



## Liquor Licensing

A liquor Licence from the Department of Racing, Gaming and Liquor is required to be obtained for the sale of liquor from a premises. Local government certificate is required to be submitted with the application. Prior to submitting an application for a Liquor Licence, the applicant must seek Section 39 and Section 40 Certificates from the relevant local government.

Section 39 and Section 40 certificates are required for all new liquor licensing applications and applications for any alternations to existing licensed premises, including hotels, taverns, cabarets, liquor stored, special facility licences, restaurants and club licences. Additional detailed information on how to apply for a liquor licence is available from the Department's website [www.rgl.wa.gov.au](http://www.rgl.wa.gov.au).

### Section 39 Certificate (Local Health Approval)

A certificate issued by a local government under section 39 of the Liquor Licensing Act confirms that the premises or proposed premises complies with the *Health Act 1911*, *Local Government Act 1995*, *Local Government (Miscellaneous Provisions) Act 1960* and laws relating to sewerage and drainage.

Local Governments are able to condition Section 39 certificates if a premises has outstanding work to be completed, or withhold the certificate until the premises has been made to comply. Local governments may also impose conditions requiring that the music not be amplified over a specified level.

### Section 40 Certificate (Local Planning Approval)

A certificate issued by a local government under Section 40 of the Liquor Licensing Act confirms that the premises or a proposed premises complies with the local government's Town Planning Scheme.

Local governments are able to condition Section 40 certificates, if the premises can only be made to comply with the planning laws, through the imposition of specified trading restrictions. Usually, any trading restrictions specified by a local government would be imposed by the Liquor Licensing Authority as conditions on any licence issued. For example, such restrictions could include levels or hours of operation.

23 April 2013