

Hotels SA

THE OFFICIAL PUBLICATION OF THE AUSTRALIAN HOTELS ASSOCIATION (SA BRANCH) **SEPTEMBER 2020**



**THE MOONTA HOTEL
PIVOTS BUSINESS IN FACE OF ADVERSITY**

**COVID-19 IMPACT:
THE CASE FOR TARGETED ASSISTANCE**

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A family feast pre-Covid-19.

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Strong leadership, community support and sheer determination to make it through the Covid-19 pandemic in one piece has left the Moonta Hotel in a better position than it was this time last year.

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From the President

DAVID BASHEER – AHA|SA PRESIDENT

Target Help to Those Most in Need

FOCUS ON TARGETED ASSISTANCE

CHANCE TO IMPLEMENT INITIATIVES THAT HAVE WORKED OVERSEAS

SA IS LAST IN THE NATION; MORE NEEDS TO BE DONE

TARGETED STIMULUS

Uncertainty is the only certainty our industry has known since March – and no-one knows how this movie ends.

We've swung from closures to partial reopening, to the loosening of restrictions to tightening of restrictions... and now we are patrolling the beat as Covid Marshals.

Recovery has been patchy. Some hotels are experiencing good trade but many are still under real pressure.

Targeted help is desperately needed. Three areas are of particular concern:

1. CBD accommodation venues and regional hotels outside tourist areas have felt the double impact of a dramatic drop in room occupancy and falling room rates.
2. Members who rely largely on the night-time economy have been hit hardest and are looking at a very slow recovery.
3. Members in border towns.

MORE – AND MORE SPECIFIC

All tiers of Government need to look at supporting those who need it most. If a supermarket is up 40% and thriving thanks to Covid, they are not looking for help. A restaurant, café or hotel that is down 50% does need help.

Our State Government was recently criticised for its lack of stimulus. The Prime Minister has asked all states to allocate 2.4% of GDP to stimulus

South Australia is spending a mere 1.3% of GDP, which places us at the bottom of the national table and lagging behind Tasmania.

We also need to counter the blinkered view that stimulus dollars should go to building and infrastructure because they "leave a legacy".

The answer to that argument is that failing to spend on small businesses that are facing ruin will leave a legacy of ruin that we cannot afford.

Investing in small businesses like tourism

and hospitality has an instant effect, as the money is invested in wages and paying suppliers, which has a multiplier effect as they too are then able to spend.

IDEAS THAT ARE WORKING ELSEWHERE

Local people need every encouragement to spend, to replace the revenue that has been from interstate and overseas visitors.

In the Northern Territory, where the incumbent government has been re-elected on its Covid response record, the Government is offering vouchers to encourage tourism and tourism experiences.

Tasmania has seen the merits of this scheme and has followed suit.

The UK Government has gone one better with its 'Eat Out To Help Out' program.

This entails:

- A maximum £10 discount per diner



Click here to watch video

Video: 'Coronavirus: how successful has the Eat Out to Help Out scheme been?'. Source: 5 News.

- Every Monday, Tuesday and Wednesday between 3 and 31 August
- As many times as you like.

You do not need a voucher to use this scheme and you can use it at the same time as other offers and discounts. There is no minimum spend.

You cannot claim discount on alcoholic drinks or service charges.

Patrons get up to a 50% discount immediately - and participating establishments then claim a reimbursement for the discount from the government.

In SA's case, the scheme could be contained to hotels, restaurants and cafes that have been hurt the most by government directives.

GOVERNMENT TAXES AT ALL LEVELS

The government's Emergency Services Levy bills landed on our desks last week. It is one of many state charges and taxes that must be paid.

Yet government-imposed restrictions make it very difficult for hoteliers to pay their own bills, let alone rates and taxes and charges. Again, the most affected venues are entitled to real extra help.

“...failing to spend on small businesses that are facing ruin will leave **a legacy of ruin that we cannot afford.**”

A TIME FOR COMPROMISE

Members are doing their utmost to support community and government efforts in the fight against this pandemic.

The recent additions of Covid Marshals and sit down drinking adds to our obligations.

We are now forced to pay staff to monitor government-imposed regulations that are designed to suppress a business and further weaken its viability. (Read that again. It's a big ask!)

While this hurts, if it help us to keep our doors open, we will support it and do it well. All members must continue to

comply with all regulations to ensure we do not lose the right to trade

If sit down drinking must remain for the foreseeable future, then surely part of the "social contract" that is at the heart of democracy is that government will compromise and render assistance to industry (without greatly increasing the health risk). Two examples:

1. The Transition Committee says the risk from stand up drinking is greatly heightened late at night. If sit down drinking must remain, a fair and reasonable outcome would be to introduce it from 10pm. This would seem to be a manageable risk and a proportionate response.
2. For six months, the Transition Committee has remained closed to representation outside government. The emergency-style responses required earlier in the year have given way to a more considered response. We are, if you like, "in transition". Now is the time to introduce two new people to the Committee, who can provide input but not necessarily have voting power.
I nominate:
a. Bill Spurr AO. A Member of the Premier's Economic Advisory

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Council and former head of the SA Tourism Commission. Bill is respected, non-partisan and can operate at the macro level, while understanding how it truly impacts individual mum-and-dad businesses.

- b. Nick Reade, CEO of Bank SA and a person who truly has his finger on the pulse of the SA economy. Nick sees trends forming before most people. The Transition Committee could not fail to benefit from his acumen.

The benefit for government is not just that they demonstrate they are listening to business. A secondary benefit is that they would put in place two statesmen who can relay information back from the Transition Committee.

VIC HEALTH RINGS ALARM BELLS

The Government and the public service are in our lives today in a way we would never have imagined.

When there is a proportionate response to the health risk, we are very happy to cooperate. As business owners, we understand that - regardless of the economic costs and terrible job losses - it is our obligation to carry that burden.

“We are now forced to pay staff to monitor government imposed regulations that are designed to suppress a business and further weaken its viability.”

However, the public service must not be allowed to overreach.

I was horrified to see a tweet earlier this month from Vic Health wanting a ‘higher standard’ for alcohol home delivery in that State. This comes during a time of lockdowns and curfews that are crushing business.

Vic Health called for a mandatory two-hour delay for delivery services between ordering and receiving alcohol. And for good measure, mandatory ID checks which is the case anyway!

Pubs are shut and people are being told to stay at home, so why make it tougher than it already is? Why keep punishing businesses that are already on life support?

This is not a time for vested interests to try to “grab territory” under the cover of Covid.

We want to work with our public service in these remarkable times but when they overreach, we will draw the line in no uncertain terms.

The French President Emmanuel Macron earlier this month, when seeking to balance health and economic risk noted ‘Zero risk never exists in any society.’

David Basheer, AHA|SA President



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From the General Manager

IAN HORNE – AHA|SA GENERAL MANAGER

It's Time to Restore Stand Up Drinking

In the last week of August, the State Government through its Transition Committee reversed its strict border lock down to accommodate Victorians who live on or about the border but need access to SA based schools, services, employment and specialists. That's a common sense response which does not compromise the security of the borders.

At the same time, the State Government through the Transition Committee again changed the capacity for private residences, this time going from a maximum of 10 to 50. This seems to be as a response to SA's continuing testing of thousands of South Australians per day with zero detections of the COVID-19 virus.

Furthermore, every hospitality premises in SA now has a COVID-Safe Marshal in place. This program alone has seen over 80,000 South Australians undergo COVID-Safe Marshal training in just two weeks. A remarkable achievement. Our industry is now very well equipped or trained to manage its COVID-19 responsibilities.

South Australia's only cases of the virus relate to returning international residents who are required to quarantine. Others relate to people crossing the border. There has been no community transmission i.e. untraceable source of the virus, since 20 March this year.

In light of this reality, the AHA|SA is making the case to the Transition Committee to restore stand up drinking. There can be no logical arguments to oppose the return of what was available in SA through all of July and part of August.

Now with the introduction of trained COVID-Safe Marshals, the argument for a re-instatement of stand up drinking should be even more compelling.

AHA|SA will seek to reverse this imposition as a matter of priority because it does damage to a venue's capacity to remain



CEO, Ian Horne recently completed his COVID Marshal training and Scott Vaughan proudly displays the new COVID Marshal lanyard.

viable, undermines customer confidence and patronage and is particularly difficult for smaller venues either CBD based or regionally located.

We will keep members up to date over the coming weeks. A simple change of policy by the Transition Committee will add no genuine additional risk based on the above but would be a significant and sensible response to assisting hotels in their recovery, both in jobs and viability.

A handwritten signature in black ink that reads 'Ian Horne'.

Ian Horne
AHA|SA General Manager

AHA|SA GAMING FORUM

aha|sa
Australian Hotels Association (SA)

ADELAIDE ENTERTAINMENT CENTRE
STAR ROOM

10AM-2PM

BOOK HERE 

Wednesday 30th September

The South Australian Hotel Industry is on the cusp of experiencing the most significant changes to the gaming landscape in over 20 years. With this reform set to go live in the coming months, there is a lot that needs to be done and much information to be shared.

To facilitate this, the AHA|SA will be conducting a state-based Gaming Forum focussing on the practical implementation and rollout of this exciting new phase. The forum will cover the following:

✓ New gaming technology

✓ Service and installation

✓ BNA's

✓ TITO

✓ Facial recognition

✓ CRTs

✓ EFTpos

✓ ATM changes

✓ Timelines and implementation

✓ Q&A


Liquor Licensing and Gaming Commissioner, Dini Soulio, will provide the most up-to-date information in relation to Gambling Reform, Bank note acceptors, TITO, facial recognition and EFTpos. We will also welcome Sarah Stevens, of the Independent Gaming Corporation, to discuss the new technologies and practical implementation.

A range of industry specialists and corporate partners will be available to provide information and answer questions on related topics.

This event is a "must" for Members that provide gambling as part of their entertainment product. We strongly recommend attendance by anyone directly involved in the

management or operation of your venue's gaming room or gambling products.

BOOKINGS CLOSE:

Friday 25 September via the Members section of the AHA|SA website 

Each individual venue will be allocated 2 complimentary tickets to this event. Additional attendees will be charge \$35pp Inc GST. Light lunch and refreshments will be provided. Attendance is strictly limited to financial members of AHA|SA and Corporate Partners.





The freshly painted saloon bar.

The Moonta Hotel

DEFIES THE ODDS

WORDS: JOSH TEAKLE

VISIT [WWW.MOONTAHOTEL.COM](http://www.moontahotel.com)

Strong leadership, community support and sheer determination to make it through the Covid-19 pandemic in one piece has left the Moonta Hotel in a better position than it was this time last year.

Despite only entering the hotel industry last November, newly appointed Perks Hotel Group* manager Deb Allen said her military background and ability to adapt to change kicked in as soon as restrictions started to impact normal hotel trade.

The Moonta Hotel had no takeaway or delivery service prior to the Covid-19 lockdown. However, the kitchen began preparing takeaway meals through the on-site drive-through within just two days of shutting doors and papering windows.

"We simply started off trying to see if there

was an appetite for it (takeaway meals) and in the first weekend we just did some curries on Friday and Saturday night, and there definitely was support for it," Deb said.

"People started asking whether they could have fish and chips, schnitzels and a range of things so we said 'OK, why not?'

"We had the ability to react, step and change very quickly.

"First we were shut, then we were operating through the bottle-o, then we were delivering curries, but by the next weekend we had a delivery menu with schnitzels, fish and chips and curries.

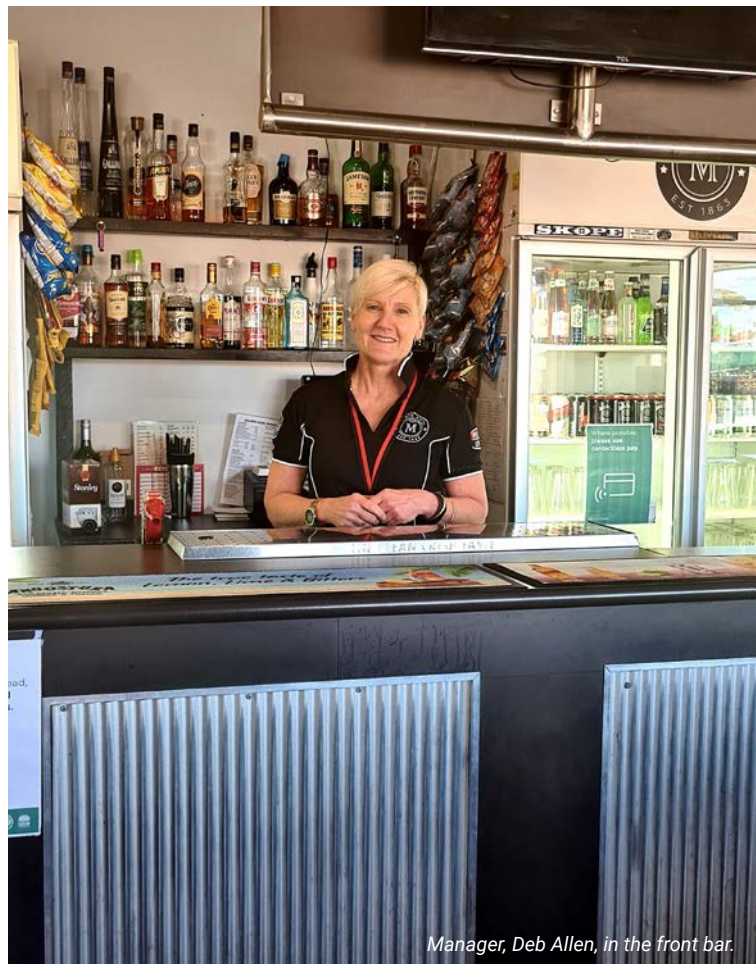
"The people started asking whether we could deliver during the week.

"Suddenly we were operating our delivery menu seven nights a week which kept us really busy.

"So when the time came to open back up again there was a new demographic in the community that we had tapped into – families – because the takeaways were available at a more cost-effective price and families were ordering takeaways and getting dining room quality meals."

Initially thinking that takeaway meals would be a short-term fix, likely to abolish once people could return to the dining room, Deb now has the opinion that the "incredibly popular" option is here to stay.

"The dining room has opened back up and has been busy, but our takeaway service has remained busy as well," she said.



Manager, Deb Allen, in the front bar.



Front bar alfresco dining.

“The demand for that has continued and it’s not something that we will be able to step away from, not only because of its success but what if we had to shut the doors again at the drop of a hat due to another outbreak?”

“We are currently trading better than we did this time last year in terms of our kitchen. We are doing about 200 meals a week more in these Covid times than what we had been, which has been consistent every week since we re-opened.

“Who would have thought?”

After 11 years in trade, logistics and leadership roles with the Navy, Deb said her ability to think on her feet and get her staff to think outside the square was a testament as to why the hotel had not simply “survived, but thrived” throughout the pandemic.

“I was organising ships and staff in the Navy which is an ever-changing role, so for me change is not confronting,” she said.

“If there wasn’t change around me all the time, I would probably get bored so I am pretty comfortable in that spectrum.

“As things happened and evolved, we were able to think of ways to keep the business running and from there the

“First we were shut, then we were operating through the bottle-o, then we were delivering curries, but by the next weekend we had a delivery menu with schnitzels, fish and chips and curries.”

bosses thought that I would be helpful in overseeing the other two hotels as well.

“I was employed to manage the one hotel (Moonta), but during Covid it turned into three.

“It’s pretty simple – our goal is to stay open and stay safe, we don’t challenge the law, we do the right thing and keep our quality of food and service up.”

TOURISM

Deb said the local community had been sensational in their support through the difficult closure period. That time away didn’t stop them wanting to reclaim their seat at the table when the doors finally flung open again.

“We certainly see our locals and regulars

now that we are open again, that hasn’t changed other than the fact that we can’t fill the place like we used to (due to current restrictions),” she said.

“We have got a community here where a lot of people would usually be travelling over to Bali or somewhere warm about now.

“But because they can’t travel, we now have locals who still want to holiday.

“The Yorke Peninsula is a beautiful spot and we have had people coming over here.

“There are a lot of new faces coming through.”

THE LOCAL AND MENTAL HEALTH

While the classic “lean over the bar” pub vibe that we all know and love hasn’t yet been re-instated, Deb was relieved to



A colourful group of friends.

welcome people back into the George Street facility. She had been concerned for those who missed the comradery of their “local” during the closure.

“Because we had the bottle shop, people would come through to buy some drinks

“...the local community had been sensational in their support through the difficult closure period...”

and so many of them said they were missing coming in and talking to the staff or their mates,” she said.

“There are some people who live on their own and some of them were really flat, lonely and isolated. They couldn’t wait to come back because it is a social outlet and community meeting point.

“Going to the pub means a lot to those people that are on their own and also for the average human being to have a place to go and socialise.”

While natural progression will see things in pub life filter back to normal, Deb said some Covid-enforced measures would linger long after the pandemic fades.

“I think people have a different

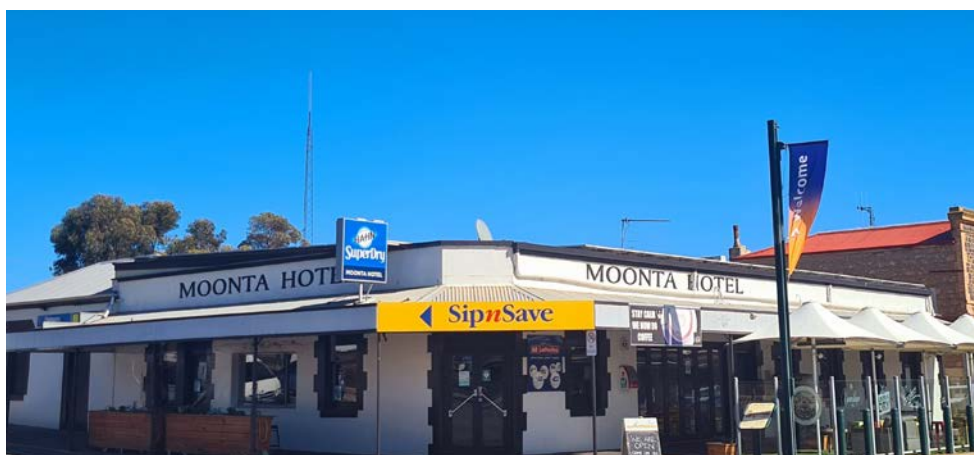
appreciation for businesses and hotels now,” she said.

“I thought that takeaways would have a lifespan. I thought it would be a novelty which would wear off - but it hasn’t because we have tapped into a family market.

“Your singles and couples will still go out to dinner, but families are more than happy to purchase cheaper dining room quality meals for \$15.90 each to be delivered to the house.

“There is a demand for it and it is now a staple, it would be unwise to get rid of it.”

*Perks Hotel Group includes the Moonta, Cornwall and Minlaton hotels on the Yorke Peninsula.



Deb Allen with fellow Moonta Hotel staff members.

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ARISTOCRAT



High Court Decision Provides Certainty for Employers on Personal/Carer's Leave

BY OWEN WEBB, AHAJSA WORKPLACE RELATIONS MANAGER

On 13 August 2020 the High Court in a majority decision (4-1) allowed an appeal of a judgement in the Full Court of the Federal Court - *Mondelez v AMWU [2019] FCAFC 138* ("Mondelez Decision"). The High Court's decision has provided employers with certainty and clarity on the interpretation of personal/carer's leave entitlements under the *Fair Work Act 2009 (Cth)* ("Fair Work Act").

The High Court in allowing the appeal took the approach that the 10 days of personal/carer's leave in s 96(1) of the Fair Work Act must be calculated by reference to an employee's ordinary hours of work over a two-week (fortnightly) period. Such an approach is consistent with the long standing industrial practice of how personal/carer's leave should be accrued under the Fair Work Act.

BACKGROUND - FULL FEDERAL COURT JUDGEMENT

Mondelez v AMWU [2019] FCAFC 138 ("Mondelez Decision")

Mondelez ('the Employer') operated a food manufacturing plant in Claremont, Tasmania. The plant operated under the *Mondelez Australia Pty Ltd, Claremont Operations (Confectioners & Stores) Enterprise Bargaining Agreement 2017* ('the Enterprise Agreement').

The Enterprise Agreement contained provisions which allowed for employees that worked 12 hour shifts to accrue an amount of 96 hours of paid personal leave per annum.

The AMWU ('the Union') who are a party to the Enterprise Agreement represented two of its members who worked at the Claremont plant, Ms Triffitt and Mr McCormack. These two employees worked an average of 36 hours per week, working 3 x 12-hour shifts per week averaged across a 4-week cycle. The Employer credits Ms Triffitt and Mr McCormack with 96 hours of personal/carer's leave per year of service. If one of the employee's was absent from work on paid personal/carer's leave, the Employer would deduct 12 hours from their personal/carer's leave accrual.¹

The Union in the Federal Court proceedings argued that Ms Triffitt and Mr McCormack were credited with a personal/carer's leave entitlement that was less than what they would otherwise be entitled to under s 96(1) of the Fair Work Act. Section 96(1) of the Fair Work Act states "For each year of service with his or her employer, an employee is entitled to 10 days of paid personal/carer's leave."² The Union argued that a full-time or part-time employee was entitled to be absent on paid personal/carer's leave without loss of pay for 10 calendar days per year, arguing that a "day" in s 96 of the Fair Work Act has its ordinary meaning of a "calendar day", which is "a 24 hour period".³ The Union therefore argued that with respect to Ms Triffitt and Mr McCormack they should be entitled to 10 paid days of personal/carer's leave per year and that if the employee was absent for a full day then they should be paid for

12 hours for such a day (i.e. 10 days x 12 hours = 120 hours of personal/carer's leave).⁴

The Employer argued that Ms Triffitt and Mr McCormack's personal/carer's leave entitlement of 96 hours per year under the Enterprise Agreement was more beneficial than what they would otherwise be entitled to under s 96(1) of the Fair Work Act.⁵ The Employer argued s 96(1) does not refer to a calendar day, but to its "industrial meaning" of a "notional day". The Employer submitted that "day" is used as a shorthand reference to the employee's average daily ordinary hours based on an assumed five-day working week-that is, average weekly ordinary hours divided by five.⁶

The effect of the Employer's argument was that for Ms Triffitt and Mr McCormack who worked an average of 36 hours per week, the proper construction of s 96(1) of the Fair Work Act, should be that these employees were entitled to a quantum of 72 hours of paid personal/carer's leave per year of service (i.e. 36 ordinary hours divided by 5 = 7.2 hours per day x 10 days = 72 hours).⁷

The Federal Government through the Minister for Small and Family Business, the Workplace and Deregulation (now Minister for Jobs and Industrial Relations) also intervened in the Full Federal Court matter supporting the Employer's arguments with respect to how the personal/carer's leave entitlements in the FW Act should be constructed.

Justices Bromberg and Rangiah in the Full Federal Court proceedings, rejected the arguments of the parties in relation to their interpretation of a “day”, instead referencing a day to the portion of a 24 hour period that would otherwise have been worked by the employee had it not been for their absence (“the ‘Working Day’ construction”). Bromberg and Rangiah JJ stating at [93] of the Mondelez Decision that,

“... in s 96(1) of the FW Act, “day” is used in the specific context of an authorised absence from work. In that context, its natural and ordinary meaning is not a bare 24 hour period, but the portion of a 24 hour period that would otherwise be allotted to working. A “day” consisting of the portion of a 24 hour period that would otherwise be allotted to working may conveniently be described as a “working day”. The natural and ordinary meaning of “10 days of paid personal/carer’s leave” in s 96(1) is authorised absence from work for ten such “working days” for a reason set out in s 97.”⁸

In relation to how the personal/carer’s leave entitlement under the Fair Work Act should be accrued, the majority in the Federal Court proceedings found that the entitlement should be calculated based on days rather than hours.

In reference to Ms Triffitt and Mr McCormack, the majority found that these two employees under s 96(1) of the Fair Work Act were entitled to 10 days per year of service based on 12-hour shifts. When you applied the Working Day construction method this equated to the equivalent of 120 hours of paid personal/carer’s leave across a year of service (10 days x 12-hour shifts = 120hours).

HIGH COURT APPEAL

Mondelez Australia Pty Ltd v AMWU & ORS, Minister for Jobs and Industrial Relations v AMWU & ORS [2020] HCA 29

The employer, Mondelez Australia Pty Ltd and the Federal Minister for Jobs and Industrial Relations appealed the Mondelez Decision to the High Court on the ground that the majority in the Full Federal Court erred in their construction of “day” meaning a “working day” under s96(1) of the Fair Work Act.

The High Court in a majority decision handed down on 13 August 2020 overturned the Full Federal Court’s Ruling in the Mondelez Decision. The High Court majority rejected the “Working Day Construction” accepted by the Full Federal

Court and allowed the appeals of the employer and Minister.

The High Court majority took the approach that the 10 days in s 96(1) of the Fair Work Act must be calculated by reference to an employee’s ordinary hours of work over a two-week (fortnightly) period and that a ‘day’ is one-tenth of the equivalent of an employee’s ordinary hours of work in a two-week (fortnightly) period (“Notional Day Construction”).

The High Court majority noted that the “notional day” construction was “... reinforced by the Explanatory Memorandum to the Fair Work Bill 2008 (Cth)” (“Fair Work Bill). The High Court made reference to the General Principles described in the Explanatory Memorandum with respect to the paid personal/carer’s leave entitlement under the Fair Work Bill. The Explanatory Memorandum stating that,

“... the Bill ensures an employee will accrue the equivalent of two weeks’ paid personal/carer’s leave over the course of a year of service. Although this is expressed as an entitlement to 10 days (reflecting a ‘standard’ 5 day work pattern), by relying on an employee’s ordinary hours of work, the Bill ensures that the amount of leave accrued over a period is not affected by differences in the actual spread of an employee’s ordinary hours of work in a week.”¹⁰

In rejecting the “Working Day Construction” adopted by the majority in the Full Court, Kiefel CJ, Nettle and Gordon JJ at [3] of the decision stated that:

“It would give rise to absurd results and inequitable outcomes, and would be contrary to the legislative purposes of fairness and flexibility in the Fair Work Act, the extrinsic materials and the legislative history.”¹¹

The High Court majority noted that the “Working Day Construction” would give rise to inequitable situations where an employee working fewer days but longer shifts would receive more paid personal/carer’s leave than an employee working the same number of hours in a week spread across more days. Kiefel CJ, Nettle and Gordon JJ at [41] of the decision stating:

“... on the construction adopted by the majority in the Full Court, an employee working 36 ordinary hours in a week in three shifts of 12 hours (as Ms Triffitt and Mr McCormack do) would be entitled to

ten 12-hour days of paid personal/carer’s leave per annum, or 120 hours, whereas an employee working 36 ordinary hours in a week in five days of 7.2 hours would be entitled to ten 7.2 hour days of paid personal/carer’s leave per annum, or 72 hours.”¹²

The High Court majority concluded that Order 1 made by the Full Federal Court should be set aside and declared that:

“The expression ‘10 days’ in s96(1) of the Fair Work Act 2009 (Cth) means an amount of paid personal/carer’s leave accruing for every year of service equivalent to an employee’s ordinary hours of work in a week over a two-week (fortnightly) period, or 1/26 of the employee’s ordinary hours of work in a year. A ‘day’ for the purposes of s96(1) refers to a ‘notional day’, consisting of one-tenth of the equivalent of an employee’s ordinary hours of work in a two-week (fortnightly) period.”¹³

WHAT ARE THE IMPLICATIONS FOR EMPLOYERS?

The High Court’s decision has provided certainty and consistency for employers in relation to the accrual and taking of personal/carer’s leave, with personal/carer’s leave being accrued on the basis of an employee’s ordinary hours of work.

To put the High Court’s decision into context, a full-time employee working 38 ordinary hours per week accrues over a year of service 76 hours of paid personal/carer’s leave under s 96(1) and s 96(2) of the Fair Work Act. The number of hours of personal/carer’s leave to be deducted for a “day” of absence is 7.6 hours.

For a part-time employee who was for example working 20 ordinary hours per week, they accrue over a year of service 40 hours of paid personal/carer’s leave. The number of hours to be deducted for a “day” of absence for the part-time employee in this example is 4 hours.

For Members who have a Collective Agreement or Enterprise Agreement in place in their workplace, it is important that they continue to observe the specific personal/carer’s leave provisions contained in their respective Agreement.

¹Mondelez v AMWU [2019] FCAFC 138, See para [18], ²Fair Work Act 2009 (Cth), s 96(1), ³Mondelez v AMWU [2019] FCAFC 138, para [35], ⁴Ibid see para [82] & [83], ⁵Ibid, see para [1] and [20], ⁶Ibid para [8], ⁷Ibid see para [3], ⁸Ibid para [93], ⁹Mondelez Australia Pty Ltd v AMWU & ORS, Minister for Jobs and Industrial Relations v AMWU & ORS [2020] HCA 29 see para [29], ¹⁰Ibid see para [30], ¹¹Ibid see para [3], ¹²Ibid see para [41], ¹³Ibid see para [45]

A New JobKeeper on the Horizon...for Some

Many [Publicans](#) are facing uncertain times with the imminent end of the first wave of JobKeeper and a [lack of clarity](#) around the recently announced second wave of [JobKeeper](#) on the horizon.

Fuelling changes to the current [JobKeeper](#) scheme was a Treasury review which found that of the 3.5 million workers accessing [JobKeeper](#), around 900,000 were actually better off under the scheme by an average of \$550 per fortnight. Further fanning the flames of needed reform were widespread reports of casual, part-time and stood-down employees that were either refusing or reluctant to perform additional hours of work when affected businesses started to re-open operations.

So although [JobKeeper](#) has been extended, moving forward, there are a number of changes to the scheme. Among the key changes for those in [Hospitality](#) are:

- business eligibility based on actual, not projected, reduction in turnover;
- employees employed as of 1 July 2020 (previously 1 March 2020) will be eligible; and
- a two-tiered payment system based on the number of hours worked by employees prior to COVID-19.

At the time of writing this article, the ATO has not provided clarity on the next phase of [JobKeeper](#) post 28 September as formal rules are yet to be formalised by Treasury. The Federal Government's [JobKeeper](#) extension announcement on 21 July 2020 has already been qualified and amended by further announcements on 7 August 2020.

Below is a [summary](#) comparing what we do know about the new regime to the current regime, to help you navigate the information presently available.

JOBKEEPER SCHEME COMPARISON

Last updated 19 August 2020

	JobKeeper Phase 1	JobKeeper Phase 2*	JobKeeper Phase 3*
Period	30 Mar 2020 - 27 Sept 2020	28 Sept 2020 - 3 Jan 2021	4 Jan 2021 - 28 Mar 2021
Summary	Eligible employees of eligible businesses receive: <ul style="list-style-type: none"> • \$1500/ fortnight for all employees 	Eligible employees of eligible businesses receive: <ul style="list-style-type: none"> • \$1200/ fortnight for employees who worked more than an average of 20 hours/ week during one of two qualifying periods: <ul style="list-style-type: none"> – The 4 wks preceding February 2020; or – The 4 wks preceding June 2020 If both are applicable, then you can choose the higher of the two. • \$750/ fortnight for employees who worked less than 20 hours/ week during both the February and June 2020 periods 	Eligible employees of eligible businesses receive: <ul style="list-style-type: none"> • \$1000/ fortnight for employees who worked more than an average of 20 hours/ week during one of two qualifying periods: <ul style="list-style-type: none"> – The 4 wks preceding February 2020; or – The 4 wks preceding June 2020 If both are applicable, then you can choose the higher of the two. • \$650/ fortnight for employees who worked less than 20 hours/ week during both the February and June 2020 periods
Eligibility Assessments Due	Monthly or Quarterly depending on your BAS timing	October 2020 (for September Quarter)	January 2021 (for December Quarter)
Eligibility Assesment	Projected Turnover For businesses that are not subject to the Major Bank Levy; and <ul style="list-style-type: none"> • whose aggregated turnover of more than \$1 billion is projected to be reduced by more than 50% -OR- <ul style="list-style-type: none"> • whose aggregated turnover of less than \$1 billion is projected to be reduced by more than 30% 	Actual Turnover for September 2020 Quarter For businesses that are not subject to the Major Bank Levy; and <ul style="list-style-type: none"> • whose aggregated turnover of more than \$1 billion has been reduced by more than 50% -OR- <ul style="list-style-type: none"> • whose aggregated turnover of less than \$1 billion has been reduced by more than 30% 	Actual Turnover for December 2020 Quarter For businesses that are not subject to the Major Bank Levy; and <ul style="list-style-type: none"> • whose aggregated turnover of more than \$1 billion has been reduced by more than 30% -OR- <ul style="list-style-type: none"> • whose aggregated turnover of less than \$1 billion has been reduced by more than 30%
Payment Frequency	Monthly	Monthly	Monthly

*Please note that the above is based on policy announcements from the Federal Government. Until the Legislative Instruments are Gazetted, the criteria is subject to change and should not be relied upon.

Due to the fast-changing nature of the coronavirus outbreak in Victoria, further clarifications and amendments are expected. All information provided in this article should therefore be taken with

caution. Make sure to seek the advice of your accounting partner / business adviser before taking any actions or reach out to one of us ([Pat](#) or [Tom](#)) if you need help.

STAY AHEAD OF THE GAME

At the time of writing, the ATO is yet to release full details of the amended [JobKeeper](#) scheme, but it is never too soon to consider how “best and worst case” scenarios will impact your operation.

Here are a few points to consider:

- recent [Award changes](#) (and [flow-on effects to your Payroll](#))
- [impacts of no longer being eligible for JobKeeper](#)

- timing / impact of any [bank deferrals](#) that are tied to JobKeeper.

If you haven't already had a robust discussion with your bookkeeper and tax adviser, book in to see them. It can't be underestimated how important having a strong handle on the economic levers of your business will help you prepare for the months ahead.



Pat Hodby

Pat Hodby and **Tom Paine** are Directors at **Perks**, South Australia's leading privately-owned accounting and private wealth firm. They are the driving force behind the Perks Hospitality specialisation team and have both provided key advisory and operational support to a number of owner-operators in the sector, ranging from the structuring of their business, to back-of-house bookkeeping, to the streamlining and digitization of their support systems. Pat is also an active industry advocate for publicans and the hospitality industry and owns a successful pub in the Adelaide Hills.



Tom Paine

Welcome New AHA|SA Bronze Corporate Partners

BEPOZ



As Government restrictions continue to evolve, Bepoz Visitor Registration Platform is helping customers meet new requirements. Bepoz VRS is a contactless QR code-based scan and submit solution. Customers use their device to scan QR code posters at a venue's entrance; they enter their details and submit. The site then has a database of visitors. Should the need arise, they can run a report based on visitor time and date.

Bepoz POS offers one consolidated management platform for orders, payments, stock, purchasing, staff management, memberships, promotions and loyalty, backed with unmatched proactive reporting analytics and alerts. All tailored to your business structure from single venue management to multi-venue head office. Bepoz has a rich 40-year history developing and implementing advanced hospitality POS solutions. We offer 24/7/365 support nationwide, that's why 3000+ venues across Australia trust Bepoz.

[Click here](#) for an exclusive AHA|SA member promotion and pricing.

JONES LANG LASALLE



JLL Hotels & Hospitality is a leading real estate advisor completing more than \$120 billion in global hotel transactions in the past five years. With experienced specialists, we draw upon our expansive multi-divisional real estate agency platforms to drive market leading results.

In an increasingly national hotel market, JLL continues to generate outcomes for South Australian publicans looking for access to buyers from across the country.

Whether you're looking at buying, selling, building, branding, repositioning, strategising or exploring the market, partnering with JLL's National Pub Brokerage team provides you with the expertise of a market leader.

For a more comprehensive list, visit the comprehensive **Corporate Partner Directory** online.



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An idea to drive change, an idea to empower, or an idea to rebuild. However, most of the time ideas stay as dreams and never become reality.

The **IDEA LAB** is here to make those dreams a reality.

Through the **IDEA LAB**, bartenders are given the opportunity to submit an idea that is to support their team, venue, or a personal passion project, that may be 'beyond the bar'. Providing a creative outlet to which the **IDEA LAB** will support, nurture, educate and mentor the shortlisted ideas and provide grants to those selected, enabling the idea to take full flight.

ENTRIES CLOSE
SUNDAY 27TH SEPTEMBER
AEST 11:59PM.

SUBMIT YOUR IDEA NOW
WWW.THEBLEND.WORLD/EN-AU/

*Open to Australian residents ONLY.



Click here to watch video

Video: '3 ways to make better decisions - by thinking like a computer', Tom Griffiths. Source: TED.

Techniques to Help Make Tough Decisions

Hotels have been making incredibly difficult decisions for many months. More difficult decisions are ahead – and perhaps some of the most difficult decisions you will have to make in your life.

Here are several tips and techniques to help the process.

1. Get the facts – but limit your options. Too few facts make it difficult to reach an informed judgement and so your decisions become little more than a guess, or a bet. On the other hand, limit your options. The more choices we are confronted with, the less likely we are to make a decision – and studies have shown it increases the chance of making a mistake.
2. Focus on the right things. If you don't have much to go on, make sure you don't focus too much on irrelevant data.
3. Only get advice from people with real expertise. Listen to the facts and insights they present but don't let them use "social pressure" to sway your judgement. Make business decisions in the best interests of the business.
4. Decisions are made on a set of assumptions (eg. that people will still want to eat in hotels even if Covid-19 continues long term.) If those assumptions are proven wrong by the facts, you must change too.
5. Think like a computer. There's a very good Ted Talk on this (watch video above). It will put a smile on your face but there are some gems of information that you just need to interpret for your own circumstance. The "explore-exploit trade-off" and "37 rule" are worth knowing. However, the best line for you to remember might come at the end: "Ultimately, computer science can help to make us more forgiving of our own limitations. You can't control outcomes, just processes. And as long as you've used the best process, you've done the best that you can. Sometimes those best processes involve taking a chance -- not considering all of your options, or being willing to settle for a pretty good solution. These aren't the concessions that we make when we can't be rational -- they're what being rational means."

16 Tips for Takeaways

LEARNING FROM THE LESSONS OF LOCKDOWN



TO PREPARE

During the shutdown of hotels earlier this year, when only bottle shops stayed open, many pubs turned to selling takeaway food.

A good business looks ahead with scenario planning and a second lockdown has to be considered. So given the hard-earned experience with takeaway food this year, it makes sense to be thinking now about ways to take this to the next level if the worst case scenario eventuates.

On one hand it's obvious that this revenue stream is a micro-service, it's not your core business. On the other hand, think of it like a removalist company which makes great margins on selling boxes – and many small sales add up.

IDEAS AND CHECKLIST

1. Can potential customers order your takeaway food online?
2. Check: is your takeaway menu up to date on your website? Can you improve it? For example, can you add nutritional information for takeaway items?
3. Optimise your images. Food photos sell food – and sensational food photos sell sensational quantities of food. For example, a schnitty and chips with gravy can look like a mess. With shots such as these, add a garnish to the top (a spring of parsley and a wedge of lemon), then take a wide angle shot so that you bring in the scene. For example, a couple enjoying it on a park bench. Or presented on a wooden plank. Or a close up of the chef's hands, using tongs to add hot chips to the takeaway box.
4. Speed counts. People want their takeaway food to be hot. How quickly is it taking to get it out of the kitchen and into

“A good business looks ahead with scenario planning and a second lockdown has to be considered.”

the drive-through, or takeaway window? How quickly are staff making the sale.

5. Food delivery also needs to be tested. Do your dishes travel well? What is the quality like after the delivery journey? Think taste retention, crisp or soggy, and how well does it reheat.
6. Do you have the right equipment for a driver to keep the food hot – but not steam it? If you use your own driver/s, is the process clear so that if multiple deliveries are being made in one “drive”, that the last person to receive their food isn't greeted by something that is cold and soggy?
7. Are you putting a \$30 steak into a one-cent foam container? It doesn't look good and it affects the quality.
8. How's your coffee? Seriously, you can't trust your best mate or a supplier 'friend in business'. They want you to be happy. Find a hard-headed, honest caffeine addict and get them to tell it to you like it is. People do not return for bad coffee. There's another option nearby in most towns and cities. And another, and another.
9. Consider selling other items. Does everyone rave about the homemade pickles you put in your burgers? And your special mayo? Perhaps you could put together a special kit of these



condiments – with a great mark-up – so people can enjoy the flavours at home.

10. Post about the new beer and wines you now have in stock, especially lines that your competitors don't carry. This is a point of difference. It gets people in. Then its up to you to change their purchasing intent from item to several items.
11. Do something different. For example, can you offer freshly baked bread in the afternoons, when most bakeries are closed or selling bread baked at 4am that day. If the chef is on and not fully occupied, think about what you could trial.
12. Be decisive. If something doesn't work, stop it. This is no time to be over-investing in good ideas that turn out to be failures.
13. Leverage your sponsorships. Offer a special to the local footy club for the quietest night of the week. Or an after-training special in the drive-through if they wear their club guernsey.
14. If things are really quiet, consider teaming up with Groupon or a similar discount vendor. You won't make a huge profit but if you can attract people to your hotel at a quiet time, it increases your chances of selling them something else... such as a slab or beer or a bottle of wine to have with their meal.
15. People that have moved out of offices need places to meet. Not for a beer – but for coffee. Depending on restrictions, this is a potential growth market.
16. Find other reasons to get people on-site. A Sunday Farmers Market in your car park, that might lead to drive through sales.



Offer commercial cleaning services to a wide range of Adelaide businesses including:

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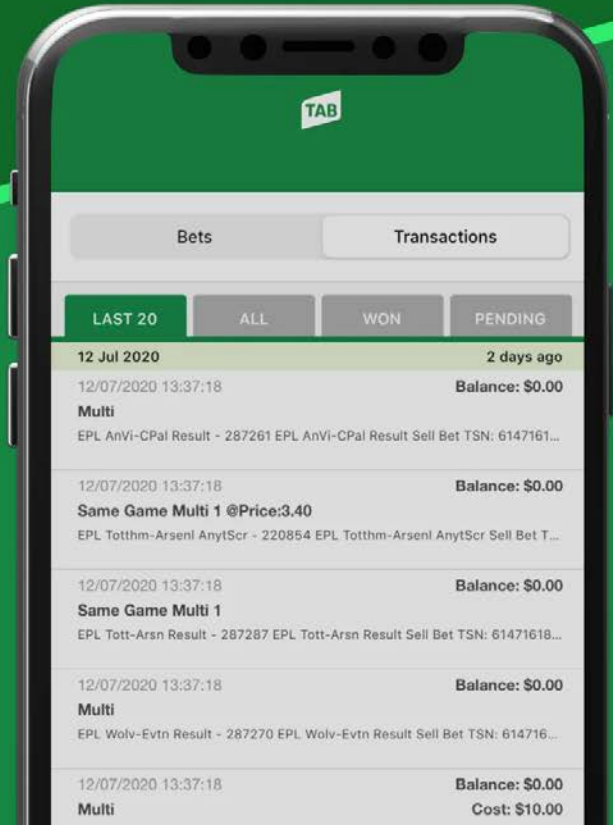
New TAB Compliance Training and Online Skills Sessions



Click here to watch video

YOUR BETS

VIEW ALL BETS AND TRANSACTIONS



Think! About your choices. Call Gambler's Help or Gambling Help 1800 858 858 or visit www.gamblinghelp.nsw.gov.au or www.gamblinghelponline.org.au. Think of the people who need your support. Gamble Responsibly.

Tabcorp has introduced a single e-learning retail compliance training program called TAB Compliance Training, which will replace the existing AML/CTF & Fundamentals training.



Taylah Bell, Senior Business Partner Manager for SA Tabcorp.

"This program is designed to streamline the current training experience for our venue partners, as well as provide TAB operators with the necessary knowledge to be compliant whilst operating a TAB," said Taylah Bell,

the Senior Business Partner Manager for South Australia at Tabcorp.

The training is mandatory for every venue employee who sells TAB bets and operates or monitors TAB equipment.

Previously, employees had 30 days to

complete the training after starting but it is now a requirement that they have completed the training before they start working with TAB equipment.

"This program is designed to streamline the current training experience for our venue partners..."

Staff must also undertake refresher training every 12 months. Tabcorp will send reminder emails well in advance, who oversees TAB's retail wagering in SA.

TAB APP

As of late July, UBET customers have been migrating to the new TAB App.

"I'd really like to thank AHA|SA members for their support as we navigated through this enormous change," said Taylah.

"We've seen an enormous [digital] uplift across the network as we continue to drive customers into your venues.

"This is being done by new key features such as Location-Based Offers and Venue Mode, which provide customers with exclusive offers that are only available in TAB retail outlets via the TAB App."

The TAB Team Australia are holding free digital training sessions, with a maximum of ten participants in each.

They will run through everything from signing up a customer to migrating an existing customer, and talking through the new features and products. Contact your local rep or TABTeam@tabcorp.com.au to organise this..

SUPPORT LOCAL WINEMAKERS



First the bushfires

Then the lockdown

Now the
emerging
China crisis

Can you add just one more SA wine to your menu? Or give greater prominence to local wineries in your bottle shop?

We truly are all in this together.

The annual AHA|SA Awards for Excellence provides a prime opportunity to showcase your venues and be proud of your achievements. For the winners, it also brings fabulous marketing, advertising and endorsement opportunities that are invaluable to your hotel.

IT'S TIME TO ACT

**NOMINATION DEADLINE
EXTENDED TO 25 SEPTEMBER**

NOMINATIONS

Winners of the AHA|SA Awards for Excellence will be announced at the annual Gala Dinner being held at the Adelaide Entertainment Centre on Friday 9 February 2021. Those successful in specific categories will automatically become a finalist in the AHA National Hotel Awards to be announced.

NEW 2020 CATEGORIES

- Chef of the Year
- Front of House Employee of the Year – Accommodation Division
- Front of House Employee of the Year – General Division
- Employee Excellence in Service – Accommodation Division
- Employee Excellence in Service – General Division

WHAT YOU NEED TO ENTER:

- ✓ Nomination form
- ✓ Submission addressing judging criteria (clear and concise)
- ✓ Hero image of your venue



To be eligible for the Hotel Industry Awards you must be a *full 2020 financial member* at time of nomination.

[CLICK HERE FOR MORE INFO](#)

For all awards queries contact Lucy Randall 8100 2441 or lrandall@ahasa.asn.au.



Watch the highlights from the 2019 Awards Gala below.





Our Purpose - To provide the hotel industry the capacity to respond to community concerns related to the harm associated with gambling by contributing to early intervention and support for problem gamblers and their families.

Our Goal - A compliant and proactive hotel industry that works with regulators, gambling help services, and players to limit the harm caused by gambling.

Gaming Care is the hotels responsible gambling early intervention agency, and is an initiative of the AHA|SA. Gaming Care's role is to assist venues to minimise the harm caused by problematic gambling behaviour in all South Australian hotels with gaming machines by working directly with venue staff, Gambling Help Services, other relevant organisations and stakeholders.

SOME OF OUR DUTIES INCLUDE:

- ✓ Assisting hotel staff in the early identification and support of patrons and staff who may be experiencing difficulty with their gaming behaviour.
- ✓ Developing and promoting initiatives, programs and policies designed to facilitate the early identification of problematic gambling behaviour.
- ✓ Assisting hotel staff in providing responsible gambling service, on or with the capacity to influence the service, by training in responsible service of gambling. This helps reduce harm through the creation of a responsible gambling culture within the venue.

Gaming Care has developed a Responsible Gambling Document for venues which details the ways in which staff training and measures for intervention with problem gamblers are implemented, and the roles of staff in the implementation of the code.

For any assistance or support please contact your local Gaming Care Officer, or our office for information on how Gaming Care can assist your venue.

GAMING CARE | The Hotels Responsible Gambling Early Intervention Agency

T: 08 8100 2499 **F:** 08 8232 4979

E: INFO@GAMINGCARE.ORG.AU

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Clean Life 08 8124 7380
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Energy Action 1300 553 551
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2020/21

DIAMOND

PLATINUM

Tabcorp



GOLD



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Australian Liquor Marketers	Bunzl	Konami Australia Pty Ltd	Scientific Games
BankSA	Duncan Basheer Hannon	Liquor Marketing Group	Social Media AOK
Bentleys Accountants	Energy Action	Novatech Creative Event Technology	Stoddart Food Equipment
Big Screen Video	Foxtel	OneMusic	Winnall & Co
Bluize	IGT		

BRONZE

Adelaide's 1800 ON HOLD	Concept Collections	LK Accounting Services	Studio Nine Architects
Andale Hotel Services	DNA Security Solutions	Maxima Training Group	St John
Banktech	Elite Bedding	McGees Property Hotel Brokers	Supagas
Bepoz	Empire Liquor	Migration Solutions	The Banner Crew
BOC Limited	Frontline Hygiene	Nexstage	The Pub & Bar Card
Cardtronics	International Oyster & Seafoods	Perks Accountants & Wealth Advisers	Trans Tasman Energy Group
Career Employment Group	Jones Lang LaSalle	PowerMaintenance	Wallmans Lawyers
Class A Energy Solutions	Knight Frank Valuations & Advisory SA	Ryan & Durey Solicitors	Wills and Daniel Produce Merchants
Clean Life	Liquor Legends	Smart Cleaning Solutions	
Cloud Apps Technology			

HOTEL INDUSTRY SUPPORTER

Vintek

L I C E N S E E T R A N S F E R S

HOTEL	LOCATION	DATE GRANTED	NEW LICENSEE
German Arms Hotel	Hahndorf	24.07.20	Soleman & Co Pty Ltd
Totness Inn	Mount Pleasant	29.07.20	James Edward Clark & Elizabeth Magdelene Clark

WELCOME TO OUR NEW MEMBERS

North Star Hotel	Williamstown Hotel	Lower Light Hotel
Windsor Hotel	Her Majesty's Theatre	
Cornucopia Hotel	Adelaide Festival Centre	



Artist's impression of a redeveloped Her Majesty's Theatre redevelopment on Grote Street.

(Supplied: Adelaide Festival Centre)

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Level 4, 60 Hindmarsh Square, Adelaide SA 5000
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 TOLL FREE 1800 814 525
 FAX (08) 8232 4979
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Elise Fassina	John Giannitto	Trevor Evans
Guy Matthews	Karen Milesi	

P U B L I S H E R



P (08) 8233 9433 W www.boylen.com.au

TIM BOYLEN
 Managing Director
tboyen@boylen.com.au

JAMIE RICHARDSON
 Advertising
sales@boylen.com.au

MADELAINE RASCHELLA
 Studio Manager
 Graphic Designer

**Growth through digital and
traditional marketing.**

boylen.com.au

Boylen +

08 8233 9433