



Liquor Commission of Western Australia 2016-17 Annual Report



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Availability in other formats

This publication can be made available in alternative formats. The report is available in PDF format at www.liquorcommission.wa.gov.au

People who have a hearing or speech impairment may call the National Relay Service on 133 677 and quote telephone number (08) 6551 4887.

Statement of Compliance

Hon. Paul Papalia CSC, 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 2017.

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



Seamus Rafferty
Chairperson

8 August 2017

Overview of Agency

Executive Summary

It is my pleasure to present the Annual Report of the Liquor Commission of Western Australia for the year ended 30 June 2017.

During the year in review, 36 new applications were lodged with the Liquor Commission and eight applications were carried over from 2015-16. As at 30 June 2017, the Commission had determined 19 applications, two applications were withdrawn and 23 were carried over to 2017-18.

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. This is not an ideal situation, however given that some commissioners are already employed full-time in other positions, there is nothing that can be done to avoid this.

The Commission would cease to function without the tireless efforts of the Executive Officer, Ms Seema Saxena. Her dedication to the effective running of the Commission is valued and from a personal perspective, makes the role of Chairman so much easier. I thank Ms Saxena for her commitment to the Commission and her invaluable advice.



Seamus Rafferty
Chairperson

Operational Structure

Enabling Legislation

The Liquor Commission (the Commission) is established under section 8 of the *Liquor Control Act 1988* 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 2017, the Minister responsible for the Racing and Gaming Portfolio was the Honourable Paul Papalia CSC, MLA, Minister for 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 of Liquor Licensing, or by an application for a review of a decision made by the Director of Liquor Licensing. The latter is achieved by way of a re-hearing and thus 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 of Liquor Licensing when making the decision.

The Commission is responsible for:

- Determining liquor licensing matters referred to it by the Director of Liquor Licensing;
- Conducting reviews of certain decisions made by the Director, or by a single member of the Commission;
- Determining complaints and disciplinary matters in accordance with section 95 of the *Liquor Control Act 1988*;
- 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 of Liquor Licensing, to which effect shall be given; and
- Make any incidental or ancillary order.

Parties to any proceedings before the Liquor 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 *Liquor Control Act 1988*.

Section 95

The Liquor Commission determines complaints and disciplinary matters in accordance with section 95 of the *Liquor Control Act 1988*. Complaints lodged to the Commission may be made by the Director of Liquor Licensing, 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 2016-17.

Complaints Outstanding as at 1 July 2016	0
Complaints lodged 1 July 2016 – 30 June 2017	4
Complaints resolved 1 July 2016 – 30 June 2017	0
Total Outstanding Complaints as on 1 July 2017	4

Section 115(AD)

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

Matters outside the Jurisdiction of the Liquor Commission

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

- 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;
- The assessment of a subsidy;
- Matters relating to the hearing of an objection;
- 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 of Liquor Licensing 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 *Liquor Control Act 1988* 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 give consideration to their knowledge or experience.

Executive support for the Liquor Commission is provided by the Department of Racing, Gaming and Liquor.

As of 30 June 2017, the Liquor Commission consisted of eight members, namely:

Seamus Rafferty – Chairperson

Mr Seamus Rafferty graduated from Notre Dame University in 2001 with a Bachelor of Law degree. After eight years as a State Prosecutor with the State DPP, he has run his own practice specialising in criminal law for the past seven years. Mr Rafferty has been a member of the Liquor Commission since 2011 and Chairman since 2015. He is also the Chairman of the Combat Sports Commission of Western Australia, having held that position since 2011. He was appointed a member of the Administrative Appeals Tribunal in 2016.

Edward Watling OAM – Deputy Chairperson

Mr Watling is a founding partner and Executive Director of the firm Tourism Coordinates, a Perth-based company specialising in tourism strategic planning and development. He has more than 45 years' experience in the tourism industry, combining both government and private sector service. In 1984, he was appointed the inaugural General Manager of the Western Australian Tourism Commission and held that position until 1987.

Following that, Mr Watling took up a position within the Public Service Commission where he undertook a range of agency reviews for the Government's Functional Review Committee, after which he served for seven years as a tourism consultant to the Minister for Tourism. Mr Watling was appointed an inaugural member of the Liquor Commission in December 2006.

Eric Isaachsen – Member

Dr Isaachsen has worked for more than 25 years in general practice covering a broad range of professional interests. He is a Senior Sessional Member of the State Administrative Tribunal, sitting on matters in the Vocational stream.

Michael Egan – Member

Mr Egan graduated from the University of Tasmania in 1980 with a Bachelor of Laws degree. He worked in a senior management role in the Western Australia Public Service from 1985 until 1997 in a regulatory capacity, and prior to his retirement in 2013, in an executive management position in the private sector in the gaming, hospitality and entertainment industry.

Alex Zilkens – Member

Mr Zilkens graduated from the University of Sydney in 1986 with a combined Arts/Law degree, and has worked as a lawyer in private practice since his admission in 1987. He has been the principal of Zilkens Lawyers since 1993, taking instructions in commercial legal work as well as commercial and general litigation. After 14 years as chairman of YHA Western Australia, he stood down from that position in 2010 (but continued as a director) to become the chairman of Hostelling International Australia (formerly known as YHA Australia), a position he held until the completion of the merger of the Australian YHAs in 2017 into a single national association. On 4 August 2014, Mr Zilkens was elected a Vice President of the International Youth Hostel Federation trading as Hostelling International, a registered charity under the Charities Act in England and Wales, United Kingdom representing 69 member associations (youth hostelling associations from different countries).

Ms Mara Barone – Member

Ms Barone practices exclusively in criminal law. She completed combined Law/Arts (Psychology) degrees from the University of Western Australia in 1999 and took up an articulated clerkship at Legal Aid WA upon graduation. After three years at Legal Aid WA, Ms Barone commenced working for the Aboriginal Legal Service WA in 2003 where she went on to work in the Criminal Law Unit for eight years as a lawyer, solicitor in charge of the Criminal Law Unit, and then as in-house Counsel. Since 2011, Ms Barone has been in private practice as the Director of Barone Criminal Lawyers. In 2011, she completed her Masters of Laws at the University of Western Australia. Ms Barone was previously a board member of the Tenancy Advice Service.

Mr Paul Heaney – Member

Mr Heaney graduated from the University of Western Australia in 1978 with a Bachelor of Jurisprudence and a Bachelor of Law. In 1983, after practicing law as an associate in a private firm for several years, Mr Heaney was appointed as a stipendiary Magistrate and served in the role throughout the State of West Australia until 30th June 2016, a period of almost 33 years.

In March 2011, Mr Heaney became the Deputy Chairman of the Prisoners Review Board since.

Mr Denis Temby – Member

Denis Temby was admitted to legal practice by the Supreme Court of Victoria in 1975. Since then he has practised in both Victoria and Western Australia primarily in Criminal Law and Family Law in private practice and then with the Aboriginal Legal Service between 2000 and 2003. He was appointed a Magistrate in 2003, after which he presided in Courts in regional and metropolitan WA, where his areas of work included the Criminal and Civil jurisdictions, the Children's Court, the Coroner's Court, the Family Court and as the Mining Warden. He retired in July 2016.

Performance Summary for 2016-17

The table on page 13 provides details of the number, nature and outcome of applications heard and determined before the Commission as at 30 June 2017.

Full determinations are available from the Liquor Commission's website at www.liquorcommission.wa.gov.au

Outstanding matters as at 30 June 2017.

As at 30 June 2017, there were two matters that have been heard but not determined. These were:

- MGA Entertainment Pty Ltd
- Australian Leisure and Hospitality Group Pty Ltd

Reasons of determination for the following matters determined by the Commission are waiting to be published:

- ALDI Foods Pty Ltd
- World Brands Australia Pty Ltd

Furthermore, applications by following applicants were either listed but not heard or pending to be determined on papers:

- Michael Robert Bell & Others
- Tybel Nominees Pty Ltd
- PDJ Geraldton Pty Ltd, Aydin Pty Ltd, Danroy Pty Ltd and Peter Jeffree
- Kimberley Accommodation (East) Pty Ltd
- Leedal Pty Ltd
- JDP Tourism Resources Pty Ltd
- Australian Leisure and Hospitality Group Pty Ltd
- Australian Leisure and Hospitality Group Pty Ltd
- Australian Leisure and Hospitality Group Pty Ltd
- Section 95 complaint by Commissioner of Police-Mr John William Guy
- Section 95 complaint by Commissioner of Police- Ms Claire Louise Parker

- Section 95 complaint by Commissioner of Police-Mr Michael Raymond Taylor
- Application for Approved Manager- Mr Michael Raymond Taylor
- Section 115AD review of Barring Notice-Mr G K
- Section 115AD review of Barring Notice - Mr A M
- Section 115AD review of Barring Notice- Ms H W

Following matters were neither listed nor heard:

- Section 115AD review of Barring Notice- Mr J C
- Section 115AD review of Barring Notice- Mr T M
- Tokyo Mart Pty Ltd

The following table shows the number of applications lodged and determined during the current reporting period.

Applications Lodged and Heard 2016-17			
Case No.	Name	Section of Act	Outcome
L30/01/364	Mr T R	115AD	Application refused
L30/01/365	Mr Robert Caines	25	Application refused
L30/01/366	Mr Benjamin R Davis	25	Application refused
L30/01/367	Mr Paul James Moss	25	Application granted
L30/01/368	Woolworths Ltd	25	Application refused
L30/01/370	Liquorland (Australia) Pty Ltd	25	Application granted
L30/01/371	Mr A B	115AD	Application refused
L30/01/373	Kapinkoff Nominees Pty Ltd	25	Application refused
L30/01/374	Mr P M J	115AD	Application refused
L30/01/375	That Cocktail Guy	25	Applications refused
L30/01/378	Mr T K	115AD	Application granted partially
L30/01/379	Mr D J B	115AD	Application refused
L30/01/380	Ash Promotions Pty Ltd	25	Application refused

Significant Appeals before the Commission

The Commission continued to make a number of significant decisions during the reporting period. Below are some of the higher profile decisions made by the Commission.

CARINE GLADES TAVERN (LC 01/2017)

BACKGROUND

On 27 July 2015, the Liquor Commission refused an application seeking review of the decision of the delegate of the Director to refuse an application for approval of the alteration/redefinition of licensed premises known as Carine Glades Tavern.

On 12 February 2016, His Honour Martino J quashed the decision of the Commission refusing the application for review and remitted the matter to the Commission for reconsideration. The basis upon which the Commission's decision was quashed was that in considering the issue of harm and ill-health, it failed to evaluate the evidence, make findings and draw conclusions as it was required to do.

The fundamental issue for the Commission to determine was whether the applicant had established on the balance of probabilities that it was in the public interest that this application for alteration/redefinition be granted.

REHEARING ON 29 JUNE 2016

In the context of this application, the issues for the Commission to focus on were:

- a) Would the granting of the application cater for the requirements of consumers for liquor?
- b) Would the granting of the licence be in accord with the proper development of the liquor industry?

The Commission observed that in answer to the first question was "yes". The proposed redevelopment would cater for the consumers of liquor in a modern tavern environment for those who choose to consume liquor on the premises. It would also involve the development of a destination type liquor store that would increase the range of products available to consumers from what is already in existence at the licensed premises.

The second consideration was the issue of whether the granting of the licence would be in accord with the proper development of the liquor industry. In other words, would the granting of the licence crush competition and create either a monopoly or duopoly in the retail liquor industry? The Commission noted that the creation of a monopoly or duopoly in liquor retail such that it would crush competition offered by smaller outlets was a relevant consideration when determining the issue of public interest. A situation in which one or two retailers completely dominate the liquor market would not be in the public interest. However, there was no evidence before the Commission, either direct or circumstantial, from which the Commission could conclude that the granting of this application would have a crushing effect on other liquor outlets or that a point has been reached within the Perth metropolitan area that the two large liquor outlets (Dan Murphy's and First Choice) so dominate the market that other retailers are unable to compete and as such a monopoly or duopoly has been created.

There was no evidence before the Commission as to how previous grants of licences to the applicant has affected other liquor retailers. In the absence of such evidence, the Commission could not conclude that the granting of this application would be contrary to the proper development of the liquor industry and was not in the public interest.

While the Commission is required to act without undue formality and was not bound by the rules of evidence, submissions must be based on cogent and relevant evidence. In the absence of evidence that is capable of establishing that competition would be crushed by the granting of the application and where the requirements of consumers of liquor will be catered for by the granting of the application, the answer to the second question is “yes”.

The application was granted pursuant to section 25(4)(b) of the Act.

BWS NORTHAM (LC 02/2017)

An application was lodged with the Commission seeking review of the decision of the Director to refuse an application for conditional grant of a liquor store licence in respect of premises located at the Northam Boulevard Shopping Centre in Northam, to be known as BWS - Beer Wine Spirits.

In the Commission’s view, granting of the application would increase the availability of liquor within the Northam community and would potentially result in the lowering of prices by licensees. As a specialist Tribunal, the Commission was entitled to draw an inference that there was a likelihood that such a scenario may occur, particularly where the granting of the licence would result in four retailers selling packaged liquor within a short distance of each other, resulting in a strong likelihood of increase in harm to the health of “at-risk” groups identified within the locality and increase in associated harm, such as domestic violence, drink driving and anti-social behaviour.

Even if the Commission was wrong in predicting that there would be a lowering of prices and a consequent increase in harm and ill-health, there was a body of evidence of a correlation between an increase in outlet density and an increase in alcohol related harm referred to in the materials submitted by the Chief Health Officer. The Commission accepted this evidence in respect to outlet density notwithstanding the criticisms made by the applicant of this evidence and formed the view that an additional liquor store in a town with a population of 6500-7000 people would give rise to a significant risk of harm and ill-health due to the use of liquor.

Having regard to the totality of the evidence, the Commission was not satisfied that the benefits of one-stop shopping and an increase in the availability of liquor products outweighed the likelihood of an increase in harm and ill-health due to the use of liquor if the application were granted.

The application was refused.

LIQUORLAND GATEWAY (LC 07/2017)

A review was sought for an application for the conditional grant of a liquor store licence for premises to be known as Liquorland Gateway to be located adjacent to an existing Coles supermarket inside the Cockburn Gateway Shopping Centre. The proposed liquor store is 177 square metres in size, with a cool room of 32 square metres and a stock area of 14 square metres.

The fundamental issue for the Commission to determine in this application was whether the applicant had discharged the onus prescribed by section 38(2) of the Act and proven on balance that the granting of the application was in the public interest. Having regard to all of the materials before it, the Commission formed the view that the applicant had discharged its onus and established that the granting of the application was in the public interest for the following reasons:

- a) The granting of the application would provide a one-stop shopping experience for those who purchase their groceries from the Coles supermarket adjacent to the proposed premises;
- b) One-stop shopping is of great importance to the many members of the community who lead busy and time-poor lifestyles;
- c) The granting of the application would provide greater choice for those who purchase packaged liquor within the shopping centre;
- d) The applicant was an experienced operator committed to the responsible service of alcohol;
- e) There were no harm or ill-health issues associated with the granting of the licence;
- f) The granting of the licence would not result in the proliferation of liquor outlets in the locality;
- g) The granting of the licence would not impact negatively upon the amenity of the locality;
- h) There was no evidence to suggest that offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the proposed licensed premises;
- i) There was a significant body of support for the granting of the licence as reflected by the results included in the DAA Report.

The application was granted.

ALDI HARRISDALE (LC 09/2017)

On 23 September 2015, ALDI Foods Pty Ltd lodged an application before the Director for the conditional grant of a liquor store licence for premises to be known as ALDI Harrisdale Liquor Store. Woolworths Limited had made an application for the conditional grant of a liquor store licence within the same shopping centre development in which it was proposed that the ALDI store would operate. That application was lodged on 23 July 2015. The Delegate of the Director determined to deal with both applications together pursuant to section 16(12) of the Act.

In written reasons dated 11 May 2016, the Delegate granted the Woolworths application and refused the ALDI application. By way of an application dated 10 June 2016, ALDI sought a review of the original decision to refuse the grant of the licence pursuant to section 25(1) of the Act. A hearing of this matter was conducted before the Commission on 22 February 2017.

The Commission was satisfied that there was a fundamental error made by the Delegate at first instance, that being that he did not consider the ALDI application on its own merits and chose to consider the applications of ALDI and Woolworths as competing applications.

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.

Having regard to that requirement, the Commission gave full weight to all of the evidence considered at first instance relevant to the application made by ALDI and not adopt the approach advocated by the Director, that being that less weight should be given to the evidence adduced by the applicant on the basis that there was now a BWS store operating in the locality. In the Commission’s view, had such an approach been adopted, it would have been unfair to the applicant. The Commission observed that the error made at first instance had solely impacted upon the weight given to evidence relied upon by the applicant.

Furthermore, the Commission formed the view that the granting of a licence for the selling of packaged liquor in a floor space of 24 square metres would not result in a proliferation of liquor stores within the locality. On the contrary, given the nature of products to be sold by the applicant it would add to the diversity of products on offer and allow greater choice for consumers of liquor, thus being consistent with the primary object set out in section 5(1)(c) of the Act.

Having considered all evidence relevant to this matter, the Commission concluded that the Applicant had discharged its onus prescribed by section 38(2) of the Act and granted the application.

Supreme Court Challenges

Peninsula Tavern

On 4 February 2017, the Liquor Commission by a majority decision, Chairman, Mr Seamus Rafferty dissenting, refused an application for approval of alteration/redefinition by Australian Leisure and Hospitality Group Pty Ltd of its licensed premises, the *Peninsula Tavern* in Maylands. The proposed development involved the demolition of the existing premises and the construction of a new tavern and Dan Murphy's liquor store.

In its decision, the Commission found that the premises are located on the western side of the Midland railway line separated from the main part of the Maylands town centre and, in its view, could not be said to be integrated with a retail shopping centre, or in sufficiently close proximity to a wide range of retail services and facilities to characterise the premises as forming part of a one-stop shopping experience. It was not clear to the Commission what benefit the Dan Murphy's store adds to the redeveloped tavern (for example, in providing a wide choice of wine, beer or other products). There was little or no direct evidence of the extent to which this either forms part of the business plan for the new development (other than a general statement that the applicant's emphasis was on the integration of hotel/tavern and liquor store services into one venue) or was evident at other premises comprising a tavern/hotel and Dan Murphy's liquor store.

The Commission was not persuaded by the applicant that because the application did not increase the number of premises in the locality, the outlet density in the locality was not an issue. In its decision, the Commission observed that outlet density was relevant to both the sufficiency of liquor stores in the locality, but more importantly in this case to any potential for an increase in the availability of liquor in the community. The proposed liquor store is many times the size of a "normal" size liquor store, stocks a greater range of liquor both singly and in bulk and sells liquor cheaper than any other outlet.

The Commission preferred the evidence and research of the EDPH that the size and design of the store would result in the sale of more liquor, including unplanned and opportunistic purchasing, and the consequential consumption of more liquor, over the evidence of the applicant that persons may buy more, but because they shop less often they do not necessarily consume more.

In the Commission's view, the proposed Dan Murphy's store would, on the balance of probabilities, have a negative impact on the local community and the "at risk" groups in the community in particular.

Although it was difficult to quantify the likely increase in harm or ill-health, particularly at a broader community level, the Commission was satisfied and was firmly of the view that the harm and ill-health likely to be caused to the "at risk" groups examined in these reasons would be high and that the consequential harm and ill-health to these "at risk" groups was likely to be significant. Furthermore, the Commission was not persuaded that the benefits of the proposed development as enunciated by the applicant outweighed the serious potential harm and ill-health that was likely to be caused to the various "at risk" groups in the locality.

After careful consideration and evaluation of all the evidence, the Commission concluded that on the balance of probabilities, the applicant had not demonstrated that the grant of the application was in the public interest as required by section 38 of the Act and subsequently refused the application.

The Commission's decision to refuse the application was appealed to a single judge of the Supreme Court. In upholding the appeal, the judge found that after considering the respective submissions from parties, the reasons provided by the Commission did not give proper genuine and realistic consideration to the matters relevant to the section 5(1)(c) object when the scope of that object was properly understood. A proper consideration of section 5(1)(c) object may have led to a different outcome.

The Commission was required to evaluate the evidence, make findings and draw conclusions from the evidence, including by reference. It was bound to apply the public interest criterion to the findings it had made and the conclusions it had drawn. However, during the reasoning process, the Commission failed to make findings and draw conclusions from the evidence as it was required to do so.

As a reconsideration of the application involves the assessment of public interest, the application was remitted to the Commission as the specialist tribunal established for the purpose of dealing with such application.

The application is listed for a hearing before the Commission later in 2017.

Significant Issues Impacting the Liquor Commission

Trends or Special Problems that have Emerged

As noted earlier, one-stop shopping experience dominated a significant number of applications before the Commission. The ability to purchase liquor at the same time as groceries does not necessarily amount to "one-stop shopping" in the sense that local members of the community may expect to be able to undertake much, or most, of their daily and weekly shopping in the one location.

Forecasts of the Commission's Workload for 2017-18

It is expected that although the workload of the Liquor Commission for 2017-18 will be similar to previous years; however, the complexity of the matters before the Commission will continue to increase thereby placing pressure on the current resources of the Commission. Indications are that the Commission, although not adequately resourced to carry out its functions, will be able to function efficiently for the time being.

Proposals for Improving the Operation of the Commission

The Commission will continue to improve and streamline the process of handling applications for review.

Other Legal and Government Policy Requirements

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. During the reporting period, the Commission did not incur any such expenses.

Remuneration of Members

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

Commission Member	All Earnings	Superannuation
Eric Isaachsen	\$8,250.00	\$783.76
Seamus Rafferty	\$15,358.00	\$1,459.04
Edward Watling	\$13,797.00	\$1,310.73
Alex Zilkens	\$6,463.00	\$613.99
Michael Egan	\$8,650.00	\$821.76
Mara Barone	\$4,038.00	\$383.61
Paul Heaney	\$12,387.00	\$1,176.77
Total	\$68,943.00	\$6,549.66

Other Government Policy Requirements

The Commission meets its requirements through arrangements with the Department of Racing, Gaming and Liquor. 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;
- Substantive Equality; and
- Occupational Safety, Health and Injury Management.