AUTHORITY – SECTION 40

Reverse side to be completed by applicant BEFORE SUBMISSION TO THE LOCAL AUTHORITY

THIS SECTION TO BE COMPLETED BY THE LOCAL AUTHORITY

I, (full name).....

being the

(Title)

for the.....

(Name of Local Planning Authority)

with respect to an application by

(Name of applicant)

hereby certify that the premises known as.....

and situated at

.....Post Code.....

will comply with all relevant planning laws, namely;

OR

would comply with the relevant planning laws if consent were to be given by the following authority;

- (i) It is not known whether the authority will give their consent; or
- (ii) It is known that the authority will give that consent subject to the following probable condition/restrictions;

.....
.....

OR

will not comply with the relevant planning laws for the following reasons:-

.....
.....

Dated the day of

Signature of Authorised Officer

**THIS SECTION MUST BE COMPLETED BY THE APPLICANT
BEFORE SUBMISSION TO THE LOCAL AUTHORITY**

APPLICATION DETAILS

Category and Type of Licence:

Nature of application and an outline of proposed use of the premises:

.....
.....
.....

In the case of a *SPECIAL FACILITY LICENCE* application:-

(a) For what purpose is the licence sought? (Refer to Regulation 9A of the *Liquor Control Regulations 1989*)

.....
.....

(b) What trading hours are sought?

Monday:	.....	am/pm	to	.....	am/pm
Tuesday:	.....	am/pm	to	.....	am/pm
Wednesday:	.....	am/pm	to	.....	am/pm
Thursday	.....	am/pm	to	.....	am/pm
Friday	.....	am/pm	to	.....	am/pm
Saturday	.....	am/pm	to	.....	am/pm
Sunday	.....	am/pm	to	.....	am/pm

(c) Is approval sought to sell and supply liquor on:-

Christmas Day YES NO Good Friday YES NO Anzac Day YES NO

(d) Is approval sought to sell liquor for consumption off the licensed premises? YES NO

(e) Please detail the trading conditions sought and provide an outline on how it is proposed the premises will operate (attach separate submission if necessary):

.....
.....
.....



Attach copy
of certificate
of title

EVIDENCE OF EXCLUSIVE RIGHT OF OCCUPANCY AND PROFIT SHARING
SECTIONS 37(5) AND 104 OF THE LIQUOR CONTROL ACT 1988

1. Exclusive Right of Occupancy

I/We _____ being the registered proprietor/director of the company _____ identified as the registered proprietor on certificate of title volume no _____ folio no _____ hereby confirm that **(name of applicant)** _____

_____ will have the exclusive right to occupy the premises and operate a business at **(proposed address**

where liquor will be sold and supplied _____

_____ under a **(specify type of liquor)** _____ licence, upon the grant issue/transfer/removal of the liquor licence (please circle relevant application).

DATED: _____

**Signature of registered proprietor
(Director/Individual/Partner)**

**Signature of applicant
(Director/Individual/Partner)**

2. Profit Sharing

I/We _____ **(name of applicant)** certify that no other person or party is involved in any arrangement or agreement with me/us which will allow them to participate in the proceeds of the business (including percentage rent payment) under the **(specify type of liquor)** _____ licence, upon the grant/issue/transfer/removal of the liquor licence. (If a profit sharing arrangement is proposed under the liquor licence, an application for approval of arrangement or agreement will need to be lodged. Refer to the [application kit](#) in respect of profit sharing and management agreements for further information.

**Signature of Applicant
(Director/Individual/Partner)**



FEE SCHEDULE FOR LIQUOR ACTIVITIES
EXTRACT FROM LIQUOR CONTROL REGULATIONS 1989
EFFECTIVE AS FROM 1 JANUARY 2017

DESCRIPTION <i>(Please note: Fees are generally not refunded if an application is not approved)</i>	FEE
ADD, VARY OR CANCEL a condition of a licence or permit	
Permanent	
• Club restricted licence	\$43.00
• Any other type of licence	\$237.00
One-Off <i>(for a period of 21 days or less)</i>	
• Club restricted licence	\$43.00
• ¹ Any other licence type if the anticipated number of patrons is:	
○ Up to 500	\$110.00
○ Between 501 and 1,000	\$226.00
○ Between 1,001 and 5,000	\$1137.00
○ Between 5,001 and 10,000	\$2275.00
○ Over 10,000	\$4560.00
Alteration or redefinition of a licensed premises	\$399.00
APPROVAL OF MANAGER	
Application for Approval of Manager lodged at Australia Post	\$168.00
Upgrade from restricted licence to unrestricted licence	
• Lodged at Australia Post	\$56.00
• Lodged online	\$15.00
Renewal of Manager's Approval (Identification Card) for a period of five years	
• Application for renewal lodged at Australia Post	\$164.00
• Lodged online	\$126.00
Replacement identification Card	
○ Lodged at Australia Post	\$52.00
○ Lodged online	\$10.00
⁴ Approval of person in position of authority	\$159.00
Approval to conduct non-liquor business on licensed premises	\$221.00
Change of name of licensed premises	\$73.00
EXTENDED TRADING PERMIT	
Ongoing	
• Alfresco	\$348.00
• Liquor without a meal (not restricted to 120 persons)	\$466.00
• Liquor without a meal (restricted to 120 persons or less)	\$53.00
• Associations	\$348.00
• Hours, dining, catering, late delivery, restaurant with accommodation	\$1168.00
• Cellar Door Operation (producers only):	
- new cellar door operation (one licensee only)	\$345.00
- new cellar door operation (two or more licensees) – applications must be lodged concurrently	\$345.00 plus \$290.00 per additional licensee
- existing cellar door permit where an additional licensee is seeking approval to operate under a permit	\$290 per additional licensee



FEE SCHEDULE FOR LIQUOR ACTIVITIES
EXTRACT FROM LIQUOR CONTROL REGULATIONS 1989
EFFECTIVE AS FROM 1 JANUARY 2017

EXTENDED TRADING PERMIT	
One-Off	
Increase hours, extend the licensed area and/or sell liquor to non-members	
<ul style="list-style-type: none"> • Club restricted licence \$43.00 • ^{1&3}For all other licence types <ul style="list-style-type: none"> ○ Up to 500 \$110.00 ○ Between 501 and 1,000 \$226.00 ○ Between 1,001 and 5,000 \$1137.00 ○ Between 5,001 and 10,000 \$2275.00 ○ Over 10,000 \$4560.00 	
² Grant or Removal of a club, club restricted, restaurant, producer's or wholesaler's licence	\$886.00
² Grant or Removal of a hotel, hotel restricted, tavern, tavern restricted, small bar, casino liquor licence, nightclub, special facility or liquor store licence	\$3454.00
Juvenile function (under section 126A)	\$64.00
Application for Liquor Restricted Premises Declaration:	
<ul style="list-style-type: none"> • Where the applicant is the occupier of the premises No Charge • Where the applicant is the owner of the restricted premises; or a prescribed class of persons as defined in the <i>Liquor Control Regulations 1989</i> \$264.00 	
^{1&3} OCCASIONAL LICENCE	
<ul style="list-style-type: none"> • Up to 250 \$53.00 • Between 251 and 500 \$110.00 • Between 501 and 1,000 \$226.00 • Between 1,001 and 5,000 \$1137.00 • Between 5,001 and 10,000 \$2275.00 • Over 10,000 \$4560.00 	
³ Profit Sharing	\$231.00
² Protection order under section 87(1)	\$231.00
² Transfer of liquor licence	\$849.00
Vary or substitute plans approved under a conditionally granted licence	\$277.00
ANNUAL LICENCE FEE	
⁵ Club Restricted	\$288.00
⁵ For all other licence types	\$584.00
Extended Trading Permit – Ongoing:	
<ul style="list-style-type: none"> • No more than 2 \$277.00 • 3 or more \$556.00 	
SEARCH AND SUPPLY FEES	
Address labels for licensed premises	\$142.00
Advertising Banner "Liquor Control Act – Notice of Application"	\$25.00



FEE SCHEDULE FOR LIQUOR ACTIVITIES
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Copy of a decision of the Commission or Director	
<ul style="list-style-type: none"> For each Additional fee for certification 	<p>\$25.00 \$25.00</p>
Copy of documentation, other than already prescribed, per page	\$4.00
Copy of plan (requires licensee's consent)	
<ul style="list-style-type: none"> For each sheet (up to a maximum of \$200) Certified (for each sheet) 	<p>\$25.00 \$35.00</p>
Database printout of record of general licence details	\$35.00
Duplicate licence (requires licensee's consent)	\$35.00
Full search of a licence record (requires licensee's consent and will incur additional fees for copies of documents as listed above)	\$52.00
Issue of a summons to a witness	\$20.00
List of licensed premises or owners of licensed premises	
<ul style="list-style-type: none"> Hardcopy Electronic format 	<p>\$89.00 \$58.00</p>
Search of postcodes	
<ul style="list-style-type: none"> 1 to 10 postcodes More than 10 postcodes 	<p>\$35.00 \$77.00</p>

FOOTNOTES

¹ Where an application is for a function or event that takes place over a number of consecutive dates, the fee will be based upon the total maximum number of persons expected to be present in the licensed/permit area at any one time over the consecutive dates. For example: if a function or event runs for 2 days and the maximum number of persons expected to be present in the licensed/permit area at any one time is 300, then the fee will be calculated on an attendance of 600 people in total and will be \$226.

² In addition to the application fee, new applicants in respect of protection orders and permanent liquor licences (i.e. grant or transfer applications, with the exception of a club or club restricted licence) will pay an additional \$148.00 fee for each individual in a position of authority (including each director and shareholder of a company and adult trust beneficiary or unit holder).

³ In addition to the application fee, new applicants in respect of profit sharing agreements or arrangements will pay an additional \$148.00 fee for each individual who is party to the agreement or arrangement and in relation to whom a background check is sought from the Police Service.

⁴ In addition to the application fee, in respect of a body corporate seeking to be approved as a shareholder in the licensee company after the licence is granted, an additional \$148.00 fee applies for each individual to whom a background check is sought from the Police Service (including each director and shareholder and adult trust beneficiary or unit holder related to that body corporate) other than for the first individual, which will be captured by the application fee.

⁵ Annual licence fees for newly granted licences are charged on a quarterly pro-rata basis as follows:

Licence Effective	Fee: Club Restricted	Fee – All Other Licences
1 January - 31 March (100%)	\$288.00	\$584.00
1 April – 30 June (75%)	\$216.00	\$438.00
1 July – 30 September (50%)	\$144.00	\$292.00
1 October – 31 December (25%)	\$72.00	\$146.00