

A Liquor Licence is required under the Liquor Control Act 1988 by the Department of Racing, Gaming and Liquor 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 (Local Health Approval) and Section 40 Certificate (Certificate of Local Planning Authority) from the relevant local government.

These 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.

It is required to confirm that areas of a premise subject to the Liquor Licence application have planning approval and meet health requirements from the City.

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.

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 limitation on hours of operation and licensing area etc.

Application Requirements

The following information and details must be submitted to obtain a Section 39 and/or Section 40 Certificate:

- Relevant Section application form under the Liquor Control Act;
- City's Liquor Licence Application and Inspection Request (for Section 39)
- A non-redeemable fee as per the City's fee schedule;
- Detailed scaled site plan. The site plan is to include:
 - Indicate the number of seats provided.
 - The internal layout of the premises, demonstrating the area of the premises to which the liquor licence will apply.

Incomplete applications will not be processed until all information is received, or may be returned to the applicant for their completion. Additional information may be required at the City's discretion.

Further Information

Additional information on how to apply for a Liquor Licence is available from the Department of Racing, Gaming and Liquor's website: www.rgl.wa.gov.au.

Liquor Control Act 1988 – Section 39:

http://www.austlii.edu.au/au/legis/wa/consol_act/lca1988197/s39.html [Liquor Control](#)

Act 1988 – Section 40:

http://www.austlii.edu.au/au/legis/wa/consol_act/lca1988197/s40.html

For further information regarding the **Section 39** you are advised to contact City's **Health Services** Department on (08) 9792 7100 or by email: records@bunbury.wa.gov.au

For further information regarding the **Section 40 Certificate**, you are advised to contact City's **Planning Services** Department on (08) 9792 7121 or by email: records@bunbury.wa.gov.au

Please Note: The information contained within this brochure is intended as a guide only. It is recommended that the advice and assistance of Council's Planning Services staff be sought prior to lodgement of a development application. The City of Bunbury disclaims any liability for any damages sustained by a person acting on the basis of this information.