



# Liquor Commission of Western Australia

## 2015-16 Annual Report

## Table of Contents

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Contacts.....	2
Statement of Compliance.....	3
Overview of Agency .....	4
Executive Summary.....	4
Operational Structure .....	5
Administrative Structure .....	8
Performance Summary for 2015-16 .....	10
Significant Appeals before the Commission.....	12
Supreme Court Challenges.....	17
Significant Issues Impacting the Liquor Commission .....	18
Trends or Special Problems that have Emerged .....	18
Forecasts of the Commission’s Workload for 2016-17 .....	18
Proposals for Improving the Operation of the Commission .....	18
Other Legal and Government Policy Requirements.....	19
Other Government Policy Requirements .....	19

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### Availability in other formats

This publication can be made available in alternative formats such as compact disc, audiotape or Braille. The report is available in PDF format at [www.liquorcommission.wa.gov.au](http://www.liquorcommission.wa.gov.au)

People who have a hearing or speech impairment may call the National Relay Service on 133 677 and quote telephone number (08) 9425 1888.

## Statement of Compliance

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Hon. Brendon Grylls, MLA  
**Minister for Housing; Racing and Gaming**

In accordance with section 9K of the *Liquor Control Act 1988*, I am pleased to present, for your information and presentation to Parliament, the Annual Report on the activities of the Liquor Commission of Western Australia for the financial year ended 30 June 2016.

The Annual Report has been prepared in accordance with the provisions of section 9K(2) of the *Liquor Control Act 1988*.



Seamus Rafferty  
**Chairperson**

12 September 2016

## Overview of Agency

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### Executive Summary

It is my pleasure to present the Annual Report of the Liquor Commission of Western Australia for the year ended 30 June 2016.

I take this opportunity to thank the foundation Chairman of the Commission, Mr Jim Freemantle for his dedicated support and leadership of the Commission since its inception. Mr Freemantle's commitment to the Commission over the last eight years has been invaluable in the administration of the liquor licensing regulatory scheme in Western Australia. I wish him well in his new endeavours.

Special mention should also be made of another foundation member of the Commission, Ms Helen Cogan who retired during 2016. Her dedication to accuracy, willingness to sit on a large number of matters and good humour will be missed by all.

During the year in review, 22 new applications were lodged with the Liquor Commission and 16 applications were carried over from 2014-2015. As at 30 June 2016, the Commission had determined 24 applications, five applications were withdrawn and nine applications were carried over to 2016-17.

Applications based on a one-stop shopping experience dominated a significant number of applications before the Commission. It was the Commission's view that convenience on its own was not a sufficient basis upon which to grant an application which was required to satisfy the public interest. Further, the Commission is of the opinion that the added convenience to local shoppers at a supermarket is not sufficient reason to grant an application. The public interest involves much broader considerations.

The volume of material before the Commission and time required to write judgments continues to increase. This places significant demands on the time of Commissioners and causes delays in the publication of decisions. This is not an ideal situation, however given that some Commissioners are already employed full-time in other positions, there is nothing that can be done to avoid this.

During the reporting period, only one section 95 complaint was lodged with the Commission which, as noted in previous years, would tend to indicate an improving trend in how licensees are conducting their businesses.

I wish to take this opportunity to thank Commission members, and in particular the executive officer and staff, for their invaluable contributions to the efficient operation of the Commission.



Seamus Rafferty  
Chairperson

## Operational Structure

### Enabling Legislation

The Liquor Commission (the Commission) is established under section 8 of the *Liquor Control Act 1988* to provide a flexible system to review the decisions of the Director of Liquor Licensing (the Director), with as little formality and technicality as practicable. The Commission came into effect on 7 May 2007, to replace the Liquor Licensing Court.

The *Liquor Commission Rules 2007* regulate the practice and procedure of the Commission and matters that are related and subject to the *Liquor Control Regulations 1989*, as to the costs and charges payable in relation to proceedings under the Act.

### Responsible Minister

As at 30 June 2016, the Minister responsible for the Racing and Gaming Portfolio was the Honourable Colin Holt MLC, Minister for Housing; Racing and Gaming.

### The Responsibilities of the Liquor Commission

The Commission's primary function is to adjudicate on matters brought before it through referral by the Director of Liquor Licensing, or by an application for a review of a decision made by the Director of Liquor Licensing. The latter is achieved by way of a re-hearing and thus makes its own determinations based on the merits of each case. When considering an application for review, the Commission may have regard only to the material that was before the Director of Liquor Licensing when making the decision.

The Commission is responsible for:

- Determining liquor licensing matters referred to it by the Director of Liquor Licensing;
- Conducting reviews of certain decisions made by the Director, or by a single member of the Commission;
- Determining complaints and disciplinary matters in accordance with section 95 of the *Liquor Control Act 1988*;
- Awarding costs associated with matters before the Commission;
- Reporting annually to the Minister for Racing and Gaming on the activities of the Commission; and
- Reporting to the Minister for Racing and Gaming, when requested to do so, on the jurisdiction and functions of the Commission, including the provision of high-level policy advice relevant to liquor control matters.

The Commission can make the following decisions:

- Affirm, vary or quash a decision subject to review;
- Make a decision in relation to any application or matter that should, in the opinion of the Commission, have been made in the first instance;
- Give directions as to any questions of law that have been reviewed;
- Give directions to the Director of Liquor Licensing, to which effect shall be given; and
- Make any incidental or ancillary order.

Parties to any proceedings before the Liquor Commission have the right to appeal any decision to the Supreme Court of Western Australia on a question of law.

## **Appeals Which May Be Heard by the Liquor Commission**

The Commission can determine the following matters under the Act:

### **Section 24**

The Director may refer the whole or part of any matter that is to be determined by the Director, or any question of law arising from such a matter, for hearing and determination by the Commission.

### **Section 25**

Application for review of the Director's decision can be lodged when:

- The decision relates to an application for the grant or removal of a licence;
- The decision is to make, vary or revoke a prohibition order under Part 5A of the Act; or
- The Chairperson so determines under section 9A(2) of the Act.

### **Section 28(4A)**

When there is an appeal against the decision of one Commission member, it is to be heard and determined by the Commission constituted by three other members, including a member who is a lawyer as defined in section 3 of the *Liquor Control Act 1988*.

### **Section 95**

The Liquor Commission determines complaints and disciplinary matters in accordance with section 95 of the *Liquor Control Act 1988*. Complaints lodged to the Commission may be made by the Director of Liquor Licensing, the Commissioner of Police or a local government authority.

The Commission will determine the validity of the complaint and impose disciplinary measures if grounds exist for such a course of action.

Where a complaint is lodged for disciplinary action, one member of the Commission is to be a lawyer as defined in section 3 of the Act.

The following table shows the number of section 95 complaints that were handled by the Commission during 2015-16.

Complaints Outstanding as at 1 July 2015	3
Complaints lodged 1 July 2015 – 30 June 2016	1
Complaints resolved 1 July 2015 – 30 June 2016	4
<b>Total Outstanding Complaints as on 1 July 2016</b>	<b>0</b>

### **Section 115(AD)**

An application for a review of a barring notice issued by the Commissioner of Police can be heard by a Commission constituted by one member.

### **Matters outside the Jurisdiction of the Liquor Commission**

An application for review cannot be lodged against the following decisions of the Director of Liquor Licensing:

- Cancellation of a licence under section 93 of the Act, unless the application for the review is made on a question of law;
- An application for or the conduct of business under an extended trading permit (where the period is greater than three weeks and less than five years) or an occasional licence;
- The imposition, variation, or cancellation of a term or condition of an extended trading permit, or an occasional licence;
- The cancellation or suspension of the operation of an extended trading permit or an occasional licence;
- The assessment of a subsidy;
- Matters relating to the hearing of an objection;
- Finding of fact required to be made in order to dispose of the matter or application; and
- A decision made in the course of, and for the purposes of, the administrative duties of the Director not directly related to the outcome of any application or matter before the licensing authority.



Furthermore, the Commission cannot reconsider any finding of fact by the Director of Liquor Licensing as to:

- The qualifications, reputation or character of a person, or the fitness or propriety of a person in relation to an application or licence;
- The adequacy or suitability of any premises, accommodation or services provided, or proposed to be provided under a licence; or
- In relation to a club licence, or an application for such a licence, or the existence of the club, unless the review is sought by the person who lodged the application in respect of which the decision was made; or by the person about whom the finding was made in relation to the qualifications, reputation or character of a person.

## **Administrative Structure**

Section 9B of the *Liquor Control Act 1988* provides that the Liquor Commission consists of a Chairperson and other members as determined by the Minister for Racing and Gaming. At least one member of the Commission is required to be a lawyer as defined in section 3 of the Act.

Members of the Commission are appointed by the Minister for a maximum period of five years. Members are eligible for reappointment.

The member or members who constitute the panel in relation to an application/appeal shall be selected by the Chairperson, who will give consideration to their knowledge or experience.

Executive support for the Liquor Commission is provided by the Department of Racing, Gaming and Liquor.

As of 30 June 2016, the Liquor Commission consisted of five members, namely:

### **Seamus Rafferty - Chairperson**

Seamus Rafferty graduated from Notre Dame University in 2001 with a Bachelor of Law degree. After eight years as a State Prosecutor with the State DPP, he has run his own practice specialising in criminal law for the past seven years. Mr Rafferty has been a member of the Liquor Commission since 2011 and Chairman since 2015. He is also the Chairman of the Combat Sports Commission of Western Australia, having held that position since 2011. He was appointed a member of the Administrative Appeals Tribunal in 2016.

### **Edward Watling – Deputy Chairperson**

Mr Watling is a founding partner and Executive Director of the firm Tourism Coordinates, a Perth-based company specialising in tourism strategic planning and development. He has more than 40 years experience in the tourism industry, combining both government and private sector service. In 1984, he was appointed the inaugural General Manager of the Western Australian Tourism Commission and held that position until 1987.

Following that, Mr Watling took up a position within the Public Service Commission where he undertook a range of agency reviews for the Government's Functional Review Committee, after which he served for seven years as a tourism consultant to the Minister for Tourism. Mr Watling was appointed an inaugural member of the Liquor Commission in December 2006.

#### **Eric Isaachsen - Member**

Dr Isaachsen has worked for more than 25 years in general practice covering a broad range of professional interests. He is a Senior Sessional Member of the State Administrative Tribunal, sitting on matters in the Vocational and Human Rights streams.

#### **Michael Egan - Member**

Mr Egan graduated from the University of Tasmania in 1980 with a Bachelor of Laws degree. He worked in a senior management role in the Western Australia Public Service from 1985 until 1997 in a regulatory capacity, and prior to his retirement in 2013, in an executive management position in the private sector in the gaming, hospitality and entertainment industry.

#### **Alex Zilkens - Member**

Mr Zilkens graduated from University of Sydney in 1986 with a combined Arts/Law degree, and has worked as a lawyer in private practice since his admission in 1987. He has been the principal of Zilkens Lawyers since 1993, taking instructions in commercial legal work as well as commercial and general litigation. After 14 years as chairman of YHA Western Australia, he stood down from that position in 2010 (he continues to this day as a director) to become the chairman of Hostelling International Australia (formerly known as YHA Australia), a position that he has held since then. On 4 August 2014 Mr Zilkens was elected a Vice President of the International Youth Hostel Federation trading as Hostelling International, a registered charity under the Charities Act in England and Wales, United Kingdom representing 69 member associations (youth hostelling associations from different countries).

## Performance Summary for 2015-16

The table on page 11 provides details of the number, nature and outcome of applications heard and determined before the Commission as at 30 June 2016.

Full determinations are available from the Liquor Commission's website at [www.liquorcommission.wa.gov.au](http://www.liquorcommission.wa.gov.au)

Outstanding matters as at 30 June 2016.

As at 30 June, there were two matters that have been heard but not determined. These were:

- BWS Northam.
- Carine Glades Tavern.

Furthermore, the following matters were either listed but not heard or pending to be determined on papers:

- Mark O Neill.
- Seoul Mart Southlands.
- K Marsh.
- Liquorland Gateway.
- Leisure Inn, Rockingham.

Following matters were neither listed nor heard:

- Winterrush Motel Hotel, Geraldton.
- ALDI Harrisdale.

The following table shows the number of applications lodged and determined during the current reporting period.

<b>Applications Lodged and Heard 2015-16</b>			
<b>Case No.</b>	<b>Name</b>	<b>Section of Act</b>	<b>Outcome</b>
L30/01/340	Cape Cellars Drive-thru	25	Application granted 1/03/2016
L30/01/341	Cecilia's on Hay	25	Application refused 19/11/2015
L30/01/344	Cape Cellars	25	ETP application granted 4/01/2016
L30/01/345	An Sabin	95	Conditions imposed on the licence 3/02/2015
L30/01/346	Con's Liquor Geraldton	25	Application granted on 14/06/2016
L30/01/348	Liquor Barons Kununurra	25	Application refused 3/05/2016
L30/01/349	Kalahari Clarkson	25	Application refused 10/05/2016
L30/01/350	Ms RC	115AD	Application varied 9/03/2016
L30/01/354	Mr CF	115AD	Application refused 19/05/2016
L30/01/355-356	Messrs LWU and TCP	115AD	Applications varied

## Significant Appeals before the Commission

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The Commission continued to make a number of significant decisions during the reporting period. Below are some of the more high profile decisions made by the Commission.

### **NATIONAL HOTEL (LC 28/2015)**

#### *BACKGROUND*

On 17 October 2014, the Liquor Commission refused a review of an application for an extended trading permit (ETP) to enable the *National Hotel*, Fremantle to trade:

Wednesday and Thursday 12 midnight to 1am the following day; and  
Friday and Saturday 12 midnight to 2am the following day;

The Commission found alcohol-related harm in Fremantle was at high levels and, upon weighing the various positive elements of the application against the likelihood of increased harm and ill health, came to the conclusion that public interest was best served by refusing the application.

The applicant lodged an appeal with the Supreme Court of Western Australia on the grounds that:

1. The Commission erred in law by failing to apply itself to the real question to be decided, or by misunderstanding the nature of the opinion it was to form.
2. The Commission erred in law:
  - (a) by taking into account an observation that was purported to have been made but was not in fact made [in an earlier decision of the liquor licensing court]; and
  - (b) by erroneously applying what was said in a passage in a decision in the Supreme Court of Victoria,
 

in reaching the conclusion that “the public interest is best served in the circumstances of this application by refusing it”.
3. The Commission erred in law by failing to give sufficient reasons for concluding that the decision of the delegate of the Director of Liquor Licensing refusing the application for an ETP should be affirmed.
4. The Commission erred in law by failing to take into account a relevant consideration, namely the secondary objective in section 5(2)(a) of the Liquor Control Act 1988 (WA).

The appeal was heard before the Supreme Court on 5 May 2015, which delivered its findings on 11 June 2015. The Supreme Court:

- Allowed the appeal;
- Quashed the decision of the Commission; and
- Referred the application back to the Commission for reconsideration.

Ground 1 of the appeal was upheld with the Supreme Court accepting the applicant's submission that the Commission was required to:

1. Make findings that specifically identified the existing level of harm and ill-health in the relevant area (Fremantle) due to the use of liquor;
2. Make findings about the likely degree of harm to result from the grant of the application;
3. Assess the likely degree of harm to result from the grant of the application against the existing degree of harm; and
4. Weigh the likely degree of harm together with any other relevant factors to determine whether the appellant had satisfied the Commission that it was in the public interest to grant the application.

Grounds 2 and 4 were also upheld and ground 3 was dismissed.

#### *REHEARING ON 29 SEPTEMBER 2015*

In its determination handed down on 18 December 2015, a differently constituted Commission was of the view that notwithstanding that the level of alcohol-related harm in the City of Fremantle was high, in weighing and balancing all the factors, the partial grant of an ETP to 1am, even at a full capacity of 415 new or existing patrons, would not result in an increase in the level of harm and ill-health to the degree that approval of the application would not be in the public interest. The Commission observed that the expectations of consumers and the history of trading in Fremantle and the benefits that accrue appear to be well accepted in the community, and the grant of the application would be in the public interest.

The application was partially approved to provide extended trading hours on Wednesday, Thursday, Friday and Saturday from 12 midnight to 1am the following day, a total of four additional trading hours per week.

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#### **LIQUORLAND SOUTH BUNBURY (LC 18/2015)**

This concerned a review of an application for the conditional grant of a liquor store licence in respect of premises located at the Parks Shopping Centre in South Bunbury, to be known as Liquorland South Bunbury.

The Commission observed that convenience was just one factor to be considered when determining the requirement for consumers of liquor. It stated that a liquor outlet at every corner delicatessen or beside every supermarket in order to satisfy the convenience of some members of the public is not what the community would expect and would not be in accordance with the provisions and intent of the Act.

The Commission also referred to the two surveys conducted by the applicant in support of its application. In previous decisions, the Commission has expressed reservations about the weight that may be applied to surveys.

This is because, among other reasons, the outcome of surveys is dependent upon the method of selection and sampling of respondents, the objectivity of the surveys, the types of questions asked, and the geographical and demographic composition and nature of the locality.

In conclusion, the Commission found there was considerable concern at a community level about the existing prevalence of crime and anti-social behaviour, and the ready availability of alcohol and culture of alcohol consumption in the locality. The risk of an increase in the overall level of consumption of alcohol in a locality where there is a high level of social disadvantage and antisocial behaviour, and where there is evidence of a serious level of domestic violence, outweighed any benefit that the grant of this application would have derived.

The application was refused.

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### **CAPE CELLARS DRIVE-THRU (LC 04/2016)**

A review was sought for an application for the conditional grant of a liquor store licence for premises to be known as Cape Cellars Drive-Thru in West Busselton.

The premises in question was previously licensed for many years as a liquor store, and was held by a company related to the applicant company by virtue of the fact that both companies had the same person as the sole director. In 2012, a conditional removal of that licence was granted and was to be transferred to new premises located 680m away. In 2015, the removal of that licence was made unconditional. At the time of making that application, the applicant had submitted that the removal of the licence to the new premises would “be able to satisfy a wide array of consumer needs for years to come” and “allow for a superior operation capable of catering for the requirements of consumers both now and into the future”.

The application subject to review sought to revive the old site as a new liquor store but with a drive-through facility large enough to cater for motorists driving campervans or towing a boat or caravan.

The Director was not persuaded that the applicant had established that the grant of a licence would address a need for packaged liquor services in the West Busselton area. The Director noted there was two other licensed premises within the locality, and found the applicant’s assertion that the grant of the licence would cater to tourists and those towing caravans was not supported by consumer evidence.

In making its determination, the Commission acknowledged that a proliferation of liquor outlets is generally undesirable. The Commission was cognisant of the fact that its determination in this instance involved approval of a licence less than 1km away from an existing liquor store. However, given the applicant’s focus on servicing the tourism industry and, in particular, providing a drive-through service, the Commission was of the view that the applicant had demonstrated there was a consumer requirement for the sale of packaged liquor and, by a narrow margin, the applicant had established there was a public interest in the grant of the application.

The application was granted.

### **PENINSULA TAVERN (LC 03/2016)**

This section 24 application was referred by the Director for determination, and concerned an application by the licensee of the Peninsula Tavern, Maylands to redevelop the tavern and accompanying BWS liquor store. The proposed development involved the demolition of the existing premises and the construction of a new tavern and Dan Murphy's liquor store. By a decision of the majority of members, Chairperson Mr Seamus Rafferty dissenting, the Commission refused the application for the alteration and redefinition of the Peninsula Tavern in Maylands.

It was the view of the majority of members that the proposed Dan Murphy's store would, on the balance of probabilities, have a negative impact on the local community, particularly for "at risk" groups in the community. The Commission was not persuaded that the benefits of the proposed development, as claimed by the applicant, outweighed the serious potential harm and ill-health that was likely to be caused to the various "at risk" groups in the locality.

The application is currently on appeal before the Supreme Court.

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### **LIQUOR BARONS KUNUNURRA (LC 09/2016)**

The applicant sought a review for the conditional grant of a liquor store licence for premises to be known as Liquor Barons Kununurra.

The applicant claimed that the proposed premises differed from the other two packaged liquor outlets in Kununurra, they being the bottle shops operated by the Hotel Kununurra and Gulliver's Tavern, by virtue of:

- a) The independent ownership and operation of the proposed store, and the flexibility that it would provide by enabling the applicant to tailor the range of liquor products to the requirements of the local community;
- b) The browse style layout;
- c) The proposed manner of trade which would focus on premium wines, boutique beer and spirits, and be directed towards attracting a segment of the market seeking quality and value;
- d) The wine tasting and education, gourmet products, such as Margaret River cheeses and olive oils, and local pickles and jams;
- e) The attention to be given to quality control, particularly temperature control to guarantee wines were not heat affected; and
- f) The design of the store (in accordance with crime prevention through environmental design principles), and management and security systems to limit the risk of harm and adverse impact on the local amenity.

The applicant refuted the claim that the proposed store would be duplicating the services and products offered by the existing two liquor outlets maintaining that the proposed packaged liquor outlet offer was "as far removed from the existing large scale, drive-through bottle shops as it is possible to get".



The applicant maintained that the proposed store would feature a “bright lit, safe and comfortable browse environment for customers to discuss premium wine and spirit selections with knowledgeable staff”.

The applicant accepted there was a level of alcohol-related harm in the community, but consistently maintained that the harm was closely associated with the excessive consumption of cheap discounted liquor, and that the proposed store’s premium products would not be attractive to that market segment. Further, the store’s design and management practices would deter those seeking cheap and discounted liquor.

Having regard to the number of “at risk” people in the locality, evidence of a correlation between outlet density and harm and ill-health, and the potential of an increase in the volume of liquor available for consumption in a relatively small country town, it was the Commission’s view that there was a high likelihood of harm or ill-health that would result from the granting of the application.

The application was refused.

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### **CON’S LIQUOR GERALDTON (LC13/2016)**

A review was sought for an application for the conditional grant of a liquor store licence for premises to be known as “Con’s Liquor Geraldton”.

In consideration of the evidence as a whole, the Director concluded that a large format packaged liquor store providing cheaper priced liquor in the proposed locality presented an unacceptable risk to vulnerable parts of the community in the area and subsequently refused the application.

The Commission, in its evaluation of the evidence however, was persuaded that the applicant’s business model was not based on catering for the requirements of consumers for lower cost products nor, as a destination liquor store, was the business directed towards the immediate locality, which in fact is not a high residential area, but instead consists of large tracts of underdeveloped land. The proposed premises would be operated by an experienced licensee who had operated a similar sized business in a similar sized town in country Western Australia. Furthermore, the licensee would implement robust harm minimisation measures within an established business model

Geraldton is a large country town that has experienced considerable growth during the course of the mining boom. The Commission noted that the applicant had overstated the further growth within the Geraldton community as it was clear that the mining boom, which to a large degree precipitated the growth in Geraldton, was now over. However, there was sufficient evidence before the Commission to conclude that growth would continue in the greater Geraldton area, but not at the rates previously seen during the mining boom. Furthermore, Geraldton is a major regional centre and regardless of its current economic status can, in the interests of catering for the requirements of consumers, be considered an appropriate location for a large format style of liquor store similar to those that already exist in other major regional centres, such as Albany and Bunbury.

Notwithstanding the general evidence before the Commission relevant to an assessment of the potential of harm and ill-health issues, the Commission was satisfied that the likely degree of harm that would result from the granting of the application was low due to the experience and demonstrated operational capabilities of the applicant.

The application was granted.

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For full versions of the above decisions, go to [www.liquorcommission.wa.gov.au/decisions](http://www.liquorcommission.wa.gov.au/decisions)

## Supreme Court Challenges

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### Carine Glades Tavern

On 27 July 2015, the Liquor Commission refused an application for approval of alteration/redefinition by Australian Leisure and Hospitality Group Pty Ltd of its licensed premises the *Carine Glades Tavern* in Duncraig. The application sought approval for the refurbishment of the existing tavern and the replacement of the existing BWS bottle shop with a larger Dan Murphy's liquor store.

In its decision, the Commission found that approval of the application would result in an adverse impact on the amenity of the locality. It found that the benefits for consumers were far outweighed by the fact that there would be a reduction in the patron capacity of the tavern, in the circumstances where there was a First Choice liquor store approximately 1.2km away, a Dan Murphy's liquor store 4km away and the one shopping trip benefits to the consumers in the locality were very limited. The Commission decided that it was not in the public interest to approve the application.

The Commission's decision to refuse the application was appealed to a single judge of the Supreme Court. In upholding the appeal, the judge found that the Commission was required to evaluate the evidence, make findings and draw conclusions from the evidence, including by reference. It was bound to apply the public interest criterion to the findings it had made and the conclusions it had drawn. However during the reasoning process, the Commission failed to make findings, draw conclusions from the evidence as it was required to do so.

The application was referred back to the Commission for reconsideration. A remittal hearing for this application was heard before the Commission on 29 June 2016. The Commission reserved its decision.

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## **Significant Issues Impacting the Liquor Commission**

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### **Trends or Special Problems that have Emerged**

As noted earlier, one-stop shopping experience dominated a significant number of applications before the Commission. The ability to purchase liquor at the same time as groceries does not necessarily amount to “one-stop shopping” in the sense that local members of the community may expect to be able to undertake much, or most, of their daily and weekly shopping in the one location.

### **Forecasts of the Commission’s Workload for 2016-17**

It is expected that although the workload of the Liquor Commission for 2016-17 will be similar to previous years, the complexity of the matters before the Commission will continue to increase, thereby placing pressure on the current resources of the Commission. However, indications are that the Commission although not adequately resourced to carry out its functions will be able to function efficiently for the time being.

### **Proposals for Improving the Operation of the Commission**

The Commission will continue to improve and streamline the process of handling applications for review.

## Other Legal and Government Policy Requirements

### Advertising

Section 175ZE of the *Electoral Act 1907* requires public agencies to report details of expenditure to organisations providing services in relation to advertising, market research, polling, direct mail and media advertising. During the reporting period, the Commission did not incur any such expenses.

### Remuneration of Members

During the reporting period, the following remuneration figures applied to Commission members.

Commission Member	All Earnings	Superannuation
Helen Cogan	\$13,691.00	\$1,300.65
Jim Freemantle	\$1,032.00	\$98.04
Eric Isaachsen	\$11,036.00	\$1,048.42
Seamus Rafferty	\$7,896.00	\$750.13
Edward Watling	\$12,382.00	\$1,176.29
Belinda Lonsdale	\$4,038.00	\$383.61
Evan Shackleton	\$4,038.00	\$383.61
Alex Zilkens	\$5,652.00	\$536.94
Michael Egan	\$14,569.00	\$1,384.06
<b>Total</b>	<b>\$74,334.00</b>	<b>\$7,061.75</b>

## Other Government Policy Requirements

The Commission meets its requirements through arrangements with the Department of Racing, Gaming and Liquor. The Department's Annual Report contains information on how the Department meets the following requirements:

- Disability Access and Inclusion Plan Outcomes;
- Compliance with Public Sector Standards and Ethical Codes;
- Recordkeeping Plans;
- Substantive Equality; and
- Occupational Safety, Health and Injury Management.