

THE HOSPITALITY MESSENGER

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

March 2016 2nd edition



World T20 2016...is your venue ready?

From 9 March 2016 to 3 April 2016 T20 cricket matches will be played in India involving 18 teams from around the world. Be sure to have the appropriate trading approvals, staff and other arrangements in place to accommodate screening of matches at your venue/event. Jessica Patterson held the ODI World Cup last year before Australia went on to win. We hope our good luck continues this year in the T20!

Fact Box

Late trading ETPs in the last five years...

Number granted = 32

15 for 1am

→ 8 for 2am

Number refused = 11

Connection corner - we like to connect our clients...

Last month we connected a landowner/developer looking for retail tenants with a client in search of new premises for an exciting new liquor concept. We have also introduced some of our liquor producer clients to hotels, bars and other venues.

Lockouts – cause or cure?

One of the hottest topics in town is licensed venue lockouts. Some believe lockouts are a cure for alcohol-related incidents, whilst others consider lockouts to be a cause of many new problems for the economy, local industries, tourism and social society. Both sides have been vocal in Sydney recently and questions are being asked about what should happen in other states. Many licensed premises in WA are already subject to a lockout condition. The main issue in the spotlight is the application of uniform lockouts across all licences in particular precincts. Generally the three main limbs of the NSW precinct-based regime are:

- restrictions on the service of spirits, liqueurs and high-alcohol content beverages after midnight;
- a lockout preventing patrons from entering licensed premises in affected precincts after 1:30am; and
- a forced cessation of all trading at licensed premises after 3:00am.

The following question has been referred to the Federal Legal and Constitutional Affairs References Committee for inquiry and report by 30 June 2016:

The need for a nationally-consistent approach, negotiated, developed and delivered by the Federal Government together with all state and territory governments, to address and reduce alcohol-fuelled violence, including one-punch related deaths and injuries across Australia, with particular reference to:

- the current status of state and territory laws relating to:*
 - bail requirements and penalties surrounding alcohol-related violence, and*
 - liquor licensing, including the effectiveness of lockout laws and alcohol service laws;*
- the effectiveness of the current state and territory:*
 - training requirements of persons working within the hospitality industry and other related industries, and*
 - educational and other information campaigns designed to reduce alcohol-related violence;*
- the viability of a national strategy to ensure adoption and delivery of the most effective measures, including harmonisation of laws and delivery of education and awareness across the country, and funding model options for a national strategy;*
- whether a judicial commission in each state and territory would ensure consistency in judgments relating to alcohol-related violence in line with community standards; and*
- any other related matter.*

Submissions to the Committee have been invited by 31 March 2016. We are advising and assisting with some industry submissions.

We will report further on this ongoing and lively issue in subsequent publications of The Hospitality Messenger.

ARE YOU A SMALL BUSINESS? DO YOU ENGAGE WITH SMALL BUSINESSES? – **NEW LAWS**

On 12 November 2016 new federal legislation will come into effect regarding contracting with small businesses. The existing unfair contract protections currently provided to consumers in standard form contracts will apply to small businesses. The implications for business-to-business transactions in Australia will be substantial.

The new laws will apply to a wide range of contracts involving businesses in the liquor, hospitality, events and related industries in WA, including, for example, supply contracts. Some businesses can potentially be either or both the victim or the offender of unfair contract terms and so it is wise to be familiar with the new laws sooner rather than later and carefully review existing and new contracts. The changes will apply to small business contracts entered into, renewed or varied on or after 12 November 2016.

Brag Box

100% of Liquor
Commission application
cases we represented in
2015 were successful

Special conditions watch

Licences are often endorsed with a condition requiring the provision of meals. A "meal" is a defined term under WA liquor laws and is not to be confused with "food". Food and meals are two different things. A meal must be substantial and must be eaten by a person sitting at a table with cutlery. Depending on the particular licence, other conditions relating to the supply of meals may apply.

If you are looking for somewhere to enjoy a drink after midnight in snazzy premises near St Georges Terrace, try Bobèche (at Heritage Brasserie Bar & Boardroom) or Print Hall.

We are proud to have obtained late trading permits for both venues.



Print Hall



Bobèche

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 business potential. Any expenditure with us is an investment in your business and its future.

We enjoy visiting our clients' businesses and will be happy to visit you.



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