

Pre-retail licence

This kit contains all the forms and related materials required to apply for a pre-retail licence in Victoria.

Contents

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

Privacy

The Victorian Gambling and Casino Control Commission (the VGCCC) is committed to protecting the privacy of your personal information. The VGCCC 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 VGCCC.

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 Gambling and Casino Control Commission (VGCCC) website at vgccc.vic.gov.au
- telephone the VGCCC on 1300 182 457
- email the VGCCC at contact@vgccc.vic.gov.au

Pre-retail licence

Pre-retail licence

A pre-retail licence authorises the licensee to supply liquor at any time and on any premises

- to a person licensed under the *Liquor Control Reform Act 1998*, and
- to a person licensed to sell or supply liquor under a law of another State or Territory if the liquor is to be consumed outside Victoria, and
- to a person for the purpose of exporting the liquor supplied out of Australia.

Application fee

If you are paying by cheque or money order you must submit your payment with your application. If your application is incomplete or incorrect, we will return your cheque or money order to you. If you wish to pay by credit card and if your application is complete and correct, we will contact you for payment. Otherwise we will let you know that we have not accepted your application. If your application is granted the renewal fee for the following year is due every year by 31 December. This is regardless of when your licence is issued. A renewal notice will be issued prior to the due date detailing how to make payments to the State Revenue Office.

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.

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 recent (no more than 90 days old) 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.

Nominee definition

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

Lodgement checklist

Pre-retail licence

This checklist details the documents required to accompany your application. Supplying these with your application will allow the Victorian Gambling and Casino Control Commission (VGCCC) 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 VGCCC 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 VGCCC website vgccc.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.

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.

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 recent (no more than 90 days old) 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@vgccc.vic.gov.au

What happens next

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

1. Details of premises**Trading name of business***

(as stated on your certificate of registered business name)

Postal address (for service of documents)

 Postcode

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

Business email

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

2. Applicant details**Type of applicant (tick one box)**

- Person Partnership Company Club

Name(s) of applicant (person/partnership/company/body corporate/club)**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.

Australian Business Number (ABN)***Australian Company Number (ACN)******Daytime telephone number (business hours contact details)****Mobile telephone number (business hours contact details)**

Give details of each person, partner, director or executive committee member who is part of this application (if more than four 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 etc.)

3. 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*

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

*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.

4. Authorised representative

The applicant 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

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

Daytime telephone number

Mobile telephone number

Postal address for service of documents

 Postcode

Email address

5. Nature of the business

Provide details of the nature of the business you are intending to conduct and the purpose for which the liquor licence is sought.

Describe the liquor products you will be distributing.

Signature by applicant

This application must be signed by the applicant if the applicant 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.
- 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 carries a maximum penalty of 60 penalty units.

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Payment method

IMPORTANT INFORMATION

Applications must be accompanied by the relevant fee. Please note that once an application has been registered, the application fee is non-refundable. To confirm the current fee, refer to the 'Gambling fees' fact sheet on our website. The application fee can be paid by:

- cheque or money order, made payable to the Victorian Gambling and Casino Control Commission; or
- credit card (Visa or MasterCard)

If you wish to make payment by credit card, please lodge your completed application with the VGCCC and we will contact you directly to arrange payment if your application is accepted

Please select your payment method:

Money order

Cheque

If you wish to make payment by credit card, please lodge your completed application with the VGCCC and we will contact you directly to arrange payment if your application is accepted

Privacy – the VGCCC 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*. Your credit card details will not be retained once your payment has been processed.

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Questionnaire

*Liquor Control Reform Act 1998***OFFICE USE ONLY**

v19-10

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 they are 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 Gambling and Casino Control Commission (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

 Man Woman Self-described**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

 Man Woman Self-described*continued over the page*

Business details *continued*

Family name

First given name

Date of birth

Man Woman

Self-described

If you require further space, please photocopy this section and attach it to the questionnaire.

Criminal and other proceedings history

Have you ever been convicted of any offence in Australia or overseas? (not including traffic offences)

No

Yes *provide details in the history detail section*

Have you been found guilty of any offence in Australia or overseas? (includes findings without conviction and good behaviour bonds) (not including traffic offences)

No

Yes *provide details in the history detail section*

Have you ever been the subject of a diversion order?

No

Yes *provide details in the history detail section*

Do you have any charges pending against you?

(not including traffic offences)

No

Yes *provide details in the history detail section*

Have you ever been charged with drink driving or driving whilst disqualified?

No

Yes *provide details in the history detail section*

Has the Commission (or prior to 6 February 2012, the Director of Liquor Licensing or VCAT) previously made a finding that you were unsuitable under the Act?

No

Yes *provide details in the history detail section*

Have police previously objected to your suitability in an application under the Act?

No

Yes *provide details in the history detail section*

Have you, or have you been a director or a nominee of a body corporate and been found guilty of an offence under the Act?

No

Yes *provide details in the history detail section*

Have you, as an individual received an infringement notice, or been a director or nominee of a body corporate that has received an infringement notice under the Act?

No

Yes *provide details in the history detail section*

Have you been a director, nominee of a licensee, or a person who was concerned in or who took part in the management of licensed premises, that was the subject of a disciplinary action under the *Victorian Gambling and Casino Control Commission Act 2011* or a disciplinary hearing (VCAT) under the *Liquor Control Reform Act 1998*?

No

Yes *provide details in the history detail section*

Has a licensed venue where you have been a director, nominee or licensee incurred liquor licence demerit points?

No

Yes *provide details in the history detail section*

History details

If you have answered yes to any of the questions under the criminal and other proceedings history section, please provide full details below:

Date

Court

Offence

Result

Date

Court

Offence

Result

If you require further space, please photocopy this section and attach it to the questionnaire.

Personal bankruptcy

Are you currently insolvent or under administration?

No

Yes *provide full details*

Have you ever been declared bankrupt?

No

Yes *provide full details*

Please ensure this form is completed in full, as incomplete, or partially completed forms may require you to submit a further questionnaire and will delay your application.

Signature of applicant

I acknowledge that this declaration is true and correct and is made in the belief that a person making a false declaration is liable to prosecution for making a misleading statement.

Date

Name

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.

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

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

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)

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: