

Sub-let premises or the right to supply liquor

This kit contains all the forms and related materials required when applying to:

- allow another person to carry on a business of supplying liquor on the licensed premises; or
- sub-let all or part of licensed premises to another business in Victoria.

Items

1. Pre-lodgement checklist - sub-let premises or the right to supply liquor
2. Application form - sub-let premises or the right to supply liquor
3. Consent form
4. Questionnaire
5. 'Training for licence applicants' fact sheet

Need help?

For more information on how to apply for a liquor or gambling licence or permit:

- visit the Victorian Commission for Gambling and Liquor Regulation (VCGLR) website at vcglr.vic.gov.au
- telephone the VCGLR on 1300 182 457
- email the VCGLR at contact@vcglr.vic.gov.au

(If you are unable to print the public notices as A3 size, telephone our enquiry line to request a copy)



Pre-lodgement checklist

Sub-let premises or the right to supply liquor

This checklist details the documents required to accompany the lodgement of your application. Supplying these with your application will allow the Victorian Commission for Gambling and Liquor Regulation (VCGLR) 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 VCGLR 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 VCGLR website vcglr.vic.gov.au.

Please ensure the following forms/documents are attached to this application

Tick all boxes below when a requirement has been met, then sign and date your confirmation at the end of this form.

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
- trading hours are detailed for internal areas and (if applicable) any external areas where alcohol will be served
- the application form is signed and dated by the applicant.

Questionnaire

- Each person listed on the application, including any nominee, **must** complete and submit the 'Liquor licensing questionnaire.' For companies, partnerships or clubs, questionnaires are required from each director, partner or executive committee member respectively.

New entrant training (if applicable)

- A copy of an approved new entrant training certificate for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.

Responsible Service of Alcohol (RSA) training

- A copy of an approved RSA certificate for all required persons is needed in order to determine the application, as detailed in the 'Training for licence applicants' fact sheet.

Terms and conditions consent form

The attached terms and conditions consent form demonstrates that the parties are aware of each others rights and responsibilities.

- A signed and dated terms and conditions consent form is required.

Copy of lease/sub-lease/management agreement

Evidence of a formal arrangement to sub-let any part of the licensed premises or the right to supply liquor is required for an application to be accepted.

- A copy of the lease, sub-lease or written management agreement is required, clearly detailing the terms (duration) of the lease or agreement.



Application

Sub-let premises or the right to supply liquor

Liquor Control Reform Act 1998

OFFICE USE ONLY

v18-07

Date Rec'd / /

File No. _____

This form may be used by a licensee to apply for approval to let or sub-let any part of the licensed premises or to assign the right to supply liquor on the premises.

Licence/permit details

Licence or permit number

Name of current licensee or permit holder (person/partnership/company/club)

ACN (if applicable)

Contact details

Business hours contact details for you/your representative

Contact name

Postal address

 Postcode

Email address

Daytime telephone number

Fax number

Premises details

Trading name (ie registered business name)

Street address

 Postcode

Person in management or control of the premises (body corporate applicants only)

Any body corporate applicant (this includes applicants that are a company, incorporated association, a co-operative or a council) must nominate the person in management or control of the premises.

The person in management or control is the person who will run the day-to-day operations of the business.

Name

Has this person completed an approved RSA training program?

YES Please attach evidence of completion

NO

Details of person to be approved

I/We, being the licensee or permittee apply for approval:

- to let or sub-let part of the licensed premises;
- for another specified person to carry on a business of supplying liquor on the licensed premises.

Name of lessee, sub lessee or specified person/s (person/partnership/company/body corporate/club)

ACN (if applicable)

Street address

 Postcode

Postal address (for service of notices, if different from street address)

 Postcode

Premises email

Details of each individual, each partner, each director, executive committee member (please attach an extra page if necessary)

Name

Residential address

 Postcode

Name

Residential address

 Postcode

Name

Residential address

 Postcode

Privacy – the Victorian Commission for Gambling and Liquor Regulation 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*. All information provided in this application is available for public viewing, except for the questionnaire form (if applicable) which is forwarded to and retained by Victoria Police.

**Consent Form
Terms & Conditions
Section 105 & 106 of *Liquor Control Reform Act 1998* (LCRA)**

Licence or permit number

Premises name

Premises address

Postcode

Section 105 (Let or sub-let)

Section 106 (Right to supply)

Definitions:

“Other person” means the person other than the licensee for whom consent under Section 106 LCRA is applied for to carry on a business of supplying liquor on the licensed premises or, not being employed by the licensee or permittee, is to be engaged in carrying on such a business.

The consent of the Commission to an application under Section 105 or 106 LCRA may be on such terms and conditions as he or she thinks fit including the following terms and conditions, and the licensee and the other person consent to the following terms and conditions.

1. All liquor supplied on the licensed premises must be supplied by the licensee or by the lessee/sub-lessee or his or her employees or by the other person or his or her employees as agent of the licensee.
2. All liquor supplied on the licensed premises must be purchased by the licensee under its licence.
3. If the licensee is a body corporate, the licensee must at all times during the continuance of this consent appoint and keep appointed a nominee for the licensed premises pursuant to Section 54 LCRA.
4. The licensee and the lessee/sub-lessee or other person acknowledge that the licensee is at all times primarily responsible as licensee under the LCRA for compliance with the LCRA and the terms and conditions of the licence and control of the licensed premises.
5. Notwithstanding any agreement between the licensee and the lessee/sub-lessee or other person to the contrary, the lessee/sub-lessee or other person shall comply with all directions of the licensee and its nominee under Section 54 LCRA in relation to compliance with the LCRA and with the terms and conditions of the licence and in relation to the sale and disposal of liquor in the licensed premises.
6. The licensee consents to the licence being varied to include the following condition:
 “The terms and conditions of any consent of the Commission given to the licensee for the licensed premises under Sections 105 or 106 of the *Liquor Control Reform Act 1998* are incorporated as terms and conditions of this licence as if set out in full herein.”
7. Subject to clause 10, this consent shall be for the period determined by the Commission or until terminated under clause 10 whichever first occurs.
8. The licensee and the lessee/sub-lessee or other person by their execution of these terms and conditions undertake to the Commission to comply with them.
9. Notwithstanding anything to the contrary in the lease, sub-lease or other agreement between the licensee and the lessee/sub-lessee, the licensee shall at all times retain the right of entry to all parts of the area let or sub-let. (This condition does not apply to consent given under section 106).
10. If any one or more of the following events occur the Commission may by notice in writing to the licensee after allowing the licensee and the lessee/sub-lessee or other person an opportunity to be heard, terminate this consent whereupon this consent shall cease to operate:
 - a) The lessee/sub-lessee or other person defaults in compliance with any of the conditions of this consent.
 - b) If any term or condition of the licence is contravened or if the licensee or the lessee/sub-lessee or other person commits any offence under the LCRA in or in relation to the licensed premises.
 - c) Where the lessee/sub-lessee or other person is a company or body corporate, a new director is appointed to the lessee/sub-lessee or other person without the prior approval of the Commission.
 - d) If any of the events referred to in paragraphs (d), (e), (f), (g), (i) of Section 90(1) LCRA occur in relation to the lessee/sub-lessee or other person in respect of any licence under the LCRA.

EXECUTED by or on behalf of the licensee on / / _____

EXECUTED by or on behalf of lessee/sub-lessee / / _____
 or other person on

Questionnaire

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

v17-10

Date rec'd / /

File no. _____

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 he or she is 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 Commission for Gambling and Liquor Regulation (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

 Male Female**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

 Male Female*continued over the page*Victorian Commission for
Gambling and Liquor RegulationVictorian Commission for Gambling and Liquor Regulation
Level 3, 12 Shelley Street, Richmond VIC 3121
GPO Box 1988, Melbourne VIC 3001Email contact@vcglr.vic.gov.au
Telephone 1300 182 457
vcglr.vic.gov.au
ABN 56 832 742 797

SPRS-2009-YBJe3

Business details *continued*

Family name

First given name

Date of birth

Male

Female

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 Commission for Gambling and Liquor Regulation 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



Victorian Commission for Gambling and Liquor Regulation

Liquor licensing fact sheet

Training for liquor licence applicants

Training for licence applicants helps potential licensees to understand their obligations under the *Liquor Control Reform Act 1998*. Applicants must complete mandatory training requirements before a liquor licence is granted. There are three courses that applicants must complete depending on the licence type they are applying for. These are:

- A. New entrant training
- B. Responsible Service of Alcohol (RSA)
- C. Advanced Responsible Service of Alcohol (RSA)

It is the applicant's responsibility to ensure the correct course is completed and to provide evidence of completion with their application.

A. New entrant training

What is new entrant training?

New entrant training is a training standard developed by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to ensure that liquor licence applicants have an adequate knowledge of the liquor law. This includes:

- liquor licensing legislation
- understanding liquor licence obligations
- best practice in managing licensed premises.

Section 44 (2)(iii) of the *Liquor Control Reform Act 1998* (the Act) provides that the VCGLR may refuse to grant a liquor licence application if the applicant does not have an adequate understanding of the Act.

What must I do?

Applicants are required to complete one of the following approved training courses to meet the new entrant training requirement:

- Licensees' First Step
- Achieve Liquor Licence Compliance
- Victorian Licensee's Training Course
- Achieve Liquor Licensing Knowledge (also available in Mandarin)
- New Entrant Liquor Licensee Training Course
- Club Seminar (restricted club or renewable limited club licence applicants only)

Where can I find a Registered Training Organisation?

There are a number of Registered Training Organisations (RTOs) that provide new entrant training. Please refer to the VCGLR website at vcglr.vic.gov.au for a list of RTOs that provide new entrant training.

Which licence applications require evidence of new entrant training?

Applications for the following licences require evidence that the applicant has completed New entrant training:

- general
- on-premises
- packaged liquor
- late night (general, on-premises and packaged liquor)
- restaurant and cafe
- full club
- restricted club
- producer's
- renewable limited
- transfer of an existing licence or permit.

Who must complete new entrant training?

The list below identifies who will need to complete new entrant training. If applying as:

- individuals – all natural persons
- partnerships – all partners
- company (body corporate) – at least one director
- club – at least one committee member
- association – at least one committee member.

In addition:

- all persons being appointed as a liquor licence nominee must complete new entrant training.
- all applicants seeking approval to sublet any part of the licensed premises, or to carry on the business of supplying liquor on the licensed premises, must complete new entrant training.

B. Responsible Service of Alcohol (RSA)

What is Responsible Service of Alcohol (RSA) training?

RSA training provides licensees and staff who work in licensed venues with the skills and knowledge necessary to contribute to a safe and enjoyable environment in licensed premises.

Which licence applications require evidence of RSA training?

Applications for the following licences require evidence that the applicant has completed RSA training:

- general
- on-premises
- packaged liquor
- late night (general, on-premises and packaged liquor)
- restaurant and cafe
- full club
- restricted club
- producer's
- renewable limited (only where face-to-face sales occur)
- transfer of an existing licence or permit.

Who must complete RSA training?

The list below identifies who will need to complete RSA training. If applying as:

- individuals – all natural persons
- partnerships – all partners
- body corporate applicants (companies, incorporated associations, co-operatives or municipal councils)
 - the person who is or will be in management and control of the licensed premises and who will run the day-to-day operations of the business.

Note: Body corporate applicants must advise the VCGLR of the name of the person who manages or will manage the day-to-day operations of the business on the application form.

Where can I find a Registered Training Organisation (RTO)?

There are a number of registered training organisations that provide RSA training. Please refer to the VCGLR website at vcglr.vic.gov.au for a list of RTOs that provide RSA training.

I've previously completed an RSA course, is it still valid?

The approved RSA training course must have been completed within the past three years.

If you completed your RSA training course more than three years ago, you can complete a free RSA refresher course online at vcglr.vic.gov.au.

Can I be exempted from RSA training?

In exceptional circumstances, a liquor licence applicant may seek an exemption from one or all of the RSA training obligations.

General, on-premises, packaged liquor or late night (general, on-premises and packaged) licence applicants must complete the 'Application for the exemption from the Responsible Service of Alcohol training requirements' form available at vcglr.vic.gov.au.

All other liquor licence applicants are required to write a letter to the VCGLR detailing the reasons for seeking an exemption before the licence is granted.

C. Advanced Responsible Service of Alcohol

What is the Advanced Responsible Service of Alcohol (RSA) training?

The Advanced RSA training program was developed by William Angliss Institute in conjunction with the VCGLR. It is designed for licensees, managers and staff of late night venues who often face a range of challenges and issues.

For further information about the course and how to book, please visit the William Angliss Institute website at shortcourses.angliss.edu.au

Which licence applications require evidence of Advanced RSA training?

Applicants for a new late night (general) licence or late night (on-premises) licence that authorises the supply of liquor after 1am for on-premises consumption must complete the Advanced RSA training program.

This requirement does not apply in relation to late night (on-premises) licences with restaurant and cafe conditions.

When must Advanced RSA training be completed?

For new applicants, the Advanced RSA training program must be completed within six months of the licence being granted. This is in addition to RSA training and new entrant training which must be completed prior to the licence being granted.

For licensees that receive a demerit point, the Advanced RSA training program must be completed within six months of the demerit point being recorded in the demerits register.

Who must complete the training program?

The Advanced RSA training program must be completed by the holder of the licence and by the responsible person for the premises.

1. The holder of the licence means, in relation to a licence held by:

- a natural person, that person
- a partnership, one partner
- a body corporate incorporated under the *Corporations Act 2001*, one director, and
- an association incorporated under the *Associations Incorporation Reform Act 2012*, one committee member.

2. Responsible person is defined by section 3 of the *Liquor Control Reform Act 1998* as the person responsible for the management or control of licensed premises.

Where the holder of the licence is effectively the responsible person, only the holder of the licence is required to complete the training program.

Evidence of approved new entrant and approved RSA training courses must be provided to the VCGLR prior to a liquor licence being granted, transferred or endorsed. You will be required to provide this evidence with submission of your application.

For further information about new entrant, RSA and Advanced RSA training requirements, please visit the VCGLR website at vcglr.vic.gov.au.

This publication avoids the use of legal language. Information about the law may have been summarised or expressed in general statements. This information should not be relied upon as a substitute for professional legal advice or reference to the actual legislation. Authorised by the Victorian Commission for Gambling and Liquor Regulation.