



This Information Bulletin briefly explains some of the requirements when applying for a liquor licence as per the *Liquor Control Act 1988* (the Act). For information regarding applications for an Occasional Liquor Licence refer to 'Occasional Lodgement Guide' available from Department Racing, Gaming and Liquor (DRGL) or at [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au).

When a licence is granted, it is granted to a specified entity (the licensee). The licence allows only the licensee to sell liquor and from a specified place (the licensed premises).

If the licensee wishes to sell the licence to another entity then the applicant who wishes to purchase or be assigned the licence must apply to the Department to take over the licence (transfer of licence application). It is important to note that settlement cannot take place until prior approval has been given by the licensing authority. For information regarding applications to transfer a liquor licence, please refer to the application kit on the Department's website.

Approval can also be given by the licensing authority for the licensee to operate the licence at a place other than the licensed premises (removal of licence). For further information regarding applications for the removal of a liquor licence, please refer to the application kit on the Department's website.

### WHO MAY APPLY FOR THE GRANT OF A LICENCE

**Section 35** of the Act sets out who can make an application for a liquor licence. An application can be made by -

- an individual person;
- a company;
- an association; or
- two or more of the above, jointly.

In respect of an application by a company, any person who will occupy a position of authority as a **director** or **shareholder** in any shareholding company with an interest in the business under the licence is required to be approved and their name(s) must be stated on the application.

### Important Information

**Section 34** of the Act sets out that applications **cannot** be granted if the applicant is –

- bankrupt or has assigned his/her estate for the benefit of his/her creditors;
- incapable of managing his/her affairs because of a mental disorder;
- under sentence of imprisonment;
- under receivership or official management, or is in liquidation (companies only);
- disqualified from holding a licence, or holds a licence which has been suspended, as a result of previous disciplinary proceedings;
- a juvenile (i.e. less than 18 years of age); and
- a Commonwealth or State public servant (including employees of Crown instrumentalities), unless the licensing authority is satisfied that there is no conflict of interest between the applicant's employment and the operation of the licence.

### SECTION 46 LICENCES

**Section 46** of the Act provides for the grant of a special facility licence for a prescribed purpose. The Act further provides that a special facility licence should not be granted if granting or varying a licence of another class, or imposing, varying or cancelling a condition on a licence of another class, or issuing an extended trading permit in respect of another class of licence, would achieve the purposes for which the special facility licence is sought.

The licensing authority may substitute an alternative type of licence where an applicant seeks the grant of a special facility licence, but in the view of the licensing authority a licence of another class would be adequate for the purpose. Furthermore, an existing special facility licence cannot be varied to such an extent that a licence of another class, with or without permits, would achieve the same purpose. Accordingly, the licensing authority may convert an existing special facility licence to a licence of another class.

For further information regarding special facility licences please refer to the application kit available from DRGL or [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au).



### 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 'Plans and Specifications' available from DRGL or [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au).

### PUBLIC INTEREST ASSESSMENT

In the case of an application for the grant of a licence, the applicant will 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 public interest assessment will require the applicant to satisfy the licensing authority that it is in the public interest for the application to be granted. For more details on the public interest assessment, refer to Director's Policy and the [Public Interest Form](#).

### ADVERTISING

In respect of applications for the grant of a licence (other than an occasional licence), the applicant may be required to:

1. Undertake a letter drop to residents and businesses within a 200 metre radius of the proposed premises, giving notice of the application and the intended manner of trade (a template notice will be provided by the Department). This notice must be delivered on the first day of the advertising period and must clearly identify the last date by which objections may be lodged with the licensing authority.

In the case of hotels, taverns, small bars, nightclubs, liquor stores and some special facility licences the advertising period is 28 days.

For applications relating to restaurants, clubs, producers, wholesalers and some special facility licences (such as a bed and breakfast facility), a 14 day advertising period (or such other period as determined by the licensing authority) will apply.

2. 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; and any other such places at the Director's discretion (a template notice will be provided by the Department). This notice must be served on the first day of the advertising period, clearly identifying the last date by which objections may be lodged with the licensing authority and specifying an address, within the locality, at which the applicant's PIA submissions may be inspected by interested persons.
3.
  - a) Applications in respect of hotels, taverns, small bars, nightclubs, liquor stores and some special facility licences are to be advertised in *The West Australian* newspaper and on the site of the premises for a 28 day period (forms will be provided by the Department).
  - b) Applications in respect of restaurants, clubs, producers, wholesalers and some special facility licences are to be advertised on the site of the premises for a 14 day period or such other period as determined by the licensing authority (forms will be provided by the Department).
4. Make a copy of the PIA submission available for public inspection at the address that has been identified in the letter drop and notice served to the parties in point 2 and 3 above. In addition, the licensing authority will make available on its website for the duration of the advertising period the applicant's PIA. PIAs are accessible at advertised apps on [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au).
5. Lodge a copy of the House Management Policy, Code of Conduct, and Management Plan, with the application



*(for further information on these documents, refer to the Director's policy on Harm Minimisation.)*

6. Provide a written declaration that these requirements have been met and that all information contained in the PIA submission is accurate and valid at the date of application.

### MANDATORY TRAINING REQUIREMENTS

Prior to the grant of an application for a liquor licence, all new applicants must undertake an examination or complete an approved course of instruction in managing licensed premises and in the responsible service of alcohol (i.e. Course in Management of Licensed Premises).

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 or service of liquor on proposed licensed premises will be required to successfully 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 from DRGL or [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au).

### SUPERVISION AND MANAGEMENT

Section 100 of the Act 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 Approved 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](http://www.rgl.wa.gov.au) by the person that will be appointed as a manager at the premises. For more details, refer to policy guideline 'Approved Managers' or the lodgement guide available on the Department's website.

### LODGING THE APPLICATION

Applicants must lodge *completed* applications at the Department of Racing, Gaming and Liquor. An application should be made using the forms provided in the *application kit* relevant to the type of liquor licence being sought, available from DRGL or [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au). A Lodgement Guide is also provided in this kit that identifies all documentation which should accompany the application.

### APPLICATION FEES

The application fee must be lodged with the application. Please refer to the fee schedule available upon request or on the Department's website. 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.

### LICENCE FEES

An annual licence fee is payable prior to the grant of the licence and on 1 January each year. The licence fee is based on the licence type and any extended trading permits of an on-going nature that are attached to the licence.

### EXTENDED TRADING PERMITS

The licensee of a may apply for an extended trading permit for an indefinite period or for a one-off function in accordance with **section 60** of the Act. Refer to Bulletin 'Extended Trading Permits' available from DRGL or [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au).

### 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.*