



RIGBY COOKE LAWYERS

Our capability in the

Hotel industry





Rigby Cooke Lawyers in the Hotel industry

Our multidisciplinary team, grounded by strong expertise in corporate and commercial property law, has a long history of representing national and international clients within the hotel industry.

We advise clients on all aspects of hotel transactions, development and management, including:

- > investment and divestment
- > contracts, management agreements and leases
- > planning, construction and development
- > financing
- > operations
- > transaction structuring and tax advice

What sets us apart is our commitment to represent hotel owners only, avoiding any potential conflict with the competing interests of hotel managers, and ensuring we strive to achieve nothing but the best outcomes, in your interests only.

Our team will work with your hotel consultants, accountants, financiers, valuers, brokers and other industry consultants to give you a streamlined and seamless transactional experience.

Our services

Hotel investment and divestment

Having advised on many major hotel transactions across Australia, Asia and the Middle East, we have developed specific expertise in assisting clients with corporate and real estate ownership structures, hotel acquisitions and disposals (at an asset and corporate level) of hotels in a standalone location and as part of mixed use developments, and joint ventures.

Our vast experience and good working relationship with major national and international clients, including listed companies, private investors, owners and developers, means we can connect you with interested buyers, sellers and investors.

We can help you with:

- > hotel ownership structures
- > regulatory issues such as FIRB approvals
- > acquisitions and disposals (at an asset and corporate level) of hotels in stand-alone and mixed use developments
- > joint ventures

Hotel contracts

We advise on all contracts applicable to the development and operation of a hotel, including:

- > hotel management agreements
- > hotel development and operating leases
- > hotel franchise agreements
- > technical services agreements
- > operator/financier non-disturbance agreements
- > marketing services agreements

Hotel planning and development

To ensure a seamless process across all aspects of constructing and developing a new hotel – during construction phase, through times of project phase transitions and when dealing with suppliers and contractors – it is important to apply a holistic ‘all-of-project’ understanding, while also remaining agile to the micro issues that can arise on-site during the development.

Our full suite of construction and development legal services means we can partner with you across the whole life-cycle of your new hotel project, from project inception through to hotel opening.

We can help you with:

- > planning and related land use
- > environmental law
- > local government issues
- > property law
- > mixed-use developments
- > dispute resolution, court and VCAT representations
- > owners corporation establishment and management

Hotel construction

Construction contracts for the delivery of hotels have their own specialised requirements. They need to provide for flexibility in order to achieve value management objectives, and yet require strict compliance with the hotel brief.

We have experience in preparing construction documents for the delivery of hotels through an Early Contractor Involvement (**ECI**) process, a full Design & Construct (**D&C**) process and construct only, together with review and advice on security documents.

Hotel financing

We understand the challenges for owners in securing hotel financing and we are experienced in:

- > the negotiation of all financial documentation for hotel investment properties
- > the funding (construction and operational) of hotel projects

As part of our financing expertise, we also negotiate third party financing documentation such as owner/financier/operator tripartite agreements.

Transaction structuring and tax advice

Our tax team can advise you on how to structure your hotel transaction or development. We assist residents and non-residents investing in Australia to manage complex Australian investment regulations and Federal and State tax obligations to achieve commercial objectives, asset protection needs and tax effectiveness.

Our industry recognised lawyers can assist with tax planning including selecting investment structures and investment methods to manage and legally minimise:

- > federal income and capital gains tax, goods and services tax, non-resident withholding tax, intra-group transfer pricing restrictions, loan thin capitalisation restrictions, debt-equity interest recharacterisation and the interaction of any applicable double tax agreements
- > state taxes including landholder duty, lease duty, foreign purchaser additional duty and absentee owner land tax

We co-operate with international accountants and legal and tax advisers to ensure the Australian tax treatment harmonise with relevant foreign laws applicable to the non-resident investor or investment.

Operations

Our team will assist you in the operation of your hotel including providing advice on:

- > workplace relations, industrial relations, OH&S and visa requirements
- > corporate migration and visa requirements
- > supply and distribution agreements
- > liquor licensing including all licence applications and transfers
- > development and enforcement of intellectual property rights

Our Hotel team leaders



Michael Gough

Partner, Property

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Michael is a Partner in our Property group with extensive experience in commercial and residential property development, commercial and retail leasing, and commercial property acquisition and disposal. Michael is also an Executive Board Member of the Australia Malaysia Business Council of Victoria.

Michael has developed a significant practice in the hotel sector representing international and domestic clients in the acquisition, development and disposal of hotels throughout Australia. He is an outcome focused lawyer with expertise in advising on hotel management agreements and leases, hotel investment structuring (including joint ventures), regulatory issues and financing of hotels.



Rhodie Anderson

Partner, Planning & Environment

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Rhodie is the leader of our Planning & Environment group, with expertise covering planning, environment and property. She specialises in planning and environmental law issues for predominantly developer clients.

Rhodie assists clients with projects from concept stage through to construction. She has extensive experience in providing commercially appropriate and strategic advice on planning, environment and land use regulatory issues.



Greg Bush

Partner, Construction & Projects

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Greg is the leader of our Construction & Projects group. He specialises in providing advice on project delivery strategies, negotiating and drafting of contracts, the administration and management of contracts to maximise clients' outcomes and avoid disputes, security of payment remedies, and litigation, arbitration and alternative dispute resolution.

Company profile

Rigby Cooke Lawyers is a full service law firm providing commercial expertise and industry knowledge to private and public sector clients across Australia.

With origins that can be traced back to the 1840s, we have earned our reputation of achieving success for – and with – our clients, by remaining adaptive to change. We do this by understanding each of our clients' businesses and industry, and by staying at the forefront of changes in technology and legislation.

Our lawyers are technically excellent in their areas of expertise; but more importantly for our clients, they are genuinely concerned with the application of the law in the 'real world' to get results. We are outcome-focused and commercially-minded – helping you achieve your goals in the most effective and efficient manner is our key objective.

Our clients range from some of the largest and best known Australian and overseas companies to mid-market, privately owned or publicly listed companies, government entities and private clients with a mix of commercial and family assets and investments.

We can work with you by providing full-service ongoing support for all your commercial and private needs or by offering specialty expertise when required.

A key part of our way of operating is to get to know you and your business. We visit your sites; we work with your people. We like to work with clients on an ongoing basis so we can be involved from the beginning of a project, providing the external perspective that can make a difference.

Full-service commercial lawyers

Our team of over 85 staff in Melbourne covers:

Practice areas

- > Construction & Projects
- > Corporate & Commercial
- > Customs & Trade
- > Insolvency & Reconstruction
- > Intellectual Property
- > Litigation & Dispute Resolution
- > Mergers & Acquisitions
- > Migration
- > Planning & Environment
- > Property
- > Wealth
- > Wills & Estates
- > Workplace Relations

Industry expertise

- > Health & Aged Care
- > Hotels & Accommodation
- > International Business
- > Manufacturing
- > Not-for-Profit
- > Property Development
- > Tourism, Leisure & Hospitality
- > Transport & Logistics

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