

# 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

## *Wine Equalisation Tax*

Is the whinging that is coming from smaller elements of the wine producer's industry justified?

The Government's position on the reduction in the WET rebate cap is set out in Tax Fact Sheet 10, "Improving the integrity of the wine equalisation tax rebate and growing exports." (click [here](#) to access)

## **143 resident and other objections not enough to stop Donnybrook Liquor Store**

In granting Donnybrook a new liquor store licence last month the findings were as follows:

1. The objections that there were sufficient outlets failed as all the opposing evidence only established was that some people don't support the application.
2. The alcohol-related harm argument was not supported simply because the evidence only established the presence of at risk groups.
3. The proposal will add to the quality and diversity of the packaged liquor in town.
4. Donnybrook will benefit from increased competition, a larger range and added convenience for some people.

Lavan Legal congratulates the applicant on the successful outcome.

## ❖ REMINDER ❖

Applications for occasional licences or extended trading permits for summer events or functions need to be lodged according to the following timetable:

Number of persons anticipated to attend whole event/function	Days prior to event for lodgement of application at DRGL
Up to 500 people	14 days
501 to 5000 people	30 days
Over 5001 people	60 days

Some December event/function applications may need to be lodged this month.

## **Big door opened for tourism operators - licensing exemptions now effective**



The Hospitality Messenger previously reported on the State Government's proposed amendments to the Liquor Control Regulations to provide exemptions for tourism operators across WA to supply liquor to people attending their tourism activities.

In recent days the provisions have come into effect which are summarised as follows in the Director of Liquor Licensing's published policy:

The gratuitous (without charge) supply of liquor by a tourism business, either on the business premises or during the course of a tour, is exempt from the Act in the following circumstances:

- the supply of liquor is ancillary to the purpose of the business;
- the supply of liquor must not take place on a premises that is licensed under the Act;
- the supply and consumption of liquor must not take place on a public road;
- liquor can only be supplied or consumed with the permission of the person or authority in charge of the land or premises where this takes place;
- a maximum of five standard drinks per person, per day (non-transferrable) can be supplied for consumption on the business premises or during the course of the tour OR one litre of sealed packaged liquor can be supplied to the customer to consume away from the business premises/tour;
- the business of the operator is genuinely marketed as a tourism business;
- liquor must not be supplied to a juvenile or a drunk person; and
- the supply and consumption of liquor must not take place in an area that has been declared as a liquor restricted area under section 175(1a) of the Act.

## CONNECTION CORNER - connecting you to other people to assist your business

### Australian Taxation Office flags stronger action

*What is the state of cash flow in your business?*

*There are many reasons why businesses may have cash issues. High staff costs, slow stock turnover, lower than anticipated takings and licensing compliance obligations are just some examples.*

*One way of trying to meet working capital shortfalls may be to delay or not make payments due to the ATO. This method has been used by businesses for years to work their way through trading difficulties. Traditionally the ATO has been reasonably accommodating in allowing businesses to come up with deferred or delayed payment plans.*

*However, recent press coverage has highlighted a change in attitude from the ATO which has stated that it will tighten its criteria for accepting such plans and will take a more aggressive stance in debt collection. Businesses in the liquor, hospitality, entertainment and tourism sectors are not exempted.*

*If your business does have taxation arrears, it is recommended that you talk to your accountant or a reputable advisor sooner rather than later to discuss options. New banking advisory firm Quadrant Advisory can also provide assistance in talking to your bank about this issue and any other banking matters. Please feel encouraged to contact Paul O'Farrell, Managing Director.*



**Paul O'Farrell**

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## FREQUENTLY ASKED QUESTIONS (plus the answers!)



**Q: Do I need licensing authority approval to renovate my venue's toilets?**

A: Possibly yes, but more likely no. It will depend on the extent of the renovations. Be sure to comply with the particular requirements for toilets though.

**Q: Can an unrestricted approved manager act as a crowd controller?**

A: In some situations, yes, but check for any special conditions on your licence which may be relevant.

**Q: What is the maximum length of an event for which an occasional licence can be granted?**

A: There is no set maximum, however, the event cannot be indefinite or too long. Also, an individual occasional licence can only be granted for up to 21 days so multiple occasional licences may need to be applied for in some cases, such as festivals beyond 21 days in length.

## INDUSTRY FACTS AND STATS

### Packaged liquor dominates in the metro area

- There have been 33 published decisions of the Director of Liquor Licensing in 2016. 61% of them, being 20 published decisions, have been in respect of applications for new liquor store licences.
- Of the 20 liquor store applications decided, six were made by Woolworths, three by Liquorland and three by ALDI. The remaining eight applications were by independent operators.
- 13 of the 20 liquor store decisions resulted in approvals.
- Of the seven refusals, one has been the subject of a review proceeding to the Liquor Commission where the Director's Decision to refuse it was upheld. At least one other is known to be the subject of a review which has not yet been heard.
- 17 of the 20 liquor store decisions involved sites situated within, or on the boundary of, the metropolitan area.

## OUR TEAM

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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