

# THE HOSPITALITY MESSENGER

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

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LAVAN

## WA has a new class of licence

From 11 January 2017, a new category of special facility licence has been created. A special facility – online wine sales licence authorises a licensee to sell wine produced by a holder of a Western Australian producer's licence online.

The licence has only a very limited scope and there are a number of conditions relating to the sale and delivery of the wine. For example, although the transactions can be processed 24 hours a day, 7 days a week, the liquor can only be delivered between 7am and 7pm each day.

As one would expect, liquor cannot be delivered to a juvenile or to premises unattended (including a post office box). Interestingly, it is the licensee's responsibility (and will be held liable) to ensure that the courier/company engaged to deliver the liquor complies with the delivery requirements.

Please click [here](#) for more information about this new licence category. If you are considering applying for an online wine sales licence, we would be happy to take your call.

## Liquor at breakfast time – not really news!

Recent media reporting on a bar's proposal to serve liquor at 7am, although interesting, is not new. This is because, unless specifically restricted on a particular licence, hotel, tavern and small bar licences are automatically permitted under the legislation to trade from 6am on most days. Most restaurant licences can trade 24 hours a day. Some special facility licences are also permitted to sell and supply liquor around breakfast time.

## BIG SCALE LIQUOR RESTRICTIONS

Late January 2017 the Director of Liquor Licensing declared the common areas of a 24-unit apartment block to be "liquor-free". The property, situated in Karratha, is understood to be the largest to be subjected to such a liquor restriction.



More than 260 homes and seven common areas are now declared liquor-free in Western Australia.

It is an offence under the liquor legislation to take liquor into an area declared liquor-free, or consume liquor in such an area. Fines apply.

## FACT AND STAT BOX

Based on published DRGL and ABS information

	Population in WA (approx.)	% increase	Total number of licences in WA	% increase	Licences per capita (rounded)
2012/13	2,517,200	-	4,552	-	1 licence/553 people
2013/14	2,573,400	2.2%	4,604	1.1%	1 licence/559 people
2014/15	2,591,600	0.7%	4,701	2.1%	1 licence/551 people
2015/16	2,617,200	0.9%	4,800	2.1%	1 licence/545 people

## REMINDER: ongoing obligations to notify the licensing authority



Any changes to directors or shareholders of a licensee company, or to the shareholding structure, or to adult beneficiaries under any trust relevant to a licensee entity must be notified to the licensing authority. In some cases, approval of the licensing authority is required before the change can take effect.

If anyone who has been approved by the licensing authority as a licensee, director, shareholder, trust beneficiary or approved manager receives a conviction, the licensing authority must be notified within the required time frame.

If land upon which licensed premises are situated changes hands, the new landowner's contact details must be notified to the licensing authority.

If turnover rental is introduced into a lease previously approved by the licensing authority without turnover rental, an application for approval is required to be made to the licensing authority in advance.

Failing to notify, or obtain approval of, the licensing authority can potentially be a breach of the liquor legislation and have serious ramifications.

## FREQUENTLY ASKED QUESTIONS



**Q: Can I close my bar for a week to take a holiday?**

**A: Yes and you do not need to apply for approval from the licensing authority.**

**Q: Can I employ my 17-year-old daughter to work in my licensed catering business?**

**A: Possibly yes, but there are restrictions and requirements to be met.**

**Q: How long does it take to apply to vary a licence condition?**

**A: It depends very much on the nature of the variation that is sought. Some applications may only take a few weeks whilst others may take several months.**

## Coopers Brew advertising breach

The Alcohol Advertising Review Board has partly found against Coopers Brewery in relation to a complaint regarding a billboard advertisement in Mount Lawley, next to the Guildford Road and Whatley Crescent overpass.



The advertisement related to the Australian Open, for which Coopers was the "official beer partner".

The complainant alleged: *"I believe it breaches multiple codes, specifically that it is located in an area in which children are likely to be exposed. It also links alcohol with the sport of tennis and the Australian open which is the premiere (sic) tennis event in Australia"*.

The Review Board's Panel determined that the advertisement did not strongly associate tennis with alcohol consumption, however, the advertisement contravened the Placement Code, on the basis that the advertisement was placed in a location where children and young people were likely to be exposed.

Click [here](#) to see the full determination.

## OUR TEAM



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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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