

Liquor Commission of Western Australia
(Liquor Control Act 1988)

Applicant: Baytown Holdings Pty Ltd
(represented by Ms Jessica Patterson of Lavan Legal)

Intervener: Director of Liquor Licensing
Commissioner of Police
(both represented by Ms Caroline Chapman of State Solicitor's Office)

Objectors: Oakline Pty Ltd
VB Enterprises Pty Ltd
Tyra Wainwright
Warren Hancock

Commission: Ms Belinda Lonsdale (Presiding Chair)
Mr Evan Shackleton (Member)
Dr Eric Isaachsen (Member)

Premises: Cape Cellars Drive-Thru, 231 Bussell Highway,
West Busselton

Date of Hearing: 24 September 2015

Date of Determination: 1 March 2016

Matter: Erratum to LC 04/2016

1. In its decision LC 04/2016 dated 1 March 2016, the Commission at paragraph 64 stated that :

“The Police did accept, however, that the nature of a liquor store is that people purchase liquor to consume at home and is therefore considered to be “low risk”.

At paragraph 70 it observed that:

“The Commission accepts the applicant’s submission, which the Police also support, that a liquor store is “low risk” in terms of increasing alcohol-related harm. Whilst it is likely that there could be increase in harm associated with an increase in liquor stores, the Commission considers that any likely increase in harm would be fairly marginal.”

2. Counsel for the Commissioner of Police has by its correspondence of today submitted that the Commission may have inadvertently misinterpreted the Commissioner’s submissions. It was submitted that:

“At [16] of his written submissions, the Commissioner submitted that although a liquor store may be is considered to be “low risk” by comparison to a night club or a hotel given the fact that patrons do not consume alcohol on-site, this does not equate to a lack of harm or low risk of harm. That submission was reiterated by Counsel for the Commissioner in comparable terms during the oral hearing (see ts p6 at .30)”

3. The Commission acknowledges the concerns of the Commissioner that an inaccurate position may have been ascribed to him and accordingly paragraphs 64 and 70 are amended as follows:

64. The Commissioner submitted that:

“the nature of a liquor store is that people purchase liquor to consume at home. A liquor store is considered “low risks” because, unlike a night club or a hotel, patrons do not consume their purchase at the liquor store. Hence liquor stores do not have the same alcohol-related issues that night clubs or hotels do. But this does not mean that the harm does not exist and nor does it mean that the harm itself is “low risk. Rather, harm minimisation strategies should also consider alcohol-related harm away from the Premises”.

70. The Commission accepts the applicant’s submission, that a liquor store is comparatively “low risk”. Whilst it is likely that there could be increase in harm associated with an increase in liquor stores, the Commission considers that any likely increase in harm would be fairly marginal.



BELINDA LONSDALE
PRESIDING MEMBER

