

# Transfer of Licence – Wine Industry Act 1994



When a licensee is relinquishing his/her interest in the business to another party, it is necessary for an application for transfer to be lodged.

The new business operator has no authority to sell and supply wine until a transfer is approved and the new operator has become the licensee.

## How a licence may be held

A licence may be held by:

- a company or partnership (must have a nominee); or
- an individual over the age of 18 (with or without a nominee).

Any licensee may hold more than one licence, but must have separate nominees for each premises. An adult may be nominated as a nominee for more than 1 licence.

A wine producer licensee may have more than one nominee, including any person who may be in charge of the premises from time to time.

A wine merchant licensee may only have one nominee.

## Applications

A completed **application form** (Wine Licence Form 3) and personal details schedule(s) (Wine Licence Form 5) must be lodged, and accompanied by all attachments stipulated in the form. The application fee must also accompany the form. If all attachments are not included, or the form is incomplete, the application may not proceed until all requirements are met.

The average processing time is 4-6 weeks to reach approval stage, including time for the chief executive to conduct police checks on the proposed nominee.

This means that the application should be lodged well in advance to allow sufficient time for processing before the new licensee takes over control of the premises.

## Obligations

The outgoing licensee must maintain complete control of the premises until the application has been decided, otherwise the premises should cease trading until such time as an authorised person is in control.

## Interim Licences

An interim licence may be granted under the following circumstances:-

- the licensee is bankrupt
- the licensee has died
- the licensee is a company, and a person has been appointed to manage or wind-up its affairs
- a guardian, administrator or manager has been appointed over the estate of the licensee.

The chief executive may only grant an interim licence if satisfied that the applicant is a suitable person to hold the licence.