

# THE HOSPITALITY MESSENGER

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

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LAVAN



## SPOTLIGHT STILL ON COMPLIANCE

The Hospitality Messenger understands that a variety of licensees have been subjected to increased inspections and requests to produce CCTV footage even when no major incident has apparently occurred.

Licensees should ensure that incident registers are maintained as required.

Licensees should also ensure that CCTV systems comply with licence conditions and licensing authority policy.

Authorised personnel are permitted to obtain CCTV footage.

Licensees should consider obtaining advice if requested to produce CCTV footage.

## The saga of Pilbara liquor conditions

It has been 2<sup>1</sup>/<sub>2</sub> years since Police wrote to the Director of Liquor Licensing seeking further liquor restrictions in the Pilbara. After a considerable process the Liquor Commission handed down a written determination on 19 August 2019 imposing conditions in respect of seven particular licensed premises located in the Pilbara, mainly restricting packaged liquor sales.

Access the latest decision [here](#).

## Gloom - or - boom?

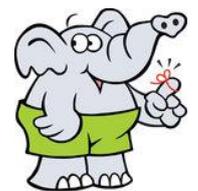
Despite the publicity of venue closures and a depressed hospitality industry, there continues to be a steady stream of applications for new licences and businesses making positive changes for growth including seeking ETPs, applying for variations to conditions and alterations/redefinitions of premises. Even in the tough times The Hospitality Messenger is aware of some operators thriving, despite curtailed spending generally in the community.

## Historical Snippet

In 1969 the comprehensive Adam's Inquiry into liquor made wide ranging recommendations. This resulted in dramatic changes in 1970 to WA's then outdated 1911 *Licensing Act*. Although in the decades since, further inquiries were held and new laws have progressively been introduced, the 1970 legislation arguably has been the most significant.

The 1970 legislation saw the introduction of tavern, liquor store and cabaret (now nightclub) licences. The drinking age on licensed premises was lowered to 18 years. Prior to that it had been 21 from as far back as 1922. Interestingly, between 1917 and 1922, it was 18 years and before that it was 16 years.

**Licensees, remember to diarise the following:**



- Approved manager renewals
- ETP expiry dates
- ETP applications for special occasions – due *at least* 2 weeks prior
- Leasing milestones – rent reviews and options
- Payment of annual licence fees – due 1 January each year

## DID YOU KNOW?...

The Liquor Control Act 1988 (WA) is referred to in many other pieces of legislation as it affects a substantial body of law not directly related to liquor licensing. The other statutes deal with such matters as financial administration, local government, corporations, racing, gaming, criminal law, food, health, road traffic and others.

The WA Department of Local Government, Sport and Cultural Industries, which includes the licensing authority, has an extensive range of responsibilities beyond liquor regulation, including administering legislation dealing with animals, local government, cemeteries, gaming, wagering, betting, racing, the casino and combat sports.



Done any works to your premises lately?

Do you need works to be done?

Business premises must comply with various laws but businesses that hold a liquor licence have an additional layer of requirements for their premises.

Amongst other things, they must comply with the policy of the Director of Liquor Licensing regarding standards for licensed premises.

When applying for a new licence, the standards policy is a key component. After a licence has been obtained, however, it is easy to forget about the ongoing obligation to comply with the policy, including relevant amendments to it.

Have you checked if your premises complies with the policy? You may access the policy from [here](#).

Penalties can apply for non-compliance.

The policy was last amended on 13 December 2016 and is overdue for review. The Hospitality Messenger understands that the policy may be revised soon.

## NEW LAW + NEW POLICY REQUIREMENT

New whistleblower legislation came into effect on 1 July 2019.

It applies to businesses in the liquor, hospitality, event and tourism industries.

The implications of the new law include the following:

- Enhanced protections for whistleblowers
- Increased obligations for regulated entities, including companies and some incorporated associations
- Increased penalties for breaches of whistleblower protections

One of the key changes is the requirement for certain entities to adopt a whistleblower policy.



Licensees should check to determine what legal responsibilities they have under the new law.

## OUR TEAM



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Your business or club 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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