

Liquor Commission of Western Australia
(Liquor Control Act 1988)

- Applicant:** Newmarketing Pty Ltd
(represented by Mr Peter Fraser of Dwyer Durack Lawyers)
- Respondent:** Director of Liquor Licensing
(represented by Mr David Leigh of State Solicitor's Office)
- Commission:** Mr Jim Freemantle (Chairperson)
Mr Alex Zilkens (Member)
Dr Eric Isaachsen (Member)
- Matter:** Application pursuant to section 25 of the *Liquor Control Act 1988* for review of the decision of the delegate of the Director of Liquor Licensing to vary the conditions on the special facility licence for premises to be known as *Secret Harbour Golf Links* in Secret Harbour.
- Date of Determination:** 17 July 2014
- Determination:** By consent, conditions imposed by the delegate of the Director of Liquor Licensing by decision number A224011 be removed and conditions as enumerated in Paragraph 11(2) of this determination be imposed on licence number 6260040279.

Background

1. The applicant operates a golf course known as “Secret Harbour Golf Links” (“premises”). The premises are subject to a special facility licence (being licence number 6260040279) (“licence”) which was granted in November 1995.
2. By decision dated 7 April 2014, the delegate of the Director of Liquor Licensing (“delegate”) imposed a series of conditions on the licence (“decision”) pursuant to section 64 *Liquor Control Act 1988* (“the Act”).
3. The conditions were imposed following a “show cause” process, whereby the applicant suggested a number of conditions to be imposed on the licence to address various issues raised by the respondent.
4. The conditions that were imposed by the delegate did not in all cases correspond with the conditions that had been suggested by the applicant.
5. The conditions that were imposed by the delegate amounted to, in essence, a restriction on the persons to whom the applicant was permitted to supply liquor; a limitation on the trading hours of the premises on Friday nights; and a number of restrictions on advertising that the applicant was permitted to engage in.
6. On 6 May 2014, the applicant sought review of the decision on various grounds pursuant to section 25 of the Act.
7. The applicant and respondent have engaged in discussions regarding the decision.
8. The applicant and respondent have now reached agreement as to conditions which they consider should be imposed on the applicant’s special facility licence.
9. The applicant and respondent agree that the conditions which have now been agreed address the issues that were first raised during the “show cause” process.
10. The applicant and respondent agree that it is open to the Commission to dispose of this matter by way of the imposition of the agreed conditions on the licence, and that it is appropriate for the Commission to do so.

Orders

11. By consent of the parties to this proceeding, following Orders are now made by the Commission:

1. The conditions imposed on the licence by the decision be removed.
2. The following conditions be imposed on the licence, either as additional conditions or variations to existing conditions as is required:
 - (1) During the permitted trading hours, the licensee is only authorised to sell and supply liquor to persons on the licensed premises who are:
 - (a) playing or viewing golf; or
 - (b) attending a pre-booked reception or function.

For the purposes of this condition *playing golf* is defined as:

- (i) playing of golf on the main 18 hole golf course;
 - (ii) persons practising on the putting green;
 - (iii) persons using the driving range; or
 - (iv) persons undertaking golf lessons.
- (2) Any advertising of licensed services must indicate (in lettering of the same font and size as that indicating that liquor may be purchased at the premises). That liquor is only available to persons who are playing or viewing golf, or attending a pre-booked reception or function.

A handwritten signature in black ink, appearing to read 'JIM FREEMANTLE', written over a horizontal line.

**MR JIM FREEMANTLE
CHAIRPERSON**