

Declaration of associates

Liquor Control Reform Act 1998

Instructions for completing this 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 device’s app store.

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

Who must complete this form?

If the applicant is a **company or co-operative**:

- **One** director must complete the [PART A: Declaration of associates](#) (page three) for the **company**.
- **each director** of the company **must complete their own separate** [PART B: Declaration of associates – Individuals](#) (pages four and five).

For example: ABC Pty Ltd is applying for a restaurant and cafe liquor licence. There are two directors, John Smith and Jane Smith.

1. Only ABC Pty Ltd completes PART A: Declaration of associates – Body corporate. **AND**
2. John Smith completes PART B: Declaration of associates – Individuals. **AND**
3. Jane Smith completes PART B: Declaration of associates – Individuals.

If the applicant is an **individual** (sole trader):

- the individual **must complete** [PART B: Declaration of associates – Individuals](#) (pages four and five).

For example: John Smith is applying for a BYO permit.

1. John Smith completes PART B: Declaration of associates – Individuals.

If the applicant is a **partnership**:

- each partner **must complete their own separate** [PART B: Declaration of associates – Individuals](#) (pages four and five).

For example: John Smith and Jane Smith are applying for a pre-retail liquor licence and have entered a partnership agreement.

1. John Smith completes PART B: Declaration of associates – Individuals. **AND**
2. Jane Smith completes PART B: Declaration of associates – Individuals.

If the applicant is an **incorporated association**:

- **One** executive committee member must complete [PART A: Declaration of associates – Body corporate](#) (page three) for the **incorporated association**.
- **each executive committee member** of the incorporated association **must complete their own separate** [PART B: Declaration of associates – Individuals](#) (pages four and five).

For example: 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.

1. Only ABC Inc completes PART A: Declaration of associates – Body Corporate. **AND**
2. John Smith completes separate PART B: Declaration of associates – Individuals. **AND**
3. Jane Smith completes separate PART B: Declaration of associates – Individuals. **AND**
4. Tony Smith completes separate PART B: Declaration of associates – Individuals. **AND**
5. Carl Smith completes separate PART B: Declaration of associates – Individuals.

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

1. an associate of a person (the “first person”) as—
 - b). 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
 - c). 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
 - d). 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.
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;

“**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 excisable 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 includes a shareholder owning 10% 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).

Companies, incorporated associations, municipal councils, universities, TAFE institutes and co-operatives are all considered ‘body corporates’.

Unincorporated clubs/associations 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: Directors of a Council, university or TAFE institute are not required to complete a declaration **Part B**.

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 – If you are applying as a company or incorporated association, you must complete this form

NOTE: Individual (including partners and directors) are not required to complete Part A. You must complete [Part B](#) (see next page).

1: Name of the company or incorporated association applying for a liquor licence

2: Tell us about any businesses supplying liquor

Tell us about any businesses which involve the sale of liquor that the applicant runs, owns or is owned by. This includes businesses based in Victoria, interstate or overseas.

Business name or company name	Liquor licence number	Is this a Victorian business? (Tick the box if YES)

3. Tell us about any directors or people with significant influence over the businesses listed above

Tell us about any directors, executive committee members or associates for all of the businesses listed above. Before you start, make sure you understand what an associate is.

An associate is any who has, or is likely to have **significant** influence over the management or operation of the business **AND** who either has a financial interest in the business or is (or will be) entitled to exercise a relevant power.

A **financial interest** means any one or more of the following:

- any share in the capital of the business
- any entitlement to receive any income derived from the business
- any entitlement to receive any payment as a result of money advanced

A **relevant power** means:

- any relevant power, whether by voting or otherwise to participate in any directorial, managerial or executive decision, or to elect or appoint any person as a director.

Full name of individual <small>(Have they ever been known by another name? If yes, provide)</small>	Date of birth <small>(dd/mm/yyyy)</small>	Home address	Business name where they are associated <small>(as listed in question 2)</small>	Director ID <small>(if applicable)</small>

If you leave this section blank, you are confirming you have no associates to declare.

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

I declare that:

- the information contained in this form is true and correct
- I am authorised to sign this application on behalf of the body corporate (company or incorporated association).

Your full name

Your position in the business:

Your signature:

Date this form was signed (dd/mm/yyyy):

PART B: Declaration of associates – All individuals must complete this form

NOTE: All individual, partners, directors and executive committee members of the applicant must complete this form. It must be completed in your own name. Please refer to the '[Who should complete this form](#)' section on page one.

1: Your full name

2: Your relationship to applicant (for example director of a company or partner of a partnership)

3: Tell us about any businesses supplying liquor that you are involved in

Tell us about any businesses you are involved in that supply liquor. This includes businesses based in Victoria, interstate or overseas. You must include the business that is applying for a liquor licence.

Business name or company name	Liquor licence number	Is this a Victorian business? (Tick the box if YES)

If you leave this section blank, you are confirming you have no associates to declare.

4. Tell us about any directors or people with significant influence over the businesses listed above

Tell us about any directors, executive committee members or associates for all of the businesses listed above. Before you start, make sure you understand what an associate is.

An associate is any who has, or is likely to have **significant** influence over the management or operation of the business **AND** who either has a financial interest in the business or is (or will be) entitled to exercise a relevant power.

A **financial interest** means any one or more of the following:

- any share in the capital of the business
- any entitlement to receive any income derived from the business
- any entitlement to receive any payment as a result of money advanced

A **relevant power** means:

- any relevant power, whether by voting or otherwise to participate in any directorial, managerial or executive decision, or to elect or appoint any person as a director.

Full name of individual (Have they ever been known by another name? If yes, provide)	Date of birth (dd/mm/yyyy)	Home address	Business name where they are associated (as listed in question 3)	Director ID (if applicable)

If you leave this section blank, you are confirming you have no associates to declare.

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5. Tell us about any of your relatives who are connected to any of your businesses

A close relative connected to any of your businesses is also considered an associate. Tell us about any close relatives that:

- are working for your businesses
- have worked for one of your businesses in the past
- are likely to work for one of your businesses in the future

A close relative can be your spouse or domestic partner, your parents, children or siblings or a close relative of your partner.

Full name of individual <small>(Have they ever been known by another name? If yes, provide)</small>	Date of birth <small>(dd/mm/yyyy)</small>	Home address	Business name where they are associated <small>(as listed in question 3)</small>

If you leave this section blank, you are confirming you have no associates to declare.

Signature/declaration of individual who is making this declaration

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

Your full name:

Date this form was signed (dd/mm/yyyy):

Your signature: