

DECISION OF DIRECTOR OF LIQUOR LICENSING

APPLICATION ID: A000191890

APPLICANT: KAPINKOFF NOMINEES PTY LTD

PREMISES: MARKETTA

PREMISES ADDRESS: TENANCY 1, KS3 KINGS SQUARE, PERTH

NATURE OF APPLICATION: CONDITIONAL GRANT OF A TAVERN RESTRICTED LICENCE

DATE OF DETERMINATION: 07 JUNE 2017

1. On 14 December 2015, an application was made by Kapinkoff Nominees Pty Ltd (the Applicant) for the conditional grant of a tavern restricted licence for premises to be known as *Marketta* and situated at Tenancy 1, KS3 Kings Square, Perth.
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). There were no objections to the grant of the application, however the Commissioner of Police (CoP) lodged a notice of intervention, pursuant to the provisions of s 69 of the Act, who was then joined as a party to proceedings.
3. Pursuant to ss 13 and 16 of the Act:
 - (a) a document exchange was initiated between the parties to ensure that each party was given a reasonable opportunity to present its case; and
 - (b) the application will be determined on the written submissions of the parties, which have been summarised below.
4. To support its application and to meet the requirements of ss 5 and 38 of the Act, the Applicant lodged a Public Interest Assessment (PIA) and other submissions to establish that the grant of the licence would further the Act's objects and be in the public interest.
5. To this end, the Applicant's PIA explained that it wishes to create safe, comfortable and well managed premises, with the name *Marketta* is derived from the word 'market' and pays homage to the once bustling market place that existed at the location many years ago and the Applicant's intention to support WA producers when sourcing their food products, as well as a selection of WA produced wine, beer and cider.
6. The premises will be located in the New Kings Square, the premier venue for the newly developed Kings Square precinct in Perth's City Link, which is a collaboration of

state, federal and local agencies for the creation a new urban regeneration project, which will extend from the Perth Station to Perth Arena and reconnect the city centre with Northbridge for the first time in more than 100 years.

7. The Applicant also explained that it has designed Marketta to be an immersive experience, with an open, visible commercial kitchen showcasing experienced chefs using the freshest WA produce, while also delivering quality craft beer and other beverages to patrons. Additionally, the premises will have multiple, defined areas within the premises, including lounge, bar, dining, mezzanine and an expansive alfresco area adjoining Kings Square.
8. The licensed premises will be approximately 962m² and have a maximum capacity of 900 patrons at any time.
9. To demonstrate that the grant of the licence would further the Act's objects as set down in s 5 of the Act, the Applicant's submission included the following:
 - (a) it has submitted a Harm Minimisation Plan and is an experienced licensee, committed to the ongoing health and safety of its patrons (ss 5(1)(a) and 5(1)(b)); and
 - (b) ample seating will be provided throughout the premises, although the majority of seating will be able to be rearranged or moved to cater for functions, except for fixed banquet seating (s 5(1)(a));
 - (c) it will provide staff with comprehensive in-house training, to be focused on customer service, product knowledge and harm minimisation, including the prevention of undue intoxication and anti-social behavior (s 5(1)(b));
 - (d) a substantial licensed food and beverage premises was included in the Kings Square Master Plan to provide amenity for residents, office workers, shoppers, tourists and other patrons who will resort to this new precinct (s 5(1)(c)).
10. With reference to Full Court's decision in *Executive Director of Public Health v Lily Creek International Pty Ltd & Ors* (2000) WACA 258, the Applicant also noted that even when an application has the potential for undue harm or ill-health to be caused to people or any group of people, the Act's harm minimisation objection as s 5(1)(b) does not mean that the application cannot be granted if it is in the public interest.
11. The Applicant also outlined the following positive social and economic impacts likely to be associated with the grant of the licence. Accordingly, it was submitted that the proposed licensed premises will *inter alia*:
 - (a) form an integral part of the Master Plan of the Kings Square development as the anchor food and beverage premises;
 - (b) provide a specialty food and beverage amenity to persons resorting to Kings Square and Perth City Link;

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- (c) activate the area after normal office hours, providing passive surveillance and deterring anti-social behavior;
 - (d) provide a licensed food and beverage premises in very close proximity for consumers attending performances at entertainment venues in the locality, such as Perth Arena, His Majesty's Theatre and the State Theatre Centre;
 - (e) cater to the general requirements of consumers for liquor and related services, as evidenced by the results of the Applicant's 309 consumer survey and numerous letters of support, including letters from Lisa Scaffidi, Lord Mayor, City of Perth and Evan Hall, CEO, Tourism Council Western Australia;
 - (f) provide additional employment and training opportunities; and
 - (g) promote WA producers of food, wine, beer and spirits.
12. The Applicant submitted that it will employ the following strategies to minimise harm or ill-health associated with the operation of the premises:
- (a) it has specifically sought the grant of a tavern restricted licence to control the consumption of liquor to on-premises only;
 - (b) the responsible service and promotion of liquor will be considered at all times;
 - (c) the premises will not offer "gimmick" promotions of cheap or discounted liquor to encourage the irresponsible consumption of liquor and will comply with the Director's guideline on the *Responsible Promotion of Liquor – Consumption on Liquor on Licensed Premises*; and
 - (d) there will be substantial CCTV surveillance throughout the premises, which will comply with the Director's *Security at Licensed Premises* policy.
13. Accordingly, the Applicant volunteered the following licence conditions, should it be deemed by the licensing authority to be in the public interest:
- (a) low-strength alcohol, plus non-alcoholic drinks, must be made available at all times;
 - (b) there will be no promotions, advertising or incentives that encourage cheap or discounted liquor or that encourages excessive consumption;
 - (c) 'lay-backs', 'jelly-shots', and 'test tubes' are prohibited;
 - (d) liquor sold, supplied and consumed at the premises must be supplied in unsealed containers;
 - (e) no liquor will be supplied mixed with energy drinks;

- (f) a dress standard condition, with particular reference to refusing entrance to persons wearing any clothing or other items associated with Outlaw Motorcycle gangs;
 - (g) that food will be available at all times, until 30 minutes prior to the premises closing; and
 - (h) that a number of signs relating to Standard Drinks Guide, Responsible Service of Alcohol Posters – Under 18 years of Age; False or Misleading ID and Intoxicated Persons, be displayed.
14. In conclusion, the Applicant submitted that operating under a tavern restricted licence will have minimal negative or adverse impact on the amenity of the locality, but rather add to and complement the amenity currently available, such as the Perth Cultural Centre, WA Museum, Perth Arena and the State Theatre.
15. The intervention by the CoP made representations regarding the public interest and while not opposing the application, the CoP:
- (a) expressed some concerns regarding the high-risk nature of the premises; and
 - (b) recommended trading conditions to:
 - (i) assist in minimising the consequential harms and anti-social behaviors that may be attributed to the premises; and
 - (ii) ensure that the manner in which the Applicant proposed to trade, as laid down in its PIA, is adhered to.
16. The CoP also noted that there are currently 106 licensed premises within 500 meters of the proposed premises and that various studies have been conducted around areas with a high concentration of liquor licences, including a study by Dey *et al*¹ in which it was found "...almost without exception, the increased availability of alcohol... is associated with an increase in alcohol-related harm such as crime or adverse health outcomes, with the study also finding that "Violent crime, access to alcohol outlets and alcohol outlet density are significantly associated regardless of licence type."
17. It was further submitted that the CoP has extensive knowledge of contemporary issues relating to the locality, including offences relating to theft, domestic/non-domestic assault and anti-social behavior, which included the presentation of relative crime data for the locality. The CoP likewise identified the at-risk groups that frequent the locality due to it being one of the State's main entertainment precincts, particularly noting an on-going concern with both young people and aboriginal groups with the Perth CBD and Northbridge, who are drawn to the entertainment areas and are responsible for a

¹ Day, P, Breetzke, G, Kingham, S and Campell, M (2012). Close proximity to alcohol outlets is associated with increased serious violent crime in New Zealand. *Australian and New Zealand Journal of Public Health*. Volume 36, Issue 1, pg 48-54.

high percentage of incidents of antisocial behavior and crime in the locality, submitting that consideration “needs to be afforded to these at risk groups when considering the granting of a liquor licence within the locality.”

18. Accordingly, in addition to those conditions offered by the Applicant, the CoP recommended that:
- (a) licensed crowd controllers should be employed during the higher risk trading periods, to enable the Applicant to ensure that patron numbers are not exceeded and that patrons coming and going from the premises do so in an orderly fashion. It was further submitted that crowd controllers would also:
 - (i) enable an assessment of patrons’ sobriety prior to entering the premises;
 - (ii) permit identification checks to ensure the refusal of juveniles;
 - (iii) assist police if the need arises to investigate offences, including potential barring notices;
 - (iv) assist management in the removal of patrons who are drunk, violent and/or abusive; and
 - (v) act as a deterrent to anti-social behaviour; and
 - (b) similarly, noting that the Applicant did not identify the manner of entertainment to be provided, the CoP submitted that it may be appropriate to condition the licence to ensure that any entertainment provided by the Applicant is background in nature, sufficient to allow normal conversation to occur, to assist in promoting a safe, relaxed environment and to inherently assist in the minimisation of harm at the premises.
19. Further trading conditions suggested by the CoP related to those volunteered by the Applicant in its PIA and included:
- (a) a requirement for a minimum amount of seating throughout the premises, as seating reduces aggression, promotes a food oriented atmosphere and fosters a more relaxed drinking environment;
 - (b) the provision of food at the premises at all times until 30 minutes prior to the premises closing;
 - (c) drink standards and responsible server of alcohol practices;
 - (d) meals must be made available at all times while the venue is open to the general public;
 - (e) seating and associated table arrangements must be available for a minimum number;

- (f) responsible service signage must be displayed at the premises;
 - (g) low-strength and non-alcoholic drinks must be available;
 - (h) no liquor is to be supplied mixed with energy drinks;
 - (i) no advertising of cheap or discounted drinks and no liquor to be served in jugs;
and
 - (j) dress standards relating to outlaw motor cycle gangs.
20. In the Applicant's further submissions, lodged on 13 March 2017, 21 March and 3 April 2017, the Applicant responded to some of the representations of the CoP, including:
- (a) acknowledging that young people and aboriginal groups resort to the locality and undertook to closely monitor such persons should they patronize the proposed *Marketta*, with management and staff supervising patrons at all times, who will be further assisted with "the inclusion of Crowd Controllers present during busy, peak periods also assisting". However, with the quality fit out, product pricing, location in the Perth CBD and the Applicant's experience, it submitted that it did not expect that 'at-risk' groups will be attracted to the proposed licensed premises;
 - (b) the Applicant submitted that it is willing to provide licensed Crowd Controllers on busy Friday and Saturday nights, to ensure the safety and security of both their patrons, staff and the locality in which they will operate in the public interest, however proposed the following condition:

"Crowd Controllers licensed under the Security and Related Activities (Control) Act 1996, must be on duty from 8 p.m. on Friday and Saturday only, until 30 minutes after close of trade. A ratio of two crowd controllers for the first 100 patrons and one crowd controller for each additional 100 patrons or part thereof must be on duty";
 - (c) seating will be provided for at least 50% of the dining and alfresco area at *Marketta*, with the exception of pre-booked functions and events.
21. However, in relation to the conditions recommended by the CoP regarding:
- (a) the display of Responsible Service signage, the Applicant considered that such a condition would be inappropriate for a modern, upmarket CBD premises;
 - (b) entertainment being restricted to low level background or acoustic music, at a level that allows normal conversation to occur, the Applicant rejected this condition given its CBD location in the dining and entertainment precinct of Perth City Link, away from any residential development and reiterated that it will abide by the EPA guidelines at all times;

- (c) prohibiting the service of liquor in jugs, the Applicant rejected this condition because it would severely limit its ability to cater to the contemporary requirements of consumers of liquor and related services;
 - (d) condition requiring the provision of “meals”, the Applicant submitted that it proposed to provide ‘food’, rather than meals, given that it will not be trading as a restaurant; and
 - (e) condition relating to dress standards for outlaw motor cycle gangs, the Applicant objected to the requirement to display a notice stating this condition at each entry and exit point to the licensed areas, given the premises’ CBD location and the upmarket nature of the premises and because the condition will be publicly displayed as part of the licence document.
22. The Applicant was accepting of conditions relating to:
- (a) a maximum patron capacity determined by the Director;
 - (b) low-strength and mid-strength beer, plus non-alcoholic drinks, must be available;
 - (c) no liquor being supplied mixed with energy drink; and
 - (d) no advertising of cheap or discounted drinks.

Determination

23. Decisions of the licensing authority are administrative in nature and not judicial. Therefore, rather than referring in detail to the entirety of the evidence before me, I will set out what I consider to be the relevant material facts. I will also outline the process of my reasoning from consideration of those material facts to conclusion. Where there is a conflict in submissions that has been significant to the outcome, I will set out the differing positions advanced by the parties and provide reasons why I prefer one position over another ².
24. At the outset, it should be noted that 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.
25. Conversely, 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.
26. 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

² In accordance with the observations of Martin CJ in *Hancock -v- Executive Director of Public Health* [2008] WASC 224, administrative decisions are not “to be construed minutely and finely with an eye keenly attuned to the perception of error.”

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 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)).

27. Decisions of the licensing authority must also be made in accordance with the written law as outlined in the Act. In my view, the following provisions are relevant to this determination:

- (a) section 5 of the Act requires the licensing authority to have regard to the primary and secondary objects of the Act, with the Act's primary objects relating 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;
- (b) section 38(2), which provides that an application for the grant of a licence must satisfy the licensing authority that granting the application is in the public interest;
- (c) section 38(4), which provides that without limiting the matters to which the licensing authority may have regard in determining whether granting an application is in the public interest, it may consider:
 - (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 matter³.

28. Each application must be considered on its merits and determined on the balance of probabilities pursuant to s 16 of the Act. However, it is often the case when determining the merits of an application that tension may arise between advancing the objects of the Act, which in these proceedings relate to the objects of regulating the sale, supply and consumption of liquor and catering for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor

³ NB: no other matter has been prescribed.

industry, the tourism industry and other hospitality industries in the State. When such circumstances arise, the licensing authority needs to weigh and balance those competing interests⁴.

29. From the outset let me state that there are some aspects of the Applicant's proposed manner of trade that it has been unclear about, such as the amount of seating to be provided throughout the premises and the types of entertainment it is proposed to be offered thereon. In my view, given the size of the premises and a patron capacity of 900 patrons, these become key issues. As explained by the CoP, conditions relating to entertainment and seating help to lower the risks associated with licensed premises, particularly large licensed premises such as those proposed in the application.
30. Further, the Director's *Public Interest Assessment* policy and decisions of the Liquor Commission, such as *Independent Liquor Merchants Pty Ltd v Director of Liquor Licensing and others*⁵, inform applicants that they need to consider both the positive and negative amenity issues in respect to the locality, including that applicants will need to consider *inter alia* the potential impact of the proposed premises on the level of noise and anti-social activities in the locality and the management strategies to minimise such impacts.
31. In my view, the Applicant has not adequately addressed any probable negative amenity issues in its PIA and when confronted with the issues raised by the Intervener, the Applicant does not seem to have turned its mind to this important matter or considered any possible negative aspects of the application.
32. The Applicant's PIA explains that the proposed licensed premises will be approximately 962 m² of internal food and beverage space (inclusive of back of house, kitchen, office, staff and storage areas) and 382 m² of mezzanine, with an outlook through the city and upward to Northbridge, with a maximum capacity of 900 patrons at any time.
33. The PIA also noted that, as indicated on the plans submitted with the application, there would be ample seating provided throughout the proposed premises and that the premises will also adhere to "Taste 2020 – a strategy for and wide tourism for Western Australia for the next five years & beyond", which provides that "Culinary tourism is one of the fastest growing sectors of the tourism industry. Within our well-established hospitality, viticulture, agriculture and fishing industries, Western Australia has the potential to be one of the world's foremost culinary tourism destinations." Further, in its consumer survey, the Applicant identified the proposed premises as a "dining and entertainment premise".
34. With its heavy focus on food at the premises, I can see no reason why the Applicant would oppose the condition recommended by the CoP regarding seating and

⁴ *Executive Director of Health v Lily Creek International Pty Ltd & Ors* [2000] WASCA 258.

⁵ LC35/2014.

associated table arrangements being made available for a specified minimum number of patrons.

35. Likewise, the Applicant also acknowledged in its PIA that it is “aware of the additional office, retail and residential space that will be included in the new development of the Perth City Link project” and that there will be over 3,000 residents accommodated in the City Link development.
36. In terms of noise at the premises, while the Applicant notes the comments made by the Intervener in relation to entertainment at the premises being restricted to low level background or acoustic music, at a level that allows normal conversation to occur, it submits in the alternative, that entertainment at the premises will be in line with the contemporary expectations of consumers and ‘cater for the requirements of consumers for liquor and related services’ at all times.
37. The Applicant further notes that the new KS3 building, where the proposed premises will be located, is structurally constructed with appropriate acoustic treatments to provide a multi-use premises incorporating hospitality, retail and commercial spaces and that noise levels from the premises will adhere to the EPA Guidelines and any entertainment provided will also comply with EPA guidelines.
38. While rejecting the recommendation of the CoP that entertainment at the premises should be restricted to low level background or acoustic music, at a level that allows normal conversation to occur, the Applicant has not been forthcoming about the types of entertainment it proposes to offer at the premises or what it considers to be the contemporary expectations of consumers. Therefore, in the absence of any relevant information from the Applicant, I can likewise see no reason not to impose the condition recommended by the CoP.
39. Similarly, I do not accept the Applicant’s submissions regarding the requirement to display the dress standard relating to outlaw motor cycle gangs at all entrances to the premises, given that it is highly unlikely for the licence certificate to be displayed at each entrance to the premises.
40. Additionally, I also found it somewhat anomalous that the Applicant rejected some conditions contained within in the intervention, which were clearly based on the information volunteered in its PIA, such as the display of signs relating to Standard Drinks Guide, Responsible Service of Alcohol Posters – Under 18 years of Age; False or Misleading ID and Intoxicated Persons.
41. However, should the Applicant wish, it is at liberty to make future application to vary the disputed conditions and provide more information at that time regarding the relevant aspects of its proposed manner of trade.
42. Having regard to the totality of the evidence, 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.

43. 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 14 December 2015;
 - (d) the recommendations of the Inspector of Licensed Premises on the Schedule of Requirements dated 5 January 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) the lodgement of a fully executed lease before the issue of the licence;
 - (f) a final inspection by an Inspector of Licensed Premises being conducted to ensure that all requirements have been satisfactorily completed; and
 - (g) the Applicant seeking confirmation of the grant on or before **06 June 2018**, pursuant to s 62(4)(c) of the Act.
44. 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) No liquor is to be supplied mixed with energy drinks. For the purposes of this condition "energy drink" has the same meaning as formulated caffeinated beverage within the *Australia New Zealand Food Standards Code* with a composition of 145mg/l of caffeine or greater.
- (viii) The maximum occupancy of the premises is limited to 900 patrons.
- (ix) The interior of 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.
- (x) Any music played at the premises must be background in nature only and at a level sufficient to allow normal conversation to occur.
- (xi) Crowd Controllers licensed under the *Security and Related Activities (Control) Act 1996*, must be on duty from 8 p.m. on Friday and Saturday only, until 30 minutes after close of trade. A ratio of two crowd controllers for the first 100 patrons and one crowd controller for each additional 100 patrons or part thereof must be on duty.
- (xii) 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;
 - Gods Garbage;
 - Gypsy Jokers;
 - Outlaws;
 - Finks;
 - Rebels;
 - Comanchoes;

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- Hell's Angels;
- Rock Machine;
- Mongols;
- Lone Wolf;
- Bandidos; and
- Brothers 4 Life.

(ii) 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,

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.

- 45. Pursuant to s 127(2) of the Act, the prescribed licence fee will be payable prior to the operation of the licence.
- 46. The Applicant is reminded that trading **may not** commence without the prior written approval of the licensing authority.
- 47. 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.
- 48. 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