

# Section 39 (Liquor Licensing) Certificates

Date of Publication 30/08/2011

## 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 certification is required to be submitted with the application. Prior to submitting an application for a Liquor Licence, the applicant must seek a Section 39 Certificate from the relevant local government.

Section 39 certificates are required for all new liquor licensing applications and applications for any alterations to existing licensed premises, including hotels, taverns, cabarets, liquor stores, 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) (also refer menu Liquor, Liquor Licensing, click The Role of Local Government).

## Section 39 Certificate (Local Health Approval)

A certificate issued by a local government under section 39 of the *Liquor Control Act 1988* confirms that the premises or proposed premises complies with all the relevant requirements under the *Health Act 1911*, under the *Food Act 2008*, under any written law relating to the sewerage or drainage of that premises under the *Local Government Act 1995* and the *Local Government (Miscellaneous Provisions) Act 1960*.

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 music not be amplified over a specified level.

For businesses located at Perth Airport, the City's Health Department can issue Section 39 Certificates to confirm compliance with the relevant legislation.

## Section 40 Certificate (Local Planning Approval)

Refer to the attached Section 40 information sheet.

## Details of Application

To obtain a Section 39 Certificate the applicant must submit the following information to the City of Belmont:

- Detailed site plan demonstrating the location of premises to be licensed;
- Detailed internal layout of the premises, demonstrating the area of the premises to which the liquor licence will apply;
- Completed attached form.

A \$72.60 fee applies for Section 39 certificate requests.

Applicants should ensure that requests for Section 39 certificates are lodged promptly to ensure that the local government has sufficient time to process the application.

### CITY OF BELMONT

215 Wright Street Cloverdale 6105  
(Locked Bag 379 Cloverdale 6985)

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City of Belmont

**Liquor Licence Application & Inspection Request  
(Section 39 Certificate)**

I \_\_\_\_\_ of \_\_\_\_\_  
(Full name in BLOCK LETTERS) (address in BLOCK LETTERS)

request the City of Belmont undertake an inspection of and provide a Section 39 Certificate for the premises known as:

\_\_\_\_\_ situated at:  
(Name of premises in BLOCK LETTERS)

\_\_\_\_\_  
(Address of premises in BLOCK LETTERS)

I enclose the fee of \$72.60 (GST included) as payment for this service.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Contact Phone Number: \_\_\_\_\_

**Please note this form is to be submitted with the completed 'Liquor Control Act 1988 Certificate of Local Health Authority – Section 39' application form available from [www.rql.wa.gov.au](http://www.rql.wa.gov.au) (refer Liquor, Liquor Licensing, click The Role of Local Government).**

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# Section 40 (Liquor Licensing) Certificates

Date of Publication 30/08/2011

## 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 certification is required to be submitted with the application. Prior to submitting an application for a Liquor Licence, the applicant must seek a Section 40 Certificate from the relevant local government.

Section 40 certificates are required for all new liquor licensing applications and applications for any alterations to existing licensed premises, including hotels, taverns, cabarets, liquor stores, 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) (also refer menu Liquor, Liquor Licensing, click The Role of Local Government).

## Section 40 Certificate (Local Planning Approval)

A certificate issued by a local government under Section 40 of the *Liquor Control Act 1988* confirms that the premises or 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 noise levels or hours of operation.

For businesses located at Perth Airport, the City's Planning Department does not issue Section 40 Certificates as it has no jurisdiction over land covered by the Airport Act 1996.

## Section 39 Certificate (Local Planning Approval)

Refer to the attached Section 39 information sheet.

## Details of Application

To obtain a Section 40 Certificate the applicant must submit the following information to the City of Belmont:

- Detailed site plan demonstrating the location of premises to be licensed;
- Detailed internal layout of the premises, demonstrating the area of the premises to which the liquor licence will apply;
- Completed attached proforma describing type of liquor licence which is being sought, the nature of the proposed business, and trading hours.

A \$50 fee applies for Section 40 certificate requests as processing of the application involves land use information and property history searches.

Applicants should ensure that requests for Section 40 certificates are lodged promptly to ensure that the local government has sufficient time to process the application.

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**SECTION 40 APPLICATIONS**  
**THIS SECTION MUST BE COMPLETED BY THE APPLICANT**  
**BEFORE SUBMISSION TO THE LOCAL AUTHORITY**

Applicant Name: \_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_  
Name of Premises subject of Section 40: \_\_\_\_\_

Premises Address: \_\_\_\_\_

**APPLICATION DETAILS**

Category and Type of Licence: \_\_\_\_\_

Nature of application and an outline of proposed use of the premises: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the case of a *SPECIAL FACILITY LICENCE* application:

(a) For what purposes is the licence sought? (Refer to Regulation 9A of the *Liquor Control Regulations 1989*).

\_\_\_\_\_  
\_\_\_\_\_

(b) What trading hours are sought?

Monday: \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Tuesday: \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Wednesday: \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Thursday: \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Friday: \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Saturday: \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Sunday: \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

(c) Is approval sought to sell and supply liquor on:

Christmas Day YES  / NO  Good Friday YES  / NO  ANZAC Day YES  / NO

(d) Is approval sought to sell liquor for consumption off the licensed premises? YES  / NO

(e) Please detail the trading conditions sought and provide an outline on how it is proposed the premises will operate (attached separate submission if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_