

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

Complainant: Director of Liquor Licensing
(*represented by Mr Joshua Berson of the State Solicitor's Office*)

Respondents: Lucky Entertainment Pty Ltd
and
Mr Wayne Poon, Director and Shareholder
(*both represented by Mr Peter Fraser of Dwyer Durack Lawyers*)

Commission: Mr Seamus Rafferty (Chairperson)
Ms Emma Power (Member)
Ms Pamela Hass (Member)

Premises: Crown Karaoke Restaurant

Matter: Complaint for disciplinary action pursuant to section 95 of the *Liquor Control Act 1988*

Date of Hearing: 29 August 2019

Date of Determination: 29 August 2019

Determination:

The Commission finds the complaint has been made out to a satisfactory standard such that proper cause for disciplinary action exists on the following terms:

1. The second respondent, Mr Wayne Poon is to pay a monetary penalty of \$10,000 pursuant to section 96(1)(m) of the *Liquor Control Act 1988* within 4

months of the date of this determination and lodge with the Commission evidence of payment of the penalty within 28 days of making the payment.

2. The first respondent, Lucky Entertainment Pty Ltd as the licensee of Crown Karaoke Restaurant (Licence Number 6060115635) is to have and maintain a CCTV video surveillance system in accordance with the policies of the Director of Liquor Licensing within 28 days of the date of this determination. In addition, the CCTV system must:
 - (a) record continuous images of all entrance and exit points to the premises, dining rooms, public access areas and the front regulated area of the premises;
 - (b) provide full coverage and monitoring of all dining, karaoke rooms and other general areas of the premises to which the public have access excluding toilets;
 - (c) operate from the time the premises open until one hour after trading ceases and can identify individuals showing time and dates; and
 - (d) images reporting via the video surveillance system must be retained for 28 days and must be made available for viewing or removal by the police or other persons authorised by the Director.
3. No liquor is to be sold or supplied for consumption on the premises in any of the following ways:
 - (a) in a vessel with a capacity exceeding 600 ml, except bottles of wines and no spirit-based beverages are to be supplied in vessels with a measurement capacity exceeding 375 ml;
 - (b) in measurements of spirits that exceed 45 ml in any vessel for the purpose of this condition the term "spirit" means potable spirit at 20 degrees Celsius contains more than 20.06 per cent ethanol by volume; and
 - (c) liquor is not to be sold in any manner which would encourage the rapid consumption of liquor including but not limited to the sale of shots.
4. Two licensed crowd controllers are to be engaged on Friday and Saturday evenings between 9 pm and closing time and one licensed crowd controller is to be engaged on Thursdays and Sundays between 10 pm and closing time.

5. The serving of liquor to patrons is restricted to table service by staff engaged by and in the employ of the licensee.
 6. A minimum number of two approved managers to be on duty at all times the premises are trading.
 7. Each dining/karaoke room in use must be inspected at least twice an hour by an approved manager and/or licensed crowd controller. This condition will be satisfied by one inspection per hour by an approved manager and one inspection per hour by a licensed crowd controller;
 8. The trading hours are between 10:00 am and 3:00 am.
 9. Unaccompanied juveniles on the premises are prohibited and juveniles are prohibited from being on the premises after midnight.
- Detailed reasons for the determination will be published in due course.



SEAMUS RAFFERTY
CHAIRPERSON