

DECISION OF DIRECTOR OF LIQUOR LICENSING

APPLICANT: NEWSLINK PTY LTD

PREMISES: LINK

PREMISES ADDRESS: TENANCY 3, INTERNATIONAL TERMINAL, HORRIE MILLER DR, REDCLIFFE

LICENCE NO: 15253

**NATURE OF MATTER: CONDITIONAL GRANT OF A SPECIAL FACILITY
TRANSPORT LICENCE**

This is an application by Newslink Pty Ltd ("the applicant") for the conditional grant of a Special Facility Transport Licence for premises to be known as Link and situated at Tenancy 3, International Terminal, Horrie Miller Dr, Redcliffe.

The application is made pursuant to sections 46 and 62 of the *Liquor Control Act 1988* ("the Act") and more specifically the applicant seeks a licence of the type prescribed in accordance with regulation 9A(6) of the *Liquor Control Regulations 1989* ("the Regulations") as "Transport".

Regulation 9A(6) provides:

"A special facility licence may be granted for the purpose of allowing the sale of liquor-

- (a) at an airport, railway station, bus station or seaport; or*
- (b) on an aeroplane, train, bus, ship or vehicle,*

to passengers and their guests."

The applicant pursuant to the *Airports (Control of On-Airport Activities) Regulations 1997*, has all prerequisite approvals to conduct a business at the Perth International Airport and as the applicant seeks a special facility licence of a type prescribed, in accordance with section 46(6) of the Act, the requirements of section 38 of the Act have been waived.

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.

This application is conditionally granted subject to the following conditions:-

- a Certificate under section 39 of the Act being lodged before the operation of the licence;
- compliance with the *Local Government Act 1960*, *Health Act 1911* and any written law relating to the sewerage and drainage of these premises;
- all work being completed within twelve (12) months, 3 March 2016 in accordance with the plans and specifications dated 10 December 2014;
- the Director of Liquor Licensing being notified in writing 21 days before the day the licensee wishes to commence trading under the licence.
- a final inspection by an Inspector of Licensed Premises being conducted to ensure that all requirements have been satisfactorily completed;
- the applicant seeking confirmation of the grant on or before **3 March 2016** pursuant to Section 62(4)(c) of the Act.

WHEN THE LICENCE COMMENCES OPERATION IT WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

TRADING HOURS AND CONDITIONS

Pursuant to section 46(3) of the Act and regulation 9A (6) of the Regulations, this licence is granted for the prescribed purpose of allowing the sale and supply of liquor, at the licensed premises situated at the Perth International Airport, to passengers and their guests.

1. During the permitted trading hours, the licensee is authorised to sell and supply liquor, for consumption on the licensed premises only, to:

- passengers who have travelled on a flight;
- passengers who hold valid tickets and are about to travel on a flight; and
- the bona fide guests of those passengers.

2. The sale and supply of packaged liquor for consumption off the licensed premises is prohibited.

3. Pursuant to section 98C of the Act the licensee is authorised to sell and supply liquor at any time, on any day or night during the year that the terminal is open.

4. The continuation of this special facility licence will be reviewed by the Director of Liquor Licensing if at any time in the future the licence is to be transferred to another party. The purpose of that review is to determine whether the licence is to be used for the reasons for which it was granted (section 46(3) of the Act refers).

ENTERTAINMENT CONDITION

1. 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 –

- (a) be immodestly or indecently dressed on the licensed premises, and/or
- (b) take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.

2. The licensee or manager, or an employee or agent of the licensee or manager, is prohibited from –

- (a) exhibiting or showing, or causing, suffering or permitting to be exhibited or shown, on the licensed premises any classified “R 18+”, “X 18+” or “RC” classified publication, film or computer game or extract therefrom;
- (b) 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
- (c) 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.

3. In this condition “licensed premises” includes any premises, place or area:-

- (a) which is appurtenant to the licensed premises, or
- (b) 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.

COMPLIANCE WITH HARM MINIMISATION POLICY

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.

SECTION 104 - APPROVAL

Pursuant to section 104 of the Act, the arrangements entered into by the licensee and Perth Airport Pty Ltd as contained in the Concession Agreement lodged in January 2015 is approved.

LICENCE FEES

Pursuant to section 127(2) of the Act the prescribed licence fee will be payable prior to the operation of the licence.

TRADING MAY NOT COMMENCE WITHOUT THE PRIOR WRITTEN APPROVAL OF THIS OFFICE.

In addition to the specified trading conditions of the licence, the licensee is also reminded of the obligations of a licensee under the Act including the following:-

- *Supervision & Management*

The licensee must ensure that the conduct of the business at the licensed premises is personally supervised and managed by an Approved Unrestricted Manager or by the licensee if the licensee is a natural person at any time when business is conducted.

- *Mandatory Training - Responsible Service of Alcohol*

Within four (4) weeks of commencing employment at the licensed premises the licensee is required to have any person who will be engaged in the sale, supply and service of liquor on the licensed premises, and all senior staff, successfully complete a course of training in the responsible service of alcohol.

- *Free Drinking Water*

Pursuant to section 115A of the Act, at all times that liquor is sold and supplied for consumption on the licensed premises, the licensee shall make available to patrons, potable drinking water free of charge. As a minimum, this condition is to be met by way of water dispensers located at or near all bar service areas. The water must be refreshed regularly, with clean glasses or disposable cups being available for use.

This matter has been determined by me under delegation pursuant to section 15 of the Act.

Eric Romato

DELEGATE OF THE DIRECTOR OF LIQUOR LICENSING

3 March 2015