This Information Bulletin briefly explains some of the requirements when applying for a transfer of liquor licence as per the Liquor Control Act 1988 (the Act). This is meant to be read in conjunction with Bulletin ‘New Licence Applications’ available from DLGSC or our website.

WHAT IS A TRANSFER OF LICENCE?
When a liquor licence is granted, it is granted to a specific entity known as “the licensee”. The licence allows only the licensee to sell or supply liquor at the licensed premises.

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

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

HOW CAN A TRANSFER BE MADE?
There are three situations where a Transfer of Licence can be made:
1. Contract for the Sale or Assignment of Business.
2. Entity has the Right to Carry on Business or may be granted a Protection Order.
3. With leave of the Director.

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

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

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

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

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

Protection Order - Section 87
Where the licensee is suddenly unable to operate their business an application for a Protection Order can be made by the freehold owner or another person mentioned above, to allow the continuation of the business to prevent a loss of income/profit. If approved, the applicant can then apply for a Transfer of Licence to ensure the continuation of the business.

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

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

Please ensure your submission outlines why there is no contract for the sale or assignment of business and provides justification as to why the Director should exercise discretion.
Please ensure that all documentation is provided with your application to avoid delays. To assist with this please complete the checklist below and submit with your application. Applications may be returned to the applicant or their solicitor/consultant if the application is incomplete.

❖ Please note that during the processing of the application, applicants may be required to have their fingerprints taken at their nearest Police Station in order to determine their probity.

❖ All Director’s Policies, Information Bulletins and Application Packs referred to below are available from DLGSC or at www.rgl.wa.gov.au.

**DOCUMENTATION TO BE LODGED - MINIMUM REQUIREMENTS**

Please tick boxes to show item lodged with application and sign and date at the bottom.

- [ ] Completed **Form 10** – Notice of Application
- [ ] Prescribed **Application Fee** (refer to ‘Fee Schedule for Liquor Activities’)
  Cheques are to be made payable to the Department of Local Government, Sport and Cultural Industries.
- [ ] A signed copy of the **Offer and Acceptance Document** for the sale of the business or a written agreement between the existing licensee and the applicant assigning the rights under the licence (section 84(1)(a)).
- [ ] A **Written Submission** explaining the circumstance surrounding the application (section 84(1)(b) & 84(1)(c)).
- [ ] Completed **Personal Particulars** form (LLD/5 or LLD/5A) for each person involved –
  - in the case of a **limited company** for each director of the applicant company; or
  - in the case of a **proprietary limited company** for all directors and shareholders of the applicant company. In cases where a shareholder of the applicant company is a company, only the directors need to do forms on behalf of the shareholding company.
  
  Please note that further details may be requested if required.

- [ ] **Trust Schedule** – a copy is required where the applicant is a trustee for a trust. The Schedule must detail each primary or specified beneficiary and/or unit holder.

- [ ] **Training Certificate** – Management of Licensed Premises (refer to Director’s Policy ‘Mandatory Training’)

- [ ] **Harm Minimisation** – House Policy, Code of Conduct and management Plan (refer to Director’s Policy ‘Harm Minimisation’)

*Continued over....*
OTHER DOCUMENTS THAT MAY BE REQUIRED

☐ Where any of the people involved holds office or is employed in the Public Service of the State or Commonwealth or in any agency or instrumentality of the Crown, a letter from the Department which employs that person stating that they have no objection to the person being involved with a licensed premises.

☐ Where any of the people involved has been previously bankrupt and the bankruptcy has been discharged, a letter evidencing the discharge of the bankruptcy must be lodged.

☐ Producer’s Questionnaire – The ‘Questionnaire for applicants for transfer of a producer’s licence’ needs to be completed by producers of wine to demonstrate that they will be a genuine producer.

I confirm that the required documentation accompanying this application is attached.

__________________________________
Applicant/agent signature and date
NOTICE OF APPLICATION FOR APPROVAL OF TRANSFER OF LICENCE
LIQUOR CONTROL ACT 1988
Section 68 & 82
Please print neatly in BLOCK LETTERS with a black pen only

1. DETAILS OF LICENCE

(a) Licence number: ____________

(b) Name of Licensed Premises: ____________________________________________

(c) Address of Licensed Premises: ____________________________________________

                                     ____________________________________________         Post Code: ______

(d) Name of Licensee: _____________________________________________________

2. DETAILS OF APPLICANT/S

(a) Full name of applicant(s): ____________________________________________

                   Where the applicant is an individual please provide Date of Birth

(b) Daytime contact name: ____________________________________________

          E-mail: ____________________________________________

          Telephone number: ( ) ____________________________

          Mobile number: ____________________________

(c) Postal address for service of documents: ____________________________________________

          (during processing of application)

                                      ____________________________________________         Email: ____________________________________________

(d) Postal address for service of documents: ____________________________________________

          (upon determination of application)

                                      ____________________________________________         Email: ____________________________________________

(e) Proposed Trading Name: ____________________________________________

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

(a) Date of Incorporation: _______/_____/______________

(b) ACN number: _______ _______ _______ _______

(c) Directors and other Officers

   Name: ____________________________________________

   Position: ____________________________________________

   Address: ____________________________________________

                                      ____________________________________________         Postcode: ____________

   Place of Birth: ____________________________________________ Date of Birth: _____ / _____ / _____
3. **COMPANY DETAILS continued**

**Directors and other Officers continued**

Name: ____________________________________________

Position: __________________________________________

Address: __________________________________________ Postcode: __________

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

Name: __________________________________________

Position: __________________________________________

Address: __________________________________________ Postcode: __________

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

(d) **Shareholders**

Name: __________________________________________

Address: __________________________________________ Postcode: __________

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

Name: __________________________________________

Address: __________________________________________ Postcode: __________

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

Name: __________________________________________

Address: __________________________________________ Postcode: __________

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

(e) **TRUSTEE DETAILS**

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

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

Name of Trust: __________________________________________

Name of Beneficiary/Unit Holder Address Date of Birth

__________________________________________ __________________________ __________

__________________________________________ __________________________ __________

__________________________________________ __________________________ __________
4. STATUS OF LICENCE

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

   YES ☐ NO ☐

   If YES, to whom is the Protection Order granted?

   ____________________________________________________________

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

   YES ☐ NO ☐

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

   ____________________________________________________________

5. DETAILS OF OWNERSHIP OF PREMISES / TENURE OVER PREMISES

The application cannot be granted unless the applicant has, or will have from the date of transfer, exclusive possession of the whole of the licensed premises.

(a) Is the applicant the freehold owner? YES ☐ NO ☐ If NO, give details of the owner and the applicant’s tenure

   (I) Name: ________________________________________________

   (II) Address: ________________________________________________ Postcode: __________

   (III) Phone: ____________________________ Email: ____________________________

(b) (i) Applicant’s tenure: Lease ☐ Other ☐

   (ii) Will the Applicant have exclusive possession of the licensed premises (ETP area excluded)?

       YES ☐ NO ☐

Please note the application cannot proceed to determination unless the applicant has or will have exclusive tenure of the proposed premises.

(iii) Are there any payments made to the freehold owner or another entity in relation to the turnover of the business? These payments could include rent, marketing, advertising or management fees that are based on the turnover of the business:

       Yes* ☐ No ☐

       *A completed Profit Sharing application form (Form 16) must be lodged if there are payments in relation to the turnover of the business.

Please note that should the application to transfer the licence be approved and the licensee no longer has exclusive tenure of the licensed premises all rights to the licence will terminate pursuant to s37(5) of the Act.

6. CONSENT OF LICENSEE

The person who is the current licensee, whether or not by virtue or a protection order under section 87, or an interim authorisation under section 86 must complete this part unless that person is also the applicant. The applicant understands that all rights to the licence will terminate should it not retain exclusive tenure of the licensed premises.

I, (full name of current licensee) ____________________________

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

Dated the ____________________________ day of ____________________________

This consent was freely given by me on the ____________________________ day of ____________________________
7. DECLARATION

I declare/certify that:

- the information contained in this form, including attachments, is true and correct.
- I am authorised to sign this application on behalf of the applicant entity.

It is an offence under section 159 of the Liquor Control Act 1988 to make a statement that is false or misleading.
Penalty: $10,000.
8. **PAYMENT DETAILS**  
Entering your credit card details below, you give consent for the appropriate application fee to be deducted from your card.

<table>
<thead>
<tr>
<th>Card Type: Visa</th>
<th>MasterCard</th>
<th>Copy of Receipt <em>(email only)</em>: YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>Card Number:</td>
<td>Expiry Date:</td>
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<td>Cardholder's Name:</td>
<td>Cardholder's Signature:</td>
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<td>Email Address:</td>
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</table>

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Level 2, Gordon Stephenson House, 140 William Street, Perth, WA, 6000  
**Postal Address:** PO Box 8349, Perth Business Centre, WA, 6849  
**Tel:** (08) 6551 4888 **Facsimile:** (08) 9325 1041 **Country Callers:** 1800 634 541  
**Email:** rgl@dlgsc.wa.gov.au **Web Site:** [www.digsc.wa.gov.au](http://www.digsc.wa.gov.au)
LIQUOR CONTROL ACT 1988
PERSONAL PARTICULARS

INSTRUCTIONS

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

PURPOSE OF FORM LLD/5

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

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

PERSONS TO PROVIDE PARTICULARS

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

Grant of Licence (except an Occasional Licence) or Transfer of Licence
Where the application is made by:-
• two or more individuals jointly - each such person
• a club or association - in the case of an unincorporated association, the person nominated as trustee of the club
• a company - each director of the company and each shareholder of the company (except for public companies)

Approval of a Director or Shareholder
• the director and shareholder

Approval of Persons or Arrangement under Section 104
Where the application is to approve an:-
• unlicensed agent - the person to be approved
• agreement or arrangement between the licensee and another person or persons, that other person or persons, or if the other
is a company, each director and shareholder of that company

Any other Application
• as specified by the Director of Liquor Licensing

PENALTY - FALSE OR MISLEADING INFORMATION

It is a serious offence to give false information (fine up to $10,000)
Applicants are advised that this form must be completed personally
All information provided should be checked thoroughly before signing
LIQUOR CONTROL ACT 1988

PERSONAL PARTICULARS

ALL QUESTIONS MUST BE ANSWERED
If a question does not apply to you, write Not Applicable or N/A in response.

1. DETAILS OF LICENCE TO WHICH THIS APPLICATION RELATES

(a) Nature of application: ____________________________________________________________

   (ie. transfer of licence, grant of licence, position of authority, etc)

(b) Name of premises/proposed premises: ____________________________________________

2. PERSONAL PARTICULARS OF PERSON TO BE APPROVED

(a) Applicant’s Name(s):

   first name    middle name(s)    surname/family name

(b) Other names: include any maiden name, aliases and other names (legal or otherwise) that you have used or by which you have been known.

   first name    middle name(s)    surname/family name

(c) Date of birth: ________  ________  ________  Male ☐ Female ☐

   day    month    year

(d) Place of birth: _____________________________

   city    state    country

(e) Current Residential Address:

   number    street    suburb    postcode

   Postal Address (if different to residential address):

   number    street    suburb    postcode

(i) Home Telephone: _____________________________

   Work Telephone: _____________________________

   Mobile: _____________________________

   Email Address: _____________________________
2. PERSONAL PARTICULARS OF PERSON TO BE APPROVED (continued…)

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

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Number, Street &amp; Suburb</th>
<th>State</th>
<th>Country</th>
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<tbody>
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<td>month</td>
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*Please attach a separate sheet if required*

(g) If born outside of Australia, date of arrival in Australia: [day] [month] [year]

Citizenship: ____________________________________________

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

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

(h) Current occupation: ____________________________________________

Employer's name: ____________________________________________

Employer's address: Number street suburb postcode

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

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

________________________________________________________________________________________

________________________________________________________________________________________

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

<table>
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<tr>
<th>Licence Number</th>
<th>State or Country of Issue</th>
<th>Expiry Date</th>
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<td>[day] [month] [year]</td>
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2. PERSONAL PARTICULARS OF PERSON TO BE APPROVED (continued…)

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

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<th>Spouse/De facto partner's full name:</th>
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<tr>
<td>Date of birth:</td>
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| Spouse/De facto partner's full name: |  |
|___________________________________|---|
| Date of birth:                      |  |

Spouse’s address

3. MANDATORY KNOWLEDGE REQUIREMENT

(a) Have you completed an accredited training course in liquor licensing requirements and/or responsible server practices?

<table>
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<th>YES</th>
<th>NO</th>
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If YES,

(i) Where did you undertake the training course?

(ii) Date of approval/graduation:

(iii) Certificate/Approval number:

(iv) Please attach a copy of training certificate

4. LICENSING EXPERIENCE

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

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<th>Licence/Premises Name</th>
<th>Premises Address</th>
<th>When Held</th>
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b) Give details of any liquor licence where you are or have been the approved manager (in Western Australia or elsewhere)

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<th>Licence/Premises Name</th>
<th>Premises Address</th>
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c) Give details of any liquor licence where you are or have been a director, shareholder or other person in a position of authority in a licensee company (in Western Australia or elsewhere)

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<th>Licence/Premises Name</th>
<th>Premises Address</th>
<th>When Held</th>
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Please attach a separate sheet if required
5. RECORD OF CONVICTIONS AND LIQUOR INFRINGEMENT NOTICES

a) Have you ever been:-
   i) convicted of any offence whatsoever (whether or not resulting in a fine) other than Traffic Infringement Notices not dealt with by a Court eg. speeding either in Western Australia or elsewhere? (Juvenile offences or offences which have been spent under the Spent Convictions Act 1988 do not need to be declared)
      YES ☐ NO ☐ If YES, give details of each offence below:-
   ii) issued with a Liquor Infringement Notice either in Western Australia or elsewhere?
      YES ☐ NO ☐ If YES, give details of each offence below:-

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

<table>
<thead>
<tr>
<th>Date of Offence</th>
<th>Nature of offence</th>
<th>Place of Conviction</th>
<th>Full name under which Convicted</th>
<th>Sentence Imposed</th>
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b) Have you ever been a director or shareholder of a company which has been convicted of any offence under any legislation, either in Western Australia or elsewhere?
   YES ☐ NO ☐ If YES, give details of each offence below:-

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<tr>
<th>Date of Offence</th>
<th>Nature of offence</th>
<th>Place of Conviction</th>
<th>Full name under which Convicted</th>
<th>Sentence Imposed</th>
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c) Have you ever been disqualified from holding or being involved in a liquor licence either in Western Australia or elsewhere?
   YES ☐ NO ☐ If YES, give details

<table>
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<tr>
<th>Date of Offence</th>
<th>Nature of offence</th>
<th>Place of Conviction</th>
<th>Full name under which Convicted</th>
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6. **FINANCIAL BACKGROUND**

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

      YES □  NO □

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

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

      YES □  NO □

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

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

      YES □  NO □

      If YES, give details

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

      YES □  NO □

      If YES, give details, including place and time

Please attach a separate sheet if required

7. **DECLARATION**

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

<table>
<thead>
<tr>
<th>Signature of Person to be Approved</th>
<th>day</th>
<th>month</th>
<th>year</th>
</tr>
</thead>
</table>
# LIQUOR CONTROL ACT 1988

## DECLARATION OF PARTICULARS

ONLY COMPLETE AND LODGE THIS FORM IF AN LLD/5 (PERSONAL PARTICULARS FORM) WAS LODGED IN PREVIOUS 5 YEARS

Please print neatly in **BLOCK LETTERS** with a **black** ball point pen only

1. **DETAILS OF APPLICANT**

   (a) Applicant’s Name(s):

<table>
<thead>
<tr>
<th>first name</th>
<th>middle name(s)</th>
<th>surname/family name</th>
</tr>
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   (b) Other names: include any maiden name, aliases and other names (legal or otherwise) that you have used or by which you have been known.

<table>
<thead>
<tr>
<th>first name</th>
<th>middle name(s)</th>
<th>surname/family name</th>
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   (c) Current Residential address:

<table>
<thead>
<tr>
<th>number</th>
<th>street</th>
<th>suburb</th>
<th>postcode</th>
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   (d) Current Postal address (if different to residential address):

<table>
<thead>
<tr>
<th>number</th>
<th>street</th>
<th>suburb</th>
<th>postcode</th>
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   (e) Daytime telephone or mobile number: ________________________________

   (f) Email address: ______________________ Date of Birth: ................./................../..........................

   (g) Full name of spouse or de facto partner: ________________________________

   Date of Birth: ................./................../..........................

   Will your spouse or de facto partner be assisting you in the conduct of the licensed premises?

   YES ☐ NO ☐

2. **DECLARATION**

   I ______________________________ declare that I was last approved by the Licensing Authority in ______________ in relation to premises known as ______________________________ and since being approved :-

   ☐ I have not been convicted of any offences or been issued any infringements.

   ☐ I have not assigned my estate or been declared bankrupt.

   ☐ I have not become employed by the State or Commonwealth Public Service.

   If any of these statements are untrue, please provide details: ______________________________

   ______________________________ ..........................................................

   ______________________________ ..........................................................

   ______________________________ ..........................................................

   Signature of Applicant ______________________ Date ______________

   *It is a serious offence to give false or misleading information - Maximum penalty $10,000*
QUESTIONNAIRE FOR APPLICANTS OF A PRODUCER’S LICENCE

Pursuant to sections 55 and 56 of the Liquor Control Act 1988 (the Act), the applicant is required to demonstrate that it is a genuine producer of liquor. In view of this requirement, please answer the following questions –

1  Where do you intend to conduct the business of the sale of the liquor produced?

________________________________________________________________________

2  Do you have your own production facilities?

☐ No – proceed to question 3.

☐ Yes – please provide details.

________________________________________________________________________

3  Do you grow your own produce? (Please refer to the policy guideline “Producer’s Licence – Wine Industry” for minimum requirements).

☐ Yes – please provide details of area under vines/orchard, varieties grown, the age of the vines/orchard and the last tonnage picked.

________________________________________________________________________

☐ No – where do you obtain or intend to obtain it from?

________________________________________________________________________
4. Will the liquor be produced on the licensed premises?
   - ☐ Yes – proceed to question 5.
   - ☐ No – please provide details of where the liquor is to be produced.

5. In the case of wine produced by blending, will the produce be grown or produced in
   Australia and will 50% of the wine used in the process be wine produced by you?
   - ☐ Yes
   - ☐ No

NB: pursuant to section 56 of the Act, a person shall be taken to have produced liquor:
(a) being wine made from grapes-
   (i) if it was fermented by, or under the control or direction of, that person; or
   (ii) if, in the case of wine produced by blending, all the wine used was fermented from
       produce grown or produced in Australia;

   (it should be noted that pursuant to regulation 10A of the Liquor Control Regulations 1989,
   where wine is produced by blending, at least 50% of the wine produced is to be fermented
   by or under the direction of that person, so that the wine is uniquely that person’s own
   produce).

(b) being wine not made from grapes, if it was fermented or otherwise made from produce grown,
    produced or obtained by that person.

   In determining any question as to the fermentation of the wine, maturation of the wine after final
   bottling shall be disregarded.
6. Is it your intention to allow people to consume liquor on the premises?

☐ Yes

☐ Yes - by way of free tasting only.

Please provide details showing where the free tasting will occur.

________________________________________________________________________

________________________________________________________________________

☐ Yes - by way of sale including tasting. (i.e. by the glass)

Please provide details showing where the tasting will occur.

________________________________________________________________________