



(08) 6278 2788  
(08) 6278 2988  
[phil@canford.com.au](mailto:phil@canford.com.au)  
0417 976 009  
PO Box 389 Guildford WA 6935

## Quairading Co-Op Bottle-O

29/37 Heal Street, Quairading WA 6383



### Application for the Conditional Grant of a Liquor Store Licence

Section 38 - Public Interest Assessment  
(including Section 36B submissions)

September 2024

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## 1. Introduction

- 1.1. Quairading Farmers' Co-Operative Co. Ltd. will be applying to the licensing authority for the conditional grant of a liquor store licence for premises located at 29/37 Heal Street, Quairading WA.
- 1.2. The proposed liquor store will be located inside the existing Foodworks Co-Op supermarket.
- 1.3. This proposed liquor store aims, in part, to fill the gap left by the closure of the Quairading Hotel - the only packaged liquor service previously available in the town and the Shire.
- 1.4. The proposed liquor store also seeks to satisfy contemporary consumer expectations of one-stop-shopping, which is currently not available within the locality.
- 1.5. The name of the proposed liquor store is to be "Quairading Co-Op Bottle-O".
- 1.6. In the Director's Decision in respect of an application for the conditional grant of a liquor store licence dated 4<sup>th</sup> March 2020 for Hangawee Outlet Northbridge (attachment QC01), the Director's Delegate, Peter Minchin stated the following:
  - 1.6.1. *"In addition to the normal administrative requirements, applicants for the grant of a new liquor store licence have two very distinct obligations under the Act which must be discharged before the application can be approved. This first is overcoming the restraint imposed by s 36B and second, by demonstrating that the grant of the licence is in the public interest as required under s 38(2)."*
- 1.7. These submissions are designed to address:
  - 1.7.1. The restrictions on the grant of certain licences authorising the sale of packaged liquor as set out in Section 36B of the Liquor Control Act 1988, and
  - 1.7.2. The public interest requirements as set out in Section 38(2) of the Act.
- 1.8. Butterworth's Australian Legal Dictionary defines the term 'public interest' as:
  - 1.8.1. *"An interest in common to the public at large or a significant portion of the public and which may or may not involve the personal or propriety rights of individual people."*
- 1.9. These submissions have been drafted by Canford Hospitality Consultants Pty Ltd in consultation with Tarnya Fraser, a director of the applicant company. References to the applicant or the applicant's opinion relate to Tarnya.

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- 1.10. Section 38(2) of the Liquor Control Act 1988 sets out the matters which may be taken into account by the Licensing Authority in deciding whether or not the grant a liquor licence is in the public interest. Specifically, it states:
  - 1.10.1. *“An applicant who makes an application to which this subsection applies must satisfy the licensing authority that granting the application is in the public interest”.*
- 1.11. Section 38(4) of the Liquor Control Act 1988 states the licensing authority may have regard to the following matters when considering an application for a liquor licence.
  - 1.11.1. *“the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor; and*
  - 1.11.2. *whether the amenity, quiet or good order of the locality in which the licensed premises or proposed licensed premises are, or are to be, situated might in some manner be lessened; and*
  - 1.11.3. *whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises; and*
  - 1.11.4. *any effect the granting of the application might have in relation to tourism, or community or cultural matters; and*
  - 1.11.5. *any other prescribed matter”.*
- 1.12. Section 36B(2) of the Liquor Control Act 1988 states:
  - 1.12.1. *“This section applies to an application for the grant or removal of any of the following licences -*
    - 1.12.1.1. *(a) a hotel licence without restriction;*
    - 1.12.1.2. *(b) a tavern licence;*
    - 1.12.1.3. *(c) a liquor store licence;*
    - 1.12.1.4. *(d) a special facility licence of a prescribed type.”*
- 1.13. Based on the above, Section 36B of the Liquor Control Act 1988 applies to this application, and therefore will be considered in these submissions.
- 1.14. Section 36B(3) of the Liquor Control Act 1988 states;
  - 1.14.1. “The licensing authority must not hear or determine an application to which this section applies if –
    - 1.14.1.1. *(a) packaged liquor premises are situated less than the prescribed distance from the proposed licensed premises; and*

- 1.14.1.2. *(b) the area of the retail section of those packaged liquor premises exceeds the prescribed area; and*
- 1.14.1.3. *(c) the area of the retail section of the proposed licensed premises exceeds the prescribed area”.*
- 1.15. Regulations Nos. 9AAA and 9AAB of the Liquor Control Regulations 1989 stipulate the distance and area prescribed referred to in Section 36B of the Liquor Control Act.
- 1.16. Regulation No.9AAA states.
  - 1.16.1. **“Area prescribed (Act s. 36B)**
    - 1.16.1.1. *For the purposes of section 36B, the area of 400m<sup>2</sup> is prescribed.”*
- 1.17. Regulation No. 9AAB states.
  - 1.17.1. **“Distance prescribed (Act s.36B)**
    - 1.17.1.1. *(1) For the purposes of section 36B, the following distances are prescribed -*
      - 1.17.1.1.1. *For packaged liquor premises in the metropolitan region - 5 km;*
      - 1.17.1.1.2. *For all other packaged liquor premises - 12km.*
    - 1.17.1.2. *(2) The distances referred to in subregulation (1) are to be calculated using the shortest route by road.”*
- 1.18. Section 36B(3) above does not apply to this application as the proposal is for a 89.5sqm liquor store.
- 1.19. Section 36B(4) of the Act states;
  - 1.19.1. *“The licensing authority must not grant an application to which this section applies unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises are, or are to be, situated”.*
- 1.20. Section 36B(4) does apply to this application.
  - 1.20.1. The applicant has put forward the reasons in this PIA as to why the local packaged liquor requirements in the locality cannot reasonably be met by the existing packaged liquor premises.
- 1.21. Further, the licensing authority has consistently noted this clause states the licensing authority **must not** grant an application to which this section applies unless satisfied in respect of other matters. It is a clear directive, with no room for manoeuvre.

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- 1.22. However, the Parliament has tailored the wording of this section to provide the licensing authority with some discretion. This is not a directive to refuse all liquor licence applications to which this section applies. If that were so, the licensing authority would simply not accept any such applications as each one would be a waste of everyone's time and money.
- 1.23. The licensing authority **MAY GRANT** an application to which this section applies if it is *“satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises are, or are to be, situated”*.
- 1.24. In the Supreme Court decision relating to Liquorland Karrinyup (LIQUORLAND (AUSTRALIA) PTY LTD v DIRECTOR OF LIQUOR LICENSING [2021] WASC 366) Archer J provided guidance on the meaning of reasonable and was critical of the Liquor Commission for searching for great difficulty and great inconvenience, when the correct test is to identify sensible and rational inconvenience.
- 1.25. In paragraph 121 of that decision she stated;
  - 1.25.1. *“I do not accept this. It is plain from the paragraphs extracted above that the Commission mistakenly thought that the Difficulty Test applied to the 'reasonable requirements' phrase. Further, although appearing to state on those two occasions that these matters were alternatives, on another occasion, the Commission appeared to find that an alleged consumer requirement did not satisfy the Consumer Requirements condition because it did not 'constitute a "great difficulty or inconvenience"”*.
- 1.26. And at 127 of the same decision;
  - 1.26.1. *“Having regard to all of the matters I have outlined, it is not entirely clear what the Commission considered the test to be. Nevertheless, having regard to the Decision as a whole, I am satisfied that the Commission interpreted the phrase 'cannot reasonably be met' as meaning 'cannot be met without causing great difficulty or inconvenience'.”*
- 1.27. And further in 130 and 131;
  - 1.27.1. *“The word 'reasonable' has been said to import a degree of objectivity in that the word reasonable means sensible; not irrational, absurd or ridiculous; not going beyond the limit assigned by reason; not extravagant or excessive.*
  - 1.27.2. *In my view, the word 'reasonably' in s 36B(4) is intended to bear the same meaning. Accordingly, the phrase 'cannot reasonably be met' means 'cannot sensibly or rationally be met'.”*

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- 1.28. So, the intent of the legislative change was to reduce the pace of approvals for packaged liquor outlets, to manage the process, to bring a level of control. Evidently, the mechanism still exists for the granting of new packaged liquor outlets when the evidence presented in an individual application merits a grant.
- 1.29. The objects of the Act are contained in section 5, which states the primary objects of the Act are (section 5(1)) -
  - 1.29.1. *“to regulate the sale, supply and consumption of liquor; and*
  - 1.29.2. *to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor, and*
  - 1.29.3. *to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State”.*
- 1.30. Section 5 (2) of the Act also includes the following Secondary Objects;
  - 1.30.1. *“To facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State; and*
  - 1.30.2. *To provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and*
  - 1.30.3. *To provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act, and*
  - 1.30.4. *To encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community.”*
- 1.31. Further Section 5(3) states *“If, in carrying out any function under this Act, the licensing authority considers that there is any inconsistency between the primary objects referred to in subsection (1) and the secondary objects referred to in subsection (2), the primary objects take precedence”*.
- 1.32. In the Aldi South Fremantle decision (refusing an application for the conditional grant of a liquor store licence), dated 22<sup>nd</sup> March 2019, at paragraph 26 (attachment QC02), the Director said,
  - 1.32.1. *“None of the primary objects of the Act takes precedence over each other, however, where conflict arises in promoting the objects of the Act, the licensing authority must weigh and balance the competing interests in each case<sup>11</sup> and it is a matter for the licensing authority to decide what weight*

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*to give to the competing interests and other relevant considerations”.*<sup>12</sup>



## **2. History of Quairading Hotel and liquor licensing landscape**

### **2.1. History of Quairading Hotel**

- 2.2. The Quairading Hotel was built and opened in 1908.
- 2.3. In the recent past the hotel has open and shut a few times, and even when it was open and trading it did not open consistent trading hours, nor did it offer a quality packaged liquor range.
- 2.4. Jo and Jade had a lease on the hotel from January 2022 until it closed in November 2023. It has not reopened, and, according to the Applicant is unlikely to, in the short term, due to the extent of compliance, and safety and health issues to be solved within the building.
- 2.5. Prior to Jo and Jade, Nolene and Justin ran it for approximately two years.
- 2.6. Sadly, amongst the local population the hotel had a reputation for trading inconsistent hours and frequently running out of stock of packaged liquor.
- 2.7. The last lessees removed and altered the space where the bottleshop was located and converted it into additional bar space, leaving one single-door upright fridge as carrying the entire chilled packaged liquor stock.
- 2.8. The range of beer on offer was very limited and from a local WA brewery.
- 2.9. The Applicant recounts a frequent lack of stock available - to the point where some weeks no packaged alcohol was delivered to the pub at all. When deliveries did arrive, there were occasions where the pallet would sit in the sun for a few days before being brought inside.
- 2.10. Unfortunately, there were also issues in ordering alcohol ahead of time with the hotel; there was always a general lack of beer, wines and spirits.
- 2.11. As depicted in the social media posts over the next two pages the hotel's trading hours were extremely inconsistent. Further examples are available in attachment QC03


**QPub - Quairading Hotel, WA**  
26 January 2022 · 🌐

Who else was up with the kookaburras and the rooster today? 🦘 Hope to see you at the bar from 12pm (much) later today!  
We're running the bar & bottleshop 3-9pm Monday through Sunday, unless we post otherwise - Jo and Jade



**QPub - Quairading Hotel, WA**  
2 February 2022 · 🌐

Something's come up 🙏🙏 So we won't be able to open today, but we'll be back on board tomorrow from 3-9pm. Apologies for the inconvenience - Jo and Jade




**QPub - Quairading Hotel, WA**  
27 December 2022 · 🌐

🦘 We've been surprised by family visiting from over East 🦘 so we'll be opening a little later today, at 5pm 🦘



**QPub - Quairading Hotel, WA**  
31 January 2022 · 🌐

Something's come up 🙏🙏 So we won't be able to open today, but we'll be back on board tomorrow from 3-9pm. Apologies for the inconvenience - Jo and Jade



**QPub - Quairading Hotel, WA**  
27 July 2022 · 🌐

🦘 Heads up, we'll only be open for bottleshop service between 2pm-630pm tomorrow 🦘  
We're catering for a external event in the morning, and have a private function in the evening.



**QPub - Quairading Hotel, WA**  
28 February 2022 · 🌐

The back bar is looking pretty sweet, if we do say so ourselves! Jade's done a lot of shifting to tweak the layout so it works better for everyone! Hope you like it 🦘

Opening hours for this week so you can check out his hard work 🦘  
Monday: 11am to 3pm  
Tuesday: 11am to 3pm  
Wednesday: 11am til late  
Thursday: 11am til late  
Friday: 10am til late  
Saturday: 11am til late  
Sunday: 11am til late  
Hope to see you having a cold one at the bar 🦘 - Jo and Jade



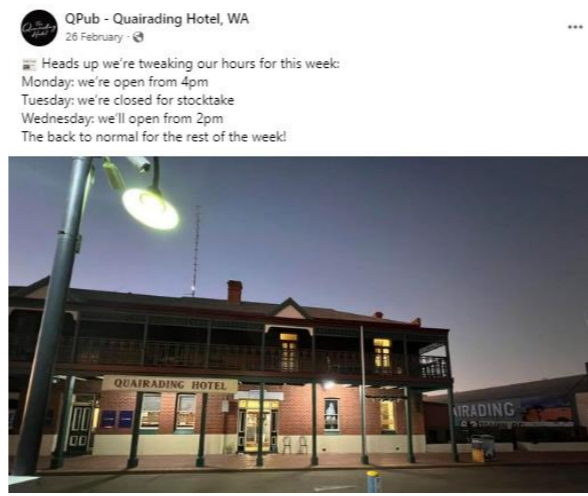
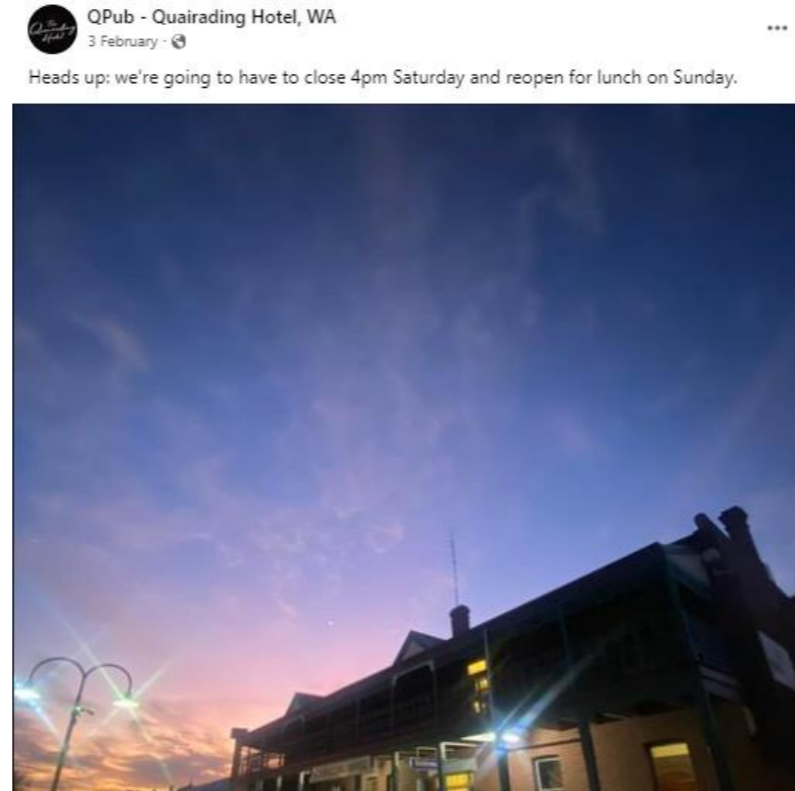
**QPub - Quairading Hotel, WA**  
28 April 2022 · 🌐

Spotted a sneaky little rainbow over Postcode 6365 this morning 🦄

We're open from 3pm on Tuesdays. Hope to see you having a cold one at the bar 🦘 - Jo and Jade



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- 2.12. Under Nolene and Justin the hotel was reportedly pretty well stocked with alcohol but they did not come across as being very friendly. They too had inconsistent hours, but more consistent than the most recent licensee. The pub was dirty, and you could find these publicans most days smoking at the front door of the pub.
- 2.13. The Applicant believes the local community has not had the benefit of a consistent, quality hotel offer for many years.
- 2.14. The Quairading Club offers a very limited packaged liquor service to its members, but does not have a dedicated packaged liquor facility, with any such sales occurring over the bar counter.
- 2.15. What has resulted from all of this, is large volumes of packaged liquor ordered online from out of town, and delivered to people's doors or for pick up from the Post Office.
- 2.16. Staff from the Quairading Post Office have often recounted to the Applicant that every day there is a carton or two of wine that arrives. This large amount of leakage is detrimental to the town, as it takes money out of the local community.
- 2.17. The applicant asserts that the majority of people in town do not get their packaged liquor in Quairading. The hotel is now closed, and the prospects of it re-opening seem remote, as it requires significant expenditure to meet safety and health requirements.



- 2.18. As will be discussed later in these submissions, the applicant conducted a witness questionnaire through the community.

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- 2.19. Part of this survey involved seeking the opinion of the local community on the Quairading Hotel.
- 2.20. In the questionnaire, respondents were asked, *“Currently the Quairading Hotel is closed. When it was open, what was your opinion of the packaged (take-away) liquor offer? What do you say about the hotel bottleshop trading hours?”*
- 2.20.1. Tamara of Badjaling said, *“They had very poor stock availability so stopped shopping there at all. They also shut randomly, often and with little notice.”*
- 2.20.2. Jo of Aldersyde said, *“I didn't purchase any alcohol at the Quairading Hotel, the hours didn't suit my days in town.”*
- 2.20.3. Shae of South Quairading said, *“Its trading hours were unreliable. They would open and shut as they pleased. Which is extremely inconvenient when you were relying on it being open when you were doing a grocery shop before 1pm (club opens then) and hoping to pick up beer for shearing or just alcohol for an event or private consumption. I once had to wait in town for two hours for the club to open, just to get beer for shearing to save a second 60km round trip, because the pub didn't open at 11am as it's advertised trading hours stated. It was still shut when I left town just after 1pm.”,*
- 2.20.4. Sue of Quairading said, *“They traded when they felt like it”,*
- 2.20.5. Graydon of South Quairading said, *“The hotel was quite often not open when I was in town which is predominantly in the morning.”,*
- 2.20.6. John of Quairading said, *“Wasn't open long enough.”,*
- 2.20.7. Andrea of Dubelling said, *“needed to be open earlier as 12pm some days werent very good as we wanted to grab everything before the day starts”,*
- 2.20.8. Adam of Dangin said, *“Never went there to buy anything . Hours didn't suit me. Feel uncomfortable having drunks looking and judging me.”,*
- 2.20.9. Respondent 9 said, *“Trading hours were fine In the end they weren't open on random days”.*
- 2.21. Then, respondents were asked, *“What do you say about the hotel bottleshop pricing?”*
- 2.21.1. Paul of Quairading said, *“Over the top”,*
- 2.21.2. John of Quairading said, *“It was expensive so need to keep the prices comparable to perth liquor prices”,*
- 2.21.3. Lloyd of Quairading said, *“to expensive”,*
- 2.21.4. Debra of Quairading said, *“They were very expensive with sprits and wine”,*

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- 2.21.5. Graydon of South Quairading said, *“Alcohol pricing is far too expensive. Buying alcohol when it is on special makes it bearable.”*,
- 2.21.6. Wendy of Dubelling said, *“Only brought (sic) a few things they were expensive”*,
- 2.21.7. Elaine of Quairading said, *“Expensive - that includes beer, spirits and wine.”*,
- 2.21.8. Sue of Quairading said, *“As above but on the rare occasions I used it, the price was above what I usually paid for in Perth but not outrageously higher.”*,
- 2.21.9. Shae of South Quairading said, *“The price charged for cartons of beer, six packs and single cans/bottles were exuberant and a lot of the time, the prices couldn't be found in the book and would just be decided at the counter. I often bought six cans/bottles of beer - which were taken from the bar fridge and loose (were always out of cartons so scraping a six pack together was the best you could hope for) I would pay for the six pack, then head to the club to get a carton for my husband, only to see that the six pack I had just purchased, was often up to \$10 cheaper at the club!! This wasn't premium beer either. They would often charge you per bottle/can instead of as a six pack, even though they were making up a six pack as there was none on offer. Wine bottles were charged at dining in prices (which included a corkage fee when you did dine in even though it wasn't a restaurant) So often could have bought a bottle of an average SSB for an average \$15 cheaper at a bottle shop outside of town or \$10 cheaper at the club.”*,
- 2.21.10. Pamela of Quairading said, *“did not have any stock - so cannot comment on pricing”*,
- 2.21.11. Tamara of Badjaling said, *“Pricing was on the higher side. they did have bottlemart specials though.”*
- 2.22. Lastly, specific to the trade of the Hotel, the questionnaire asked respondents, *“What do you say about the hotel bottleshop product range?”*
  - 2.22.1. Bradley of Quairading said, *“Very limited, always low or run out.”*,
  - 2.22.2. Andrea of Dubelling said, *“not great needed more full strength beer like hahn super dry and blocks instead of bottles and emu, needed more of range of new items like hard solo and bilsons, iced tea the common things perth has but we dont they also didn't have much stock when there”*,
  - 2.22.3. Benjamin of Quairading said, *“Absolute rubbish. Went in to purchase a common product on 8 consecutive occasions and was told they had no stock.”*,

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- 2.22.4. Elaine of Quairading said, *“Products were not always available. Insufficient stock on hand at all times which was inefficient business practice.”*,
  - 2.22.5. Respondent 68 said, *“It varied over the years with different managers.”*,
  - 2.22.6. Jo of Cubbine said, *“Very limited. Cheap and nasty. Often no stock.”*,
  - 2.22.7. Taryn of South Quairading said, *“With the last management, I did not like the limited wine and champagne range. They often didn’t have export for take away either. I stopped going there because of this. “*,
  - 2.22.8. Shae of South Quairading said, *“There was pretty much nothing on offer. They were always out of beer, wine and even cool drink. If you did manage to get the last bottle of wine, you had no control over the variety. Beer would be offered by purchasing single cans or bottles at expensive take away prices and would be removed directly from the fridges that were for sitting in clientele at the bar. Often, when chasing just a six pack, it would be made up of two to three types of beer as they did not have enough of one variety. The wine selection (when the stock did come in originally) was around 2 maybe 3 SSBs, I think 2 types of bubbly, I don’t remember any Rose’ and there might have been 2 or 3 red options. Almost always out of premixes and there was just a few stock standards, same with cider. Beer there was a large variety advertised or on the price list - they just never had any packaged beer available. It was dismal, almost no spirits, one very old dusty bottle of port I think.”*,
  - 2.22.9. Jo of Aldersyde said, *“very limited, on a couple of occasions I tried to buy beer at the Hotel however the 3 (very common) options I asked for were not available”*
- 2.23. More comments can be viewed in the raw data spreadsheet, see attachment QC04

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### 2.24. Liquor Licensing Landscape

- 2.25. Quairading is a small town, only 600 permanent residents in the suburb and 960 for the LGA per the 2021 Census
- 2.26. The hotel has provided a very limited packaged liquor offer for a long time now, and it is impacting the town. Packaged liquor outlets are considered drivers of retail spending. Metcash studies have shown that a packaged liquor outlet next to a supermarket can add 10% to sales turnover - Case Study 2 - IGA Plus Liquor Breakfast Point - attachment QC05.
- 2.27. In this case, as the Co-Op is the only supermarket in town, if the packaged liquor offer does not meet the reasonable expectations of the local population, they will shop out of town or online.
- 2.28. If locals choose to shop for packaged liquor out of the locality then they may be tempted to do some or all of their grocery shopping at the same time, thus depriving the town of business income, and threatening the viability of the supermarket, which is an essential service in the locality. This may already be happening, considering no proper packaged liquor service exists in Quairading.





### 3. Why is the Co-Op undertaking this project?

- 3.1. The Quairading Co-Op's charter contains a mission statement which reads as follows;

<p><b><u>MISSION STATEMENT</u></b></p>
<p>The goals and objectives of the co-operative are:-</p> <ul style="list-style-type: none"><li>• To provide the community with a suitable product range and pricing</li><li>• To provide the community with excellent standards of customer service</li><li>• To provide the community with a desirable place to shop</li><li>• To provide the community with employment opportunities</li><li>• To ensure the business is profitable enough to continue whilst returning surplus funds to members and customers through lower prices</li></ul>

- 3.1.1. *“We act to ensure we protect and promote the vibrancy, liveability and prosperity our community holds.*
- 3.1.2. *We are a long-standing, proud co-operative. This structure means that above all else, what is right for our community is at the centre of our decision-making. Our Co-op is owned by local shareholders, we hire local people, provide business opportunities for local businesses and support local initiatives.”*
- 3.2. It has not been an easy decision to proceed with this application. Quairading is a small regional town, and in such locations the local community likes to share the retail dollars as much as possible, and not negatively impact another business through new ventures, where possible.
- 3.3. However, this situation has been forced on the Co-Op, and is now seen as being in the best interests of the local population.
- 3.4. This is due to the fact that the hotel has opened and closed several times in the recent past, meaning that important packaged liquor services have been offered intermittently, leaving the local townsfolk without the service for extended periods.
- 3.5. Also, as has been shown in these submissions, when the hotel has been trading its stock range is limited, and its trading hours unreliable.
- 3.6. This leads to people shopping out of town, and taking important retail dollars with them, to the detriment of the local community.
- 3.7. The hotel is currently shut, and, The Applicant understands, may have a number of work orders placed on it, such that it is a very daunting task for anyone to purchase it and re-open it for trade.
- 3.8. So, its future is in doubt, sadly for the town, but meanwhile, as the survey shows, there is a requirement for packaged liquor services locally.

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- 3.9. This can also lead to grocery sales being lost to the town. In small regional communities where the population is relatively small and declining it's important the co-operative looks at all possible ways to have diversified income sources and to capture as much of the community's spend in the business as possible.
- 3.10. Providing a one stop shop for groceries and liquor will be convenient for the community members, saving them time and effort. A better and more complete retail experience will encourage them to shop more often in town, and less often out of town.
- 3.11. Expanding the co-operative's services to provide liquor will require additional staff, leading to job creation and contributing further to our local economy.
- 3.12. Implementing cross-promotions between the supermarket and the proposed liquor store can encourage customers to explore both sections, boosting overall sales.
- 3.13. The proposed liquor store will align with the co-operative's goals of meeting the diverse needs of the local community, providing a broader range of services, and reliable access to those services.
- 3.14. As a local co-operative, opening a liquor store allows the community to maintain control and ownership of what liquor is available locally, and how it is sold. This further aids local economic development, but in addition will ensure that these important licensed services, if approved by the Director, will be offered in a very responsible way.
- 3.15. The Co-Op has received 3 letters of support for this application, and both the Deputy Chairperson and CEO of the Quairading Co-Op have lodged statements of support alongside this application.
- 3.16. Excerpts from these statements are below, and they can be read in full in attachment QC06.
  - 3.16.1. Adam May, owner - Bentnail Building - a local business owner and longtime resident.
    - 3.16.1.1. *"The need for a liquor store in town is very obvious as the local hotel has been closed for so long and the members only club has a limited membership and following. As a local businessman in a rural town it is hard to bring in skilled labour. As a builder of homes, I often have to source trades people from other towns. On so many occasions I would like to thank these trades people who do make the effort to come to Quairading to meet the skill shortage, but yet I am unable to buy them any alcohol to enjoy while they are doing so. I find this very frustrating.*
    - 3.16.1.2. *The Quairading Farmers Cooperative was established to cater for the needs of its town, and I have personally witnessed 30 years of this endeavour and commitment never wavering. They*

*are an organization held in very high regard as without them and their relentless endeavour, there would be no local supermarket provision. Additionally, the Co-operative is a vital organisation for this town as it consistently contributes to the community in so many significant ways”.*

- 3.16.2. Janine Anderson, The Makers Keep - Owner / Proprietor.
- 3.16.2.1. *“For me as a business owner I would welcome the potential of additional and varied foot traffic (as a result of the liquor store licence being granted). It is hurting our town trade having only one outlet which is not visible to the thoroughfare.*
- 3.16.2.2. *My premises is adjacent to the old vacant hotel and has suffered since the hotel closed down due to the lack of additional foot traffic, particularly the passing tourist trade.*
- 3.16.2.3. *For me as a resident and shareholder I am frustrated that there is a perception that ‘trouble’ will come if we get a liquor store.*
- 3.16.2.4. *Every town surrounding us has MULTIPLE liquor outlets with a similar demographic. Quairading is capable of ‘adulging’ and responsible citizens have the right to access liquor in range and price, which I believe a liquor store will present for us.*
- 3.16.2.5. *The Coop has a long history of catering for its community. I see no reason professionally and personally why they cannot successfully and SAFELY manage a liquor store.”*
- 3.16.3. Paul and Judy O’Hare - 74-year long members of the Quairading community.
- 3.16.3.1. *“Purchases of alcoholic beverages currently include online purchases as well as our community members travelling to perth or Northam, taking their business out of town. This puts a great strain on our local Co-op’s ability to remain open and viable.*
- 3.16.3.2. *I also have grave concerns when tourists come through town. Most caravaners, who frequent our Wheatbelt town are retired or on holidays. Because our Quairading Hotel is currently closed indefinitely, there is nowhere else in town, apart from our private Community Club, in which to purchase alcohol. This is yet another example of business leaving Quairading, simply because we are unable to supply the needs of our visitors.”*
- 3.16.4. Tarnya Fraser - Deputy Chairperson, Quairading Co-Op.

## Quairading Co-Op Liquor Store Licence application

- 3.16.4.1. *“The Co-op is applying for a liquor store license because community shareholders brought this potential project to an Annual General Meeting and voted for it unanimously. Our organisational structure, which puts community outcomes at the forefront of decision-making and our staff’s café and knowledge of the community are just two key factors which will ensure any harm that might arise from the liquor store can be effectively managed...”*
- 3.16.4.2. *This lack of local availability means it’s not uncommon for community members to bring back a large stock from Perth...it inadvertently encourages binge drinking because large amounts of alcohol are available at the persons home...*
- 3.16.4.3. *...our liquor store will not mean our community will drink more, I believe it will just mean our organisation will be able to capture more of what our community spends on liquor out of town. I also believe that if the availability of liquor isn’t so limited, people will be more inclined to buy what they need rather than stock up.”*
- 3.16.5. Paula Brushe - CEO (General Manager) - Quairading Farmers’ Co-operative Co Ltd.
  - 3.16.5.1. *“The Co-Operative operates the only supermarket in a 65km radius of this small rural town and takes this responsibility of provision for the community very seriously.*
  - 3.16.5.2. *Given the closure of the only hotel in the town and a member only Club, the need for the provision of a liquor outlet has been well established as prosperity and jobs are lost from the community when members have to drive out of the town to source commodities such as liquor...*
  - 3.16.5.3. *On a daily basis I am approached by tourists to the town looking to purchase alcohol and are dismayed that they are unable to do so. Some tourists find out before departing other nearby towns that they are unable to buy liquor in Quairading and therefore bring supplies with them, once again reducing our prosperity and employment prospects...*
  - 3.16.5.4. *The Co-operative has a very long and proud history with the town of Quairading and as such is a very trusted and valued business that receives wonderful patronage and support from the community. As such we are very well placed to be the business that can best deliver and successfully manage the complexity*

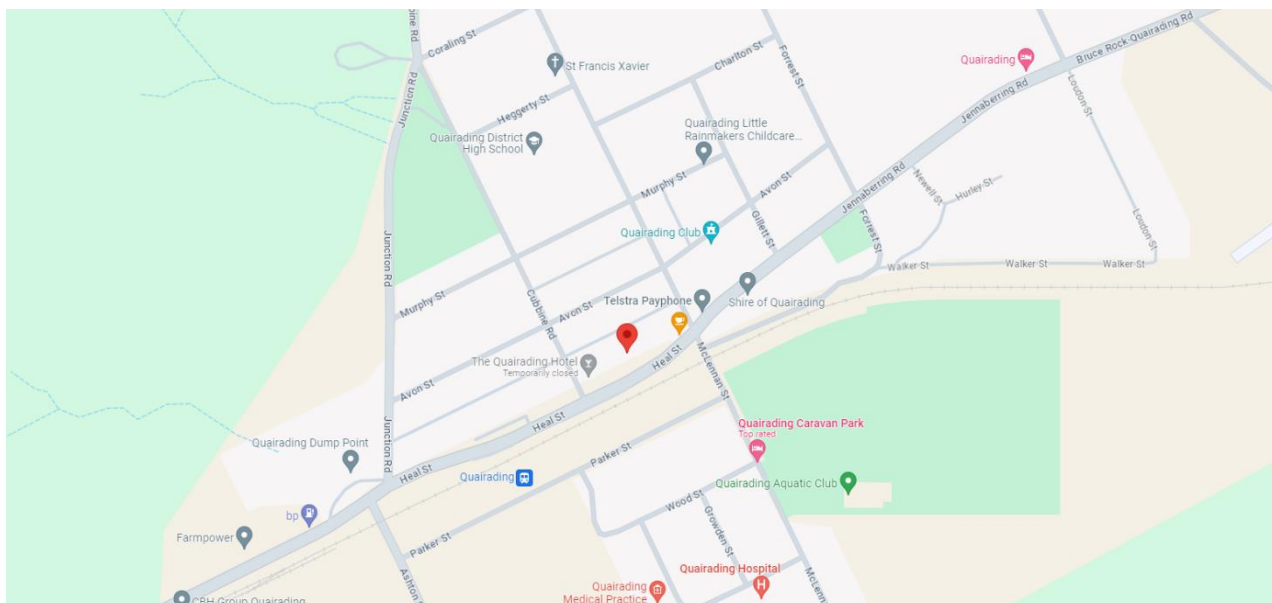
*a liquor store and the responsibility that comes with a Liquor Licence”.*

## 4. The Locality

- 4.1. In defining the “locality” affected by the application, guidance has been provided by “Public Interest Assessment - A Policy of the Director of Liquor Licensing”.
- 4.2. The Director’s policy states that:
  - 4.2.1. *“As part of a PIA submission, applicants must provide details regarding the community in the vicinity of the licensed premises (or proposed licensed premises) and any amenity issues in the locality.*
  - 4.2.2. *The term “locality” in this instance refers to the area surrounding the proposed licensed premises. This locality will be the area most likely to be affected by the granting of an application in relation to amenity issues.*
  - 4.2.3. *...in terms of addressing objects 5(1)(b) and 5(1)(c) of the Act, an applicant may need to consider an area which is much broader than the ‘locality’ used for consideration of amenity issues. For example, an application for a destination liquor store, which may draw its clientele from a large geographic area, would need to address 5(1)(b) and 5(1)(c) of the Act in a much broader context”.*
- 4.3. The Liquor Commission, in the BWS Kelmscott decision (LC 32/2022, dated 31/8/22) provided further guidance, stating;
  - 4.3.1. *“27. The term ‘locality’ in section 36B(4) connotes the concept of neighbourhood, and denotes an area that surrounds, and is geographically close to, the location of the proposed premises, rather than the area(s) from which consumers would come, and to which the retail catchment area can be a relevant consideration (Liquorland [181], [182], [188]).*
  - 4.3.2. *28. Justice Archer also explained that the shape and size of a locality may be influenced by topographical features (including man-made features such as roads) and the areas from which the proposed site could be accessed reasonably easily on foot or push-bike. If there is a community in the area of the proposed site, the geographical spread of that community may also influence the shape and size of the locality (Liquorland [185]).”*
- 4.4. In Liquorland Karrinyup (WASC 2021/366, 28/10/2021) Justice Archer found
  - 4.4.1. *“181 In my view, the word ‘locality’ in s 36B denotes an area that surrounds, and is geographically close to, the location of the proposed premises (proposed site). I consider it was not intended to equate to the area(s) from which consumers would come.”*
- 4.5. And further at 185 of Liquorland Karrinyup Justice Archer went on;

## Quairading Co-Op Liquor Store Licence application

- 4.5.1. *“This is not to say that the 'locality' will inevitably, or even usually, be a circular area within a particular radius of the proposed site. The shape and size of the 'locality' may be influenced by topographical features (including man-made features such as roads) and the areas from which the proposed site could be accessed reasonably easily on foot or push-bike. If there is a community in the area of the proposed site, the geographical spread of that community may also influence the shape and size of the 'locality'.”*
- 4.6. To assist in defining the locality, the Applicant will examine the following factors;
- 4.6.1. The physical location of the subject premises.
- 4.6.2. The presence of natural or man-made boundaries that effectively separate one local community from another,
- 4.6.3. The community most likely to be impacted by the grant of this application.
- 4.6.4. The appropriate locality for the demographic study, and
- 4.6.5. The appropriate locality for the outlet density study.
- 4.7. **The physical location of the subject premises**
- 4.7.1. The subject premises is situated on Heal Street - one of the main streets in the middle of the town of Quairading, see images below.
- 4.7.2. The proposed site is the major supermarket in town and can be accessed from both Heal Street and Cubine Road.





4.8. **The presence of natural or man-made boundaries that effectively separate one local community from another.**

- 4.8.1. The main entrances to the Town of Quairading are via;
- 4.8.1.1. Cubine Road / Cunderdin-Quairading Road,
  - 4.8.1.2. Quairading-York Road,
  - 4.8.1.3. Bruce Rock-Quairading Road, and
  - 4.8.1.4. Ashton Street

4.8.2. The Town itself is surrounded by bushland and farmland.

4.8.3. There are no other boundaries that separate Quairading.

4.9. **The community most likely to be impacted by the grant of this application.**

4.9.1. The locality resides entirely within the suburb of Quairading, so that is the community most likely to be affected.

4.9.2. The demographics of the locality will be further discussed in Section 5 below.

4.10. **Outlet density**

4.10.1. For the purposes of the outlet density study the applicant has considered all existing licensed premises that may sell packaged liquor within the locality (see section 6 below).

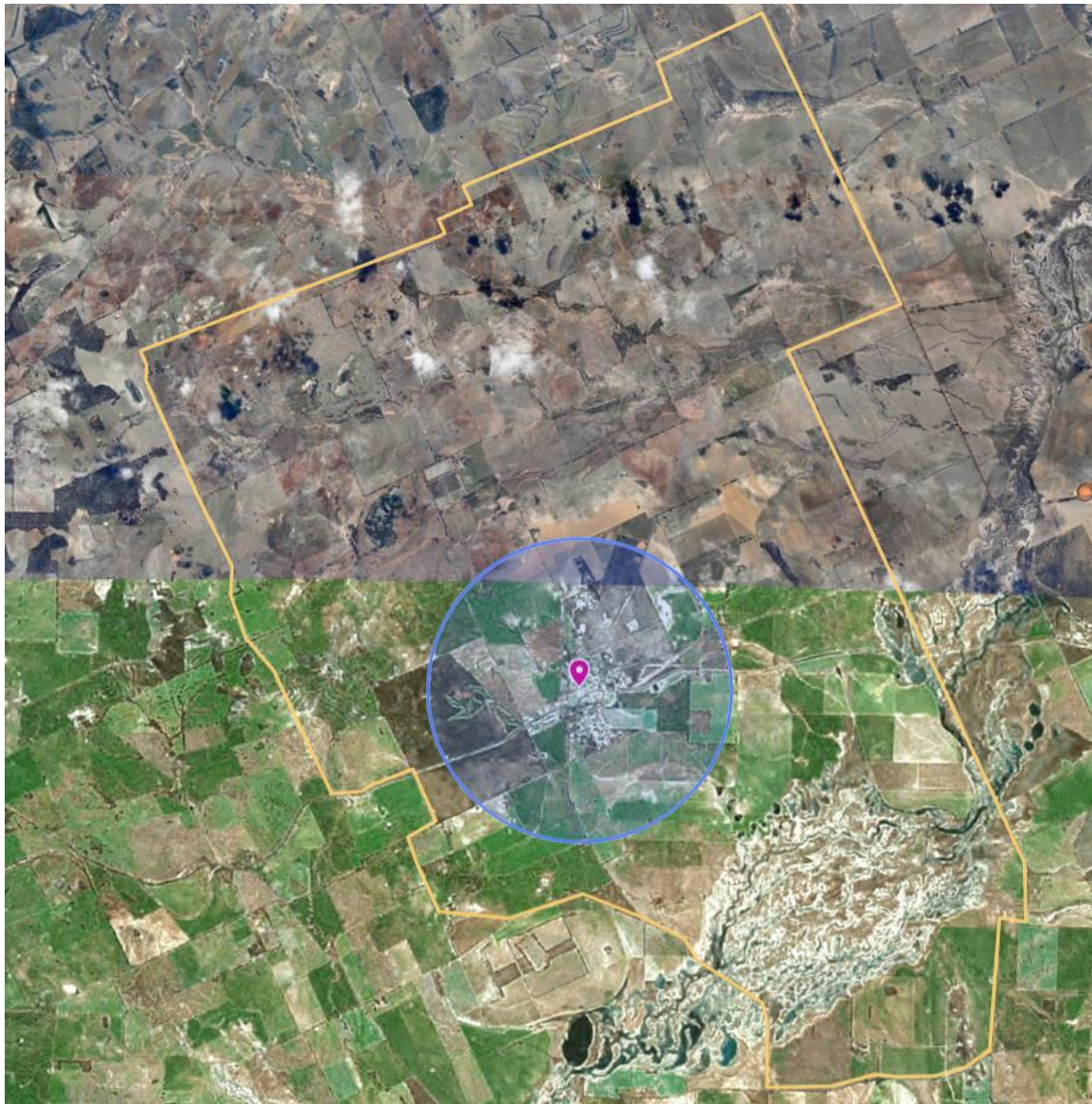
4.10.2. Per the Director's policy, regional towns like Quairading must consider all similar trading premises (i.e. packaged liquor premises) within 3km.

4.10.3. This entire 3km locality ring sits within the suburb of Quairading - per the map below.



## Quairading Co-Op Liquor Store Licence application

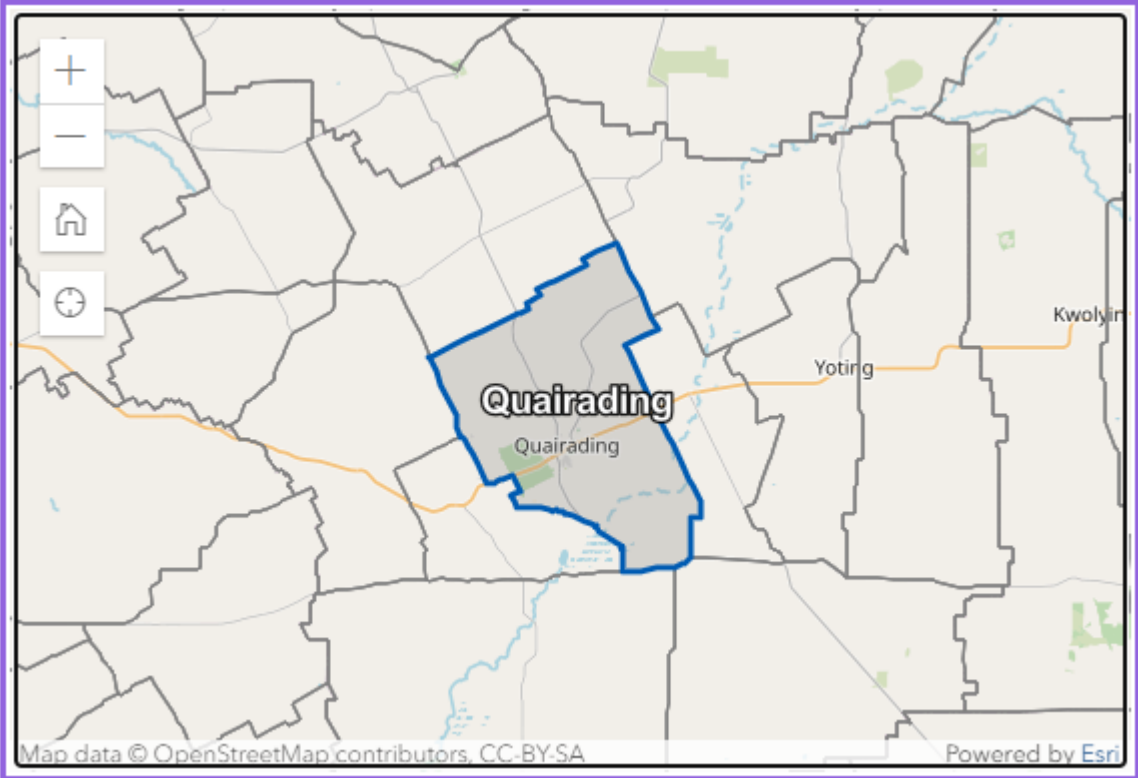
- 4.10.4. So, for the purposes of the outlet density study, the applicant will look use the suburb of Quairading as the locality.



### 4.11. Locality for the Demographic Study

- 4.11.1. The Applicant will look at demographic data for the suburb of Quairading and for the Quairading local government area.

Quairading Co-Op Liquor Store Licence application



Map of Quairading Suburb



Map of Quairading LGA

## 5. Demographics of the Locality

- 5.1. The potential impact of this proposed licence on the community within the specified locality is something that any applicant must consider and is considered here by this applicant.
- 5.2. In “The Western Australian Alcohol and Drug Interagency Strategy 2018-2022” the priority groups of concern are as follows;
  - 5.2.1. *Aboriginal people and communities.*
  - 5.2.2. *Children and young people.*
  - 5.2.3. *People with co-occurring problems*
  - 5.2.4. *People in rural and remote areas including fly-in, fly-out and drive-in, drive-out workers;*
  - 5.2.5. *Families, including alcohol and other drug using parents and significant others;*
  - 5.2.6. *Those interacting with the justice and corrections systems.*
  - 5.2.7. *Other target groups of concern include:*
    - 5.2.7.1. *Older adults:*
    - 5.2.7.2. *Culturally and linguistically diverse communities,*
    - 5.2.7.3. *People identifying as lesbian, gay, bisexual, transgender or intersex; and*
    - 5.2.7.4. *Homeless people.*
- 5.3. The applicant will consider all ten groups above for which data is readily available. The following groups were unable to be considered however, as data is not available for them;
  - 5.3.1. *people with co-occurring problems;*
  - 5.3.2. *People in rural and remote areas including fly-in, fly-out and drive-in, drive-out workers;*
  - 5.3.3. *Families, including alcohol and other drug using parents and significant others (see paragraphs 3.5 & 3.6 below);*
  - 5.3.4. *Those interacting with the justice and corrections systems;*
  - 5.3.5. *Culturally and linguistically diverse communities, people identifying as lesbian, gay, bisexual, transgender or intersex;*
  - 5.3.6. *Homeless people.*
- 5.4. Clarification has previously been sought from the Drug and Alcohol Office regarding the definition of the term “family”.
- 5.5. The Drug and Alcohol Office replied that “a specific definition of family is not provided in the Strategy document. There are a number of reasons for this, including:

## Quairading Co-Op Liquor Store Licence application

- 5.5.1. *“Recognition of the cultural diversity in Western Australia and that the definition of family can be different for different cultures.*
- 5.5.2. *Recognition that the impact of an individual’s drug and alcohol use is not always confined to a household or what has in the past been defined as the ‘immediate family’ - it can impact more broadly on family members who are external to a household. For example, Grandparents, Aunts and Uncles are commonly reported to be impacted upon.*
- 5.5.3. *Recognition that not all families are biologically related but can still be impacted on by a person’s drug or alcohol use - for example step children/guardians.”*
- 5.6. With such a broad definition, it is impossible for the applicant to identify or quantify this priority population group in the locality.
- 5.7. For the purpose of this demographic study, the applicant has selected relevant Census topics from the Australian Bureau of Statistics (ABS) website ([www.abs.gov.au](http://www.abs.gov.au)) to provide an indication of the prevalence of each of the priority population groups within the locality.
- 5.8. For the purposes of the demographic study, the applicant will be considering the 2021 census data relating to the suburb of Quairading as well as the Quairading Local Government Area (LGA) in comparison to Western Australia as a whole.
- 5.9. The selected ABS 2021 Census data is shown below.

## Quairading Co-Op Liquor Store Licence application

ABS Census 2021	Quairading Suburb 2021	Quairading LGA 2021	WA 2021
<b>Aboriginal and Torres Strait Islander People</b>	10.3%	7.7%	3.3%
<b>Age- Median age</b>	59	54	38
<b>Persons aged 15-19 years</b>	2.9%	3.0%	5.8%
<b>Persons aged 65+</b>	40.2%	32.4%	17.2%
<b>Employment</b>			
Employed Fulltime	62.3%	62.7%	57.1%
45 or more hours worked	25.8%	35.8%	22.6%
<b>Unemployed</b>	3.6%	4.2%	5.1%
<b>Occupation</b>			
Managers	25.8%	36.1%	12.3%
<b>Family Composition</b>			
Couple family without children	64.7%	57.2	38.8%
<b>Tenure type</b>			
Owned outright	55.8%	56.5%	29.2%
<b>Mortgage monthly repayment amount</b>			
Owner with mortgage households where mortgage repayments greater than 30% of household income	7.0%	12.3%	13.0%
<b>Country of Birth of Parents</b>			
Both parents born overseas	13.7%	11.7%	41.6%
<b>Did voluntary work through an organisation or group (last 12 months)</b>	21.1%	24.5%	15.9%
<b>Household Composition - Group Households</b>	1.9%	0.0%	3.4%

Source: <https://abs.gov.au/census/find-census-data/quickstats/2021/AUS>

5.10. The purpose of considering the demographic data for the locality is to establish whether the priority population groups identified in paragraph 5.2 above are over or underrepresented in the locality.

5.11. Below is a summary of the 2021 ABS data for the suburb of Quairading.

5.11.1. The percentage of Aboriginal and Torres Strait Islander people is above the State average.

5.11.1.1. Often, regional towns have a more concentrated population of this priority group.

5.11.1.2. In the case of Quairading (meaning small bush Kangaroo in Aborigine) - the town is of indigenous origin. So naturally, given the town's native history, it is expected that there would be a higher percentage of this priority group present. This is also true for the wider Quairading LGA.

## Quairading Co-Op Liquor Store Licence application

- 5.11.2. The percentage of children and young people is lower than the State average for both Quairading and the wider LGA.
- 5.11.3. The median age and amount of people who are 65 years and over is higher than the State average in both demographic columns.
  - 5.11.3.1. This is quite natural for a regional town to have a higher concentration of older adults.
  - 5.11.3.2. Factors like retiring in a small community as well as young people being attracted to the capital city are drivers as to why older populations exist in rural towns.
- 5.11.4. Both Quairading and the Quairading LGA show a higher concentration of persons whose education level is at Bachelor's or higher when compared to the State.
- 5.11.5. There is a higher average of persons who work full time in Quairading and the wider LGA, when compared to the State. A higher percentage of residents also work in a managerial capacity, when compared to the State.
- 5.11.6. Looking to property and housing, both the LGA and Quairading shows (1) a far higher concentration of people who own their property outright and (2) a lower concentration of persons whose mortgage repayment is higher than 30% of their total income.
- 5.12. In the Quairading LGA 25% of the population is involved in "Grain-Sheep Grain-Beef Cattle Farming", where the figure for WA as a whole is 0.3%, and 9.1% are involved in "Other Grain Growing", where the WA figure is also 0.3%.
- 5.13. The local community also shows a propensity for volunteer work with 24.5% of the LGA population doing such work, against a figure of only 15.9% for the whole of WA.
- 5.14. The above summary indicates the locality is unremarkable and typical of a small country town in WA, with low representations of most at-risk priority groups that data is available for.
- 5.15. Further, the data indicates that the Town's population is mature and financially responsible, with strong employment figures.

## 6. Outlet Density

- 6.1. The proposed liquor store will be located within the Quairading Foodworks Co-op, which is on one of the town's main roads - Heal Street.
- 6.2. Quairading is a small regional town located east of York in WA.
- 6.3. The Director's policy on Public Interest Assessments, last amended on 16<sup>th</sup> April 2020, states: "*Applicants will also need to provide outlet density information that includes:*
  - 6.3.1. *If the applicant intends to sell packaged liquor, the location of all existing licensed premises within the locality.*
  - 6.3.2. *Nature of services provided by the other licensed premises, and*
  - 6.3.3. *The level of access to, and diversity of the services.*"
- 6.4. The locality for this application was discussed in Section 4 above, and the relevant aerial image is reproduced below.





*Suburb outline (yellow) of Quairading*



Quairading Co-Op Liquor Store Licence application

6.5. Below are images of the town, and specifically the subject premises on Heal Street.



Quairading Co-Op Liquor Store Licence application



## Quairading Co-Op Liquor Store Licence application

- 6.6. As noted in paragraph 4.10 above, there is only one Census suburb within the nominated locality, that being Quairading.
- 6.7. In November 2023, the applicant searched the website of the Office of Racing, Gaming and Liquor for all licensed premises located within the Quairading suburb.
- 6.8. The applicant then,
  - 6.8.1. Eliminated any premises which may not trade in a manner similar to a liquor store, and
  - 6.8.2. Eliminated any premises from that list located outside the subject locality.
- 6.9. This resulted in only no premises which may trade in a manner similar to a liquor store situated in the locality.
- 6.10. It should be noted that the Hotel Liquor licence for Quairading Hotel is currently in suspension. The applicant also notes that the hotel has been closed for some time, and now has broken windows and potential squatters.
- 6.11. **The impact of no packaged liquor options in Quairading**
- 6.12. Now that the only packaged liquor service has shut down, the applicant sees the following as the only current options for Quairading residents wishing to purchase packaged liquor.
  - 6.12.1. On road trips to Perth
  - 6.12.2. Purchasing online / Aus Post
  - 6.12.3. Travelling to liquor stores in nearby towns such as;
    - 6.12.3.1. York (45-50 minutes)
    - 6.12.3.2. Corrigin (45 minutes)
    - 6.12.3.3. Brookton (50 minutes)
    - 6.12.3.4. Cunderdin (30-35 minutes)
- 6.13. If and when people drive to other towns to buy packaged liquor they will almost certainly do some grocery shopping in the same trip - taking retail dollars out of the Town, ultimately negatively impacting the local community.
- 6.14. The town relies upon the success of small businesses, and losing retail dollars as people purchase out of town has an impact. It can be seen that if this application is approved it will help to increase the retail spend in town and add to the local economy.
- 6.15. For members of the local community having a well-stocked packaged liquor offer open and trading reliable hours, and conveniently available next to the supermarket will be attractive so they do not have to drive long distances to get packaged liquor.
- 6.16. **What will the liquor store offer which the hotel bottleshop did not?**
  - 6.16.1. Longer and more reliable trading hours,

## Quairading Co-Op Liquor Store Licence application

### 6.16.2. A reliable and experienced owner/operator

6.16.2.1. Given this will become part of the Central Co-Op Supermarket, operated by the same group - residents of the Town can expect a well run premises with enough staff on hand to handle the demands of an additional business in the Co-Op.

### 6.16.3. A better and wider range of product - this is discussed in more detail in Section 7 of these submissions.

### 6.16.4. Reliable pricing

6.16.4.1. The applicant commits to following all recommended retail pricing proposed by Bottle-O and will be promoting their sales as provided.

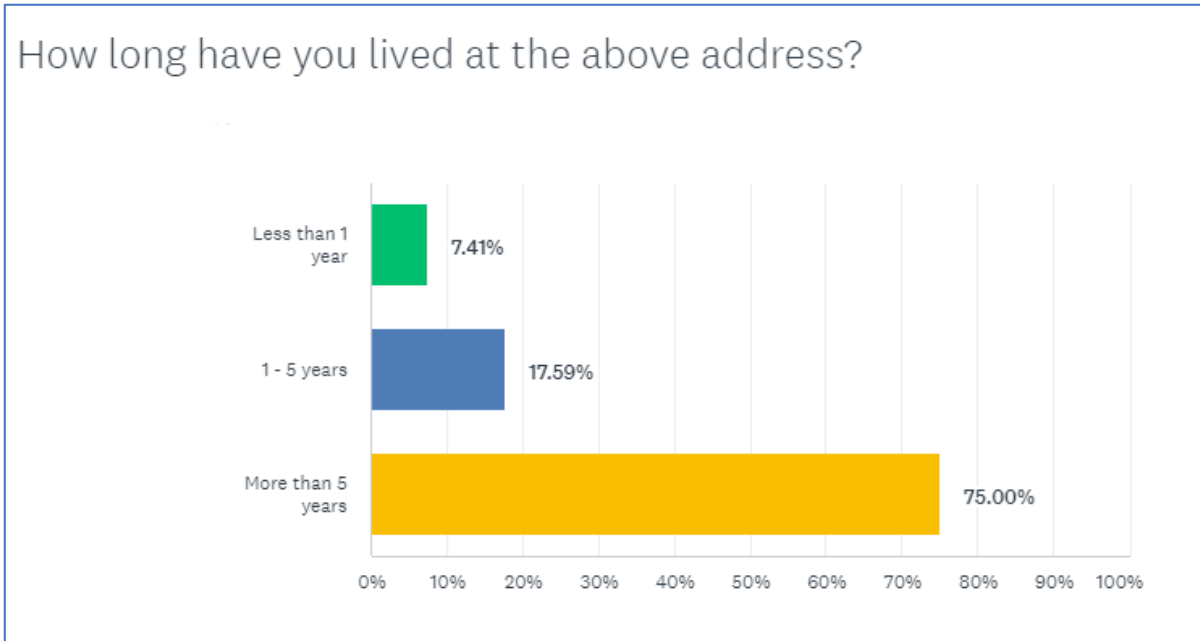
## 7. Objective Evidence

- 7.1. In Liquorland Karrinyup (2021 WASC 366) Justice Archer noted at 53;
  - 7.1.1. *“During his second reading speech, the relevant Minister said that the purpose of the amendment was 'to prevent the further proliferation of small and medium packaged liquor outlets across the state'.<sup>37</sup> In the Parliamentary debates on the Bill, the Minister said that the new s 36B would 'enable the community to determine whether it feels consumers in its area have adequate, reasonable access to a liquor supply'.”*
- 7.2. Further at 79;
  - 7.2.1. *“The 'requirements of consumers' in s 5(1)(c) has been interpreted to include such matters as shopper convenience and preferences (including the convenience of one stop shopping).<sup>61</sup> In addition, 'consumer requirements' has been (understandably) assumed to mean what consumers demand or desire, as distinct from what they cannot manage without.”*
- 7.3. So, this directs the licensing authority to listen to and act on the stated requirements (demands and desires) of the local community for packaged liquor and related licensed services.
- 7.4. The licensing authority has other considerations, as directed by the Primary and Secondary Objects of the Act.
- 7.5. From May - June (2024), the applicant implemented a witness response strategy both online and in-person, to gather objective evidence for these submissions. This included;
  - 7.5.1. Social media posts to Shire of Quairading Facebook Page & Quairading Co-Op pages,
  - 7.5.2. Email campaign to Quairading Co-Op database, and
  - 7.5.3. Mail drop to Quairading residents
- 7.6. A hard copy of the witness questionnaire can be found at attachment QC07.
- 7.7. The following information / documentation was made available to any potential respondent;
  - 7.7.1. Intended Manner of Trade document (attachment QC08).
  - 7.7.2. Map of the locality (attachment QC09),
  - 7.7.3. Floor plans (attachment QC10), and
  - 7.7.4. Cellarbrations Core Range Stock List - B Items (attachment QC11)
- 7.8. In total, the applicant has gathered 110 completed responses.
  - 7.8.1. Note, the applicant declares that there were an additional 26 questionnaires that were attempted. However, no actual data was entered in these 26 attempts, therefore the applicant has

## Quairading Co-Op Liquor Store Licence application

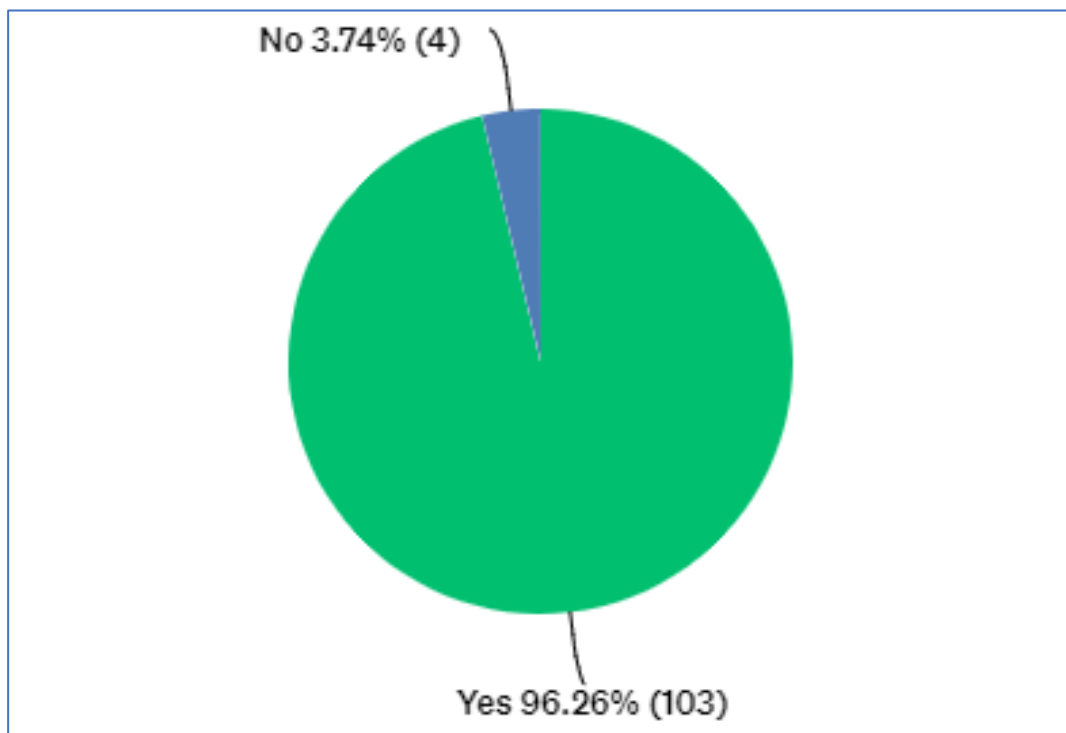
discarded them from the final count as they have no bearing on the data.

- 7.9. Of those who listed their address, **77** of the **101 (76%)** respondents are shown to live in the suburb of Quairading. Further, when asked how long



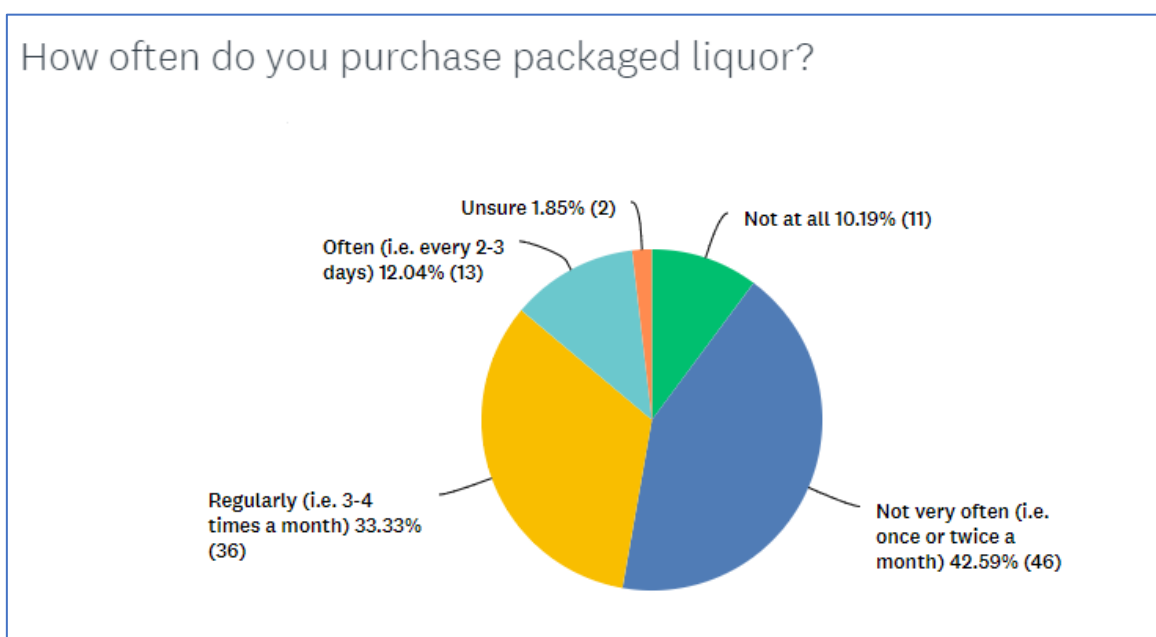
they have lived at their listed address, **75%** selected “*More than 5 years*”.

- 7.10. Further, 103 of the 107 respondents said “**Yes**” when asked if they lived or worked in or close to Quairading.



## Quairading Co-Op Liquor Store Licence application

- 7.11. Respondents were then asked “*The proposed liquor store will be located within the Quairading Farmers Co-Op. If you answered yes to the previous question, approximately how far away is your residence / place of work from the proposed liquor store?*”;
- 7.12. Of the **108** responses received to this question, **70** are shown to live less within 3km of the premises.
- 7.13. Given this is a regional town, this is quite a high number of respondents who live very locally.
- 7.14. Given that this application is for the benefit of (1) the Quairading community, as well as (2) customers of the Quairading Co-Op, the objective evidence presented so far throughout this section show this respondent pool to be an accurate representation of the community & locality.
- 7.15. The applicant then sought to establish their relationship with packaged liquor.
- 7.15.1. Respondents were asked, “**How often do you purchase packaged liquor?**”. Their answers are graphed below.



- 7.16. The applicant notes that around 42% of respondents say “not very often”. The explanation behind this answer is that those who live regionally and do not have ready access to a packaged liquor outlet will often order in bulk when they visit Perth, and can spend as much as \$1,000 per visit so that they have sufficient stock to last until their next trip.
- 7.17. Even so, nearly half of the respondents purchase packaged liquor more regularly.
- 7.18. The responses to these questions above detail a relevant respondent base.

## Quairading Co-Op Liquor Store Licence application

- 7.18.1. The large majority of the respondent base is local to the area,
- 7.18.2. They have lived in the area for a substantial period of time,
- 7.18.3. Nearly the entire respondent pool either work or live in the area, and
- 7.18.4. Approximately **half** of the respondents have purchased packaged liquor on multiple occasions in the last month.
- 7.19. Noting all of this, further questions and respondent answers are detailed throughout these submissions, to aid in the applicant satisfying Section 36B(4) and Section 38 of the Liquor Control Act (1988).
- 7.20. In the survey a number of respondents raised some concerns. Below the Applicant responds to those concerns.
  - 7.20.1. Existing 'problem' drinkers having more access to liquor locally.
  - 7.20.2. People will be drinking more often throughout more hours of the day.
  - 7.20.3. Shoplifting, and
  - 7.20.4. General anti-social behaviour.
- 7.21. Whenever a new liquor outlet is approved it is naturally the case that there is potential for such issues. However, the potential for this has to be weighed against the benefits and added convenience that will accrue to the local community from having a quality liquor store open regular hours with reliable stocks of a wide range of popular packaged liquor products.



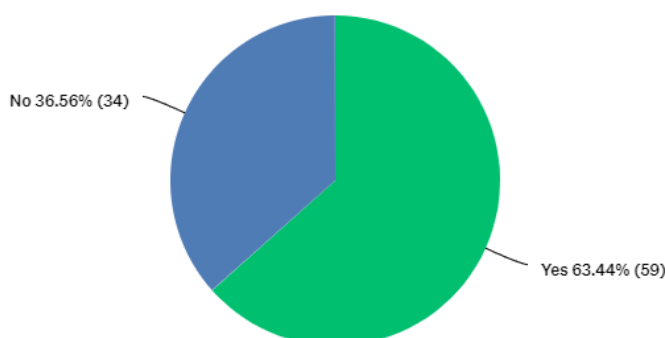
## 8. Proposed Style of Operation

- 8.1. As the proposed liquor store will be located within the local supermarket, shopping for liquor can be conveniently done as part of the normal weekly shopping excursion and will not require a separate trip or stop. This will be a convenient one-stop shopping service, particularly for those shoppers who have transport or mobility issues or time pressures.
- 8.2. Such a service is available for shoppers in other parts of WA, and the applicant proposes the same level of service and convenience for the people in this locality.
- 8.3. The liquor store will be simple, clean and friendly. Entry into the liquor store will be through the supermarket, but the liquor store will have a discreet location.
- 8.4. It will have the only shoppable cool room in Quairading. This will require a new cool room to be built, with an approximate project cost of \$150K.
- 8.5. The liquor store will be approximately 89.5sqm, inclusive of a 40.5sqm shoppable cool room.
- 8.6. The applicant proposes the following hours allowed by the Liquor Control Act 1988, as follows:
  - 8.6.1. Monday to Wednesday: 8am to 5pm
  - 8.6.2. Thursday: 8am to 6pm
  - 8.6.3. Friday: 8am to 5pm
  - 8.6.4. Saturday: 8am to 12pm or 2pm seasonally
  - 8.6.5. Sunday: 8am to 12pm or 2pm seasonally
  - 8.6.6. Good Friday, Australia Day, Good Friday, Easter Sunday, Easter Monday, ANZAC Day King's Birthday, Christmas Day and Boxing Day: Closed
- 8.7. In the witness questionnaire, respondents were asked if these proposed hours were convenient for them, to which **79%** (73) of the 92 respondents said, "Yes".
- 8.8. The proposed liquor store will provide and/or offer the following attributes:
  - 8.8.1. Easy to read in-store signage.
  - 8.8.2. A range of liquor products that are familiar and well-known.
  - 8.8.3. Competitive product prices, and
  - 8.8.4. Modern and well laid out premises.
- 8.9. The store will offer an extensive selection of liquor from the Cellarbrations core and exclusive range. They will be taking on the 'Tier 1' Cellarbrations stock range.

## Quairading Co-Op Liquor Store Licence application

- 8.10. The store size will allow for a range of liquor to be displayed, which will include;
- 8.10.1. National and international brands of red and white wines.
  - 8.10.2. A range of premium spirits.
  - 8.10.3. International and local beers.
  - 8.10.4. Ready-to-drink lines and fortified wines.
  - 8.10.5. Pre-mixed spirits.
- 8.11. By way of ancillary products and services the liquor store will offer the following:
- 8.11.1. A range of mixers - cool drinks, water and juice.
  - 8.11.2. Ice.
  - 8.11.3. Bar snacks - Crisps, nuts, etc.
- 8.12. Their full stock list can be viewed in attachment QC11
- 8.13. Public health and safety posters will be displayed prominently, along with responsible service of alcohol messages.
- 8.14. In the witness questionnaire, respondents were asked, *“The proposed liquor store will be located under the same roof as the existing Quairading Co-Op Supermarket. This will make it convenient for customers who wish to do their grocery shopping and take-away liquor shopping in one stop and using one shopping trolley. Is having this level of convenience at this shopping centre, important to you?”*
- 8.15. Of the 93 responses received to this question, almost **two thirds (63.44%)** said, **“Yes”**.

The proposed liquor store will be located under the same roof as the existing Quairading Co-Op Supermarket. This will make it convenient for customers who wish to do their grocery shopping and take-away liquor shopping in one stop and using one shopping trolley. Is having this level of convenience at this shopping centre, important to you?



- 8.16. Elaborating on their answers;

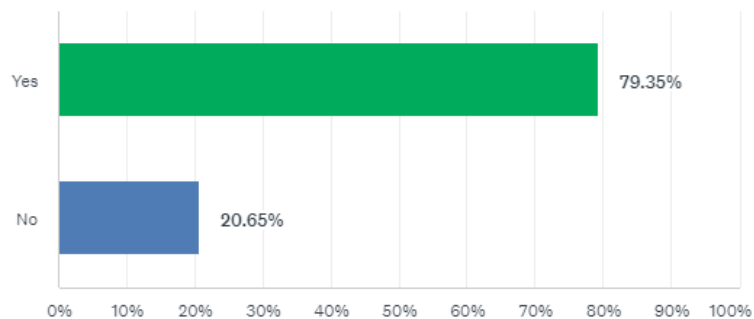
## Quairading Co-Op Liquor Store Licence application

- 8.16.1. Tamara of Badjaling said, *“One less trip and potential getting child in and out of the car to obtain a stock.”*,
- 8.16.2. Jo of Aldersyde said, *“I have shopped at Beverley IGA which offers this same service, I find it very useful to be able to get more done in one place”*,
- 8.16.3. Terryle of Quairading said, *“No I don’t buy alcohol. However feel it’s important to take the pressure off the members club.”*,
- 8.16.4. Graeme of Quairading said, *“It becomes a one stop shop for the tourists or others passing through because it will be open at a convenient time for them as well as the general population.”*,
- 8.16.5. Neil of Quairading said, *“Greater choice and convenience for social events and visitors to town”*,
- 8.16.6. Shae of South Quairading said, *“YES! As a mother, absolutely. There is nothing worse than getting kids in and out of the car or unloading your groceries, whilst trying to wrangle young children in the car park, just to then take them in to the pub to grab take aways and then most times, you would be waiting at the counter for ages because the patrons had literally left the pub to go to the post office or Co-op and just walked out. You would either wait for ages for them to return or get frustrated and leave, with kids in tow. In some instances, the kids would be buckled in to their seats after our grocery shop and I would pull up in front of the pub and leave them in the car to quickly duck in - because there was no point getting them all out of the car again when you usually coming back out empty handed. Although you could still see the car, it caused a lot of anxiety. Being able to get take aways and do a grocery shop at the same time would save time and stress for me. It would also mean that I wouldn’t have to plan trips to town around the clubs trading hours, especially when it is usually more convenient to do the shopping in the morning.”*,
- 8.16.7. Taryn of South Quairading said, *“Not having to make two stops when going into town especially with young children is a big bonus!”*,
- 8.16.8. Margaret of Dubelling said, *“I can buy liquor at the same time as I shop and wouldn’t buy in Perth”*,
- 8.16.9. Rebecca of Quairading said, *“I can shop and purchase liquor requirements at the same time.”*,
- 8.16.10. Sarah of East Beverley said, *“When in need of it I am able to purchase it after I finish work and not need to go an extra 100km round trip to buy”*,
- 8.16.11. Nicole of Quairading said, *“At the moment I have to buy when out of town as Club not open when I am in town.”*,

## Quairading Co-Op Liquor Store Licence application

- 8.16.12. Jo of Cubbine said, *“This level of convenience is on par with what we’ve all come to expect in a modern 21st century shopping precinct.”*,
- 8.16.13. Elaine of Quairading said, *“One stop shopping is always going to be best choice especially when you are busy and getting older!”*,
- 8.16.14. Wendy of Dubellingsaid, *“Most country supermarkets now have this in some way so we are behind”*,
- 8.16.15. Debra of Quairading said, *“It’s important to me saves travelling to northam, to purchase alcohol and I like the convenience of one stop shop”*,
- 8.17. Further, when respondents were asked, *“Noting all of the questions in this section, and after reading the intended manner of trade document (see here), would you be likely to become a customer of the proposed liquor store?”*
- 8.18. Of the 92 responses to the question, **79%** of respondents said, **“Yes”**.

Noting all of the questions in this section, and after reading the intended manner of trade document (see here), would you be likely to become a customer of the proposed liquor store?



- 8.19. More comments can be viewed in the raw data spreadsheet, see attachment QC04

## **9. Background and Experience of the Applicant**

- 9.1. The Quairading Co-op (i.e. Quairading Farmers Co-Operative Co Ltd) owns and operates the only supermarket in the community.
- 9.2. Further, they own most of the main street buildings, which are leased to a gift shop, a pharmacy and a machinery dealership.
- 9.3. The co-operative structure means the applicant focuses on good community outcomes as well as profitability.
- 9.4. All 350 shareholders are active community members.
- 9.5. There are six shareholders that are elected to the board of directors who manage the Quairading Co-op on the shareholders' behalf.
- 9.6. With over 100 years in business, the Co-Op has the following relevant skills and experience, as explained by Director Tarnya Fraser:
  - 9.6.1. **Customer Service Skills:** supermarkets require strong customer service skills, and this expertise translates well to a liquor store setting where customer interactions play a crucial role in sales and customer satisfaction.
  - 9.6.2. **Inventory Management:** Managing inventory is a key aspect of running both supermarket and liquor stores. Our experience in optimizing stock levels, monitoring product turnover, and minimizing losses can be applied to liquor retail.
  - 9.6.3. **Regulatory Compliance:** Supermarkets, like liquor stores, must adhere to regulations. Our understanding of compliance with health and safety standards, licensing, and other regulatory requirements can facilitate a smooth transition to managing a liquor store.
  - 9.6.4. **Supplier Relations:** Through our supermarket we have to work closely with our suppliers. This experience is valuable in the liquor store business, where maintaining good relationships with suppliers ensures a reliable and diverse product selection.
  - 9.6.5. **Employee Management:** Our Chief Executive Officer / General manager - Paula Brushe - has extensive experience in executive leadership, management and finance in state and private education sectors as well as private business ownership and project management of large constructions. This skill set means we have the expertise to streamline liquor store establishment and effective management of the day to day operations, provide optimal customer service and full compliance with the requirements of a liquor licence.
  - 9.6.6. **Financial Management:** We have extensive experience in budgeting, financials reporting and cost control gained from running a variety of businesses over the years, and of course our current supermarket, which plays an important role in the successful managing a liquor store.
  - 9.6.7. **Operational Efficiency:** our CEO, Paula Brushe, has a strong focus on operational efficiency (having previously run a Bunnings and Officeworks store before becoming our GM 10 years ago). This skill

## Quairading Co-Op Liquor Store Licence application

set means we have the expertise to streamline liquor store processes, ensuring effective day-to-day operations and optimal customer service.

- 9.6.8. **Understanding Consumer Behaviour:** our supermarket provides us an insight into consumer behaviour, preferences and buying patterns. This understanding can be applied to tailor the product selection and marketing strategies of our liquor store.
- 9.6.9. **Security and Loss Prevention:** our experience in implementing security measures and loss prevention strategies in a supermarket can be beneficial for safeguarding inventory and preventing theft in a liquor store.
- 9.7. Our senior and long-term staff member, Eiri Reynolds holds an unrestricted approved manager's licence [#0215583620~1 Expiry 19/11/2025]. She will be one of our approved managers for the liquor store, along with Paula Brushe.
- 9.8. Mrs. Reynolds has worked in The Quairading Club from November 2020 to December 2022.
- 9.9. The Quairading Club has a liquor licence (licence no. 6040014555), is owned by the community, and run by volunteers. It's licensed to sell liquor to members only and has limited trading hours. Whilst the Quairading Club can sell take-away liquor, it is sold over the bar, out of a back-of-house cool room and is only sold to members of the club.
- 9.10. They have a reasonable variety of beer and spirits available, but very limited wine options.
- 9.11. During her time there, Mrs Reynolds was responsible for staff training, record keeping, security and safety, monitoring alcohol consumption, maintenance of the premises, promotion of responsible drinking and compliance with liquor licensing laws.
- 9.12. Prior to this position, Mrs Reynolds held a Responsible Service of Alcohol certification from 1999, with which she used to assist the bars of the Quairading Football Club, Quairading Agricultural Society, Quairading Bowling Club and Quairading Cricket Club.
- 9.13. The Co-Op has a long history of managing renovations and refurbishments over the 100 years we have been in business.
- 9.14. In 2018 we began the process of consolidating our supermarket layout- to begin with our supermarket was spread over 1,200sqm. During 2018 and 2019, we moved the supermarket into one half of the 1,200 sqm, whilst we renovated the other half.
- 9.15. Once the renovation was complete, the community over the course of the weekend relocated the supermarket into the renovated 600sqm foot print it occupies today. As part of the renovation we laid a new floor, installed new lights and till counters, changed the layout of the entire space and installed new refrigeration. All this was managed whilst the supermarket retained normal trading hours and with a total renovation budget of \$300K.

## Quairading Co-Op Liquor Store Licence application

- 9.16. This renovation ultimately left us with 600sqm of unutilized building, that was partially earmarked to hopefully one day house a liquor store.
- 9.17. Prior to the renovation, the co-op was turning over \$3.495m, in the most recent financial year we turned over \$4.439m.
- 9.18. A commercial property we own became vacant, so we took the opportunity to add a disabled toilet and kitchen facilities to the office area of the supermarket. This ultimately resulted in us being able to rent the property to a new machinery dealership, bringing an additional business to a regional town.
- 9.19. Our current project is renovating one of our vacant shop fronts to turn it into a coffee shop.
- 9.20. The Co-Op has had no infringements nor any formal complaints or warnings received from the Police, local Shire or neighbours. The Co-Op is the most suitable entity within the Town of Quairading to provide a packaged liquor service.

## 10. Section 36B(4) of the Act - Restrictions on Grant or Removal of Certain Licences Authorising Sale of Packaged Liquor

10.1. In the Second Reading Speech on the introduction of the Liquor Control Amendment Bill 2018 dated 20th February 2018, the Minister for Racing and Gaming, Mr. Paul Papalia stated:

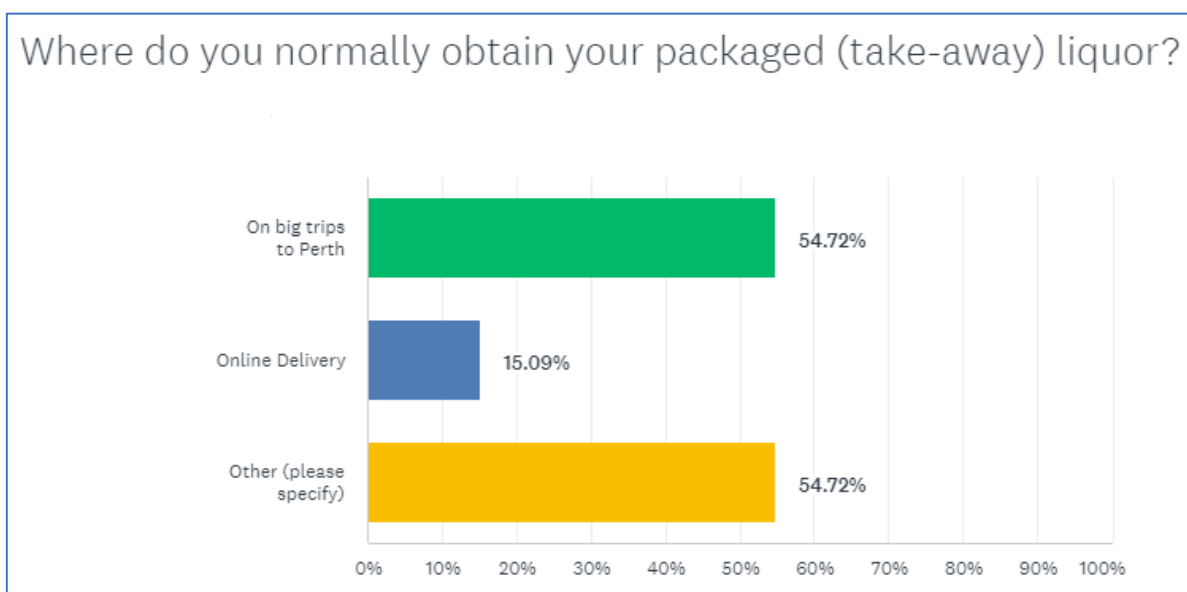
10.1.1. *“.....to prevent the further proliferation of small and medium packaged liquor outlets across the state, the act will be amended so that the licensing authority must not grant an application unless it is satisfied that existing premises in the locality cannot reasonably meet the requirements for packaged liquor.”*

10.2. Subsequently, a new Section 36B(4) of the Liquor Control Act (WA) 1988 was proclaimed and came into effect on 2<sup>nd</sup> November 2019. Section 36B(4) reads as follows:

10.2.1. *“The licensing authority must not grant an application to which this section applies unless satisfied that local packaged liquor requirements cannot reasonably be met by existing packaged liquor premises in the locality in which the proposed licensed premises are, or are to be, situated”.*

10.3. In this section the applicant considers whether the local packaged liquor requirements are reasonably met by the existing packaged liquor premises in the locality.

10.4. These submissions have concluded that there is no existing packaged liquor outlet in the locality capable of selling packaged liquor to the public.

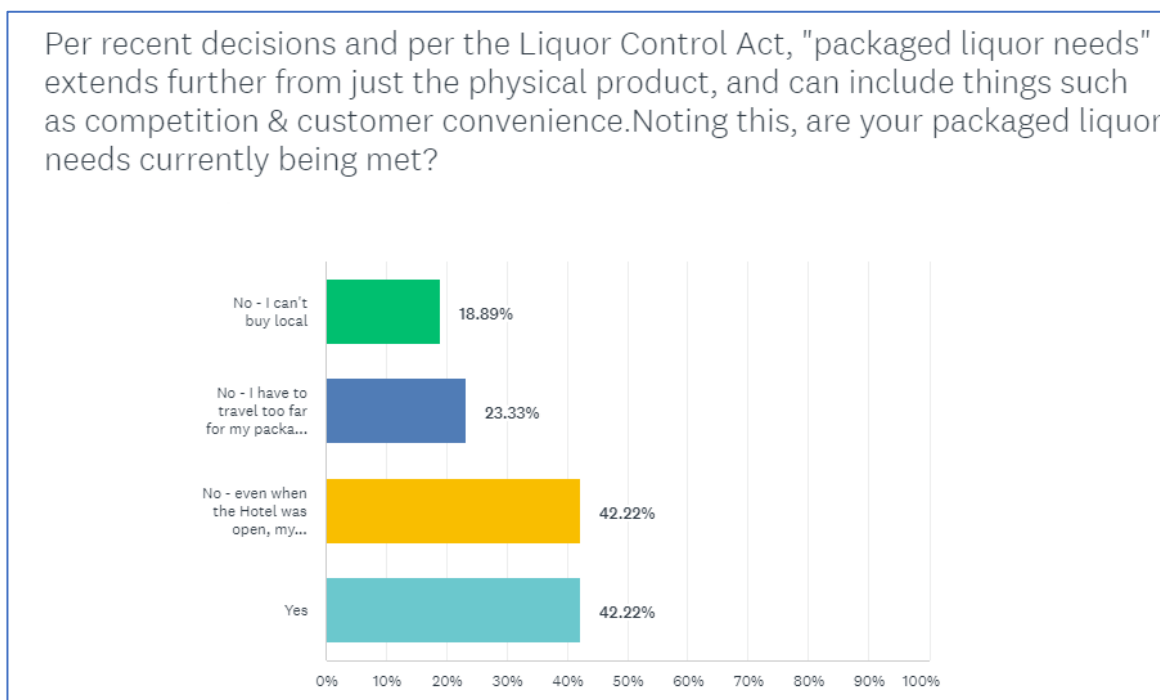


10.5. The evidence of the witness survey (as shown above) shows that people have to purchase their packaged liquor requirements outside of the locality on big trips to Perth (**54.72%**) or via online delivery (**15.09%**).



## Quairading Co-Op Liquor Store Licence application

- 10.6. The nearest packaged liquor outlet is 45km away by road, and Perth is over 140km away.
- 10.7. Some locals are fortunate to be members of the local club. However, that is not a service for the general public, and certainly not for visitors to the town, including tourists.
- 10.8. So, the result is that it is very inconvenient for locals, and detrimental to the town's economy as most packaged liquor purchases are made through businesses outside of the locality.
- 10.9. It therefore follows that consumer requirements for packaged liquor are not currently being met.
- 10.10. In the witness questionnaire, respondents were asked, *“Per recent decisions and per the Liquor Control Act, ‘packaged liquor needs’ extends further from just the physical product, and can include things such as competition & customer convenience. Noting this, are your packaged liquor needs currently being met?”*



- 10.11. Almost **1 in 5** respondents said, *“No - I can't buy local”*,
- 10.12. Almost **1 in 4** respondents said, *“No - I have to travel too far for my packaged liquor needs”*, and
- 10.13. Almost **half** of the respondents said, *“No - even when the hotel was open, my packaged liquor needs were not met”*.

## 11. Section 38(4)(a) of the Act - Harm or Ill-health

- 11.1. Section 38(4)(a) of the Liquor Control Act (1988) asks the applicant to consider “*the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor.*”
- 11.2. In this section the applicant assesses the risk with respect to the harm or ill-health that might be caused to people, or groups of people within the locality should this licence be granted.
- 11.3. This is a proposal for a modestly sized liquor store. It will be the only packaged liquor service local to the Quairading community, replacing the recently closed down Quairading Hotel service.
- 11.4. In a decision (LC 21/2009 The Wine Box Nedlands, attachment QC13) confirming the Wine Box Nedlands liquor store licence, the Liquor Commission found that liquor stores, when combined (as this one is) with a supermarket are at the passive end of liquor licence approvals, see 4.11, on page 13 of that decision.
  - 11.4.1. “*It is the Commission’s view that a liquor store licence, as part of the Nedlands IGA grocery outlet, is very much at the passive end of liquor licence approvals and in particular, is unlikely to have any bearing on.... liquor consumption practices*”. (Emphasis added)
- 11.5. The inference here is that a liquor store combined with a supermarket is unlikely to have a significant impact on the potential for alcohol related harm or ill-health in a locality.
- 11.6. According to the Federal Government’s Snapshot entitled Australia’s Health 2018 (<https://www.aihw.gov.au/getmedia/7c42913d-295f-4bc9-9c24-4e44eff4a04a/aihw-aus-221.pdf>)
  - 11.6.1. “*most Australians drink alcohol at levels that cause few harmful effects*”. (Page 204)
  - 11.6.2. “*As well, fewer Australians are drinking at levels that contribute to alcohol-related harm over a lifetime. However, about 26% of people drink more than is recommended on a single occasion, and they do this at least once each month. Younger people show more promising trends when it comes to alcohol—fewer people aged 12-17 are drinking and a greater proportion are abstaining from drinking altogether.*” (Page 165, emphasis added)
  - 11.6.3. “*The NDSHS data reveal several changes in drinking patterns compared with those for 2013, including that:*
    - 11.6.3.1. *people are drinking less often—daily and weekly drinking rates have declined*
    - 11.6.3.2. *fewer young people aged 12-17 are drinking alcohol and the proportion abstaining from alcohol has increased*

- 11.6.3.3. *people aged 14-24 are delaying starting to drink—the average age at which they first tried alcohol has increased*
- 11.6.3.4. *fewer people are exceeding the lifetime risk guideline (Table 4.6.1).” (Page 204)*

**Table 4.6.1: Significant changes in drinking behaviours, 2013 and 2016**

<b>Drinking behaviours</b>	<b>2013</b>	<b>2016</b>
Drank alcohol daily (14 years and over)	6.5%	5.9%
Drank alcohol weekly (14 years and over)	37.3%	35.8%
Drank alcohol less often than weekly (14 years and over)	34.5%	35.8%
Abstained from alcohol (12–17 years)	72.3%	81.5%
Age when had first full serve of alcohol (14–24 years)	15.7 years	16.1 years
Exceeded lifetime risk guidelines (14 years and over)	18.2%	17.1%

Source: AIHW 2017.

11.7. The Snapshot, in a section titled “Alcohol-related incidents and harm”

11.7.1. *“Excessive consumption of alcohol increases the risk of people putting themselves and others at risk of harm (AIHW 2017). The NDSHS showed that, in 2016 almost 1 in 6 (17%) recent drinkers aged 14 and over put themselves or others at risk of harm while under the influence of alcohol in the previous 12 months—significantly down from 21% in 2013. In 2016, the most likely risky activity undertaken while under the influence of alcohol was driving a motor vehicle (9.9% of recent drinkers). Overall, more than 1 in 5 (22%) Australians had been a victim of an alcohol-related incident in 2016—down from 26% in 2013. Between 2013 and 2016, verbal abuse (22% and 19%, respectively), being put in fear (13% and 11%) and physical abuse (8.7% and 7.3%) all declined.” (Page 206, Emphasis added.)*

11.8. Further, it’s worth noting the following statistics from these studies:

11.8.1. The National Health Survey (NHS), first results - 2017 - 18,

11.8.1.1. There is a continued decline of standard drinks consumed per day by persons aged 18 years and over, from 19.5% of people in 2011 - 2012, to 16.1% in 2017-2018.

11.8.1.2. There are fewer adults 18 and over consuming four standard drinks on one occasion, dropping from 44% (2014 - 15) to 42.1% (2017 - 18).

11.9. **Criminal/offence Statistics**

11.10. To further satisfy Section 38(4)(a), the applicant sought to investigate the incidence of alcohol related offences within the locality as recorded by the WA police. However, no statistics were available on the WA Police

## Quairading Co-Op Liquor Store Licence application

website in relation to alcohol related crime for any towns or suburbs in WA.

11.11. Below are the crime / offence statistics for Quairading.

Type of Offence	Quairading
Homicide	-
Sexual Offences	19
Assault (Family)	10
Assault (Non-Family)	3
Threatening Behaviour (Family)	10
Threatening Behaviour (Non-Family)	3
Deprivation of Liberty	1
Robbery	-
Dwelling Burglary	7
Non-Dwelling Burglary	4
Stealing of Motor Vehicle	1
Stealing	7
Property Damage	10
Arson	-
Drug Offences	6
Graffiti	-
Fraud & Related Offences	13
Breach of Violence Restraint Order	4
<b>Total of Selected Offences</b>	<b>98</b>

11.12. In the witness questionnaire, respondents were asked, *“Are there any people or any groups of people in the locality who, in your opinion, would be at risk of increased and undue harm as a result of the granting of this application?”*

11.13. Of the 84 responses received to this, over **58%** said, **“No”**.

11.14. The applicant notes concerns were raised by some respondents around the following topics;

11.14.1. Increased availability of alcohol in the area,

11.14.2. The impact this will have on the youth of Quairading,

11.14.3. Easier access to packaged liquor for at risk Indigenous groups,

11.14.4. Increase in theft.

11.15. With any additional liquor licence there is always the potential for increased harms. However, the primary objects of the Act require a balanced view of the risks and benefits of any application.

## Quairading Co-Op Liquor Store Licence application

- 11.16. We say the evidence presented in these submissions, when read in totality and considered properly will leave it open for the Director to conclude that the Applicant is very well capable of managing the proposed licensed premises and mitigating any such risks.
- 11.17. This is essentially an application by the Quairading community.
- 11.18. The proposed liquor store may have some potential for harms, but it will bring very measurable benefits and convenience to the town, and, from the evidence presented, there is no-one in this locality better qualified or more capable of operating it.

## **12. Section 38(4)(b) of the Act - A Report on the Amenity of the Locality**

- 12.1. Section 38(4)(b) of the Liquor Control Act, asks the applicant to consider *“whether the amenity, quiet or good order of the locality in which the licensed premises or proposed licensed premises are, or are to be, situated might in some manner be lessened”*.
- 12.2. At 89sqm internal space, the proposed liquor store is a small sized liquor store by contemporary standards.
- 12.3. Such a liquor store within the existing shopping centre has very limited potential for negative impacts on the local community.
- 12.4. The objective of this application is to re-introduce a previously existing amenity that existed in the locality in the form of the hotel, providing the town with a local packaged liquor service.
- 12.5. In the questionnaire respondents were asked *“Should this application be granted, do you think the amenity, quiet or good order of the locality might in some manner be lessened?”*
- 12.6. **56%** of the respondents to this question said, **“No”**.
- 12.7. Elaborating on their answers;
  - 12.7.1. Phoebe of Yoting said, *“Having this store in town would be a positive as it will fill up another empty space on the Main Street and will keep money flow in town.”*
  - 12.7.2. Debra of Quairading said, *“Yes I think it's a great location”*,
  - 12.7.3. Jenna of Wamenusking said, *“I don't think it will impact town”*,
  - 12.7.4. Jo of Cubbine said, *“I don't believe the amenity, quiet or good order of the locality would in some manner be lessened, mainly due to the trading hours not extending into the evening. I also believe that the usual busyness of the general location of the liquor store would deter inappropriate activity.”*,
  - 12.7.5. Irene of Quairading said, *“I don't think it would make any difference at all to the existing lifestyle in Quairading.”*,
  - 12.7.6. Sue of Quairading said, *“I don't think so (at this stage) due to the proposed opening hours. With no late night trading hours I think the potential impact on the community is minimised.”*,
  - 12.7.7. Janine of Quairading said, *“I imagine it will be like When we had the hotel and two liquor outlets - other surrounding towns have two to three and seem to conduct themselves appropriately”*,
  - 12.7.8. Shae of South Quairading said, *“No, the community already has access to alcohol and if it doesn't then they seek it elsewhere. It is not like it is a dry community. It would just be more convenient and offer more variety.”*,

## Quairading Co-Op Liquor Store Licence application

- 12.7.9. Lisa of Kwolyin said, *“It doesn’t affect other towns that have this facility. Eg kellerberrin. I have never seen street drinking as a result”*,
- 12.7.10. Tamara of Badjaling said, *“People can already access alcohol, having more options and higher quality is the only change.”*
- 12.8. The same themes mentioned in section 11 were raised in response to this question. The applicant repeats its comments in paragraphs 11.14 - 11.18 above.
- 12.9. More comments can be viewed in the raw data spreadsheet, see attachment QC04

### **13. Section 38(4)(c) of the Act - Offence, Annoyance, Disturbance or Inconvenience**

- 13.1. Section 38(4)(c) of the Liquor Control Act (1988) asks the applicant to consider *“whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises”*.
- 13.2. The proposed liquor store is small in size, and completely enveloped within the Co-Op supermarket.
- 13.3. The Quairading Hotel bottleshop (now shut) was located on Heal Street, the same street on which the Co-Op supermarket is located and where the subject premises are situated.
- 13.4. Both premises are a short distance apart in the town centre of Quairading.
- 13.5. The licensing authority is therefore able to conclude that the proposed liquor store will not impact in any material way in respect of the issues contained with section 38(4)(c).
- 13.6. Given the above, and the fact there will be no consumption on premises, save for product tastings, it is the applicant’s considered opinion the proposed liquor store will not cause any undue offence, annoyance or disturbance to anyone in the local community.
- 13.7. In the questionnaire, respondents were asked *“Should this liquor store licence be approved, what do you say about the potential for annoyance, offence, disturbance or inconvenience that this liquor store may cause people who live, work, visit or otherwise resort to the locality?”*
  - 13.7.1. Adam of Dangin said, *“Shouldn’t be any because you can’t consume any on site”*,
  - 13.7.2. Debra of Quairading said, *“I don’t think it should be a problem.”*,
  - 13.7.3. Elaine of Quairading said, *“I would say any disturbance would be negligible and surely less than the extended hours of the hotel next door.”*,
  - 13.7.4. Shelley of Quairading said, *“None as there is already a source in the area as well”*,
  - 13.7.5. Jo of Cubbine said, *“I have never witnessed annoyance, offence, disturbance or inconvenience at or near any liquor store I have shopped at so don’t envisage ours being any different.”*,
  - 13.7.6. Irene of Quairading said, *“Liquor has always been available in town. Where it is bought makes no difference.”*,
  - 13.7.7. Margaret of Dubelling said, *“Being located in the Coop store where our normal household shop takes place should have a positive affect on customers purchasing alcohol”*,



## Quairading Co-Op Liquor Store Licence application

- 13.7.8. Shae of South Quairading said, *“I wouldn't have thought that it would have much impact in that regard at all. Up until recently we had access to a pub and club. Meaning from 11am until 12pm, people technically had access to alcohol. Now it just means they have access to it in a more convenient manner. It is also being sold at hours that sit out of most peoples usually consumption window. At the end of the day, I do not see it as having a negative impact, on the contrary, it will encourage more people to shop locally. The Co-Op is one of - actually probably the biggest - supporters of our local community. It gives back a lot and it is only able to do so, by local support. The revamp of the Co-Op itself and management, saw it transformed and it has become an essential service for our community. By being able to encourage people to do a larger percentage of their shopping locally by offering even more convenience, will directly support our local community”*,
- 13.7.9. Graeme of Quairading said, *“I agree we need something and a liquor store will be good for this town because it will help our tourists stop and buy, not just alcohol but while at the co op, they will stock up on their groceries. The pub is history for some years to come, so for others out of town, this options will assist them. The locals will, hopefully enjoy the outcome as well to save them excessive trips out of town to purchase their alcohol at reasonable prices thus saving on fuel costs for a start”*,
- 13.8. More comments can be viewed in the raw data spreadsheet, see attachment QC04
- 13.9. The same themes mentioned in section 11 were raised in response to this question. The applicant repeats its comments in paragraphs 11.14 - 11.18 above.

## 14. Section 5(1)(a) of the Act - Primary Objects

- 14.1. Section 5(1)(a) states that a primary object of the Act is;
  - 14.1.1. *“to regulate the sale, supply and consumption of liquor”.*
- 14.2. Being one of three primary objects means that it is of equal importance to the other two primary objects of the Act.
- 14.3. To regulate means;
  - 14.3.1. *“to control or direct according to rule, principle, or law”* or
  - 14.3.2. *“to put or maintain in order”*
- 14.4. It does not mean to restrict or to reduce.
- 14.5. There may be some circumstances where a restriction or a reduction is warranted, but the word “regulate” implies more flexibility than either “restrict” or “reduce”.
- 14.6. It is possible to “regulate” and to “increase” at the same time.
- 14.7. Therefore, this primary object should not, of itself, prevent this application from being granted.
- 14.8. It is possible to properly regulate the sale, supply and consumption of liquor and grant this application.
- 14.9. In a “Note from the Director General on applying for a liquor licence” on the licensing authority’s website the Director states, amongst other things,
  - 14.9.1. *“The public interest, as ascertained from the scope and purpose of the Act, involves catering for the requirements of consumers of liquor and to have liquor outlets consistent with good order and propriety in relation to the distribution and consumption of liquor. What is often overlooked is that one of the primary objects of the Act is to regulate the sale and supply of liquor and that the disposition of the Act, read as a whole, is to regulate that good order and propriety.*
  - 14.9.2. *The proliferation of liquor outlets is not in the public interest. To increase the number of licensed premises without any real and demonstrable consumer requirement, would represent proliferation without justification.”*
- 14.10. As clearly shown in these submissions the proposed liquor store will;
  - 14.10.1. Replace a hotel bottleshop which closed in December 2023, and
  - 14.10.2. Offer a one-stop packaged liquor service not currently available in the locality.
- 14.11. The applicant’s objective evidence has also clearly shown there is an identifiable and substantial section of the local community which has a reasonable requirement for the products and services proposed to be offered under this licence.

14.12. It is therefore open for the licensing authority to conclude the granting of this licence would not lead to a proliferation of liquor licences in the locality without justification.

## 15. Section 5(1)(b) of the Act - Primary Object

15.1. Section 5(1)(b) states that a primary object of the Act is;

15.1.1. *“to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor”.*

15.2. Being one of three primary objects means that it is of equal importance to the other two primary objects of the Act.

15.3. In paragraph 46 of *Carnegies v Director of Liquor Licensing [2015] WASCA 208* (“Carnegies decision”) in respect of the National Hotel, Fremantle (attachment QC13), the following conclusion is found;

15.3.1. *“It is not sufficient to simply reason that, where there is already a high level of harm in the particular area, even a small increment in potential or actual harm may be determinative, without making specific findings on the evidence about the level of alcohol related harm which is likely to result from the grant of the particular application.”*

15.4. Paragraph 62 of that same decision reads;

15.4.1. *“the reasons of the Commission reveal that it considered the application was not in the public interest, but not:*

15.4.1.1. *(a) the positive aspects of the application that were weighed;*

15.4.1.2. *(b) how the Commission reached the conclusion there was a likelihood of increased harm and ill-health if the application was granted; or*

15.4.1.3. *(c) the degree of increased harm or ill-health that was likely to have resulted if the application was granted.”*

15.5. In this application, therefore, the applicant is not required to show that no harm whatsoever may occur if this application is granted, only that the applicant will do all that is reasonable to minimise harm and ill-health that could potentially occur if this application is granted, and that any potential for harm or ill-health is minimised and is not “undue”.

15.6. As discussed in paragraph 10.4 above the Liquor Commission has found that liquor stores associated with supermarkets are at the passive end of the spectrum of liquor licence approvals.

15.7. This then must be weighed, in equal measure, against the benefits that will accrue to the members of the Quairading community.

15.8. Also, as discussed in Section 11 above, the attitude of Australians towards alcohol is steadily improving, and the number of people drinking at harmful levels is falling.

## 16. Section 5(1)(c) of the Act - Primary Object

- 16.1. Section 5(1)(c) states that another primary object of the Act is;
  - 16.1.1. *“to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State”.*
- 16.2. Being a primary object means that it is of equal importance to the other two primary objects of the Act.
- 16.3. In other words, it is just as important for the Director to cater for the requirements of consumers as stated above, as it is to minimise the potential for harm or ill-health due to the use of liquor.
- 16.4. In the end it is a weighing and balancing of these equal objects which will determine whether a liquor licence should be granted or not.
- 16.5. The Director has, on several occasions, reminded applicants of the importance of reading this primary object fully. Many applicants stop after reading *“to cater for the requirements of consumers for liquor and related services”.*
- 16.6. However, this primary object goes on to direct applicants to have *“regard to the proper development of the liquor industry”.*
- 16.7. It is very significant that in the locality the subject of this application there is only no publicly available packaged liquor outlet currently trading.

## **17. Section 5(2)(a)(d)(e)(f) of the Act - Secondary Objects**

- 17.1. In carrying out its functions under the Act, the licensing authority shall have regard to the primary objects of the Act and also to the following secondary objects -
  - 17.1.1. (a) *“To facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State”*; and
  - 17.1.2. (d) *“To provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor”*; and
  - 17.1.3. (e) *“To provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act”*: and
  - 17.1.4. (f) *to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community.”*
- 17.2. Through this application the licensing authority will be facilitating the development of a much anticipated and very responsible packaged liquor service in this locality.
- 17.3. Critically it is open for the licensing authority to conclude that through the granting of this liquor store licence it will be facilitating the development of a licensed facility reflecting an identified consumer requirement for the services proposed to be offered.
- 17.4. It can also be seen as putting back an important packaged liquor service into the local community.
- 17.5. The granting of this licence can also be seen as encouraging responsible attitudes towards the sale and supply of liquor. The liquor store is moderately sized and part of the Co-Op supermarket offering the benefits of modern one-stop shopping to the Quairading community.
- 17.6. Therefore, in the opinion of the applicant, in granting this licence the Director of Liquor Licensing will be fulfilling his obligations under section 5(2) of the Act.

## 18. Conclusion

- 18.1. This is an application for a small liquor store to exist within the major supermarket in town.
- 18.2. Quairading is a small regional town in which many residents rely on each other's businesses. Further, the town is reliant upon the Co-Op for all of their supermarket needs.
- 18.3. These submissions have shown that there are currently no packaged liquor outlets trading in the locality.
- 18.4. Lastly, respondents to the witness questionnaire were asked if they had any other comments regarding this application;
  - 18.4.1. Phoebe of Yoting said, *"I think it would be a great thing for the town as it will make Quairading a town more people stop in grab their drinks and it keeps money in the town. We just need to make sure we are also aware of some negatives that come with it"*,
  - 18.4.2. Andrea of Dubelling said, *"i personally think the amount of people who ask where to buy beer or simple wine to have while coming to camp or stay in town is crazy we have the club but they get turned off when you have to pay a fee. it will be great for campers and we would get more tourist coming through instead of them by passing and going straight to corrigin or bruce rock."*,
  - 18.4.3. Ben of Mount Stirling said, *"Good idea, should have been done yrs ago like other similar town near by"*,
  - 18.4.4. Johnston of Quairading said, *"I think this will be an asset to the town and provide competition. Travellers may find it a very convenient liquor outlet."*,
  - 18.4.5. Rik of Quairading said, *"It would be an asset to a small country town and just like surrounding towns the local food store would now also have a liquor outlet."*,
  - 18.4.6. Sue of Quairading said, *"I think it's a great idea - many people like myself who buy their alcohol out of town will probably change to buying locally if the prices are fairly comparable to Perth prices (I would expect prices to be slightly higher in the country)."*,
  - 18.4.7. Janine of Quairading said, *"Good luck ! Hope it goes well - if it is as well run as the Coop it will be a success and open up future employment avenues for people ."*,
  - 18.4.8. Shae of South Quairading said, *"I hope that it is successful, the Co-Op is run by a very sensible and community minded group of people. They would never endorse an application for a liquor store licence if they believed it would jeopardise our town and its occupants. It would also be another pull for passing tourists etc. to stop in and spend more money in our community."*,

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- 18.4.9. Terryle of Quairading said, *“I’m a non drinker but believe it is needed for the town. It will be another option for sporting clubs to buy local as well. And like I said take the pressure off the club.”*.
- 18.5. The survey evidence presented here clearly shows the local community is supportive of the proposal, with **79%** of respondents stating they would be a customer of the proposed liquor store and **63%** of respondents saying that the proposed one-stop shopping convenience that this application offers is important to them.
- 18.6. The Liquor Commission is on record as saying that a modest sized liquor store as part of or adjacent to a supermarket is on the passive end of liquor licence approvals (See The Wine Box, LC 21/2009 - attachment QC13).
- 18.7. The location and setting of the proposed liquor store adjacent to a supermarket, is very consistent with the principles of CPTED (Crime Prevention Through Environmental Design).
- 18.8. There is limited potential for any detrimental impacts through this proposed supply of liquor into the community. There is, on the other hand every prospect that the overall amenity of the locality will be enhanced through the granting of this application.
- 18.9. The applicant will, in effect, not be adding to the number of available packaged liquor outlets, but rather replacing a closed down packaged liquor service.

Drafted for and on behalf of Quairading Farmers Co-Operative Co Ltd

Phil Cockman  
Canford Hospitality Consultants Pty Ltd  
26<sup>th</sup> September 2024

**Attachment**

QC01	Hangawee Outlet Decision
QC02	ALDI South Fremantle Decision
QC03	Social media post examples
QC04	Raw Witness Data
QC05	Metcash Case Study
QC06	Statements of support
QC07	Hard Copy Witness Questionnaire
QC08	Intended Manner of Trade document
QC09	Locality Map
QC10	Floor Plans
QC11	Cellarbrations Core Range Stock List (B Items)
QC12	Wine Box Nedlands Decision
QC13	National Hotel Fremantle Decision