

Approval of a nominee or director of a licensee or permittee

MARCH 2016
CD/15/67128

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

- for an update in the details of an existing director or nominee
- to add a new director or nominee in Victoria.

Items

1. Pre-lodgement checklist - approval of a nominee or director of a licensee or permittee
2. Application form - approval of a nominee or director of a licensee or permittee
3. Questionnaire
4. 'Training for licence applicants' fact sheet

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

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



Pre-lodgement checklist

Approval of a nominee or director of a licensee or permittee

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
- 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 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.

Please note

Applicants will be sent an acknowledgement letter when the application and required documentation detailed in the above checklist are lodged. The letter may also outline a list of additional information required and the date by which it must be submitted. The VCGLR will then complete the assessment and determine the application.

One applicant to sign and date below to confirm all required documentation has been completed and is attached to this application.

Name

Signature

Date



Approval of a nominee or director of a licensee or permittee

Liquor Control Reform Act 1998

OFFICE USE ONLY

03/16

Date rec'd / /

Receipt no. _____

File no. _____

Licence/permit details

Licence or permit number

Name of current licence 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

Postal address (if different from street address)

Postcode

Premises email address

Details of nominee or director

I/We as licensee/permittee apply for approval of a:

 Nominee; **OR** Director

Name of the proposed Nominee/Director

Name of Nominee/Director to be removed (if applicable)

Signatures of licence or permit holder(s)

I/We as licensee/permit holder, apply for approval of the abovenamed Nominee/Director

X

Date

Name

X

Date

Name

Document checklist

- Questionnaire**
To be completed by the proposed Nominee/Director

- Approved training for licence applicants**
Please refer to the 'Training for licence applicants' fact sheet. Following the completion of new entrant training and Responsible Service of Alcohol (RSA) training, evidence of completion is to be provided to the Victorian Commission for Gambling and Liquor Regulation (the Commission).

Note: The Commission may request an applicant to provide any other information. If required to do so you will be notified in writing.

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.



Fees

Application fee

All applicants must pay the appropriate application fee at the time of lodging this application. The amount is listed on the attached 'Liquor licence fees' fact sheet. There is no GST payable on any fee.

You can pay by cheque, money order or credit card. Cheques and money orders are to be made payable to 'Victorian Commission for Gambling and Liquor Regulation'.

If paying by credit card fill in your credit card details at the end of this form.

Cheque Money order
Credit card

How to lodge this application and accompanying documents

By post to:

Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988, Melbourne VIC 3001

In person to:

Victorian Commission for Gambling and Liquor Regulation
49 Elizabeth Street, Richmond

By email:

contact@vcglr.vic.gov.au

What happens next

You will be sent a letter that confirms we have received your application and outlines any further information required. Once we have received all the required information and documents, your application will be determined. You will be advised of the outcome in writing.



Credit card payment details

Visa Mastercard Amex

Amount

Card number

Name of cardholder

Card expiry date

 /

Daytime telephone number of cardholder

Signature

Date

Privacy – the VCGLR 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*. This page will be destroyed once your payment has been processed.



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Questionnaire

Liquor Control Reform Act 1998

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.

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

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*

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 two courses that applicants must complete. These are:

- A. New entrant training
- B. 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 course 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:

- Achieve Liquor Licence Compliance
- Licensees' First Step
- Licensee Compliance Certificate
- Victorian Licensee's Training Course, or
- 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
- wine and beer 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, 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
- wine and beer 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.

Evidence of an approved new entrant and approved RSA training course 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 including frequently asked questions about new entrant and RSA training requirements, please visit the VCGLR website at vcglr.vic.gov.au.

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?

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 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.

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.

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