

THE HOSPITALITY MESSENGER

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

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CONTESTED APPLICATIONS

Liquor pricing

The retail price of liquor has been a hot topic in the media recently.

There is currently no legislative minimum or maximum price in Western Australia.

However, there is licensing authority policy regarding selling or supplying liquor at a price so low as to potentially encourage rapid or excessive consumption. It is currently at the licensing authority's discretion to determine what price is too low.

The WA State Government recently reported that it is investigating the possibility of introducing minimum pricing for packaged take-away liquor. The Hospitality Messenger will report on how this issue progresses.

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Interventions and objections – recent trends

The Commissioner of Police and Chief Health Officer are still regular participants in a variety of licensing applications, although not quite as often as they used to be.

Objections from licensees are relatively uncommon these days, although objections by residents are still occurring in many cases.

From time to time interventions and objections from other parties are submitted to the licensing authority, including from local councils, churches, the McCusker Centre for Action on Alcohol and Youth and local businesses.

Interventions and objections do not necessarily prevent a licensing authority approval, although sometimes they do.

Special conditions sought by interveners and objectors are often the key issue. Applicants need to consider carefully the practical, operational and commercial effect of proposed conditions before agreeing to any.

All interventions and objections should always be properly addressed

Did you know?...

There is actually no limit in the liquor legislation on the hours potentially permitted to trade after midnight under an ongoing hours extended trading permit. However, the licensing authority's usual practice is to only grant permits for up to only a couple of hours at most.

Out and about

We recently participated in the annual clubs industry expo/trade show, talking to licensed clubs regarding various issues affecting them. Leasing was a key topic of discussion.



The Liquor Control Act gives the licensing authority power to require certain people to provide fingerprints and palm prints. Refusing to comply with a request for such a print can potentially result in an application being refused or disciplinary action being taken.

Changes to licensed premises

Licensees sometimes need to change their premises, to maintain standards, extend or expand, meet consumer demand, or for any number of other reasons. Don't forget to comply with licensing requirements. Almost all changes must be at least notified to the licensing authority and many will require prior written approval. Sanctions can potentially apply for non-compliance.



New northern suburbs hospitality and entertainment precinct

We are delighted to have been involved with the establishment of the new licensed **Event Cinemas** and also **Hunter & Barrel** at the bustling new Westfield Whitford City Shopping Centre precinct in Hillarys.



Does your business have an agreement to supply goods to a third party, for payment at a later date?

One such example is an agreement between a beer producer and a hotel, for the supply of kegs, which supply will be paid for after delivery of the kegs.



Such an agreement creates a valuable security interest for the supplier.

If that interest is not properly registered, the security interest may not be protected.

In the liquor, hospitality and event industries there are a variety of supply agreements.

We can advise you on protecting security interests associated with your business.

Keep a look out for a more detailed article on this topic, which we will publish soon.

News flash The Director of Liquor Licensing has proposed to introduce a policy regarding temporary pop-up bars, to address legislative and operational requirements, including trading conditions to be imposed on approvals for pop-ups. The licensing authority recently sought submissions from industry sectors and has stated an intention to undertake further consultation before a policy is finalised. The Hospitality Messenger will report on the policy when it is issued.

ALCOHOL ADVERTISING REVIEW BOARD RULES AGAIN

A Liquor Barons advertisement on a bus seen in Bentley was the subject of a complaint on the basis that young people near Curtin University would see it.

At the end of September 2017 the three member panel of the Review Board determined that "the advertisement contravened section (7) of the Placement Code, on the basis that it was placed on a bus".

Section 7 of the Code states that "no alcohol advertisements shall be placed on any means of public transport" "...or..." at any train, tram, bus or ferry stops".

Liquor Barons was invited to make a comment. The published decision states that Liquor Barons respectfully declined to participate, citing its involvement in the Alcohol Beverage Advertising Code Scheme.

In handing down its determination the Review Board referred to a further comment by one of its panel members that "they believed placing alcohol advertising on public transport was socially irresponsible and did not reflect the spirit of the Code".

A full copy of the Review Board's determination is [here](#).



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' places of business and will be happy to visit yours.



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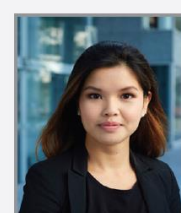
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