

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

Applicant: Diana Sim

Respondent: Isavel Carija
(represented by Dan Mossenson of Lavan Legal)

Premises: Carilley Estate

Commission: Jim Freemantle (Chairperson)

Date of Determination: 26 June 2009

Application:

This is an application lodged with the Liquor Commission (“the Commission”) on 16 April 2009 seeking review of Decision No A192489 by the Director of Liquor Licensing (“the Director”) under section 25 of the *Liquor Control Act 1988* (“the Act”) relating to the conditional grant of a tavern licence to Isavel Carija for premises known as Carilley Estate.

The grounds for review alleged the lack of inclusion of the following self imposed restrictions by the applicant of the tavern licence in the determination of the Director:

- “....a condition on the licence restricting the sales of other liquor by prohibiting packaged sales other than liquor produced by Carilley Wines”; and
- “...pertaining to the sale and supply of liquor, other than the liquor produced by Carilley Estate, for consumption on the licensed premises only”.

Determination (by consent):

In accordance with the Minute of Consent Orders filed by the parties and pursuant to the provisions of section 25(4)(a) of the Act, the determination of the Director is varied as follows:

1. The Carilley Estate tavern licence be subject to the following additional conditions:
 - 1.1 The licensee may sell and supply liquor produced by Carilley Wines for consumption both on and off the licensed premises.

- 1.2 The licensee may conduct tastings of liquor produced by Carilley Wines only.
- 1.3 The licensee may sell and supply liquor, other than the liquor Carilley Wines produces, for consumption on the premises only.
- 1.4 No application to change the trading conditions may be approved by the licensing authority without the application first having been locally advertised.
- 1.5 Seating for 40 people must be available for dining at all times and dining tables will always be available in the Mediterranean room area of the premises for this purpose.

The application for review is otherwise dismissed.

Costs:

There is no order as to costs.

A handwritten signature in black ink, appearing to read 'J. Freemantle', written over a horizontal line.

**MR JIM FREEMANTLE
CHAIRPERSON**