

**Liquor Commission of Western Australia**  
**(Liquor Control Act 1988)**

**Applicant:** Spinifex Trading Pty Ltd  
(represented by Mr Gavin Crocket of GD Crocket & Co and Mr Garth Rider of N.M.H Pty Ltd)

**Other Parties:** Director of Liquor Licensing, Intervener  
(represented by Ms Lana White of State Solicitor's Office)

Executive Director of Public Health  
(represented by Ms Lana White of State Solicitor's Office)

Commissioner of Police  
(represented by Mr Peter Slater of WA Police)

**Observers:** Ms. Lara Spagnolo of Ilberys Lawyers Pty Ltd  
(On behalf of Kireen Nominees Pty Ltd)

Detective Inspector Steve George of WA Police

Senior Constable Glen Beros of WA Police

**Premises:** Halls Creek Store, Halls Creek  
(Licence No. 6030016329)

**Date of Preliminary Hearing:** 15 June 2009

**Commission:** Mr. Eddie Watling (Deputy Chairperson)

**Legislation:** *Liquor Control Act 1988*

**Matter for the**

**Preliminary Hearing:**

Application for a preliminary hearing to set aside the conditions imposed pending the final determination of the review of the decision of the Director of Liquor Licensing dated 11 May 2009 pursuant to section 25 of the Act; those conditions being:

- *The sale of packaged liquor, exceeding a concentration of ethanol and liquor of 2.7 per cent at 20°C, is prohibited to any person, other than a liquor merchant;*
- *The licensee is to lodge returns of sales data every four months in accordance with the approved form.*

**Date of Determination:** 18<sup>th</sup> June 2009

**Determination:**

The application for the lifting of the conditions until the determination of the review hearing is published is refused.

**Reasons:**

1. Pursuant to section 5 of the *Liquor Control Act 1988*, the primary objects are –

*(a) to regulate the sale, supply and consumption of liquor; and*

*(b) to minimize harm or ill-health caused to people, or any group of people, due to the use of liquor; and*

*(c) to cater 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.*

2. In considering all of the material submitted and presented by the Applicant and the Respondents and weighing the potential outcomes as applied to objects 5(1)(b) and 5(1)(c) above, the Commission

finds that it would not be in the public interest to lift the applied conditions as an interim measure prior to the review hearing.

Detailed reasons for the determination will be published in due course.

  
**MR EDDIE WATLING**  
**DEPUTY CHAIRPERSON**