

DECISION OF DIRECTOR OF LIQUOR LICENSING

APPLICATION ID: A000212535

APPLICANT: LEMA AUSTRALIA PTY LTD

PREMISES: LEMAS

PREMISES ADDRESS: SHOPS 3-6, 859 SOUTH WESTERN HIGHWAY, BYFORD

NATURE OF APPLICATION: CONDITIONAL GRANT OF A TAVERN RESTRICTED LICENCE

DATE OF DETERMINATION: 20 JUNE 2017

Preliminary

1. On 26 August 2016, an application was made by Lema Australia Pty Ltd (the Applicant) for the conditional grant of a tavern restricted licence for premises to be known as *Lemas* and situated at Shops 3-6, 859 South Western Highway, Byford.
2. The application was made pursuant to ss 41 and 62 of the *Liquor Control Act 1988* (the Act) and was advertised in accordance with instructions issued by the Director of Liquor Licensing (the Director), which resulted in notices of objection being lodged by:
 - (a) Mr Shameem Chowdhury, a director of Western Choice Pty Ltd, who alleged that his company was in possession and control of Shop 4, 859 South Western Highway, Byford, as a lawful tenant; and
 - (b) Carnegie Pty Ltd and Nissington Pty Ltd, the licensee of the Byford Tavern.
3. Additionally, notices of intervention were also lodged by the Chief Health Officer (CHO) and Commissioner of Police (CoP), pursuant to the provisions of s 69 of the Act.
4. The Objectors and Interveners were subsequently joined as parties to these proceedings and the parties were advised, pursuant to ss 13 and 16 of the Act, that:
 - (a) a document exchange would take place between the parties, to ensure that each party was given a reasonable opportunity to present its case; and
 - (b) the application would be determined on the written submissions of the parties, which I have summarised below.

The Application

5. The premises is to be situated in the suburb of Byford, within the local government municipality of the Shire of Serpentine-Jarrahdale, with other suburbs within the locality being Darling Downs, Karrakup and Cardup.

6. As such, the Applicant contends that there are a great many positive public interest factors associated with the grant of the licence and that the venue will enhance the location. In this regard, the Applicant submitted that:

“Leemas will be an upmarket [sic] in its quality, style and standard. In that regard alone, it will minimise the potential for harm and ill-health through setting the standard and leading by example as to what is expected of patrons. A quality ambiance, controlled atmosphere and fully regulated operation will be achieved from the outset which will dictate well-mannered, well-dressed and well-behaved responses from its patronage.”
7. The Applicant’s Public Interest Assessment (PIA) lodged in support of the Application, explained that it currently operates a successful unlicensed restaurant, also known as Lemas, which presently occupies only a part of the proposed licensed premises. The restaurant opened in 2015 to cater primarily for an unmet need of the local community for informal café style services. According to the Applicant, following the success and popularity of the unlicensed restaurant, patrons have demanded much more advanced services and facilities; which has motivated the Applicant to expand its current offering, both in size and range of services and to make the current application.
8. Therefore, in order to provide consumers with a flexible liquor service, without any obligation to drink only with a meal, or to be seated at a table when having a drink in hand, the Applicant proposes to pursue the expansion of Lemas across three adjoining tenancies to create a modern, multi-faceted, two level hospitality and entertainment venue, under a tavern restricted licence.
9. The premises, which will be approximately 552.54m² in size, will comprise the following four main components:
 - (a) fine dining;
 - (b) upmarket tapas bar;
 - (c) sports area including large screen television; and
 - (d) rooftop area with outdoor cinema.
10. The Applicant’s PIA and other submissions also addressed those matters prescribed in s 38(4) of the Act and concluded that positive factors associated with the grant of the licence will overwhelm any negative aspects, such as the introduction of a new licence in the locality, the existence of some groups at risk of alcohol-related harm and the occurrence of some crime and alcohol-related incidents in the locality.
11. Strategies identified by the Applicant to minimise the risk of alcohol-related harm or ill-health arising due to the premises’ operation, included:
 - (a) creating and maintaining high quality premises;
 - (b) having a strong food focus and making food available during all hours of trade;

- (c) pricing drinks at a high price point to discourage rapid and excessive consumption;
 - (d) prohibiting the sale of liquor by way of an emotive title that may encourage the rapid consumption of liquor;
 - (e) providing more than ample seating for patrons;
 - (f) installing a CCTV system throughout the premises; and
 - (g) ensuring that entertainment is modest, mild-mannered and low key.
12. The Applicant also submitted that members of the Byford community and the surrounding areas are overwhelming supportive of the proposal, which is evidenced by the fact that 113 people completed a two-page questionnaire and 61 people participated in a survey. Of those 174 people, 96% stated that they support the application.
13. Accordingly, the Applicant submitted that there is a compelling need in the locality for quality dining, drinking, socialising and entertainment services. In this regard, the Applicant stated that:

“There are no negative factors associated with this case that come close to outweighing the many positives. The Byford Locality will be greatly enriched by the advent of the upmarket family-focussed dining, drinking, socialising and entertainment venue as the locality is growing, developing and asking for more diversity in hospitality.”

The Objections

Carnegie Pty Ltd & Nissington Pty Ltd (the Licensee Objector).

14. The objection by the Licensee Objector progressed on the following grounds:
- (a) that the grant of the licence is not in the public interest because:
 - (i) it is not necessary to cater to the requirements of consumers for liquor and related services and because it is unclear in the Applicant’s PIA about where and how it is intended to operate the Rooftop, Upmarket Tapas Bar and Fine Dining areas, which may indicate there will be lesser standard of services provided by the Applicant than those outlined in the PIA; and
 - (ii) the proposed premises will be near several existing licensed premises, including the Byford Tavern in an area that already has a high concentration of licensed premises, which are in good order, provide a range of services and operate in a responsible and professional manner;
 - (b) the grant of the application would cause undue harm or ill-health to people, or any group of people, due to the use of liquor, because:
 - (i) the Locality is already experiencing an unacceptable level of alcohol-related harm to “at-risk” groups, which has not been adequately address by

the Applicant; particularly given that in the absence of licence conditions, the premises has the potential to incorporate a large roof-top area where vertical drinking can take place; and

- (ii) there is currently a high level of harm or ill-health being caused to people within the Locality within which the premises is to be located and that the grant of the application will result in an unacceptable increase in such harm; and
- (c) that should the application be granted, the amenity, quiet and good order of the locality in which the premises is situated would be lessened, due to:
 - (i) juveniles and young adults, together with other 'at-risk' groups will be attracted to and gather in the area around the proposed premises, particularly during periods when entertainment, such as movies are shown;
 - (ii) there was no mention in the PIA of acoustic attenuation measures that have been considered in relation to the operation of the Rooftop Area; and
 - (iii) additional pressure will be put on the car parking facilities within the Byford Shopping Centre and cause subsequent traffic management issues during peak periods of use.

Mr Shameem Chowdhury

- 15. While the objection lodged by Mr Chowdhury was not made on any of the grounds prescribed in s 74(1) of the Act, but maintained that Mr Chowdhury's company, Western Choice Pty Ltd t/a Tandoori Palace, held a valid lease over Shop 4, at least until 2 March 2019 and that Lemas' application was therefore based on false and misleading statements in asserting that Shop 4 is vacant.

The Interventions

Chief Health Officer

- 16. The CHO made representations regarding the minimisation of harm or ill-health to people, or any group of people, due to the use of liquor; with the specific grounds of Intervention premised on:
 - (a) the Applicant applying for a tavern restricted licence, which research has demonstrated can be a higher-risk licence type for alcohol-related harm;
 - (b) family friendly movies are intended to be screened at the premises, which are likely to be attractive to children and young people;
 - (c) exposing children and young people to the sale and consumption of alcohol in the context of leisure activities, such as movie screenings, normalises alcohol use for young people; and
 - (d) research indicates that normalisation of alcohol can lead to young people drinking at an earlier age, resulting in harm and ill-health to young people.

17. The CHO also submitted that if the licence is granted, the placement of conditions on the licence, which are largely in keeping with the manner in which the Applicant has indicated it intends to trade, would be an important harm minimisation approach, including that the sale, supply or consumption of liquor should be prohibited on the rooftop cinema when child-focussed movies/events are being held at the premises.

Commissioner of Police

18. The CoP intervened in the application to provide information and evidence to assist the licensing authority in making an informed decision. In this regard, the CoP noted that the application was not opposed, but rather recommended the imposition of conditions on the licence, in order to preserve the current good nature of the locality and to minimise any associated potential harm, including that Crowd controllers, licensed under the *Security and Related Activities (Control) Act 1996*, are to be employed at a number deemed appropriate by the Director; that seating is to be provided for a minimum of 190 patrons, except in the case of a special event or pre-arranged function, as well as a range of responsible service of alcohol conditions.

Decision

19. For the reasons given below, I am satisfied that the Applicant has complied with all the necessary statutory criteria, requirements and conditions precedent to the application being granted and that the grant of the application is in the public interest.

Reasons for determination

20. This is an administrative decision and not a judicial one. As such, rather than referring in detail to the entirety of the evidence before me, I have sought to set out what I consider to be the relevant material facts. I have also sought to outline the process of my reasoning from consideration of those material facts to conclusion. Where there has been a conflict in submissions that has been significant to the outcome, I have set out the differing positions advanced by the parties and provided reasons why I have preferred one position over another ¹.
21. At the outset, it should be noted that both the Applicant and Objectors each carry their own burden of proof. In relation to the Applicant, there is no presumption in favour of the grant of the application; but rather the Applicant must adduce sufficient evidence to discharge its burden under ss 5 and 38(2) of the Act. Similarly, pursuant to s 73(10), the burden of establishing the validity of any objection lies on each objector.
22. However, interveners carry no burden of proof (see Greaves J, *Re Gull Liquor* (1999) 20 SR (WA) 321), but rather provide submissions to assist the licensing authority to make an informed decision. n

¹ Therefore, in accordance with the observations of Martin CJ in *Hancock -v- Executive Director of Public Health* [2008] WASC 224, these reasons are not “to be construed minutely and finely with an eye keenly attuned to the perception of error.”

23. While the rules of evidence do not apply to proceedings before the licensing authority (refer section 16(7) of the Act), decisions of the authority must be made on the balance of probabilities and be based on the evidence before it. Furthermore, notwithstanding that s 5(2)(e) of the Act requires the licensing authority to provide as little formality or technicality as may be practicable, the evidence of the parties needs to be relevant, reliable and logically probative to assist the authority to assess the probability of the existence of the facts asserted in each case (refer Liquor Commission of Western Australia decision in *Busswater Pty Ltd v Director of Liquor Licensing* (LC 17of 2010)).
24. In *Woolworths v Director of Liquor Licensing*² Buss JA set out the statutory framework for the determination of an application under the Act in the following terms:
- (a) by section 38(2) of the Act, an applicant has to satisfy the licensing authority that the granting of an application is in the public interest;
 - (b) the expression “in the public interest”, imports a discretionary value judgment³;
 - (c) the factual matters that I am bound to consider, are those relevant to the objects of the Act, as set out in section 5(2) of the Act;
 - (d) the Act’s primary objects relate to:
 - (i) regulating the sale, supply and consumption of liquor;
 - (ii) minimising harm or ill-health caused to people or any group of people due to the use of liquor; and
 - (iii) catering for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State;
 - (e) the factual matters that I am entitled to consider, are those set out in section 38(4) of the Act, as:
 - (i) the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor; and
 - (ii) the impact on the amenity of the locality in which the licensed premises, or proposed licensed premises are, or are to be, situated; and
 - (iii) whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises; and
 - (iv) any other prescribed matter⁴; and
 - (f) section 5(2) is mandatory, whereas section 38(4) is permissive.

² [2013] WASCA 227

³ *O’Sullivan v Farrer* [1989] HCA 61; (1989) 168 CLR 210, 216 (Mason CJ, Brennan, Dawson & Gaudron JJ). If the statute provides no positive indication of the considerations by reference to which a decision is to be made, a general discretion by reference to the criterion of “the public interest” will ordinarily be confined only by the scope and purposes of the statute.

⁴ NB: no other matter has been prescribed.

25. The Applicant contends that the grant of the application is in the public interest and that this contention is supported by relevant consumer evidence. In this regard, it is also relevant to note that neither of the interveners opposes the grant of the licence, but rather seek the imposition of licence conditions to minimise alcohol-related harm or ill-health and to ensure that the Applicant trades in the manner outlined in its PIA.
26. In its responsive submissions, the Applicant asserted that the Licensee Objection was motivated by commercial interests in an attempt to protect market share and that it relied upon the old legislative test in the former legislation. In *ALDI Foods Pty Ltd v Director of Liquor Licensing & Others* (LC 09/2017), the Liquor Commission observed that:
- “Section 5(1)(c) of the Act requires the Commission to evaluate whether the evidence before it is such that the granting of the application will cater for the requirements of consumers for liquor and related services and [emphasis added] provide for the proper development of the liquor industry. It does not require an applicant to establish that there is a need for liquor in the relevant location. As was noted by Martino J in *Australian Leisure & Hospitality Group Pty Ltd v Commissioner of Police* the “needs test” no longer applies to applications of this nature.”
27. In my view, it is clear that the Licensee Objector has either misinterpreted s 5(1)(c) or fallen into error in its assertion that the grant of the licence would not be in the public interest because it is not necessary to cater to the requirements of consumers for liquor and related services. Accordingly, I consider that it would be inappropriate for me to take such submissions into account or to afford them any weight or standing in these proceedings. As to the other grounds relied upon by the Licensee Objector, the level and degree of evidence to be submitted by a party to proceedings will invariably vary, depending upon the facts and circumstances of each case. Whether evidence is relevant and probative depends not on the intrinsic qualities of the evidence but on what the evidence is said to prove. Based upon the facts in these proceedings, I am not satisfied that adequate or compelling evidence has been submitted to demonstrate the validity of the Licensee Objector’s objection, as required by s 73(10).
28. In forming this view, I have also noted that apart from specific concerns, neither of the interveners have raised concerns over alcohol-related harm or ill-health being experienced in the locality and that no objections were made by residents of the locality on amenity issues.
29. In relation to the representations of the Interveners, the Applicant agreed to the following conditions:
- (a) A video surveillance system must be in place and operational. The system must comply with the minimum requirements identified and be maintained in accordance with the Director’s *Safety and Security at Licensed Premises* policy.
 - (b) No unaccompanied juveniles to be permitted on the licensed premises.
 - (c) Food must be available at all times.

- (d) Music to be played at a level that permits conversation to occur, except for pre-arranged functions.
 - (e) Low alcohol and non-alcoholic drinks will be available for purchase during all trading hours.
 - (f) No liquor is to be sold by way of 'emotive' titles.
 - (g) The licensing authority's standard condition relation to dress standards and outlaw motorcycle gangs.
30. The condition recommended by the CoP relating to the engagement of crowd controllers was opposed by the Applicant on the basis that the application did not fall within any of the licence or permit types specified in the Director's *Safety and Security at Licensed Premises* policy and because it would be "very costly and burdensome" for a low risk, largely food focused business and give the "highly undesirable impression that the premises is operating in a manner with crowds of people warranting additional control."
31. While I have not been influenced by the Applicant's submissions regarding the condition being costly and burdensome or giving an undesirable impression about how the premises operates, I have nevertheless been persuaded by the Applicant's submissions that:
- (a) a tavern restricted licence does not fall within the types of licences or permits specified on the Director's relevant policy; and
 - (b) crowd controllers may not be necessary given that a fully compliant CCTV surveillance system will be operational at the premises.
32. However, the Applicant is advised that the matter may be revisited in the future, should the premises be found to be operating in a manner that is not in the public interest.
33. Similarly, the Applicant opposed the condition recommended by the CHO regarding the sale, supply or consumption of liquor being prohibited on the rooftop cinema when child-focussed movies/events are being held, on the basis that "it does not automatically follow that some sort of harm may be caused to children who are exposed to the consumption of liquor."
34. In further submissions, the CHO maintained those made in the intervention and disputed the Applicant's responsive and further submissions. In this regard, the CHO submitted that whether the grant of the licence is likely to increase the risk of harm or ill-health is a question of probability, as stated in *Executive Director of Public Health v Lily Creek International Pty Ltd* [2000] WASCA 258 (at [29]):
- "The potential of harm or ill-health to people, irrespective of whether the harm or ill-health is proved on a balance of probabilities, would be a powerful public interest consideration ... [T]he mere possibility of harm or ill-health would always be a relevant matter for the Licensing Authority."

35. Further, the CHO also submitted that “leading experts advise that exposure to alcohol use, even when being consumed responsibly by adults, encourages a favourable attitude to alcohol by children, which, in turn, leads to earlier initiation of alcohol use. This is problematic given research shows that early initiation to alcohol use is a predictor of future harmful drinking and related problems.”
36. The Act’s general approach to juveniles, as contained in section 121(4) of the Act, is to prohibit them from entering or remaining on licensed premises. Hence, licensed premises are inherently different to private residences or unlicensed venues in Western Australia. However, exceptions to this general approach are made, including the circumstances prescribed in section 121(5)(a) of the Act, in relation to a juvenile who is accompanied by, and under the supervision, of a responsible adult ⁵.
37. With respect to the representations of the CHO, I find it somewhat problematical to prohibit the consumption of liquor in one part of the proposed premises as a result of the presence of juveniles, when it would be perfectly lawful for those same juveniles to be present on the rest of the licensed premises, provided they are accompanied by and under the supervision of a responsible adult, regardless of whether or not the adult was consuming liquor, with or without food, such as before or after the screening of a film.
38. However, the challenge for the Applicant will be to ensure on-going compliance with the legal requirements of the Act, i.e. to make certain that all juveniles on the licensed premises are properly controlled and supervised by a responsible adult at all times (which means that the responsible adult is present on the same part of the licensed premises as the juvenile and physically supervising the juvenile’s activity). In this regard, it is important for the Applicant to appreciate, for example, that an older sibling or friend accompanying a juvenile to the screening of a film on the rooftop area, while the juvenile’s parents are relaxing or socialising in another part of the licensed premises, would not be considered to be compliant with the requirements of the Act.
39. Further, given the general prohibition on unaccompanied juveniles being present on licensed premises in s 121(4) of the Act, I also consider that it would be superfluous to condition the licence in an attempt to somehow further prohibit unaccompanied juveniles from entering and/or being present on the licensed premises.
40. In relation to the objection by Mr Chowdhury, the Applicant submitted that neither he nor his company has had a lease over the premises since the Applicant, who also owns the premises, terminated the lease in October 2016 and issued Mr Chowdhury (and/or his company) with a relocation notice.

⁵ In this regard, section 125(2)(b) provides that a person shall be taken to be a responsible adult “if that person was an adult who is a parent, step-parent, spouse, de factor partner or legal guardian of the juvenile, or some other person in *loco parentis* to the juvenile”

41. It was further submitted that Mr Chowdhury has no standing and has not pleaded a valid ground of objection pursuant to s 74 of the Act or addressed any aspect of the application and that the objection should not be heard. Conversely, in my view, Mr Chowdhury's objection raised a relevant concern about whether the Applicant could comply with the provisions of s 37(5) of the Act, which provides that:
- (a) every licence, other than a club restricted licence or an occasional licence, is subject to the condition that the licensee occupies and retains a right to occupy, the licensed premises to the exclusion of others; and
 - (b) an application for the grant or removal of such a licence shall not be granted, unless the licensing authority is satisfied that the applicant can, or on the grant of the application will be enabled to, comply with that condition.
42. However, I have subsequently been advised that on 2 May 2017, the State Administrative Tribunal ordered that:
- (a) Mr Chowdhury's company, Western Choice Pty Ltd, formally vacate the premises; and
 - (b) Lenz Corp Pty Ltd pay to Western Choice Pty Ltd the sum of \$20,000 upon vacating the premises on 19 May 2017.
43. Consequently, I am now satisfied that the Applicant will be able to comply with the requirements of s 37(5) of the Act and that Mr Chowdhury's objection cannot be made out, as required by s 73(10).
44. Therefore, after consideration of all the information from all of the parties, I am satisfied that the grant of the licence will further the Act's object expressed at s 5(1)(c) of the Act and that the Applicant has discharged its onus under s 38(2) of the Act.
45. Accordingly, the licence is conditionally granted, subject to the following conditions:
- (a) a Certificate under s 39 of the Act being lodged before the operation of the licence;
 - (b) compliance with the *Local Government Act 1960*, *Health Act 1911* and any written law relating to the sewerage and drainage of these premises;
 - (c) all work being completed within 12 months in accordance with the plans and specifications dated 26 August 2016;
 - (d) the recommendations of the Inspector of Licensed Premises on the Schedule of Requirements dated 14 October 2016 being satisfactorily completed and the Director being notified, in writing, at least 21 days prior to Applicant wishing to trade under the licence;
 - (e) a final inspection by an Inspector of Licensed Premises being conducted to ensure that all requirements have been satisfactorily completed; and
 - (f) the Applicant seeking confirmation of the grant on or before **19 June 2018**, pursuant to s 62(4)(c) of the Act.

46. The following conditions will be imposed on the issue of the licence:

- (a) Trading hours:
- (i) The permitted trading hours are those prescribed in s 98(1) of the Act for a hotel licence.
- (b) Trading conditions:
- (i) The licensee is authorised to sell and supply liquor in accordance with the provisions of s 41 of the Act as it relates to a tavern restricted licence.
 - (ii) During the permitted trading hours specified above, the licensee is authorised to sell and supply liquor for consumption on the licensed premises.
 - (iii) The sale of packaged liquor for consumption off the licensed premises is prohibited.
 - (iv) Food must be available during trading hours.
 - (v) The licensee shall not promote, advertise or employ incentives which encourage the excessive consumption of liquor by virtue of their 'emotive' titles such as (but not exclusive to) 'laybacks', 'shooters', 'slammers', 'test tubes' and 'blasters'.
 - (vi) The licensee is to provide a reasonable range of non-alcoholic and low-alcohol liquor products during all trading hours.
 - (vii) The maximum occupancy of the premises is limited to 400 persons.
 - (viii) The licensed premises is to be set up with seating for at least 50% of patrons at all times, except for pre-booked functions or events.
 - (ix) Any music played at the premises must be background in nature only and at a level sufficient to allow normal conversation to occur.
 - (x) A video surveillance system must be in place and operational. The system must comply with the minimum requirements identified and be maintained in accordance with the Director's Safety and Security at Licensed Premises policy.
- (c) Dress Standards - Outlaw Motorcycle Gangs:
- (i) The following dress standard applies during the permitted trading hours:
 - (1) Jackets or any other clothing or accessory, or any clearly visible body marking, bearing patches or insignia of any Outlaw Motor Cycle Gangs not limited to, but including, the following listed Outlaw Motor Cycle Gangs, are not permitted to be worn or to be visible on the licensed premises:
 - Coffin Cheaters;
 - Club Deroes;

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- Gods Garbage;
- Gypsy Jokers;
- Outlaws;
- Finks;
- Rebels;
- Comancheroes;
- Hell's Angels;
- Rock Machine;
- Mongols;
- Lone Wolf;
- Bandidos; and
- Brothers 4 Life.

(2) A notice is to be displayed at all entrances to the licensed area/event reflecting this condition.

(d) Entertainment Condition:

(i) A person resorting to, or on the premises, including the licensee or manager, or an employee or agent of the licensee or manager, shall not:

- (1) be immodestly or indecently dressed on the licensed premises; and/or
- (2) take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.

(ii) The licensee or manager, or an employee or agent of the licensee or manager, is prohibited from:

- (1) exhibiting or showing, or causing, suffering or permitting to be exhibited or shown, on the licensed premises any "R 18+", "X 18+" or "RC" classified film or computer game or "Category 1 – Restricted" or "Category 2 – Restricted" publication, or extract therefrom; or
- (2) causing, suffering or permitting any person employed, engaged or otherwise contracted to undertake any activity or perform any entertainment on the licensed premises to be immodestly or indecently dressed on the licensed premises; or
- (3) causing, suffering or permitting any person to take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.

(iii) In this condition "licensed premises" includes any premises, place or area:

- (1) which is appurtenant to the licensed premises; or
- (2) in respect of which an extended trading permit granted to the licensee is for the time being in force,

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but does not include any part of the premises which is reserved for the private use of the licensee, manager or employees of the licensee and to which the public does not have access.

(e) Compliance with Harm Minimisation Policy:

- (i) The licensee has lodged a copy of the House Management Policy, Code of Conduct and Management Plan developed for these premises in accordance with the Harm Minimisation Policy. These documents must be retained on the licensed premises and produced to any Authorised Officer if required.

General

47. Pursuant to s 127(2) of the Act, the prescribed licence fee will be payable prior to the operation of the licence.
48. The Applicant is reminded that trading **may not** commence without the prior written approval of the licensing authority.
49. Parties to this matter dissatisfied with the outcome may seek a review of the Decision under s 25 of the Act. The application for review must be lodged with the Liquor Commission within one month after the date upon which the parties receive notice of this Decision.
50. This matter has been determined by me under delegation pursuant to s 15 of the Act.


Brett Snell

DELEGATE OF THE DIRECTOR OF LIQUOR LICENSING