

Liquor Commission of Western Australia
(Liquor Control Act 1988)

- Applicant:** Liquorland (Australia) Pty Ltd
(represented by Mr Steven Standing of Freehills)
- Intervener:** Executive Director of Public Health
(represented by Mr Sam Nunn of State Solicitor's Office)
- Other Parties:** Drug and Alcohol Office WA
(represented by Mr Sam Nunn of State Solicitor's Office)
Curtin University
(represented by Mr Ian Curlewis of Lavan Legal)
- Commission:** Ms Helen Cogan
- Date of Hearing:** 29 September 2011
- Date of Determination:** 29 September 2011
- Matter:** Directions hearing in respect of summonses issued pursuant to orders made by the Commission on 15 August 2011.

Upon the application of the Applicant, and upon hearing counsel for the Applicant, the Executive Director of Public Health, the Alcohol and Drug Authority, Curtin University and others, the Commission orders as follows:

- 1 The records produced to the Commission by the Drug and Alcohol Office of the State of Western Australia pursuant to summons dated 15 August 2011 be

released by the Commission to Data Analysis Australia Pty Ltd in the following circumstances:

- (a) upon the Applicant filing with the Commission and serving on the State Solicitor's Office the agreed form of confidentiality undertaking dated and signed by Data Analysis Australia Pty Ltd;
- (b) after the Commission has satisfied itself of the necessity for the provision of the records to the Applicant's expert, having regard to the relevance of the data; and
- (c) if the Commission is not so satisfied, the parties will be so advised and provided with an opportunity to present further submissions.

2 The requirement for compliance with the summons issued by the Commission to Associate Professor Tanya Chikritzhs is suspended pending compliance with the provisions of order 4 below.

3 Messrs Lavan Legal, acting on behalf of Associate Professor Chikritzhs, to provide a formal written response to the Applicant's solicitors' letter of 26 September 2011 by 6 October 2011.

4 During the period from 6 October 2011 to 28 October 2011 the solicitors for the Applicant and the solicitors for Curtin University and Associate Professor Chikritzhs are to confer with a view to agreeing an amended form of summons and an amended form of confidentiality agreement, and a timetable for production of documents. If there are matters in respect of which agreement is unable to be reached, these issues will be the subject of a directions hearing on Monday 7 November 2011 at 9.00am.


HELEN COGAN
MEMBER