

THE HOSPITALITY MESSENGER

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

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LAVAN

Crack Down

The Hospitality Messenger has it on good authority that the Police Liquor Enforcement Unit is currently targeting compliance.



Section 95 complaints and section 64 show cause notices have already started to emerge as a result. Licensees are encouraged to review compliance within their businesses and be vigilant. Dealing with complaints, infringements or show cause notices can potentially be burdensome, costly and damaging to a licensee's trading record.

Good Friday and Anzac Day

Licensees are reminded of the different trading hours that apply on these days.

The next edition of The Hospitality messenger will set out the standard applicable trading hours. Licensees wishing to trade beyond the standard permitted hours need to apply for an extended trading permit or variation to their licence. Those applications should be lodged now.



Reduced requirement for public interest assessments

Public interest assessments are no longer an essential, formal lodgement requirement for all licence applications.

Some applications, including applications for the grant or removal of a restaurant, small bar, wholesaler's, producer's or special facility licence, may now be lodged, at least initially, without a public interest assessment and may potentially be determined and approved without a public interest assessment. This means that some applications may now potentially be simpler, quicker and cheaper to deal with.

However, the licensing authority still has discretion to require a public interest assessment from any applicant.

Further, applicants who are unsuccessful with their application at first instance and who apply for a review of that decision, cannot supplement their unsuccessful application with new material (except in very rare circumstances).

Therefore, applicants involving any unusual or higher risk factors should think seriously about including a public interest assessment with their application even if one is not strictly required for lodgement.

All applicants should have regard for the risks associated with not lodging a comprehensive application upfront, the first time. If the application is refused and taken on review, new material will probably not be permitted. An application that ultimately fails totally cannot generally be re-applied for until after three years.

STAT BOX

In the last six months 42 applications have been lodged and advertised in respect of the following:

Tavern restricted licence:	12	Club licence:	2
Liquor store licence:	9	Small bar licence:	2
Tavern licence:	5	Special facility licence:	2
Add, vary or cancel condition:	4	Occasional licence:	2
Extended trading permit:	3	Club restricted licence:	1

125 small bar licences are currently granted in this State. 24% of them are situated in Perth, East Perth, West Perth, North Perth and Northbridge. 23% are operating in regional WA with the balance, being 66 venues, operating elsewhere across the metropolitan area.

DISCRIMINATION AT LICENSED PREMISES

Print media and social media have recently referred to activities at The Court in Northbridge in terms of who should and should not be permitted entry to the venue.

This story provides a timely reminder for licensees as to their legal obligations not to discriminate.

Licensees are permitted and in fact often required by liquor law, to refuse entry to people in certain circumstances, including people misbehaving, or who are under 18 years of age, or who are the subject of a prohibition order, who are banned, or who are otherwise prohibited by condition of the licence (such as people visibly wearing insignia of outlaw motorcycle gangs).

Licensees are also permitted to refuse entry to people who do not comply with a dress standard, where the dress standard has been published.

Licensees may operate their venue with a particular style or theme that may not appeal to all types of patrons.

However, licensees may not otherwise refuse entry in a manner that is regarded as discrimination. In Australia, it is unlawful to discriminate on the basis of several protected features, including race, religion, gender, age, disability, gender identity or sexual orientation.



Did you know?....

Licensees can potentially be liable for the actions of their staff and people engaged to provide services at licensed premises, such as crowd controllers. Even if the licensee was not at the premises at the time and even if the staff member or service provider did not follow proper procedure at the time, licensees can still be liable.



LIQUOR RESTRICTIONS ON HOLD

On 11 January 2019 the Director of Liquor Licensing handed down a detailed decision imposing a range of restrictions on nearly all licences in the Pilbara region (with only a few exceptions).

The Director's decision can be accessed [here](#).

Those restrictions were due to come into effect on 31 March 2019.

Various parties to the matter have applied to the Liquor Commission for a review of the Director's decision. A preliminary application was made and upheld for a stay of the Director's decision putting the restrictions on hold pending the outcome of the Liquor Commission proceedings.

The Liquor Commission proceedings are expected, at this stage, to be heard in May or June 2019.

POP QUIZ!

Do approved plans have to be kept on display?

→ No

Where are approved plans required to be stored?

→ Anywhere on the licensed premises that is accessible to the licensee, managers and staff at all times

OUR TEAM

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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