

Notifying the Commissioner of a change in situation

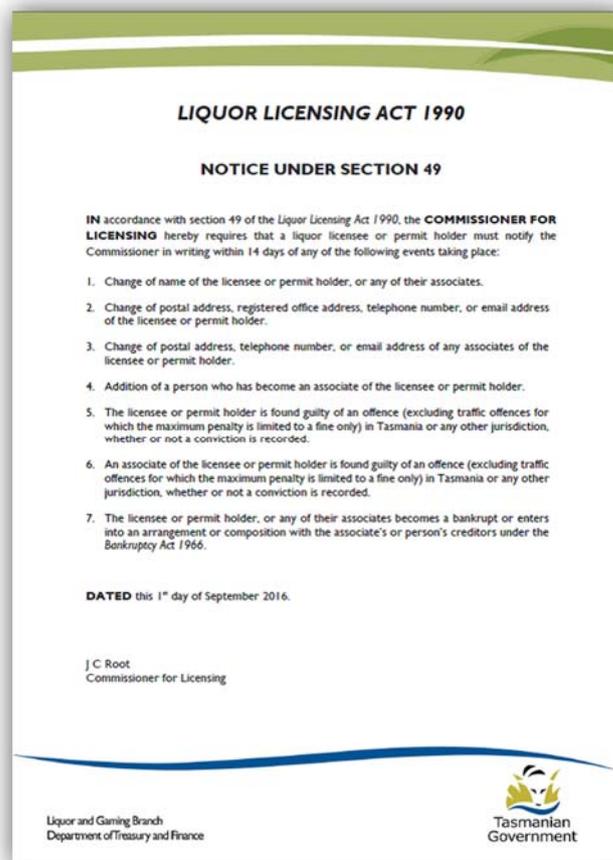
The Commissioner for Licensing will instruct licensees and permit holders to provide notification in writing **within 14 days of a change in their situation of a specified kind**. The instruction is issued under section 49 of the *Liquor Licensing Act 1990* and is shown below.

What kind of changes must be notified?

Specified changes to the situation of a licensee, permit holder or any associate are listed in the instruction as follows:

1. Change of name of the licensee or permit holder, or any of their associates.
2. Change of postal address, registered office address, telephone number, or email address of the licensee or permit holder.
3. Change of postal address, telephone number or email address of any associates of the licensee or permit holder.
4. Addition of a person who has become an associate of the licensee or permit holder.
5. The licensee or permit holder is found guilty of an offence (excluding traffic offences for which the maximum penalty is limited to a fine only) in Tasmania or any other jurisdiction, whether or not a conviction is recorded.
6. An associate of the licensee or permit holder is found guilty of an offence (excluding traffic offences for which the maximum penalty is limited to a fine only) in Tasmania or any other jurisdiction, whether or not a conviction is recorded.
7. The licensee or permit holder or any of their associates becomes a bankrupt or enters into an arrangement or composition with the associate's or person's creditors under the *Bankruptcy Act 1966*.

The notification requirement ensures that the Commissioner is able to contact the licensee, permit holder or any of their associates. It also allows the Commissioner to be aware of any changes that may affect whether someone remains **qualified** to hold a licence or permit, or to be an associate of a licensee or permit holder.



Who is an associate?

Under section 3A of the Liquor Licensing Act, a person is an associate of an applicant for a licence or permit, or of a licensee or permit holder if:

- the person holds (or will hold) any **relevant financial interest**, or is (or will be) entitled to exercise any **relevant power** in the business that enables them (or will) to exercise a **significant influence** over the management or operation of the business; or
- the person holds (or will hold) any **relevant position** in the business; or
- the person is a **relative** of the applicant, licensee or permit holder; or
- the Commissioner is satisfied that the person could exercise a **significant influence** over the applicant, licensee or permit holder.

Definitions relating to associates

Section 3A(2) provides the following definitions in relation to associates.

Relevant financial interest: in respect of a business means -

- any share in the capital of the business; or
- any entitlement to receive any income derived from the business.

Relevant power: means any power, whether exercisable by voting or otherwise and whether exercisable alone or in association with others -

- to participate in a directorial, managerial or executive decision; or
- to elect or appoint any person to any relevant position.

Relevant position: in respect of a business means -

- the position of director, manager or other executive position or secretary, however that position is designated in the business; or
- the licensee or permit holder.

Relative: means a spouse, partner, parent, child or sibling (whether full blood or half blood).

The following people would be associates if it is considered that they have (or may have) a **significant influence** over the **person** or the **business**:

- spouse
- partner
- parent
- child
- brother
- sister
- friend, acquaintance or other person (anyone who could significantly influence the person)
- people who own the business (such as investors, property owners, shareholders and business partners)
- senior managers of the business
- executive committee of a club

For further information contact the Liquor and Gaming Branch.

Phone: (03) 6166 4040 (Hobart) or (03) 6777 2777 (Launceston)

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