

# Declaration of associates

Liquor Control Reform Act 1998

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## Directions for completing the form

This is an interactive PDF form which allows you to:

- complete the form using a computer or tablet
- save your progress and continue at a later time
- print the completed form to sign and return.

You may still print this form and complete it by hand if you prefer.

This form has been design to be completed using the free Adobe Acrobat Reader software. To download this free software, [please visit the following link](#) or search for the free “Adobe Acrobat Reader” on your devices app store.

**This form may not function as intended if you use any other software.**

## Who should complete this form?

If the applicant is a **body corporate**:

- the body corporate must complete PART A: Declaration of associates – Body corporate (only) (page three).
- each director of the body corporate must also complete a separate PART B: Declaration of associates – Individual/s (pages four and five).

If the applicant is an **individual**:

- the individual must only complete PART B: Declaration of associates – Individual/s (pages four and five).

If the applicant is a **partnership**:

- each partner must complete a separate PART B: Declaration of associates – Individual/s (pages four and five).

### Examples:

Where the applicant is a body corporate:

1. ABC Pty Ltd is applying for a restaurant and café liquor licence. There are two directors, John Smith and Jane Smith.
2. ABC Pty Ltd completes PART A: Declaration of associates – Body corporate (only).
3. John Smith and Jane Smith both complete separate PART B: Declaration of associates – Individual/s.

Where the applicant is an individual:

1. John Smith is applying for a BYO permit.
2. John Smith only needs to complete PART B: Declaration of associates – Individual/s.

Where the applicant is a partnership:

1. John Smith and Jane Smith are applying for a pre-retail liquor licence and have entered a partnership agreement.
2. John and Jane Smith both complete separate PART B: Declaration of associates – Individual/s.

Where the applicant is an Associated Incorporation:

1. ABC Inc is applying for a Full Club liquor licence. There are 4 Executive Committee members, John Smith, Jane Smith, Tony Smith and Carl Smith.
2. ABC Inc completes PART A: Declaration of associates - Body Corporate (only).
3. John Smith, Jane Smith, Tony Smith and Carl Smith complete separate PART B: Declaration of associates - Individual/s.

## Definitions - Associate

Before completing this declaration, please ensure that you read and understand the explanation of what is meant by “associate”.

Section 3AC of the *Liquor Control Reform Act 1998* (“the Act”), defines an associate as

1. For the purposes of this Act, an associate of a person (the “first person”) is-
  - a) a person who-
    - i. holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power (whether in right of the person or on behalf of any other person) in any business of the first person involving the sale of liquor; and
    - ii. by virtue of that interest or power, is able or will be able to exercise a significant influence over or with respect to the management or operation of that business, or

- b). a person who is or will be a director, whether in right of the person or on behalf of another person, of any business of the first person involving the sale of liquor; or
- c). if the first person is a natural person, a person who is a relative of the first person, other than a relative -
  - i. who is not, and has never been, involved in any business of the first person involving the sale of liquor; or
  - ii. who will not be involved in the business the first person proposes to conduct as a licensee or permittee.

## Definitions - Associate (cont'd)

2. In this section-

**“relative”**, in relation to a person, means-

- a). the spouse or domestic partner of the person, or
- b). a parent, son, daughter, brother or sister of the person; or
- c). a parent, son, daughter, brother or sister of the spouse or domestic partner of the person;

**“relevant financial interest”**, in relation to a business involving the sale of liquor, means-

- a). any share in the capital of the business; or
- b). any entitlement to receive any payment as a result of money advanced;

**“relevant power”** means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others-

- a). to participate in any directorial, managerial or executive decision; or
- b). to elect or appoint any person as a director.

Please note: Further to the above, a person who is or will be able to exercise a significant influence over includes a shareholder owning 10 percent or more of the shares of any business of the first person involving the sale of liquor.

## Definitions - Body Corporate

A body corporate is an organisation which has a separate legal status to its members (i.e. it can own property, sue and be sued, and enter into contracts in its own name).

Examples of body corporates include companies, incorporated associations, incorporated partnerships, municipal councils and co-operatives.

Unincorporated clubs/associations and unincorporated partnerships are not body corporates.

The director of a body corporate includes –

- any person occupying or acting in the position of director of the body corporate, by whatever name called (including partner, office holder, chief executive officer, executive committee member) and whether or not validly appointed to occupy or duly authorised to act in the position; and
- any person in accordance with whose directions or instructions the directors of the body corporate are instructed to act.

Please note that Directors of a Council, university or TAFE institute are not required to complete a declaration.

## Who should be declared as an associate?

Examples of persons who may be captured as associates include, but are not limited to, the following:

- each director, public officer, secretary, chief executive, chief financial officer, committee member of a body corporate.
- shareholders who are able to exercise a significant influence over or with respect to the management or operation of any business of the applicant/director of the body corporate involving the sale of liquor.
- where the applicant is a trustee of a trust, associates may include trust unit holders or beneficiaries who, by virtue of the Trust Deed, have voting rights enabling them to remove or change the trustee, or to influence decisions of the trustee.

## PART A: Declaration of associates - Body Corporate (only) to complete

NOTE: Individuals, partnerships and directors of a body corporate are not required to complete this part. Please proceed to **Part B**.

### 1: Name of body corporate making declaration

### 2: Businesses involving the sale of liquor

Provide details of all businesses that the body corporate has that involve the sale of liquor (including the business which is the subject of this declaration).

Business name/ Company name	Type of business	Registered address	ACN/ABN

### 3: Declaration of associates - Relevant financial interest/relevant power and significant influence or director

For each business listed above in question two, provide details of all individuals who are associates. This includes:

- directors (either in their own right or on behalf of another person) of the business.
- individuals that hold a relevant financial interest in the business AND is/will be able to exercise a significant influence over the management or operation of the business.
- individuals that will be entitled to exercise any relevant power in the business (either in their own right or on behalf of another person) AND is/will be able to exercise a significant influence over the management or operation of the business.

Name of individual	Residential address	Date of birth (dd/mm/yyyy)	Business name/ (as listed in Part 2)	Tick if also a director of this business

### 4: No associates to declare (if applicable)

I have read the definition of associates and confirm that the body corporate has no associates as defined in the *Liquor Control Reform Act 1998*.

### Signature/declaration of person/body corporate who is making this declaration

I declare that:

- the information contained in this form is true and correct
- if a body corporate is making this declaration by declaring its associates, I am authorised to sign this application on behalf of the body corporate.

Name:

Position (if body corporate):

Signature:

Date (dd/mm/yyyy):

## PART B: Declaration of associates - Individual/s to complete

NOTE: Directors of the body corporate in PART A, applications in an individual's name and all members of a partnership need to complete this form. Please refer to the 'Who should complete this form' section on page one.

### 1: Name of individual completing this declaration

### 2: Relationship to applicant (for example director of body corporate)

### 3: Businesses involving the sale of liquor

Provide details of all businesses that you have an interest in, that involve the sale of liquor (including the business which is the subject of this declaration).

Business name/ Company Name	Type of business	Registered Address	ACN/ABN

### 4: Declaration of associates - Relevant financial interest/relevant power and significant influence or director

If you are part of a body corporate completing this form, the directors that are part of that body corporate do not need to be listed below. For every business you are involved in listed above in question three, provide details of all individuals who are associated with those businesses. This includes:

- directors (either in their own right or on behalf of another person) of the business
- individuals that hold a relevant financial interest in the business AND is/will be able to exercise a significant influence over the management or operation of the business
- individuals that will be entitled to exercise any relevant power in the business (either in their own right or on behalf of another person) AND is or will be able to exercise a significant influence over the management or operation of the business.

Name of individual	Residential address	Date of birth (dd/mm/yyyy)	Business name/ (as listed in Part 3)	Tick if also a director of this business

### 5: Declaration of associates - Relatives

Please refer to the definition on page one of this form prior to completing this section.

Name	Residential address	Date of birth (dd/mm/yyyy)

## 6: No associates to declare (if applicable)

I have read the definition of associates and confirm that I have no associates as defined in the *Liquor Control Reform Act 1998*.

## Signature/declaration of individual who is making this declaration

I declare that the information contained in this form is true and correct

Name:

Date (dd/mm/yyyy):

Signature: