

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

- Complainant:** Commissioner of Police
(represented by Mr David Leigh of State Solicitor's Office)
- Respondent:** 100 Mile Pty Ltd
(represented by Mr Peter Fraser of Dwyer Durack Lawyers)
- Commission:** Mr Jim Freemantle (Chairperson)
Mr Eddie Watling (Member)
Ms Helen Cogan (Member)
- Matter:** Complaint for disciplinary action pursuant to section 95 of the *Liquor Control Act 1988*
- Premises:** Williams Hotel
- Date of Hearing:** 21 August 2013
- Date of Determination:** 3 September 2013

Determination:

1. Pursuant to section 96(1)(m) of the *Liquor Control Act 1988* 100 Mile Pty Ltd is to pay a monetary penalty of \$5,000 within 30 days of the date of this determination.
2. Pursuant to section 96(1)(n) of the *Liquor Control Act 1988*, the following orders are made by consent of parties:
 1. The Williams Hotel business, Liquor Licence number 60100012260 ("the Licence"), located at 26 Albany Highway, Williams in the state of Western Australia ("the Business") remain on the market for sale at or below market price until sold.
 2. Within 7 days of the date of these orders, the respondent provide the applicant with written confirmation from real estate agent, Glen Tunbridge of Whitepartner, as to his valuation of the market price of the business.

3. The respondent keep the applicant informed by way of written letter as to the progress of the sale of the business each month, until the business is sold, by no later than the last day of each calendar month.
3. In the event that a contract for sale of the business has not been executed within 6 months of the date of these orders:
 - a) the parties may agree to an extension of time being granted to the respondent to sell the Business and transfer the Licence to the purchaser of the Business; or
 - b) in the event that parties do not consent to an extension of time, pursuant to Order 4(a) of these orders, the applicant be at liberty to make application to have the matter listed before the Liquor Commission (“the Commission”).
4. Maree Kjellgren cease living in Williams within 28 days of the date of these orders.
5. Alan Royce Kjellgren be permitted to reside at the Williams Hotel for the purpose of:
 - a) conducting maintenance; and
 - b) discharging his obligation as licensee of the business.
6. Alan Royce Kjellgren shall not undertake any duties that would involve him working behind the bar or physically serving patrons at the Business.
7. Neither this decision nor the Order no LC 29/2013 made by the Commission will be published until the business is sold and the licence is transferred to the purchaser of the business.



MR JIM FREEMANTLE
CHAIRPERSON