

Application for Transfer checklist

A fact sheet for licensees

The Licensing Administration Unit (LAU) of the Liquor Licensing Division (Division) requires Applications for Transfers to be completed in full prior to commencing processing of the application.

This means any transfer application lodged without full documentation attached will not be accepted. This application will be returned for completion, along with notification of the outstanding requirements.

Your application will not be accepted unless the following items have been completed and/or attached:

- All questions are answered on the Application for Transfer of a Liquor Licence Form and the Application Schedule.
- All directors/nominees/committee members/parties must individually sign the Application Schedule. If the same Application Schedule cannot be signed by all parties, then a separate schedule will need to be completed by that party. This is to ensure all parties have read and answered all the questions.
- If any incoming parties have ticked 'Yes' at Question 9 on the Application Schedule it is necessary for details in writing to be attached surrounding the circumstances relating to the bankruptcy, liquidation or receivership. These details should include evidence of discharge and details of monies owed and/or debts paid back.
- If the outgoing licensee refers to a company/s, ensure that a director/s of the company/s has signed at Question 9 on the Application for Transfer of a Liquor Licence Form. If the outgoing licensee is more than one individual, ensure that all persons have signed individually at Question 9.
- If the Application for Transfer is signed at Question 9 by the owner of the freehold of the premises, eg if the licensee has vacated the premises, a signed written submission should be attached to the application stating the reasons why the owner is completing the application and not the current licensee.
- The name of the proposed licensee/s must reflect the name/s on the lease eg if more than one person/company named or if the name on the lease is for a trust, this should be incorporated in the name for the proposed licensee.
- If any of the signatures on the Application for Transfer or Application Schedule have been signed by a power of attorney, the Division will accept such power subject to a copy of the power of attorney being supplied with the relevant power highlighted. Additionally, in relation to the Application Schedule, a letter should be supplied by the solicitor/applicant that they have the power to sign for the activity indicated eg on personal details such as bankruptcy details.
- Application for Registration of an Interest in Licensed Premises for the proposed licensee will need to be attached to the application forms. There will be no fee for this interest to be registered for the applicant.
- If there is more than one owner of the freehold land for the premises or detached bottleshops (if applicable), each individual party needs to sign the form, or a director of each company if there is more than one.
- If the owner of freehold land relates to a Shopping Centre, centre management approval can be accepted in the case where it is a larger centre eg Westfield, Harbourside. If this is the case, it should be indicated either on the form or in an accompanying letter. If a smaller establishment eg strip shopping centre, then the owner of freehold land's consent should be provided.

- If there is a lessee/sub/lessee involved eg where a business is franchised, it will be necessary for the signatures of all parties to be lodged.
- If the premises are leased from the Crown, then a representative of the Department of Natural Resources & Mines would need to give their consent to the transfer.
- A current company extract is to be attached if the proposed licensee is a company.
- If premises are changing their name, ensure that the correct fee is paid and the new name is advised in writing to the Division, either on the application form or by accompanying letter. No fee is required if to be the same name as licensee.
- Criminal consent forms and certified ID's.
- The prescribed fee.
- Mandatory Training must have been completed or the course booked before lodging the Application for Transfer. Please give written advice in this regard. If the individual has been in the same type of premises ie same primary purpose, within the last 3 years it may not be necessary for mandatory training to be undertaken. This should be detailed at the relevant question on the Application Schedule. Please note RMLV training is to be undertaken by individual licensee(s) and the nominee. Directors of a company do not have to complete the course.
- If the application for transfer relates to a Residential Licence, it will be necessary for a letter to be attached advising whether the proposed licensee will have control over the whole of the premises and whether the premises are strata titled.
- If the Application for Transfer of Licence relates to a club it will be necessary for a copy of the constitution pertaining to the proposed licensee to be forwarded along with a copy of the Minutes where it was accepted by the members that the transfer would be applied for. If the proposed club is a 'Limited Club' then it will be necessary for a copy of the Memorandum & Articles of

Association to be lodged. If the proposed licensee club is incorporated, a copy of the club's Certificate of Incorporation is required.

Please Note

1. If an adverse history comes back on the police checks, it may be necessary for a submission to be forwarded by the party explaining details surrounding this criminal behaviour.
2. Additionally, it may be requested in some instances to supply a title search or a copy of the menu.
3. If, as a result of the transfer application being approved, another party will have a financial interest in the premises, it will be requested that this party register their interest with the Division eg an institution becoming a mortgagee. This will not hold up the processing of the application for transfer.
4. If the proposed nominee or proposed licensee (if there is to be no nominee) is currently a nominee of another licensed premises or a licensee (without a nominee), this person will need to forward a signed letter discharging themselves of their obligations relating to those premises before this application can be processed.

For more information, contact the Liquor Licensing Division on (07) 3224 7024.

You can also access fact sheets on similar topics by visiting www.liquor.qld.gov.au

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The laws referred to in this guide are complex and various qualifications may apply in different circumstances. You are encouraged to obtain independent legal or financial advice if you are unsure of how these laws apply to your situation.

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