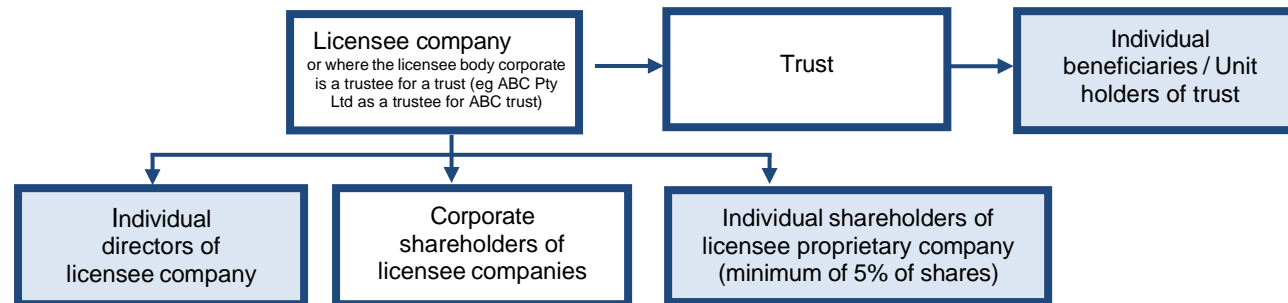


# Persons in a position of authority

*Liquor Licensing Act 1997 and Gaming Machines Act 1992*



All people in positions of authority must be approved by the Liquor and Gambling Commissioner. Any time you change a person who is in a position of authority within your corporate structure or trust, they must be approved.

A person is considered to be in a position of authority if the person:

- is a director of the body corporate
- exercises, or is in a position to exercise, control or substantial influence over the body corporate in the conduct of its affairs (e.g. a shadow director or a member of the wider corporate structure on whose instructions the directors of the body corporate are accustomed to act)
- manages (or is to manage) the business of the body corporate to be conducted under the licence (e.g. chief executive officer, general manager, chief financial officer)
- is a shareholder that holds 5% or more of the shares in the company, if the licensee is a proprietary company
- is a beneficiary or unit holder of a trust, if the licensee is trustee of the trust.

Minors who are shareholders in a proprietary company, or who are beneficiaries under a trust do not need approval.

A charitable organisation that is a beneficiary of a trust is not regarded as occupying a position of authority.

It is up to you to advise the licensing authority if an individual is in a position of authority. If it's discovered that an individual in this position hasn't been approved, this becomes a compliance issue.

