

## LICENSING, REGULATION AND ALCOHOL STRATEGY

### Application for the Transfer of a Liquor Licence

#### *Liquor Act*

#### Notes to Application

1. Applications for the transfer of Liquor Licences are joint applications, which accordingly must be signed by the current Licensee and the proposed new Licensee ("Transferee")
2. Applications submitted where only one of the parties has signed will not be considered.
3. A transferee cannot assume the responsibility of the licensed premises and carry on business under the Liquor Licence until approval has been given.
4. These Notes to Application and the checklists within are to be submitted with the application.
5. The following are documents that must be lodged with the application:

Documents to be lodged	At time of lodgement	Prior to consideration
a) Application to transfer Liquor Licence duly completed and executed by the Current Licensee and the Transferee, including: <ul style="list-style-type: none"> <li>i) Nominee questionnaire for corporate Applicants, where applicable</li> <li>ii) Affidavit referred to in section 26A of the <i>Liquor Act</i>. The affidavit must be in the form of a statutory declaration.</li> </ul>	<input type="checkbox"/> Yes	
b) Copy of Agreement to purchase/sell the relevant business (and land if applicable)	<input type="checkbox"/> Yes	
c) Photocopies of relevant identification of the Transferee or each member of the Transferee, which may be current driver's licence, passport or birth certificate extract.	<input type="checkbox"/> Yes	

#### LICENSING, REGULATION AND ALCOHOL STRATEGY

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3/36 Katherine Terrace, Katherine  
GPO Box 1154, Darwin, NT 0801  
Ph: 08 8972 8906  
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**Alice Springs**  
Peter Sitzler Building  
67 North Stuart Highway, Alice Springs  
GPO Box 8470, Alice Springs NT 0871  
Ph: 08 8951 8452  
Fax: 08 8951 8591

<p>d) Where necessary the following transfers are required:</p> <ul style="list-style-type: none"> <li>i) Certificate of registration as a food business</li> <li>ii) Boarding house registration</li> <li>iii) Certificate of change of registration of business name</li> </ul>		<input type="checkbox"/> Yes  <input type="checkbox"/> Yes  <input type="checkbox"/> Yes
<p>e) Proof that the Applicant(s) have undertaken a fingerprint check and have submitted an Authority to Release Criminal History to the Northern Territory Police, with return address of the fingerprint check noted as:</p> <p>Manager Territory Business Centre (TBC) GPO Box 9800 Darwin NT 0801</p> <p>Or</p> <p>Deputy Director of Licensing (Sth) Licensing, Regulation &amp; Alcohol Strategy Department of Justice PO Box 9800, Alice Springs NT 0871</p> <p>Reference: Application for transfer of Liquor Licence</p> <p>Note: Where the Applicant is a company the Director(s) and proposed nominated Manager(s) must undertake fingerprint checks, unless waived;</p> <p>or</p> <p>Where the Applicant is an incorporated association, a fingerprint check is to be completed by the President, Treasurer, Secretary and proposed nominated Manager. When completing the attached Criminal History Release Form please ensure that:</p> <ul style="list-style-type: none"> <li>i) The original form is submitted. Photocopy or faxed copies will not be accepted. A photocopy of either a driver's licence or birth certificate must be submitted with every criminal history form.</li> </ul>	<input type="checkbox"/> Yes  <input type="checkbox"/> Yes	

<p>ii) All details are printed clearly.  iii) All sections of the form are completed  iv) All relevant signatures appear on the form  v) No wording of this form is to be altered or deleted in any way</p>		
<p>f) Evidence of the financial stability of the Transferee(s). A recent statement of assets and liabilities is the minimum requirement, preferably with an appropriate letter from the Applicant's bank and/or Accountant addressing the question of the Transferee's financial stability.</p>	<input type="checkbox"/> Yes	
<p>g) Evidence of Managerial Capacity to conduct the proposed business e.g. a Curriculum Vitae or resume of the Transferee or each member of the Transferee.</p>	<input type="checkbox"/> Yes	
<p>h) Where the Applicant is a person or person(s), at least two references attesting to the general reputation and character of the Transferee(s). Where the Applicant is a Body Corporate, at least two references attesting to the business reputation of the Transferee.</p>	<input type="checkbox"/> Yes	
<p>i) Description of Business to be conducted, detailing the proposed business to be conducted and containing details of proposed method of operation including hours of trade, services to be provided, type of liquor to be stored, overall theme/concept to be utilised for the business/premises, style of service, plans for dealing with risks/problems e.g. for "Nightclub Type Premises" – how illicit drug prevention measures will be undertaken and the like. This should also include full details of camera surveillance if the premises is to be late night trading.</p> <p>The information sought above is generally contained in the business plan of the premises, which should also accompany this application.</p> <p>Assistance in preparing business plans can be obtained by contacting the Business Services Division of the Department of Business Industry and Resource Development.</p>	<input type="checkbox"/> Yes	

<p>j) Proof of title of lease over the premises.  Note: If an application seeks to provide a copy of an extract for the sale of land or a lease of the relevant premises such documentation must be legally executed.</p> <p>If the applicant is a tenant (lessee), and the relevant lease of tenancy agreement does not clearly authorise the use of the premises as licensed premises, the further consent of the landlord to such use should be provided.</p>		<input type="checkbox"/> Yes
<p>k) Public interest – Applicants are advised that when the Commission makes an assessment of an application for Transfer of liquor licence it must have regard to the Objects of the <i>Act</i> (section 3) and take into account the public interest criteria identified at section 6 of the <i>Act</i>. The applicant should demonstrate in the application that the transfer of the licence will be in the public interest by providing information about any relevant criteria referred to in section 6(2) of the <i>Act</i> and other matter relevant to the public interest in the sale, provision, promotion and consumption of liquor. The Applicant should refer to section 6 of the <i>Liquor Act</i> to identify those matters the Licensing Commission must consider when determining an application.</p>	<input type="checkbox"/> Yes	
<p>l) \$2 statutory fee</p>	<input type="checkbox"/> Yes	

6. Additional documents to be lodged where the Applicant is a company:

Documents to be lodged	At time of lodgement	Prior to consideration
<p>a) Original recent company search document issued by the Australian Securities and Investment Commission (ASIC) showing particulars of the Transferee's Company's Directors, Shareholders, Registered Company Address and Securities registered against company assets.</p>	<input type="checkbox"/> Yes	

b) Nominee Application Form signed by the proposed nominee of the Company (form attached) and two written business references and two personal references	<input type="checkbox"/> Yes	
c) Separate references attesting to the general reputation and character of each of the Directors, the Secretary and the Executive Officers.	<input type="checkbox"/> Yes	

7. Additional documents to be lodged where the Applicant is an incorporated association (club):

	At time of lodgement	Prior to consideration
a) Copy of the Certificate of Incorporation	<input type="checkbox"/> Yes	
b) Copy of the registered constitution of the Incorporated Association, which shall contain relevant clauses and terms as required by the attached guideline	<input type="checkbox"/> Yes	
c) Nominee Application Form signed by the proposed nominee of the Incorporated Association (form attached) and two written business references and two written personal references.  References may be checked and verified.	<input type="checkbox"/> Yes	

8. Additional documents and requirements where the Applicant(s) are in Partnership:

	At time of lodgement	Prior to consideration
a) Copy of the partnership agreement (if in existence)	<input type="checkbox"/> Yes	
b) A declaration in the form of a letter to the Director of Licensing and signed by all partners, nominating a partner who will be the sole contact for the Licensing, Regulation and Alcohol Strategy (LRAS) to deal with for all matters relevant to the liquor licence and the licensed premises.	<input type="checkbox"/> Yes	

## 9. Further requirements:

	At time of lodgement	Prior to consideration
a) Licensee or Nominee to sit examination on knowledge of the <i>Liquor Act</i> and Licence conditions. (Contact LRAS for further details and to book an appointment for the test)		<input type="checkbox"/> Yes
b) A Licensee (or if a Body Corporate, it's Nominee) will normally be required to have completed a responsible service of alcohol course before commencing trading operations under any liquor licence. (list of providers attached)		<input type="checkbox"/> Yes
c) Inspection of proposed licensed premises by Licensing Inspectors		<input type="checkbox"/> Yes
d) Certificate to be obtained from Director of Licensing pursuant to section 38 of the <i>Gaming Machine Act</i>		<input type="checkbox"/> Yes
e) Please take note of NT Treasury stamp duty requirements. All questions regarding stamp duty must be directed to the office of the Commissioner of Taxes.		<input type="checkbox"/> Yes
f) Transferees of entertainment venues are required to have camera surveillance therefore applicants need to inform themselves of this requirement. Refer to the Camera Surveillance Guidelines fact sheet or inquire at any TBC or LRAS office.  Transferees are required to demonstrate in their application that their operating systems are compliant with the guidelines.	<input type="checkbox"/> Yes	

## 10. Licensing Commission requirements for “club” constitutions.

Applicants seeking to apply for a class of liquor licence known as a Club Licence are required to submit to the Licensing Commission a copy of their constitution which shall contain clauses or provisions as follows:

a) The rules of a club must provide that a visitor to a club must not be supplied with liquor in the club premises unless the visitor is a guest in the company of a member	<input type="checkbox"/> Yes
b) The rules of a club, except in the case of a club primarily for a sporting purpose; must provide that a person under the age of 18 years shall not be admitted to the membership of the club	<input type="checkbox"/> Yes
c) The rules of the club must provide for a management committee of the club be elected for a term of not less than 12 months by members or a class of members constitutionally entitled.	<input type="checkbox"/> Yes
d) The rules of the club must provide for the keeping of records of guests	<input type="checkbox"/> Yes
e) The rules of the club must provide for the appointment of a secretary	<input type="checkbox"/> Yes
f) Acceptable procedures for the admission of new members that are consistent with the club’s core objectives and operations	<input type="checkbox"/> Yes

## 11. Who may sign the application form?

Where the Applicant is:

- a) a natural person – the natural person
- b) a partnership – as per the partnership agreement, otherwise, all of the partners
- c) a company – at least one of the Directors and the Secretary (common seal not required)
- d) an incorporated association – the Secretary and one other member of the Committee

When the signatory is the sole proprietor of a company, this should be noted alongside the proprietor’s signature.

## 12. Does the licensed premises contain gaming machines?

	At time of lodgement	Prior to consideration
If so, you will need to make a new application for a Gaming Machine Licence also processed by this Department. Please request a Gaming Machine Application form and ensure such form is completed and submitted at the same time as the transfer of the relevant Liquor Licence.	<input type="checkbox"/> Yes	

## 13. Do you intend selling tobacco products?

	At time of lodgement	Prior to consideration
If you intend selling tobacco products you are required to obtain a Tobacco Retail Licence. If the premises already has a Tobacco Retail Licence, you must apply for the transfer of that licence.		<input type="checkbox"/> Yes

You should make yourself aware of your obligations to comply with the *Tobacco Control Act* and Regulations.

Information can be obtained from the smoke free website,  
[www.smokefree.nt.gov.au](http://www.smokefree.nt.gov.au)

An application form can be obtained from any TBC or from the LRAS website  
[www.nt.gov.au/justice/licenreg](http://www.nt.gov.au/justice/licenreg)

## 14. This application form, application fee and accompanying documents must be lodged at your TBC.



<p><b>Drug and Alcohol Services Association Alice Springs Inc (DASA)</b>          ABN: 60 309 230 808          4 Schwarz Crescent          Alice Springs NT 0870          PO Box 3009          Alice Springs NT 0871          NTIS code: 4699</p>	<p>Phone: 8952 8412          Fax: 8953 4686  <a href="mailto:sam.adams@dasa.org.au">sam.adams@dasa.org.au</a></p>	√		
<p><b>ClubsNT</b>          ABN: 88 397 537 069          3 Maluka Street          Palmerston NT 0830          PO Box 1925          Palmerston NT 0831          NTIS code: 6226</p>	<p>Andrew Hay          Phone: 8939 0627          8939 0600          Fax: 89329 599  <a href="mailto:gm@casclub.com.au">gm@casclub.com.au</a></p>	√	√	√ (from 1/6/09)
<p><b>Liquor Stores Association NT</b>          ABN: 74 926 150 707          Unit 9/ 63 Marina Boulevard          Cullen Bay NT 0820          PO Box 240          Darwin NT 0801          NTIS code: 6226</p>	<p>Col Newman          Phone: 0439 810 383          Fax: 8941 3306  <a href="mailto:cnewman2@vtown.com.au">cnewman2@vtown.com.au</a></p>	√	√	√ (from 1/6/09)
<p><b>Australian Hotels Association, NT Branch</b>          ABN: 48 911 463 427          20-24 Cavenagh Street          Darwin NT 0800          PO Box 3270          Darwin NT 0801          NTIS code: 3045</p>	<p>Phone: 8981 3650          Fax: 8981 5754  <a href="mailto:ed@ahant.com.au">ed@ahant.com.au</a></p>			√
<p><b>Karen Sheldon Catering Pty Ltd*</b>          ABN: 21 117 356 779          Kantillas Function Centre          Level 3 TIO Stadium          Marrara NT 0812          PO Box 2351          Parap NT 0804          *Expecting NTIS registration shortly</p>	<p>Phone: 8945 6048          Mobile: 0417 824 701          Fax: 8927 5799  <a href="mailto:karen@karensheldoncatering.com">karen@karensheldoncatering.com</a></p>	√		

## Application for the Transfer of a Liquor Licence

Liquor Licence Number

Full Name of present Licensee

Address of present Licensee

Postcode

Full Name of proposed Licensee

Address of proposed Licensee

Postcode

Postal Address of present Licensee

Postcode

Telephone

Fax

Email

Website

If proposed Licensee is a Corporate body, give full name and address of proposed manager of premises:


If proposed Licensee(s) is a natural person(s), give details of place and date of birth and place of residence over the past five years.


I/We the Applicant(s) described above, hereby apply for approval to transfer this licence in accordance with the information provided in this application and in the attached documentation. We declare that the information provided is true in every particular.

Signature of Present Licensee

Date

Signature of Present Licensee

Date

Signature of Proposed Licensee

Date

Signature of Proposed Licensee

Date

**For Office Use Only**

File Number

Date received

### Questionnaire - Application for the Transfer of a Liquor Licence

Full Name of Applicant

Trading Name of Premises

Address/Location of Premises

Postcode	

### Nominated Persons Details

Full Name and any alias(es) of proposed Manager/Nominee

Date of birth

Place of birth

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Address

Postcode	

Occupation

Telephone

Fax

Mobile

Email

Length of time in NT

Period of residence in Australia

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If naturalised, can papers be produced?

What is your marital status (including defacto)?
Name of Spouse (including defacto):
Occupation of spouse/defacto:

If licence granted, does proposed Manager/Nominee intend to follow another trade or profession?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has proposed Manager/Nominee had experience in the conduct of Licensed premises?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, provide details:		
Will the proposed Manager/Nominee have a financial interest in the Business?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the proposed Manager/Nominee directly or indirectly interested in or concerned with any other Licence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If so provide details:		

Has the proposed Manager/Nominee ever been arrested, charged or summonsed for an offence anywhere (exclude spent convictions)? If so, provide details:


Has the proposed Manager/Nominee ever been convicted of any offence anywhere (exclude spent convictions)? If so, provide details:


Has the proposed Manager/Nominee ever been a party in a civil lawsuit (exclude spent convictions)? If so, provide details:


Has the proposed Manager/Nominee ever been dismissed / discharged or asked to resign from any employment? If so, provide details:


Has the proposed Manager/Nominee completed a patron Care Course? If yes, attach relevant certificate.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Please provide one personal Profile / Resume (detailing a minimum of last 10 years work history) and four (4) written references to be made up of two (2) business references and two (2) personal references. These are to be attached with this application.

Signature of Proposed Manager/Nominee

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Date

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## Notice In Accordance with the Information Act (Information Privacy Principle 1)

Licensing, Regulation and Alcohol Strategy (LRAS – a division of NT Department of Justice) is seeking information from you for the purposes of your application.

Information Privacy Principle 1 (IPP 1) requires that a public sector organisation must not collect personal information unless the information is necessary for one or more of its functions or activities. If personal information about an individual is collected from the individual, the organisation must take reasonable steps to ensure that the individual is aware of certain matters. For the purposes of IPP 1, the following advice is provided.

- a) You are able to access your personal information that you have provided by making a written request to the Director of Licensing.
- b) The information is required pursuant to the *Liquor Act*. The *Act* requires that certain matters must be considered when deciding whether or not to approve an application.
- c) The information will be kept confidential except as follows:
  - i. Information may be sought from Police, government agencies, interstate licensing authorities, or referees or other persons nominated by you. Information may be released to those sources to the extent necessary to verify information about you and your application.
  - ii. If a hearing is involved, information will be released to the parties, Commission or the Court, as required by the *Act*.
  - iii. Registers of licences and permits will be maintained and may be made available to the public on request.
- d) You do not have to provide information if you do not wish to do so. However, an application may not be approved if there is insufficient information to properly determine the matter in accordance with the *Act*.

Website: [www.nt.gov.au/justice/licenreg](http://www.nt.gov.au/justice/licenreg)

### TERRITORY BUSINESS CENTRES

TOLL FREE LINE: 1800 193 111 (Australia Wide)

Darwin	Katherine	Tennant Creek	Alice Springs	Postal Address
Development Hse 76 The Esplanade Darwin NT 0800 Phone: (08) 8982 1700	1 Randazzo Bldg 18 Katherine Tce Katherine NT 0850 Phone: (08) 8973 8180	Shop 2, Barkly Hse Cnr Paterson & Davidson Sts Tennant Creek NT 0860 Phone: (08) 8962 4411	Peter Sitzler Bldg 67 North Stuart Highway Alice Springs NT 0870 Phone: (08) 8951 8524	GPO Box 9800 Darwin NT 0801 <a href="mailto:territory.businesscentre@nt.gov.au">territory.businesscentre@nt.gov.au</a>

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