



Department of
**Local Government, Sport
and Cultural Industries**

Liquor Commission of Western Australia

2022-23 Annual Report



Table of Contents

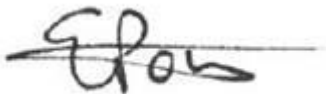
Statement of Compliance.....	2
Overview of Agency.....	3
Executive Summary.....	3
Operational Structure	4
Administrative Structure	6
Performance Summary for 2022-23	8
Supreme Court Challenges.....	13
Significant Issues Impacting the Liquor Commission	15
Changes in Written Law	15
Trends or Special Problems that have Emerged	15
Proposals for Improving the Operation of the Commission	15
Forecasts of the Commission’s Workload for 2023-24	15
Other Legal and Government Policy Requirements.....	16
Contacts.....	18

Statement of Compliance

Hon. Reece Whitby MLA
Minister for Racing and Gaming

In accordance with section 9K of the *Liquor Control Act 1988*, I am pleased to present, for your information and presentation to Parliament, the Annual Report on the activities of the Liquor Commission of Western Australia for the financial year ended 30 June 2023.

The Annual Report has been prepared in accordance with the provisions of section 9K(2) of the *Liquor Control Act 1988*.

A handwritten signature in black ink, appearing to be 'E. Pow', written over a horizontal line.

Chairperson

29 September 2023

Overview of Agency

Executive Summary

It is with pleasure that I present the Liquor Commission Annual Report for the year ended 30 June 2023.

The Liquor Commission (the Commission) has experienced significant changes to its membership during the reporting period.

Former Chairperson, Kate Pedersen, resigned on 31 December 2022. I thank Kate for her commitment to the operations of the Commission, which was invaluable in the shaping and administration of the liquor licensing regulatory scheme in Western Australia.

Kirsty Stynes resigned on 6 February 2023 to take up a role with the Commonwealth Department of Public Prosecutions, and Alya Barnes has decided not to seek reappointment when her term expires in September 2023. I thank them both for their work and dedication to the Commission over the years and wish them all the best for their future endeavours.

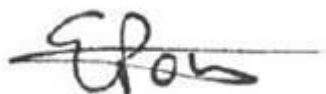
I also wish to congratulate Nicholas van Hattem on his appointment as Deputy Chairperson and Paul Shanahan, Elanor Rowe, and Pamela Hass on their reappointment to the Commission.

The Commission also welcomed two new members, Mary Brown and Jared Brotherston, who were appointed in May 2023. On behalf of the Commission, I look forward to working with them both.

The volume of material before the Commission and time required to draft judgments continues to increase. This places significant demands on the time of commissioners, many of whom are already employed full-time in other positions, and causes delays in the publication of decisions.

I take this opportunity to thank the State Administrative Tribunal for the continued use of their facilities to conduct hearings. Their ability, flexibility, and willingness to cater to our needs is greatly appreciated.

Finally, I wish to thank the staff of the Department of Local Government, Sport, and Cultural Industries for the provision of executive services. Their dedication, professionalism and commitment are vital to the ongoing effective operations of the Commission.



Ms Emma Power
Chairperson

Operational Structure

Enabling Legislation

The Liquor Commission (the Commission) is established under section 8 of the *Liquor Control Act 1988* (the Act) to provide a flexible system to review the decisions of the Director of Liquor Licensing (the Director), with as little formality and technicality as practicable. The Commission came into effect on 7 May 2007, to replace the Liquor Licensing Court.

The Liquor Commission Rules 2007 regulate the practice and procedure of the Commission and matters that are related and subject to the Liquor Control Regulations 1989, as to the costs and charges payable in relation to proceedings under the Act.

Responsible Minister

As at 30 June 2023, the Minister responsible for the Racing and Gaming Portfolio is Hon. Reece Whitby MLA, Minister for Environment; Climate Action; Racing and Gaming.

The Responsibilities of the Liquor Commission

The Commission's primary function is to adjudicate on matters brought before it through referral by the Director, or by an application for a review of a decision made by the Director. The latter is achieved by way of a re-hearing and therefore makes its own determinations based on the merits of each case. When considering an application for review, the Commission may have regard only to the material that was before the Director when making the decision.

The Commission is responsible for:

- determining liquor licensing matters referred by the Director;
- conducting reviews of decisions made by the Director, or by a single Member of the Commission;
- conducting reviews into decisions based on a question of law;
- determining complaints and disciplinary matters in accordance with section 95 of the *Liquor Control Act 1988* (the Act);
- determining applications for review of a barring notice issued by the Commissioner of Police under section 115AA(2) of the Act; and
- determining applications for review of short-term exclusion orders issued by the WA Police under section 152NH of the Act.
- awarding costs associated with matters before the Commission;
- reporting annually to the Minister for Racing and Gaming on the activities of the Commission; and
- reporting to the Minister for Racing and Gaming, when requested to do so, on the jurisdiction and functions of the Commission, including the provision of high-level policy advice relevant to liquor control matters.

The Commission can make the following decisions:

- affirm, vary or quash a decision subject to review;
- make a decision in relation to any application or matter that should, in the opinion of the Commission, have been made in the first instance;
- give directions as to any questions of law that have been reviewed;
- give directions to the Director, to which effect shall be given; and
- make any incidental or ancillary order.

Parties to any proceedings before the Commission have the right to appeal any decision to the Supreme Court of Western Australia on a question of law.

Appeals which may be heard by the Liquor Commission

The Commission can determine the following matters under the Act:

Section 24

The Director may refer the whole or part of any matter that is to be determined by the Director, or any question of law arising from such a matter, for hearing and determination by the Commission.

Section 25

Application for review of the Director's decision can be lodged when:

- the decision relates to an application for the grant or removal of a licence;
- the decision is to make, vary or revoke a prohibition order under Part 5A of the Act; or
- the Chairperson so determines under section 9A(2) of the Act.

Section 28(4A)

When there is an appeal against the decision of one Commission member, it is to be heard and determined by the Commission constituted by three other members, including a member who is a lawyer as defined in section 3 of the Act.

Section 95

The Liquor Commission determines complaints and disciplinary matters in accordance with section 95 of the Act. Complaints lodged to the Commission may be made by the Director, the Commissioner of Police or a local government authority.

The Commission will determine the validity of the complaint and impose disciplinary measures if grounds exist for such a course of action.

Where a complaint is lodged for disciplinary action, one member of the Commission is to be a lawyer as defined in section 3 of the Act.

The following table shows the number of section 95 complaints that were handled by the Commission during 2022-23.

Complaints outstanding as at 1 July 2022	3
Complaints lodged 1 July 2022 – 30 June 2023	1
Complaints withdrawn 1 July 2022 – 30 June 2023	0
Complaints resolved 1 July 2022 – 30 June 2023	0
Total outstanding complaints as at 30 June 2023	4

Section 115(AD)

An application for a review of a barring notice issued by the Commissioner of Police can be heard by the Commission constituted by one member.

Section 152NH

The Commission can hear and determine applications for review of short-term exclusion orders issued by the WA Police.

Matters outside the jurisdiction of the Liquor Commission

An application for review cannot be lodged against the following decisions of the Director:

- cancellation of a licence under section 93 of the Act, unless the application for the review is made on a question of law;
- an application for or the conduct of business under an extended trading permit (where the period is greater than three weeks and less than five years) or an occasional licence;
- the imposition, variation, or cancellation of a term or condition of an extended trading permit, or an occasional licence;
- the cancellation or suspension of the operation of an extended trading permit or an occasional licence;
- matters relating to the hearing of an objection;
- a finding of fact required to be made in order to dispose of the matter or application; and
- a decision made in the course of, and for the purposes of, the administrative duties of the Director not directly related to the outcome of any application or matter before the licensing authority.

Furthermore, the Commission cannot reconsider any finding of fact by the Director as to:

- the qualifications, reputation or character of a person, or the fitness or propriety of a person in relation to an application or licence;
- the adequacy or suitability of any premises, accommodation or services provided, or proposed to be provided under a licence; or
- in relation to a club licence, or an application for such a licence, or the existence of the club, unless the review is sought by the person who lodged the application in respect of which the decision was made; or by the person about whom the finding was made in relation to the qualifications, reputation or character of a person.

Administrative Structure

Section 9B of the Act provides that the Liquor Commission consists of a Chairperson and other members as determined by the Minister for Racing and Gaming. At least one member of the Commission is required to be a lawyer as defined in section 3 of the Act.

Members of the Commission are appointed by the Minister for a maximum period of five years. Members are eligible for reappointment.

The member or members who constitute the panel in relation to an application/appeal shall be selected by the Chairperson, who will consider their knowledge or experience.

Executive support for the Commission is provided by the Department of Local Government, Sport and Cultural Industries.

As of 30 June 2023, the Liquor Commission consisted of 12 members.

Ms Emma Power – Chairperson

Ms Power has been working predominately in property, development, corporate and commercial. Prior to studying law, she was a secondary school teacher teaching visual arts. In 2017, she became the principal of the private law practice Power Commercial Law. She is also the legal member of the Local Government Standards Panel.

Mr Nicholas Van Hattem – Deputy Chairperson

Mr Van Hattem is a barrister with experience in commercial, government and criminal law matters. Prior to joining Francis Burt Chambers, he worked as a solicitor at Freehills, Aboriginal Legal Service, Rio Tinto and the State Solicitor's Office.

Mr Paul Shanahan

Mr Shanahan has over 30 years' experience in legal practice, primarily in litigation and dispute resolution. His practice has focused on commercial disputes, regulatory matters, administrative law matters, insurance and risk management matters, and building and construction disputes. He is currently General Counsel and Director of Governance at University of Western Australia.

Ms Elanor Rowe

Ms Rowe has practised as a solicitor in both England and Australia and was admitted as a Lawyer in the Supreme Court of WA in 2010. She currently works in property management and is a member of the Local Government Standards Panel.

Ms Alya Barnes

Ms Barnes is a senior solicitor with MP Commercial Lawyers and practices in the areas of contract and commercial law, business sales and pharmacy law including acquisitions and disposals. She has a strong background in property and commercial law and has international and domestic legal experience.

Dr Kim Hames

Dr Hames is a recently retired member of Parliament who was Deputy Premier for seven years and, during 20 years in Parliament, Minister for Health, Tourism, Aboriginal Affairs, Water, Housing and Workplace Development at various times and Governments. He also worked for 26 years as a general practitioner.

Professor Colleen Hayward

Professor Hayward has more than 35 years' experience in providing significant input into policies and programs on a wide range of issues, reflecting the needs of minority groups at community, state and national levels. She has an extensive background in a range of areas including health, education, training, employment, housing, child protection and law and justice, as well as significant experience in policy and management.

Ms Pamela Hass

Ms Hass is an experienced general counsel with a background in higher education, resources and a strong history in Board governance. Previously, she was General Counsel, Legal Services with the Department of Jobs, Tourism, Science and Innovation where she headed up a small in-house legal team working on major resources projects and other State initiatives.

Ms Shelley Davies

Ms Davies is a Legal Practitioner Director at Vitalis Legal. She has practised in both commercial and litigation areas, including appearances before the Supreme Court of WA, the State Administrative Tribunal and the Liquor Commission.

Mr Tony Di Francesco

Mr Di Francesco is the Managing Director of Gramercy Legal and practices in the areas of corporate law, commercial law, property law and commercial litigation. He has been a director of several companies and organisations in the real estate, sport and media industries.

Ms Mary Brown

Ms Brown has extensive law enforcement experience including corruption prevention, risk profiling, undertaking and overseeing high level investigations and responding to complaints and disciplinary matters related to complex and sensitive issues.

Mr Jared Brotherston

Mr Brotherston has over 20 years' experience as a director and company secretary and has held executive and senior management positions in postal services, construction and transport and logistics industries. He is currently employed with a major lithium mining company, with responsibility for contracting, procurement and supply chain management.

Performance Summary for 2022-23

The following tables provide details of the number, nature and outcome of applications before the Commission as at 30 June 2023. Full determinations are available from the Liquor Commission's website: [Liquor Commission](#).

Applications determined in 2022-23				
Case No.	Section of Act	Name	Matter	Outcome
21/958	25	Endeavour Group Limited	Application for review of the decision of the Director to refuse the grant of a liquor store licence in relation to premises known as BWS Falcon.	Application dismissed.
21/2179	25	Chief Health Officer	Application for review of the decision of the Director to grant a conditional special facility (cinema) licence for premises known as United Cinemas Rockingham with a juvenile exemption pursuant to section 120(1)(e) of the Act.	Application granted. Additional conditions imposed on liquor licence.
21/2702	25	Chief Health Officer	Application for review to grant a conditional special facility (cinema) licence for premises known as Hoyts Karrinyup with a juvenile exemption pursuant to section 120(1)(e) of the Act.	Application granted. Additional conditions imposed on liquor licence.
22/605	25	Endeavour Group Limited	Application for review of the decision of the Director to refuse the grant of a liquor store licence in relation to premises known as BWS Kelmscott	Application granted.
22/1601	25	Deva Paradiso Pty Ltd	Application for review of the decision of the Director to refuse to vary a trading condition of a liquor licence for premises known as Club Paradiso.	Application dismissed.
22/2067	24	Liquorland (Australia) Pty Ltd	Referral of grant of a liquor store licence in relation to premises known as Liquorland Karrinyup.	Application granted.

Applications determined in 2022-23				
Case No.	Section of Act	Name	Matter	Outcome
22/2151	24	Commissioner of Police v Anonymous	Referral of the Director of two applications lodged by the Commissioner of Police for prohibition orders.	Applications granted.
22/2756	25	Sylver Pty Ltd	Application for review of the decision of the Director to refuse the grant of a liquor store licence in relation to premises known as Cellarbrations Canning Vale.	Application dismissed.
22/2810	115AD	DN	Application for review of a barring notice.	Application dismissed.
22/3514	115AD	MAM	Application for review of a barring notice.	Barring notice varied.
22/3591	115AD	RGB	Application for review of a barring notice.	Barring notice varied to expire on 30 September 2022.
22/3673	25	ZJDD	Application for review of the decision of the Director to make a prohibition order.	Prohibition order varied.
22/3821	115AD	CBG	Application for review of a barring notice.	Application dismissed.
22/3870	115AD	CEB	Application for review of a barring notice.	Barring notice varied to expire on 30 August 2022.
22/4036	115AD	CEB	Application for review of a barring notice.	Orders issued to vary the barring notice to expire on 8 September 2022.
22/4190	115AD	CSM	Application for review of a barring notice.	Orders issued to revoke the barring notice.
22/4269	25	Liquorland (Australia) Pty Ltd	Application for review of the decision of the Director to refuse the grant of a liquor store licence in relation to premises known as Liquorland Southern River East.	Application dismissed. Decision appealed to the Supreme Court.

Applications determined in 2022-23				
Case No.	Section of Act	Name	Matter	Outcome
22/4832	25	Bakhita Emilliana Sino	Application for review of the decision of the Director to suspend a wholesaler's licence in relation to premises known as Mama Bakhita	The decision of the Director varied Ms Sino given three months from date of the Commission's decision to lodge applications to transfer and remove liquor licence.
22/5267	115AD	JDH	Application for review of a barring notice.	Orders issued to vary the barring notice to expire on 15 December 2022.
22/5348	115AD	KIB	Application for review of a barring notice.	Orders issued to vary the barring notice to expire on 20 December 2022.
22/5668	115AD	DJG	Application for review of a barring notice.	Barring notice varied.
22/5912	115AD	JPT	Application for review of a barring notice.	Barring notice varied to expire on 19 January 2023.
22/5951	115AD	PRK	Application for review of a barring notice.	Barring notice varied.
22/5989	115AD	JLS	Application for review of a barring notice.	Barring notice varied.
22/9733	115AD	BAW	Application for review of a barring notice.	Application dismissed.
23/200	115AD	KH	Application for review of a barring notice.	Barring notice varied.
23/565	115AD	VGT	Application for review of a barring notice.	Orders issued to vary the barring notice to expire on 7 March 2023.
23/1157	115AD	DMC	Application for review of a barring notice.	Application dismissed.

There are 12 matters that have been heard but not determined as at 30 June 2023:

Matters heard but not determined as at 30 June 2023				
Case Number	Name	Section of Act	Nature of matter	Status
21/1114	Spinifex Holdings (WA) Pty Ltd	95	Complaint by the Commissioner of Police alleging there is proper cause for disciplinary action.	Decision reserved.
21/1115	Boab Inn Pty Ltd			
21/1116	Emanuel Dillon			
21/1917	Spinifex Holdings (WA) Pty Ltd	147	Application by the Commissioner of Police seeking forfeiture of illegal gains due to breaches of licence conditions.	Decision reserved.
22/2214	JB Foods Pty Ltd	24	Referral of grant of a liquor store licence in relation to premises known as Karratha Cellars	Decision reserved.
22/2640	Jashan Pty Ltd (Licensee) and Vinod Parihar (director)	95	Complaint by the Commissioner of Police alleging there is proper cause for disciplinary action against the licensee and director for breach of the <i>COVID Restrictions Gatherings and Related Measures Directions No 2</i> on 31 December 2021 at a premises known as The George.	Matters heard on 23 August 2022. Decision reserved.
22/11230	Commissioner of Police	25	Application for review of the decision of the Director to vary a prohibition order.	Decision reserved.
23/112	Chief Health Officer	25	Application for review of the decision of the Director to approve applications to vary trading conditions and alteration/redefinition of licensed premises known as Event Cinemas Whitfords without adding additional harm minimisation conditions.	Decision reserved
23/299	MJB	115AD	Application for review of a barring notice.	Matter to be determined on the papers.
23/1158	BNM	115AD	Application for review of a barring notice.	Matter to be determined on the papers.
23/2184	ZSC	115AD	Application for review of a barring notice.	Matter to be determined on the papers.
23/4520	JHB	115AD	Application for review of a barring notice.	Matter heard on 29 June 2023. Decision reserved.

Finally, there are five matters that are awaiting consideration and will be carried over to the 2023-24 FY:

Matters to be carried over to 2023-24 FY				
Case Number	Name	Section of Act	Nature of application	Status
21/1918	Bradley Dunn	24	Referral by the Director of applications by the Commissioner of Police for revocation of approved managers approval.	Matters to be determined together on the papers. Applications on hold pending the outcome of matters 21/1114, 21/1115, 21/1116 and 21/1917.
21/1919	Emanuel Dillon			
21/1920	Kenneth Dodge			
22/3849	Santosh Foods Pty Ltd	24	Referral by the Director of an application for the transfer of a liquor licence for premises known as The George.	Application on hold pending the outcome of matter 22/2640.
22/11230	Chief Health Officer	25	Application for review of the decision of the Director to conditionally grant a special facility (amusement venue) licence for premises known as X-Golf Nedlands without adding additional harm minimisation conditions.	Matter listed for hearing on 20 July 2023.

Supreme Court Challenges

HADES CORP PTY LTD AS LICENSEE OF MILLENNIUM RESTAURANT (ACN 636 913 070) AND COMMISSIONER OF POLICE – GDA 5 OF 2022

On 15 July 2021, the Commissioner of Police lodged a section 95 complaint against Hades Corp Pty Ltd and Mr Lenno Joseph Parasuraman (director and shareholder) in relation to a premises known as Millennium Restaurant.

On 8 February 2022, the Commission determined that the complaint had been made out to a satisfactory standard such that proper cause for disciplinary action exists. The Commission imposed a penalty of \$30,000 against Hades Corp Pty Ltd, and imposed amended trading hours and conditions on the Millennium Restaurant's liquor licence.

On 10 February 2022, Hades Corp Pty Ltd appealed the decision to the Supreme Court on the following grounds:

1. The Commission erred in law by taking into account irrelevant considerations or did not take into account relevant considerations, in imposing the monetary fine on the appellant.
2. The Commission erred in law by varying the trading hours in a manner that was legally unreasonable, alternatively, by taking into account irrelevant considerations or did not take into account relevant considerations in varying the trading hours¹.
3. The Commission erred in law by failing to provide reasons for its decision to varying the trading hours, or the reason as to why the continued operation of the premises under the current trading hours is unsuitable.
4. The Commission erred in law by denying the appellants procedural fairness in varying the trading hours without affording the appellants any or adequate opportunity to make submissions on them.
5. The Commission erred in law by denying the appellant procedural fairness in imposing the additional trading conditions (h)² and (m)³.
6. The Commission erred in law by imposing additional condition (m) in a manner that was legally unreasonable, alternatively, by failing to take into account relevant information in imposing additional condition (m).

On 18 November 2022, Hades Corp Pty Ltd filed a discontinuance notice.

¹ "The trading hours are between 10:00am and 3:00am seven days a week and otherwise as prescribed in section 98F of the Act."

² "No liquor is to be sold or supplied for consumption on the Premises in any of the following ways: i) no liquor is to be supplied in a vessel with a capacity exceeding 600 ml, except bottles of wines; ii) no spirit-based beverages are to be supplied in vessels with a capacity exceeding 375 ml; and iii) in measurements of spirits that exceed 45 ml in any vessel."

³ "Staff, employees and agents of the licensee are not permitted to consume liquor at the premises. "Agents" includes "party hostesses" or persons engaged to provide entertainment of any kind."

COMMISSIONER OF POLICE v JJC - GDA 9 of 2022

On 8 June 2021, the Commissioner of Police lodged an application for a prohibition order against JJC, prohibiting him from entering all licensed premises within Western Australia for a period of three years. On 25 October 2021, the Director referred the matter to the Commission for determination pursuant to section 24 of the Act.

On 8 June 2022, the Commission dismissed the application. On 24 June 2022, the Commissioner of Police appealed the decision to the Supreme Court on the following grounds:

Ground 1

The Liquor Commission erred in construing section 152E of the *Liquor Control Act 1988* in that it found that section 152E only applied to offending behaviour in or near licensed premises when, on its proper construction, section 152E is not so limited.

Particulars

The Liquor Commission found, at paragraph [41] of its written reasons for decision (Reasons), that 'there should be a nexus between the anti-social behaviour and liquor licensed premises such that the offending behaviour is required to be in or near licensed premises before section 152E can respond'.

In doing so, the Liquor Commission construed section 152E so as to introduce a requirement not explicitly set out in the legislative text, or otherwise required by the context, rather than merely considering the public interest test set out in the section.

Ground 2

The Liquor Commission's reasoning, at paragraph [40](b) of its Reasons, was irrational.

The Liquor Commission found at paragraph [40](b) of its Reasons that a prohibition order would be of limited benefit because the Respondent had always met his alcohol requirement through secondary supply.

This conclusion was irrational, because:

- section 109 of the *Liquor Control Act 1988* (WA) makes it an offence to sell alcohol without a valid licence or permit. Accordingly, the Liquor Commission implicitly considered the potential for the Respondent to unlawfully avoid the effect of a prohibition order (being a potential applicable to the grant of any such order) to be a reason for not imposing that order; and
- in any event, the evidence before the Liquor Commission was that the Respondent was now able to, and intended to, purchase his own alcohol, such that it was reasonably likely that a prohibition order would be beneficial to minimise harm or ill-health in the future.

Ground 3

The Liquor Commission's reasoning, at paragraph [40](a) of its Reasons, was irrational.

Particulars

At paragraph [40] of its Reasons, the Liquor Commission found that:

- the Respondent had a 'significant alcohol problem';
- the Respondent had a list of police incidents that listed 11 of 38 family violence incidents as alcohol-related; and
- the Respondent's conduct during a number of those incidents 'unequivocally involved alcohol'.

Considered as a whole, the Liquor Commission's reasons indicate that it accepted that the Respondent's criminal behaviour in those 11 incidents was caused, in whole or in part, by his consumption of alcohol.

Whether the Respondent also committed offences while sober is irrelevant to the issue of whether he committed offences as a result of his consumption of alcohol. It was accordingly irrational for the Liquor Commission to take that issue into account when assessing whether it would be in the public interest to issue a prohibition order.

On 23 March 2023, the Commissioner of Police filed a discontinuance notice.

Significant Issues Impacting the Liquor Commission

Changes in Written Law

The Liquor Commission Amendment Rules 2022 amended Schedule 1 of the Liquor Commission Rules 2007 to increase the following application fees, which came into effect on 1 January 2023:

- Application for review of a decision by the Director - \$430.00.
- Appeal against a decision of the Commission constituted by one member - \$430.00.

The Liquor Commission Amendment Rules (No. 2) 2022 amended the Liquor Commission Rules 2007 to allow the Commission to hear applications for review of a short-term exclusion order issued by the Police, which came into effect on 24 December 2022.

The Racing and Gaming Regulations Amendment (Fees and Charges) Regulations 2022 amended Schedule 3 of the Liquor Control Regulations 1989 to increase the application fee for a review of a barring notice issued by the Commission of Police to \$264.00, which came into effect on 1 January 2023.

The Liquor Control Amendment Regulations 2022 amended Schedule 3 of the Liquor Control Regulations 1989 to introduce a new application fee of \$253.50 for the review of a short-term exclusion order issued by the Police, which came into effect on 24 December 2022. The fee was increased to \$264.00 with effect on 1 January 2023.

Trends or Special Problems that have Emerged

The volume of material before the Commission and time required to draft judgments continues to increase. This places significant demands on the time of Commissioners and causes delays in the publication of decisions.

Proposals for Improving the Operation of the Commission

The Commission will develop standard completion timeframes for matters to ensure the efficient exercise of the Commission's statutory functions.

Forecasts of the Commission's Workload for 2023-24

It is expected that although the Commission's workload will be similar to previous years, the complexity of matters before the Commission will continue to increase.

Other Legal and Government Policy Requirements

The Commission meets its requirements through arrangements with the Department of Local Government, Sport and Cultural Industries. The Department's Annual Report contains information on how the Department meets the following requirements:

- Disability access and inclusion plan outcomes.
- Compliance with public sector standards and ethical codes.
- Recordkeeping plans.
- Employment and industrial relations.
- Staff development.
- Workers' compensation.
- Occupational safety, health and injury management.
- WA multicultural policy framework.
- Substantive equality.

Advertising

Section 175ZE of the *Electoral Act 1907* requires public agencies to report details of expenditure to organisations providing services in relation to advertising, market research, polling, direct mail and media advertising.

The Commission incurred the following expenditure in 2022-23.

Expenditure	Organisation	Amount (\$)	Total (\$)
Advertising	Government Gazette	\$488.40	\$488.40
Total			\$488.40

Remuneration of Members

Chairperson

The Chairperson is entitled to payment of:

- \$763 per day for hearings or deliberations/meetings of less than 4 hours; or
- \$1,074 per day for hearings or deliberations/meetings of over 4 hours.
- Plus \$129 per hour for preparation time. The rate which applies is 3 hours for up to one day and 3 hours for each additional day of hearings or deliberations or part thereof.
- Plus \$129 per hour for decision writing time. The rate which applies is 5 hours for up to one day and 3 hours for each additional day of hearings or deliberations or part thereof.

Members

The members are entitled to payment of:

- \$505 per day for hearings or deliberations/meetings of less than 4 hours; or
- \$773 per day for hearings or deliberations/meetings of over 4 hours.
- Plus \$102 per hour for preparation time. The rate which applies is 3 hours for up to one day and 3 hours for each additional day of hearings or deliberations or part thereof.
- Plus \$107 per hour for decision writing time. The rate which applies is 5 hours for up to one day and 3 hours for each additional day of hearings or deliberations or part thereof.

During the reporting period, the following remuneration figures applied to Commission members.

Position title	Member name	Type of remuneration	Period of membership		Gross/actual remuneration for 2022-23
Former Chairperson	Kate Pedersen	Sitting fees plus preparation and decision writing time	1/7/2022	31/12/2022	\$1,795.00
Chairperson	Emma Power	Sitting fees plus preparation and decision writing time	1/7/2022	30/6/2023	\$2,692.00
Deputy Chairperson	Nicholas Van Hattem	Sitting fees plus preparation and decision writing time	1/7/2022	30/6/2023	\$5,720.00
Former Member	Sandra Di Bartolomeo	Sitting fees plus preparation and decision writing time	1/7/2022	19/9/2022	\$4,374.00
Former Member	Kirsty Stynes	Sitting fees plus preparation and decision writing time	1/7/2022	6/2/2023	Nil
Member	Paul Shanahan	Sitting fees plus preparation and decision writing time	1/7/2022	30/6/2023	\$4,038.00
Member	Elanor Rowe	Sitting fees plus preparation and decision writing time	1/7/2022	30/6/2023	\$6,561.00
Member	Alya Barnes	Sitting fees plus preparation and decision writing time	1/7/2022	30/6/2023	\$3,564.39
Member	Pamela Hass	Sitting fees plus preparation and decision writing time	1/7/2022	30/6/2023	\$4,105.00
Member	Dr Kim Hames	Sitting fees plus preparation and decision writing time	1/7/2022	30/6/2023	\$6,610.90
Member	Prof. Colleen Hayward	Sitting fees plus preparation and decision writing time	1/7/2022	30/6/2023	Nil
Member	Shelley Davies	Sitting fees plus preparation and decision writing time	1/8/2022	30/6/2023	\$2,187.00
Member	Anthony Di Francesco	Sitting fees plus preparation and decision writing time	1/8/2022	30/6/2023	\$1,346.00
Member	Mary Brown	Not applicable. Full time public sector employee	29/5/2022	30/6/2023	Nil
Member	Jared Brotherston	Sitting fees plus preparation and decision writing time	29/5/2022	30/6/2023	Nil
Total					\$42,993.29

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