

THE HOSPITALITY MESSENGER

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

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WARNING re: liquor advertising



The national Alcohol Advertising Review Board recently upheld a complaint against a Mullaloo liquor store. The complaint, from a member of the public, related to advertisements for Jameson, Yenda and Jack Daniel's sale items, which were advertised on low-level signage easily seen by children.

Click [here](#) to access the Board's determination.

This decision serves as a timely reminder for licensees in terms of the requirements under the Australian Alcohol Advertising Review Board Code and the Western Australian Director of Liquor Licensing's Policy, "Responsible Promotion of Liquor - Consumption of Liquor on Licensed Premises and the Sale of Packaged Liquor". Click [here](#) to read the Policy.

In addition to restrictions on advertising and promotions in relation to juveniles, licensees must also ensure their advertising and promotions could not be considered likely to encourage rapid or excessive consumption of liquor.

What does "profit sharing" really mean?



The phrase "profit sharing" in liquor licensing law in Western Australia does not necessarily relate to traditional profit in an accounting sense, in terms of money in one's pocket at the end of the day.

"Profit sharing" is a heading in the Liquor Control Act which mainly relates to the "proceeds of business conducted under the licence".

The concept of profit sharing is interpreted very broadly by the licensing authority and unless expressly approved, the sharing of the proceeds of business conducted under a licence is prohibited. So too are some other arrangements within the wide realm of "profit sharing".

Common misconceptions surrounding the true meaning of "profit sharing" under WA law often lead to complications associated with licensing applications or unintentional breaches of the legislation.

BRAG BOX

100% of the licensing decisions we received for our clients in September 2016 were successful.



SMALL BAR INDUSTRY AWARDS

As a sponsor of the Small Bar Association of WA Inc, Lavan is excited to be involved with the annual small bar industry awards and encourages people to vote online [here](#).

DID YOU KNOW...

Applications for new licences that fail before the Director of Liquor Licensing cannot be supplemented with new material on review to the Liquor Commission.

Applications for new licences that fail totally cannot generally be re-applied for until three years has passed in most cases.

FACT BOX

According to recently published statistics there are 2,361 hotel rooms currently, or soon to be, under construction in and around Perth. Click [here](#) for further statistics.

Liquor Commission rules to withdraw approved manager's certification

On 4 October 2016 the Commission handed down a decision upholding a previous decision of the Director of Liquor Licensing to cancel and withdraw approval of an unrestricted manager of licensed premises, named as Mr RC.



Mr RC's certification was called into question following a brawl between Mr RC and a customer at the Beldon Tavern, for which Mr RC was convicted of assault. Mr RC also had previous convictions for assault. In handing down its decision to strip Mr RC of his approval as manager the Commission stated:

Authorised people and members of the public lawfully at a licensed premises for the purposes of employment, recreation or entertainment should not be placed at risk due to any persons' threatening or violent behaviour and, in particular, such behaviour from an approved manager.

Members of the public who attend licensed premises have a right to expect that those premises are safe and free from violence and antisocial behaviour. It is the approved manager's duty to ensure the premises are safe and free from violence and antisocial behaviour

Click [here](#) to read a full copy of the decision.



Iconic Peter's by the Sea under new management

Lavan is pleased to have assisted with the change of management at Peter's by the Sea in Scarborough. The popular and historic venue has been operating for more than 60 years, having served generations of people visiting the beachfront precinct and is now set to continue the tradition with a new and invigorated generation of operators.

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