

Transfer of licences and authorisation certificates

What has changed?

Class C licences can no longer be transferred to another entity. As Class C licences are issued to an entity separate to a venue or premises, new entrants to the industry must apply directly to the Commission for a licence.

Authorisation certificates can be transferred to a different licensee. This is similar to the previous idea of transferring a licence and means that a licensee can purchase a venue without having to apply to the Commission for a new authorisation certificate.

The transfer of an authorisation certificate is a notifiable action, meaning that approval from the Commission isn't required, but the incoming licensee (the person receiving the certificate) must tell the Commission about the transfer.

For information on Class B licenses and authorisation certificates, please see *Fact Sheet 007 – Class B Licences*.

What does it mean for me?

Licensees wishing to transfer an authorisation certificate relating to a venue can do so without seeking approval from the Commission. Transfers can only be made to another licensee, so the outgoing licensee (the current holder of the certificate of authorisation) should ensure that the person to whom they wish to transfer the certificate is a licensee under the Act.

A fee is payable to the Commission for the transfer.

How do I transfer a certificate?

The notification must be made on the approved form.

If you are the incoming licensee (the person receiving the authorisation certificate), it is your responsibility to notify the Commission of the transfer. The transfer can't happen until 10 days after the Commission receives the notification, unless the Commission allows it to happen earlier. The Commission can also request additional information from the licensee, in which case the transfer can't happen until the Commission has told the licensee that it is satisfied with the additional information.

In addition to the authorisation certificate, the licensee must give the Commission the following information:

- The computer cabinet access register;
- The accounts relating to gaming machine amounts taken during the month the transfer is made (so the Commission can accurately assess taxation and other matters);
- Any other accounts kept in connection with the licence that the Commission requires; and
- Any money still owing to the Commission.

The Commission will pass the computer cabinet access register to the incoming licensee and amend the authorisation certificate as necessary.

Transferring an in-principle certificate of authorisation

If you have an in-principle certificate of authorisation, you have to apply to the Commission to transfer it to another person. That person must hold or have applied for a Class C licence.

The application must be made on the approved form.

The application to transfer must include the full names and addresses of both parties (you and the person to whom you wish to transfer the certificate), each director of the proposed new approval-holder, and the name of each influential person for you and their relationship to you.

The Commission must transfer the in-principle authorisation certificate if it is satisfied that the new approval-holder holds a licence or has applied for a licence. If the Commission refuses to transfer the certificate, it must give you reasons for the decision in writing.

A fee is payable to the Commission for the application.

Frequently asked questions

Can I sell an authorisation certificate to another licensee?

This is a matter for the parties to the transfer. Sale of an authorisation certificate would usually happen as part of the sale of a venue.

What if the person who wants to buy the certificate isn't already a licensee?

Authorisation certificates can only be transferred to an existing licensee. If a person wants to acquire a certificate, they must apply for a licence first.

References

Transferring an authorisation certificate – s37E

Transferring an in-principle authorisation certificate – s38H, s38I