

Liquor Commission of Western Australia
(Liquor Control Act 1988)

- Applicant:** Australian Leisure Hospitality Group Pty Ltd
(represented by Mr Marcus Solomon and Ms Shelley Davies of Squire Patton Boggs)
- First Intervener:** Commissioner of Police
(represented by Mr David Leigh of State Solicitor's Office)
- Second Intervener** Chief Health Officer
(represented by Mr Ed Fearis of State Solicitor's Office)
- Third Intervener** City of Bayswater
(represented by Ms Helen Smith)
- Objectors in attendance:** Ms L Baker, MLA, Member for Maylands
Ms J Wheare
- Objectors not in attendance:** Maylands Rate Payers and Residents Association
McCusker Centre for Action on Alcohol and Youth
Mr V Bresland
Mr M Perroni
Ms M McArthur
AFL Pty Ltd, Licensee of Divine Cellars (Licensee Objector)
Mr J Duncan
Ms T Koproski
Reverend C Albany
Audex Sound Pty Ltd
- Commission:** Mr Seamus Rafferty (Chairperson)
Mr Eddie Watling (Deputy Chairperson)
Mr Michael Egan (Member)

Matter: Application for the alteration and redefinition of licensed premises referred under section 24 of the *Liquor Control Act 1988*

Premises: Peninsula Tavern, 223 Railway Parade, Maylands

Date of Hearing: 26 April 2018

Date of Determination: 7 September 2018

Determination:

By a decision of the majority of members of this Commission, Chairperson Mr Seamus Rafferty dissenting, the application for the alteration and redefinition of the “Peninsula Tavern” in Maylands is refused.

Authorities referred to in the determination:

- *Australian Leisure and Hospitality Group Pty Ltd v Commissioner of Police* [2017] WASC 88
- *Woolworths Limited v Director of Liquor Licensing* 2013 WASC 227
- *O'Sullivan v Farrer* [1989] HCA 61; (1989) 168 CLR 210, 216
- *Executive Director of Health v Lily Creek International Pty Ltd & Ors* [2000] WACA 258
- *Liquorland (Australia) Pty Ltd v Executive Director of Public Health* [2013] WASC 51
- *Carnegies Realty Pty Ltd v Director of Liquor Licensing* [2015] WASC 208
- *Australian Leisure Hospitality Group Pty Ltd v Commissioner of Police and Others* (LC 03/2016)