

THE HOSPITALITY MESSENGER

Your Western Australian liquor, hospitality, event and related industries news and information presented by Lavan Legal

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LAVAN LEGAL
Leaders in Law



How a minor change to your business could lead to licence suspension!

Any change to those involved in a licensee partnership or company, or licensee structure requires the prior written approval of the licensing authority, even if there is no sale of business. The type of application required will depend on the circumstances of the change.

Various penalties can potentially be imposed for failing to obtain the required approval, including the possibility of licence suspension.

We have assisted a number of licensees who have unwittingly brought a new person into the business without prior approval, or completed an internal company changeover/restructure and faced ramifications that have been costly to the business and risky for the licence. Some have even had the licence suspended and been unable to trade for a period of time. In a recent example we dealt with a winery that had welcomed a minor silent investor into the business. When the licensee applied to the licensing authority for approval on another matter, the investor was identified and the licensing authority stopped processing the application and issued a "show cause" notice as to why the licence should not be suspended.

Lockout laws linger

Lockout laws have spread up the east coast. At the end of June 2016 new laws came into effect in Queensland where venues in late night entertainment districts are now subject to 3am lockouts whilst other areas are 2am. In addition, drinks with high alcohol content are restricted from midnight onwards. There has been much publicity about lockout laws in New South Wales which continue to operate.

In Western Australia similar blanket lockouts for all venues within a particular precinct have not been adopted, however, lockout conditions continue to be imposed on some licences where it is considered in the public interest and lockout conditions remain a hot liquor licensing topic in WA.

Most recently the Director of Liquor Licensing reinforced a lockout condition in respect of The Exchange Hotel in Kalgoorlie. The licensee sought to cancel the condition in the light of changed circumstances since the condition was first imposed. The Director determined that the "lockout condition is in fact working" and that there "is a community benefit associated with it". The Director found, in part, that the application was motivated by commercial interests of the licensee to better compete with other licensed venues, which was an irrelevant factor.

The full decision is available [here](#).

POLICY ALERT

The Director of Liquor Licensing this week published a new policy regarding liquor on charter boats.

Click [here](#) to see the policy.

* REMINDER *

Is your current trading name approved?

Licensed businesses may only be carried on under a name approved by the licensing authority

Connection Corner

Are you having difficulties dealing with your local council? Do you need to apply for development approval?

We can put you in touch with the right people to assist and to help ensure your licensing requirements are properly addressed in relation to council approvals.

We often work closely with our town planning legal team and external town planners to assist our liquor and event clients.

Are you properly monitoring juveniles?

The July school holidays provide a timely reminder for licensees of their obligations associated with juveniles. Liquor may not be sold or supplied to anyone under the age of 18, or who cannot prove that they are over the age of 18. Further, liquor may not be sold or supplied to any adult who is suspected of being likely to provide that liquor to a juvenile.

To prove age, if asked, one of the following must be produced to the satisfaction of the licensee or staff:

- Current Australian driver's licence with photograph.
- Current passport.
- Proof of age card issued under the WA Liquor Control Regulations.
- Current WA photo card issued under WA photo card regulations.
- Current photo card issued under NSW legislation.
- Current Australian learner driver permit with photograph.
- Current card issued elsewhere in Australia equivalent to WA proof of age card or photo card.



Some licences are prohibited from allowing any juvenile on the premises who is not accompanied by an adult, or there for some proper purpose unrelated to liquor. To be considered as being properly accompanied by an adult, the juvenile must be in the company of someone who is supervising the juvenile and genuinely acting as a guardian, in the role of a parent, at the time. A 17 year old in the company of an 18 year old girlfriend/boyfriend, for example, is not regarded as being properly accompanied by an adult.

Other obligations relating to juveniles may apply in some circumstances. We can assist you with any issues relating to juveniles on licensed premises.

Lavan Legal is proud of its sponsorship of Clubs WA and our long association with the State's licensed clubs industry.

We congratulate all winners of the recent Clubs WA Awards for Excellence, particularly the Ord River Sports Club which received the Club's WA President's Club Achievement Award presented by Jessica Patterson.



Brag Box

100% of the small bar licence applications we have prepared and lodged have been approved

OUR TEAM



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Your business is an important contributor to the Western Australian community and to WA's growing liquor, hospitality, events, tourism and related industries.

Are you getting the most out of your business? Are you fulfilling all of your ideas and enjoying business success?

If you have an idea for a new business, we would love to help you develop it.

We encourage you to obtain modern business solutions from us and receive the benefits of a life long working relationship to help maximise your commercial potential. Any expenditure with us is an investment in your asset and its future.

We enjoy visiting our clients' business premises and will be happy to visit yours.



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