

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

Applicant: Sand Volley Australia Pty Ltd
(represented by Ms Philippa Honey of Francis Burt Chambers and Mr Alec Weston of Lavan)

Intervener: Director of Liquor Licensing
(represented by Mr John Carroll and Ms Emily O'Keeffe of State Solicitor's Office)

Objectors: Colin Beckett
Rex Growden and Judith Growden
Kenneth Ilett and Helen Ilett
Paul Morgan
Robert MacPherson
Judith Drummond

Commission: Mr Seamus Rafferty (Chairperson)
Ms Elanor Rowe (Member)
Mr Paul Shanahan (Member)

Matter: Application pursuant to section 25 of the *Liquor Control Act 1988* for a review of a decision by the delegate of the Director of Liquor Licensing to refuse an application for a grant of special facility licence.

Orders in relation to proposed trading conditions.

Premises: Sand Sports Australia, 34 Verdun Street, Nedlands

Date of Orders: 2 April 2020

Further to the Commission's determination to grant a special facility licence (LC 06/2020), which was published on 23 March 2020, the Commission makes the following orders:

- 1) The decision of the Director of Liquor Licensing is quashed pursuant to section 24(4)(4)(a) of the *Liquor Control Act 1988* (the Act).
- 2) Pursuant to section 25(4)(b) of the Act, the application for a special facility licence is granted, subject to the following conditions:

Trading hours and conditions

1. Pursuant to section 46(3) of the Act and regulation 9A(11) of the *Liquor Control Regulations 1989*, this licence is granted for the prescribed purpose of allowing the sale and supply of liquor at a "sports arena" to persons playing or viewing sports, or attending any other event, at the arena.
2. During the permitted trading hours, the licensee is authorised to sell and supply liquor, for consumption on the licensed premises only, to persons participating in or viewing the playing of sand-based Volley Ball or Netball, or attending any other event, at the arena.
3. The permitted trading hours in accordance with section 98C of the Act are:
 - Monday to Thursday: 10.00 am to 10.30 pm.
 - Friday and Saturday: 10.00 am to 11.00 pm.
 - Sunday: 10.00 am to 10.30 pm.
 - Trading on Good Friday; Christmas Day or before noon on ANZAC Day is prohibited.
4. The sale and supply of packaged liquor for consumption off the licensed premises, is prohibited.
5. The licensee is only permitted to sell and supply liquor in unsealed (i.e. opened) pre-packaged containers such as cans, stubbies, or single use disposable containers.
6. The number of persons that may be accommodated on the licensed premises, at any one time, must not exceed 80 persons.

Entertainment condition

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

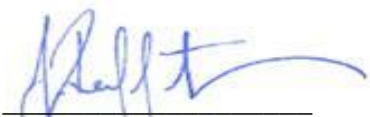
- (b) The licensee or manager, or an employee or agent of the licensee or manager, is prohibited from -
- (i) exhibiting or showing, or causing, suffering or permitting to be exhibited or shown, on the licensed premises any classified "R 18+", "X 18+" or "RC" classified film or computer game or "Category 1 – Restricted" or "Category 2 – Restricted" publication or extract therefrom; or
 - (ii) 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
 - (iii) 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.
- (c) In this condition "licensed premises" includes any premises, place or area:-
- (i) which is appurtenant to the licensed premises, or
 - (ii) 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.

This licence takes effect from 2 April 2020.



SEAMUS RAFFERTY
CHAIRPERSON