

GUIDE TO COMPLETING AN APPLICATION FOR NEW RESTRICTED LIQUOR PERMIT

How do I complete this form?

You will need to read this schedule very carefully in order to successfully complete this Application for New Restricted Liquor permit. All of the questions are contained in the schedule, and your answers must then be transferred to the form which is at the back of this schedule.

All answers provided in this application must be in English.

A number of questions require you also to attach documents to the application. It is important that you do attach these documents where required, otherwise **the application will be returned to you** and will not be processed.

What is a Restricted Liquor permit?

IMPORTANT: If you have previously held a Restricted Liquor permit do not continue with this application. You must complete Form 15 Application for Renewal of a Restricted Liquor permit.

A restricted liquor permit is granted to non-proprietary clubs so that they can sell liquor. The Liquor Act defines a non-proprietary club as:

"an association of persons under whose constitution any income, profits and assets are used only in promotion of its objects, and are not for distribution to its members."

Under this permit, liquor may only be served for consumption **on the premises** to:

- members of the club
- members of a club with formal reciprocal rights
- a guest of a member in the member's company
- a guest of a reciprocal member in the member's company

No sales of take away liquor are permitted at any time to anyone.

A register of all members, and a register of all guests and reciprocal members (commonly referred to as a visitors register) must be maintained on the premises, and be available for inspection at any time by a licensing officer.

How long will the application take?

This application is required by law to be lodged at least 21 days before the first date on which your club wishes to commence trading. However, as comment will be sought from the local authority and the police, your application should be made well in advance of your desired commencement in trading.

If you should commence trading prior to the permit, or a renewal of the permit, being approved, you may be charged with unlicensed trading under Section 169 of the Liquor Act, and your club could face a fine of up to \$18,750.

Section 4
Contact
person
details

Who is the contact person for this application?

The club must provide details of a:

- contact person for the Office of Liquor, Gaming and Racing during the application process and for the duration of the permit

You must include the daytime phone number, fax number, mobile contact and email address, if applicable.

Section 11
Club
constitution

Have you attached a copy of your club's constitution?

This application cannot be considered unless a copy of the constitution is attached. **Do not proceed past this question unless you are able to attach it.**

The Liquor Act 1992 contains specific requirements that must be provided for in a club's rules. Your club's constitution **must** contain the following rules, and you **must** highlight the place where these rules occur in the copy of your constitution which you are attaching, (by highlighter, underlining, tagging etc):

1. A person cannot be admitted as a member of the club unless the person makes written application for membership, and the application is approved at a meeting of the club's management committee. (Please highlight the rule that deals with this provision).
2. Temporary or honorary members and members who are minors are not entitled to vote at any meeting of the club. (Please highlight the rule that deals with this provision).
3. The club's management committee must be elected by the voting members of the club at a general meeting of the club for a period of not less than one year. (Please highlight the rule that deals with this provision).
4. The management committee must present to each annual general meeting of the club:
 - (i) a written report of the club's operation throughout the year; and
 - (ii) an audited statement of the club's financial position.(Please highlight the rule that deals with this provision).

As noted on Page 1 of this booklet, the club is required to be non-proprietary, and the rules of the club must be consistent with this requirement. The simplest way to ensure this is to include the following rules in the constitution.

1. The income, profits and assets of the club are to be applied only in the promotion of the club's objects.
2. The payment of dividends to, or the distribution of income, profits or assets of the club among, the club's members is prohibited.

If your club's constitution already contains the above rules, or rules having the same effect, there is no need to add these rules.

Directions:

- If your club's constitution already complies with the above rules, attach it with the appropriate clauses duly highlighted, tick the "Yes" box at Section 11, and **go straight to Section 12.**
- If your club's constitution does not comply with the above rules, it must be amended before this application can be considered. **Do not proceed with this application until the constitution has been amended and duly adopted by the club.**
- If your club does not have a constitution, **do not proceed with this application until a constitution complying with the above rules has been duly adopted by the club.**

<p>Section 13 Trading days and hours</p>	<p>You may apply for a maximum of either 10 or 25 hours per week (different application fees will apply).</p>
<p>Section 14 Entertainment details</p>	<p>Is entertainment to be provided?</p> <p>If entertainment is to be provided, the Office of Liquor, Gaming and Racing must know the type of entertainment, and whether or not the premises is able to contain the noise that will result from the entertainment. The majority of complaints lodged with the Office of Liquor, Gaming and Racing against licensed premises and premises subject to permits are in relation to noise.</p> <p>Directions:</p> <ul style="list-style-type: none"> • If it is not intended to conduct entertainment, tick "No" at Section 13 and go straight to Section 14. • If it is intended to conduct entertainment, you must attach a report from a qualified sound engineer which analyses the ability of your building to contain the noise. This report will not be required if you have already supplied it with a previous application, or if you have been granted an exemption by the Office of Liquor, Gaming and Racing. <ul style="list-style-type: none"> • If you have a sound report, tick "Yes" and attach a copy of it to this application, write "report" in the space provided at Section 13, and go straight to Section 14. • If you have previously supplied an acceptable sound report, tick "Yes" and write "previous" in the space provided at Section 13, and go straight to Section 14. • If you have been exempted by the Office of Liquor, Gaming and Racing from supplying a sound report, attach a copy of the advice from Office of Liquor, Gaming and Racing to this application, tick "Yes" and write "exempt" in the space provided at Section 13, and go straight to Section 14. • If it is intended to conduct entertainment, and you do not have a sound report from a qualified sound engineer, or an exemption from supplying one, do not proceed with this application.
<p>Section 15 Consent of owner</p>	<p>Consent of the owner of the premises.</p> <p>If your club does not own the premises from which you are intending to sell the liquor, ie. if you are leasing it, then the consent of the owner to the application is required, and must be completed at Section 14.</p> <p>Examples:</p> <ul style="list-style-type: none"> • If the club is leasing the premises/ground from the local authority, then the appropriate officer from the local authority will need to sign the form at Section 14. • If the club is leasing the premises/ground from the Department of Natural Resources, you will need to attach the written consent of the department, and write "DNR" at Section 14. • If the club is leasing the premises/ground from another club or a company, then an appropriate officer from that other club or company will need to sign the form at Section 14. • If the club owns the freehold of the premises/ground, write "under club ownership" at Section 14.
<p>Lodgement details</p>	<p>Please lodge the completed application, any supporting documentation and fees at the Office of Liquor, Gaming and Racing at the address below or any Office of Liquor, Gaming and Racing office at Gold Coast (Southport), Sunshine Coast (Maroochydore), Toowoomba, Wide Bay, Rockhampton, Mackay, Mt Isa, Townsville or Cairns. The counter is open Monday to Friday, 8:30am to 4:30pm.</p> <p>By mail: Locked Bag 180, City East Q 4002</p> <p>In person: Office of Liquor, Gaming and Racing, Level 4, 33 Charlotte Street, Brisbane Qld 4000 or your nearest regional office</p>