

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

Complainant: Commissioner of Police
(*represented by Ms Lauren Italiano of the State Solicitor's Office*)

Respondents: Bushtree Holdings Pty Ltd (First Respondent)
Pierre D'Arcy Pty Ltd (Second Respondent)
Mr Wesley Jason D'Arcy (Third Respondent)
(*represented by Mr Seamus Rafferty SC of Geoffrey Miller Chambers*)

Commission: Ms Emma Power (Chairperson)
Mr Nicholas van Hattem (Deputy Chairperson)
Ms Mary Brown (Member)

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

Premises: Jarrah
Shop 64, Sorrento Quay, 28 Southside Drive, Hillary's Boat Harbour, Hillarys, WA, 6025

Mister D'Arcy
97 Flora Terrace, North Beach, WA, 6020

Date of Hearing: 16 February 2024

Date of Determination: 19 February 2024

Written Reasons: 10 June 2026

Determination:

On 19 February 2024, the Commission made the orders as set out below.

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 Third Respondent, Mr Wesley Jason D'Arcy is issued a reprimand pursuant to section 96(1)(a) of the *Liquor Control Act 1988*.
2. The Third Respondent, Mr Wesley Jason D'Arcy is to pay a monetary penalty of \$10,000 pursuant to section 96(1)(m) of the *Liquor Control Act 1988* within 60 days of the date of these Orders and lodge with the Liquor Commission evidence of payment of the penalty within 28 days of making the payment.
3. The Restaurant Licence of Jarrah (licence number 606213519019) is varied to add the licence condition as set out below:
 - a) The licensee is to have and maintain a CCTV system throughout the licensed premises in accordance with the policies of the Director of Liquor Licensing. Specifically, the video surveillance system must:
 - i. comply with the "Minimum Standards – Closed Circuit Television (CCTV) Security System" policy as amended;
 - ii. record continuous images on any day that the venue trades from the commencement of trade until 1 hour after trading ceases; and
 - iii. retain recorded images for a period of seven (7) days available for viewing or removal upon request by police or other persons authorised by the Director.
4. The Restaurant Licence of Mr D'Arcy (licence number 6060144973) is varied to add the licence conditions as set out below:
 - a) Where amplified or live and amplified music is played, the windows are to be completely closed.
 - b) Music or entertainment played within the building is to be played at such a level that patrons in the external areas are permitted to converse at normal levels of conversation.
 - c) A noise or sound filter is to be fitted:
 - i. The setting for the limiter is to be set in the unoccupied venue, when no patrons are present to ensure the limiter only applies to music noise only; and
 - ii. The sound limiter is to be installed and set so that internal noise level from music is limited to 86d(LA10).
 - d) All windows and doors (including those to the alfresco area) are to be completely closed by 9:00pm.

- e) The licensee is to have and maintain a CCTV system throughout the licensed premises in accordance with the policies of the Director of Liquor Licensing. Specifically, the video surveillance system must:
 - i. comply with the “Minimum Standards – Closed Circuit Television (CCTV) Security System” policy as amended;
 - ii. record continuous images on any day that the venue trades from the commencement of trade until 1 hour after trading ceases; and
 - iii. retain recorded images for a period of seven (7) days available for viewing or removal upon request by police or other persons authorised by the Director.
- 5. The Extended Trading Permit (Extended Area) of Mr D’Arcy (permit number 0218949422) is varied to add the condition as set out below:
 - a) The Area to which the permit relates is to be closed to patrons from 9:00pm.

BACKGROUND

1. The First Respondent, Bushtree Holdings Pty Ltd ("Bushtree Holdings"), is the licensee of Jarrah, a restaurant which is located at Shop 64, Sorrento Quay, 28 Southside Drive, Hillarys Boat Harbour, Hillarys.
2. The Second Respondent, Pierre D'Arcy Pty Ltd ("Pierre D'Arcy"), is the licensee of Mr D'Arcy, a restaurant which is located at 97 Flora Terrace, North Beach.
3. The Third Respondent, Mr Wesley Jason D'Arcy ("Mr D'Arcy") is the sole director of Bushtree Holdings and Pierre D'Arcy.
4. Jarrah is subject to a restaurant licence (licence number 606213519019) ("the Jarrah licence"). Bushtree Holdings holds an extended trading permit in relation to the Jarrah licence (permit number 0213628919) ("the Jarrah ETP"). The Jarrah ETP authorises Bushtree Holdings to sell and supply liquor, whether or not ancillary to a meal, subject to conditions.
5. Mister D'Arcy is subject to a restaurant licence (licence number 6060144973) ("the Mister D'Arcy licence"). Pierre D'Arcy holds two extended trading permits in relation to the Mister D'Arcy licence. Permit number 0218823822 authorises Pierre D'Arcy to sell and supply liquor, whether or not ancillary to a meal, subject to conditions ("the Mister D'Arcy LWAM ETP"). Permit number 0218949422 authorises an extension of the trading area, subject to conditions ("the Mister D'Arcy EA ETP").
6. By the Complaint dated 10 October 2023 signed by Superintendent Mark Gilbert as Delegate of the Commissioner of Police, the Complainant alleges that pursuant to section 95(4) of the *Liquor Control Act 1988* ("the Act") there is a proper cause for disciplinary action against the Respondents on five grounds:
 - Ground 1 The business conducted under the licence is not properly conducted in accordance with the licence (section 95(4)(a));
 - Ground 2 The licensed premises are not properly managed in accordance with the Act (section 95(4)(b));
 - Ground 3 The licensee has contravened a requirement of the Act or a term or condition of the licence (section 95(4)(e)(i));
 - Ground 4 The licensee has been convicted of an offence under the Act (section 95(4)(f)(i)); and
 - Ground 5 The licence has not been exercised in the public interest (section 95(4)(j)).
7. Specifically, the Complainant contends that proper cause for disciplinary action exists against:
 - a) Bushtree Holdings on the grounds that:
 - i. the business conducted under the Jarrah licence is not properly conducted in accordance with the licence: section 95(4)(a);
 - ii. Jarrah is not properly managed in accordance with the Act: section 95(4)(b);
 - iii. Bushtree Holdings has contravened a requirement of the Act or a term or

condition of the licence: section 95(4)(e)(i); and

- iv. Bushtree Holdings has been convicted of an offence under the Act: section 95(4)(f)(i).
- b) Pierre D'Arcy on the grounds that:
- i. the business conducted under the Mister D'Arcy licence is not properly conducted in accordance with the licence: section 95(4)(a);
 - ii. Mister D'Arcy is not properly managed in accordance with the Act: section 95(4)(b);
 - iii. Pierre D'Arcy has contravened a requirement of the Act or a term or condition of the licence: section 95(4)(e)(i); and
 - iv. the Mister D'Arcy licence has not been exercised in the public interest: section 95(4)(j).
- c) Wesley D'Arcy on the grounds that:
- i. the businesses conducted under the Jarrah licence and the Mister D'Arcy licence are not properly conducted in accordance with those licences: section 95(4)(a); and;
 - ii. Jarrah and Mister D'Arcy are not properly managed in accordance with the Act: section 95(4)(b).
8. The events in relation to both Jarrah and Mister D'Arcy that led to this Complaint being lodged are set out at Attachment A of this decision. A summary of the Complaint is provided as follows:
- Jarrah*
- a) Jarrah is a restaurant, marketed as 'Jarrah Bar and Café', located at the Hillarys Boat Harbour.
 - b) Officers from the Liquor Enforcement Unit ("LEU") attended Jarrah and observed conduct in breach of the Jarrah licence and Jarrah ETP on eight occasions between December 2021 and August 2023. Inspectors from Racing, Gaming and Liquor ("RGL") also attended Jarrah on one occasion and observed conduct in breach of the Jarrah licence and Jarrah ETP.
 - c) LEU officers have variously observed patrons purchasing and either consuming liquor at the bar or returning with their drinks to their table, patrons standing in a rear room and consuming liquor, a patron consuming liquor while apparently drunk, and a patron consuming liquor while outside the licensed red line area.
 - d) LEU officers have engaged with Bushtree Holdings multiple times, including by formally cautioning Bushtree Holdings on three separate occasions, and instructing the approved manager to cease the sale of liquor at the bar on a fourth occasion. The LEU ultimately issued an infringement notice to Bushtree Holdings on 11 November 2022, which Bushtree Holdings elected to have heard in court. A plea of guilty was entered, and a fine of \$1,000 imposed.

- e) Similarly, when RGL inspectors attended Jarrah, they also observed drinks being purchased at the bar and did not observe any table service. Inspectors issued an infringement notice to Bushtree Holdings on 7 February 2023, which Bushtree Holdings subsequently elected to have heard in court.

Mister D'Arcy

- a) Mister D'Arcy is a restaurant located within a residential area and surrounded by houses and residential units. The licence was transferred to Pierre D'Arcy on 25 July 2022, at which time the restaurant name changed from Clarke's of North Beach to Mister D'Arcy.
- b) After Mister D'Arcy opened, the City of Stirling received multiple complaints, dating from September 2022 to September 2023, in relation to the noise made by music and patrons emanating from Mister D'Arcy. On three separate occasions in the same period, the City of Stirling received noise diaries recording multiple instances of excessive music and patron noise emanating from Mister D'Arcy.
- c) The City of Stirling engaged with Pierre D'Arcy, both in writing and in person with its director Wesley D'Arcy, to inform the licensee of the noise complaints. The City of Stirling conducted noise monitoring at nearby residences in October 2022, December 2022 and March 2023. The City of Stirling advised Pierre D'Arcy of the results of the noise monitoring conducted in October 2022, and that the noise monitoring conducted in December 2022 showed Mister D'Arcy was operating in breach of the *Environmental Protection (Noise) Regulations 1997*.
- d) In November 2022, Wesley D'Arcy informed the City of Stirling that roof insulation works had been completed, and in January 2023, he advised the City of Stirling that the sound system had been replaced.
- e) The City of Stirling continued to receive noise complaints, and on 2 March 2023, issued Pierre D'Arcy with an Environmental Protection Notice (EPN) requiring it to prepare and implement a plan for the prevention, control and abatement of noise emissions from Mister D'Arcy. The EPN also required Pierre D'Arcy to immediately cease all music, prevent any patrons from occupying the outdoor dining area after 7pm on any day, and to keep bifold doors and windows closed.
- f) The City of Stirling continued to receive noise complaints after the EPN was issued. City of Stirling officers visited the area near Mister D'Arcy on multiple occasions after the EPN was issued. On each occasion, City of Stirling officers observed patrons dining in the alfresco area after 7pm, music being played over the outdoor speakers, and bifold windows and door open (or, from late April 2023 onwards, the windows shut but the main door remaining open).
- g) In March 2023, Wesley D'Arcy informed the City of Stirling that he had begun his own noise monitoring, and would not be closing windows or doors, turning off the music, or following any of the immediate requirements of the EPN. In June 2023, Wesley D'Arcy asked the City of Stirling to lift the EPN immediately to avoid legal action.
- h) In September 2023, RGL inspectors attended Mister D'Arcy and observed patrons purchasing and consuming drinks at the bar, and more patrons present than the maximum permitted under the licence. RGL Inspectors were informed by the approved

manager that drinks are sold after the kitchen closes. Subsequently, an inspector issued two liquor infringement notices and four cautions to Pierre D'Arcy.

Wesley D'Arcy

- a) Under section 3(4) of the Act a person occupies a position of authority in a body corporate if, among other things, that person is a director of the body corporate. Where a person is a sole director and secretary of a licensee, they are ultimately responsible for the manner of the operation of the business.
 - b) The businesses conducted under the Jarrah licence and the Mister D'Arcy licence, for which Wesley D'Arcy is ultimately responsible, are not properly conducted in accordance with those licences nor are the premises properly managed in accordance with the Act.
9. The Complainant contends that the Respondents have demonstrated a consistent disregard for the conditions of their respective licences, and have repeatedly failed to improve the conduct and management of their respective businesses when LEU officers, RGL inspectors and City of Stirling officers have engaged them in relation to the issues.
 10. Despite attempts to engage with the Respondents, there continued to be regular breaches of the Jarrah licence and Jarrah ETP and there was deliberate non-compliance with the EPN issued to Pierre D'Arcy, to the ongoing discomfort of neighbouring residents.
 11. Due to the ongoing and the serious nature of the events, the Complainant submits that one or more of the following penalties should be imposed:
 - a) Suspend the operation of the liquor licence for both premises until further order or for a specified period pursuant to section 96(1)(d) of the Act.
 - b) Disqualify the licensees, director and shareholders from holding a licence for such period as the Commission sees fit pursuant to section 96(1)(f) of the Act.
 - c) Impose the maximum monetary penalty of \$60,000, or such sum as the Commission sees fit, on the licensees pursuant to section 96(1)(m) of the Act.
 - d) Cancel the extended trading permit issued under the provisions of section 60(4)(ca) of the Act authorising Bushtree Holdings and Pierre D'Arcy to sell and supply liquor, whether or not ancillary to a meal.
 - e) Alternatively, suspend the extended trading permit issued under the provisions of 60(4)(ca) of the Act authorising both Bushtree Holdings and Pierre D'Arcy to sell and supply liquor, whether or not ancillary to a meal, for such period as the Commission thinks fit; or until such time the licensee can show the premises is being properly managed in accordance with the liquor licence.
 - f) Impose a condition that both Bushtree Holdings and Pierre D'Arcy install and maintain CCTV cameras in accordance with the Director of Liquor Licensing's Safety and Security at Licensed Premises Policy, pursuant to section 96(1)(b) of the Act.
 - g) Impose conditions on the licence held by Pierre D'Arcy to ensure that the noise emanating from the licensed premises is not excessive and to minimise the offence,

annoyance, disturbance or inconvenience that might be caused to those who reside or work in the vicinity of the licensed premises, pursuant to section 96(1)(b) of the Act.

- h) Give directions as to the conduct of the business of the licensee Pursuant to section 96(1)(i) of the Act.

Submissions from the Complainant

12. The Complaint relies on extensive documentary evidence, including a detailed chronology of events. The chronology records regulatory inspections, enforcement actions, infringement notices, court outcomes, noise complaints, environmental monitoring, and correspondence with regulators. A summary of key events relating to each venue is set out below.
13. Jarrah was repeatedly observed operating in a manner inconsistent with a restaurant licence. Over the period December 2021 to August 2023, LEU officers and RGL inspectors attended the premises on multiple occasions and observed liquor being sold and consumed at the bar, patrons consuming liquor while standing, patrons consuming liquor outside the licensed area, and the consumption of liquor by an apparently intoxicated person. These practices breached licence conditions, extended trading permit conditions, and provisions of the Act.
14. Regulatory engagement with Bushtree Holdings was extensive. The licensee received multiple formal engagement letters, cautions, and direct instructions to cease bar service. Despite these interventions, the conduct continued. An infringement notice issued in November 2022 ultimately resulted in a guilty plea and a fine. A further infringement notice was issued by RGL in February 2023 following similar observations.
15. The evidence demonstrates that the licensee and staff were aware of the table service requirement and selectively attempted to comply when enforcement officers were present. Patrons reported being able to freely purchase drinks at the bar and described the venue as operating like a pub or bar. Signage and branding reinforced this impression. Financial records further show that liquor sales exceeded food and non-liquor sales, contrary to licence conditions.
16. On two occasions, Bushtree Holdings failed to produce CCTV footage in response to statutory notices, offering explanations inconsistent with the fact that CCTV footage was provided on other occasions when it suited the licensee's interests. The licensee also formally sought removal of the table service condition, confirming its awareness of the requirement while continuing to breach it.
17. The evidence establishes that Jarrah was not properly conducted in accordance with its licence, was not properly managed under the Act, and that Bushtree Holdings contravened licence conditions and statutory requirements. The prior conviction under the Act further substantiates proper cause for disciplinary action.
18. Mister D'Arcy operates within a residential area and has been the subject of sustained community complaints regarding noise from music and patrons. Between September 2022 and September 2023, the City of Stirling received multiple complaints and detailed noise diaries documenting excessive noise emissions.
19. Environmental Health Officers conducted noise monitoring on several occasions, recording exceedances of assigned noise levels by significant margins. The results demonstrated repeated breaches of the *Environmental Protection (Noise) Regulations 1997*.

20. The City of Stirling engaged extensively with Pierre D'Arcy and Wesley D'Arcy, including meetings, correspondence, and warnings. Although some remedial steps were claimed - such as insulation works and sound system changes - noise complaints continued unabated.
21. In March 2023, the City of Stirling issued an EPN requiring immediate cessation of music, closure of doors and windows, and restriction of alfresco dining after 7pm. Despite this, City of Stirling officers repeatedly observed ongoing breaches of the notice. Managers on duty confirmed they had not been instructed to comply with the EPN, and Wesley D'Arcy expressly stated he would not comply with its immediate requirements.
22. In September 2023, RGL inspectors observed liquor being sold and consumed at the bar, liquor sales occurring after the kitchen had closed, and patron numbers exceeding the maximum permitted. These breaches were inconsistent with licence and permit conditions and were not isolated in light of prior conduct at Jarrah.
23. The evidence establishes that Mister D'Arcy was not properly conducted or managed, that the licence was not exercised in the public interest, and that Pierre D'Arcy contravened licence conditions and statutory requirements.
24. As sole director and secretary of the licensee corporations, Wesley D'Arcy bears ultimate responsibility for the management and operation of both venues. The repeated and sustained non-compliance at Jarrah and Mister D'Arcy demonstrates that the businesses under his control were not properly conducted in accordance with their licences nor managed in accordance with the Act.
25. The evidence demonstrates a consistent pattern of disregard for licence conditions, statutory requirements, and regulatory intervention. Engagement by enforcement agencies failed to achieve compliance, and in the case of Mister D'Arcy, regulatory directions were openly defied.
26. Given the seriousness, duration, and deliberate nature of the conduct, the Complainant submits that suspension and disqualification are necessary to protect the public and the integrity of the liquor industry. In the alternative, cancellation or suspension of extended trading permits, the imposition of CCTV and noise control conditions, and monetary penalties are sought to achieve deterrence and uphold industry standards.

Submissions from the Respondents

27. The alleged breaches relating to the operation of Jarrah span a period from December 2021 to August 2023. They include occasions where patrons were observed purchasing and consuming alcohol at the bar *rather* than by table service, isolated instances of patrons standing while consuming alcohol, and one occasion where a patron was assessed by enforcement officers as being intoxicated. Additional allegations include a failure by an on-duty manager to produce approved manager identification, failure to display the licence and extended trading permit, alleged breaches of section 154 notices concerning CCTV footage, and one day on which liquor sales are alleged to have exceeded food sales.
28. In summary, over approximately 20 months of operation, the alleged breaches comprise isolated and discrete incidents rather than sustained or systemic misconduct. These include one alleged instance of intoxicated consumption, one failure to display required documents, one occasion involving approved manager identification, seven occasions of bar service, two

occasions of patrons standing while consuming alcohol, two alleged breaches of section 154 notices, and one day on which it is alleged liquor sales exceeded food sales.

29. The Commission is invited by the Complainant to infer deliberate non-compliance with section 154 notices on two occasions. The Respondents submit that such an inference is not open. No charge was laid under section 154(3), no investigation was undertaken to test the explanations provided, and there is no evidence establishing deliberate withholding of CCTV footage. In those circumstances, it is submitted that this alleged ground of Complaint is not made out.
30. The Respondents also contest the allegation that the business contravened the Act by exceeding food sales with liquor sales on a single day. It is submitted that the relevant extended trading permit requires that regard be had to turnover over the operation of the permit as a whole, not a single trading day, and that the condition is not expressed as a mandatory requirement. Accordingly, the allegation is misconceived.
31. Subject to the two matters above, the Respondents accept the factual allegations relating to Jarrah and accept that those matters provide a proper basis for disciplinary action.
32. The allegations relating to Mister D'Arcy include multiple noise complaints received by the City of Stirling between September 2022 and January 2023 and alleged breaches of an EPN. The Respondents note that the Complainant does not rely on the truth of the noise complaints themselves, but rather on the fact that complaints were made and prompted regulatory action. It is understood that the Complaint now focuses on breaches of the EPN rather than the underlying complaints.
33. The Respondents accept that breaches of the EPN occurred to the extent directly observed by City of Stirling officers. However, they do not accept untested hearsay complaints from unidentified residents and submit that such material should be afforded no weight.
34. Further allegations relate to observations on 1 September 2023, including patrons carrying and purchasing alcohol at the bar, patron numbers exceeding the permitted maximum, and liquor service after kitchen closure. The Respondents accept the factual observations with the exception of the asserted kitchen closing time. An additional allegation on 7 September 2023 relates to the absence of an approved manager on duty, which is also accepted.
35. The Respondents submit that consistency in disciplinary outcomes is required. Since 2015, the Commission has dealt with approximately 15 section 95 complaints, with disqualification or licence suspension typically imposed only in cases involving serious criminal offending, gross misconduct, or significant harm to the public. By contrast, matters involving licence breaches without serious harm have generally resulted in fines, reprimands, or additional licence conditions.
36. The Respondents accept that the Complaint is made out on the balance of probabilities against Bushtree Holdings and Pierre D'Arcy in respect of Grounds 1, 3, and 4, and against Wesley D'Arcy in respect of Ground 1. Grounds 2 and 5 are not accepted, though it is acknowledged that disciplinary action is open given the admissions made.
37. It is submitted that the majority of incidents concern technical breaches relating to bar service rather than table service and do not engage the harm minimisation objects of the Act. Aside from the EPN issues, the incidents are isolated and do not demonstrate ongoing disregard for licence obligations. Substantial remedial steps have been taken in relation to noise management.

38. The assertion that Wesley D'Arcy is not a fit and proper person is rejected. The Respondents submit that the deterrent effect of these proceedings has been significant and that any further breaches would not be repeated. Disqualification or suspension would be disproportionate, inconsistent with precedent, and would cause severe personal and financial hardship.
39. The Respondents submit that the appropriate disciplinary outcome is consistent with prior authority and the nature of the breaches, namely:
- a) a reprimand of Wesley D'Arcy;
 - b) the imposition of a monetary penalty; and
 - c) the imposition of such licence conditions on the First and Second Respondents as the Commission considers appropriate.

RELEVANT LAW

40. The purpose of disciplinary proceedings is not the punishment of the respondent but the protection of the public.
41. The Commission protects the public by taking disciplinary action which (1) prevents those who are unfit to do so from participating in the liquor industry; (2) secures the maintenance of proper industry standards; and (3) assures the public that appropriate standards are being maintained within the industry.
42. The Commission's task under section 96(1) of the Act is to hear and determine the matter to which the Complaint relates.
43. In determining whether there is proper cause for disciplinary action, the Commission needs to be satisfied on the balance of probabilities that one or more of the grounds of complaint alleged pursuant to section 95(4) of the Act have been made out.
44. If the Commission is satisfied that the grounds of the Complaint have been made out so that a proper cause for disciplinary action exists, it may take disciplinary action as set out in section 96(1)(a)-(n) of the Act.
45. In any proceedings under the Act, including disciplinary proceedings, the Commission is required to act without undue formality and may obtain information as to any question that arises for decision in such manner as it thinks fit.
46. The Commission is not bound by the rules of evidence or any practice and procedure applicable to courts of record except to the extent applied by regulations or adopted by the Commission. The Commission is to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms and as speedily and with as little formality and technicality as is practicable.
47. In carrying out its functions, including its function under section 96(1) of the Act, the Commission is required to have regard to the primary and secondary objects of the Act.

48. The primary objects of the Act are:

- a) to regulate the sale, supply and consumption of liquor;
- b) to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor; and
- c) to cater for the requirements of consumers of liquor and related services, with regard to the proper development of the liquor industry and other hospitality industries in the State.

49. The secondary objects of the Act are:

- a) to facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State;
- b) to provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor;
- c) to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of the Act; and
- d) to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community.

50. Any inconsistency between the primary and secondary objects is to be resolved in favour of the primary objects.

DETERMINATION

51. The Complaint alleges that the Respondents engaged in conduct establishing proper cause for disciplinary action, including failure to properly conduct and manage licensed premises, contraventions of licence conditions and the Act, and conduct inconsistent with the public interest.

52. The Commission's task is to determine, on the balance of probabilities, whether the grounds of Complaint are made out, having regard to the objects of the Act, including regulation of liquor and minimisation of harm.

53. In relation to Jarrah, the evidence establishes a pattern of non-compliance over an extended period between December 2021 and August 2023, including repeated observations by enforcement officers of patrons purchasing and consuming alcohol at the bar contrary to licence conditions requiring table service.

54. Officers also observed patrons consuming alcohol while not seated, a patron apparently intoxicated while consuming liquor, and consumption outside the licensed area, each constituting a breach of statutory or licence requirements.

55. Notably, such conduct occurred on multiple occasions despite formal warnings, engagement letters, and enforcement action, demonstrating that the licensee was aware of the requirements yet failed to ensure compliance.

56. The evidence further establishes that Jarrah was operated in a manner inconsistent with its restaurant licence, effectively functioning as a bar, including staff practices permitting bar service even during relatively quiet periods and patron perceptions that the venue operated as a bar.
57. The financial evidence shows that, on at least one occasion, liquor sales exceeded food sales, reinforcing the conclusion that the business was not conducted in accordance with its licensed purpose.
58. The conduct is aggravated by the provision of inconsistent or obstructive responses to statutory notices seeking CCTV footage, indicating a lack of candour and cooperation with regulatory authorities.
59. Given the above, the Commission finds, in respect to Bushtree Holdings as licensee and the Jarrah premises:
- a) on the basis that the First Respondent breached a condition of the licence and extended trading permit by allowing patrons to obtain liquor directly from the bar area the following grounds are made out:
 - i. Ground 1 - The business conducted under the licence is not properly conducted in accordance with the licence (section 95(4)(a));
 - ii. Ground 2 - The licensed premises are not properly managed in accordance with the Act (section 95(4)(b)); and
 - iii. Ground 3 - The licensee has contravened a requirement of the Act or a term or condition of the licence (section 95(4)(e)(i)).
 - b) as Bushtree Holdings was issued with an infringement notice on 11 November 2022 and on 7 February 2023 Ground 4 is made out.
60. In relation to Mister D'Arcy, the evidence demonstrates ongoing and significant non-compliance with environmental and licensing obligations, particularly in relation to noise emissions affecting surrounding residential properties.
61. Objective noise monitoring confirmed repeated exceedances of permissible noise levels, and despite engagement with the City of Stirling and the imposition of an EPN, excessive noise continued.
62. The Respondents failed to comply with the immediate requirements of the EPN, including continuing to allow patrons in alfresco areas and failing to maintain required physical controls such as closing doors and windows, demonstrating a conscious disregard of regulatory directions.
63. Correspondence shows that the Third Respondent expressly indicated an intention not to comply with certain EPN requirements, further evidencing deliberate non-compliance.
64. Additional breaches were observed during regulatory inspections, including the sale and consumption of alcohol at the bar contrary to conditions, exceeding maximum patron limits, and service of drinks after kitchen closing times.

65. Given the above, the Commission finds that in respect to Pierre D'Arcy as licensee and the Mister D'Arcy premises, due to:

- a) the multiple breaches of the licence and the Act observed during inspections;
- b) the repeated noise violations and failure to promptly comply with the requirement of the EPN on numerous occasions resulting in:
 - i. a negative impact on the amenity of the locality in which the licensed premises are situated; and
 - ii. offence, annoyance, disturbance to be caused to people who reside or work in the vicinity of the licensed premises;

the following grounds are made out:

- c) Ground 1 - The business conducted under the licence is not properly conducted in accordance with the licence (section 95(4)(a)).
 - d) Ground 2 - The licensed premises are not properly managed in accordance with the Act (section 95(4)(b));
 - e) Ground 3 - The licensee has contravened a requirement of the Act or a term or condition of the licence (section 95(4)(e)(i)); and
 - f) Ground 5 - The licence has not been exercised in the public interest (section 95(4)(j)).
66. With respect to the Third Respondent, Mr Wesley D'Arcy is the sole director of each of the licensees. The policy of the Act is that a licensee is to be held personally responsible for acts or omissions on their licenced premises. This is illustrated by the following:
- a) the conduct of business under a licence is always the responsibility of the licensee and shall be personally supervised and managed by a natural person in accordance with section 100(1) of the Act;
 - b) it is a criminal offence for the licensee to fail to ensure that the conduct of the business at the licensed premises is supervised and managed in accordance with section 100 of the Act, section 100(8) of the Act; and
 - c) a licensee is liable for offences committed on the licensed premises by an employee or agent of the licensee, or by a person acting, or purporting to act, on behalf of the licensee - even if the licensee did not know of and could not reasonably have been aware of or have prevented, the commission of the offence, in accordance with section 165 of the Act (see also sections 95(4)(f) and (k) of the Act).

67. The Commission finds that in respect to the Third Respondent, in respect to both licenses, the following grounds are made out:

- a) Ground 1 - The business conducted under the licence is not properly conducted in accordance with the licence (section 95(4)(a)); and
- b) Ground 2 - The licensed premises are not properly managed in accordance with the Act (section 95(4)(b)).

68. The witness material tendered by the Respondents, including evidence regarding booking practices, operational procedures, and subsequent mitigation measures, does not displace the probative force of the contemporaneous observations and documented contraventions.
69. While some evidence demonstrates steps taken toward compliance, including engagement of consultants and preparation of noise management plans, these measures occurred after extended periods of non-compliance and do not negate the established breaches.
70. The Respondents' own submissions include admissions that aspects of the Complaint are made out, particularly in respect of failures to properly conduct the business and contraventions of licence conditions, supporting the conclusion that disciplinary grounds exist.
71. Considering the totality of the evidence, including repeated breaches, prior warnings, regulatory interventions, and the Respondents' knowledge of applicable obligations, the Commission is satisfied that the various grounds for disciplinary action are made out as set out above.
72. The Commission notes that in each case the licensee was slow to respond to statutory requirements, or even obstructive in some case. Further, particularly in relation to the Mister D'Arcy premises, there were continual breaches that the licensee was well aware of and failed to mitigate over a sustained period of time. As such, the Commission considers it suitable that:
- a) the Third Respondent, Mr Wesley Jason D'Arcy is issued a reprimand pursuant to section 96(1)(a) of the Act; and
 - b) Third Respondent, Mr Wesley Jason D'Arcy is to pay a monetary penalty of \$10,000 pursuant to section 96(1)(m) of the Act.
73. A reprimand is a public statement of disapprobation of a party's conduct. This is an appropriate penalty in this case to send a message to the community and other licensees that:
- a) licensees should take due care with their actions at all times;
 - b) as a party in control of the relevant licensees, the Third Respondent's conduct was improper; and
 - c) that such conduct is deserving of a serious penalty.
74. Further, a fine in the sum of \$10,000 is a suitable sum that reflects the seriousness and ongoing nature of the relevant breaches.
75. Despite the above, the Commission has not made a finding in this case that the Third Respondent is not a fit and proper person to hold a position of authority in the First Respondent or Second Respondent or be interested in the business or profits or proceeds of the businesses and considers that the formal reprimand and monetary fine to be sufficient penalty.
76. The Commission has also considered various conditions to be imposed on the licences of each of the premises as was raised in the hearing.

77. Such conditions will act to minimise any further risk of:

- a) any negative impact on the amenity of the locality in which the Mister D'Arcy premises are situated;
- b) any offence, annoyance, disturbance to be caused to people who reside or work in the vicinity of the Mister D'Arcy premises; and
- c) non-compliance with any statutory notice to provide CCTV footage,

while still allowing the premises to cater for the requirements of consumers of liquor and related services.

78. Accordingly, the Commission finds that proper cause for disciplinary action has been established on the balance of probabilities and that the Complaint has been made out against the Respondents.

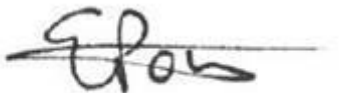
79. Shortly after the hearing, on 19 February 2024 the Commission made the orders as set out below.

ORDERS

80. 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 Third Respondent, Mr Wesley Jason D'Arcy is issued a reprimand pursuant to section 96(1)(a) of the *Liquor Control Act 1988*.
2. The Third Respondent, Mr Wesley Jason D'Arcy is to pay a monetary penalty of \$10,000 pursuant to section 96(1)(m) of the *Liquor Control Act 1988* within 60 days of the date of these Orders and lodge with the Liquor Commission evidence of payment of the penalty within 28 days of making the payment.
3. The Restaurant Licence of Jarrah (licence number 606213519019) is varied to add the licence condition as set out below:
 - a) The licensee is to have and maintain a CCTV system throughout the licensed premises in accordance with the policies of the Director of Liquor Licensing. Specifically, the video surveillance system must:
 - (i) comply with the "Minimum Standards – Closed Circuit Television (CCTV) Security System" policy as amended;
 - (ii) record continuous images on any day that the venue trades from the commencement of trade until 1 hour after trading ceases; and
 - (iii) retain recorded images for a period of seven (7) days available for viewing or removal upon request by police or other persons authorised by the Director.
4. The Restaurant Licence of Mr D'Arcy (licence number 6060144973) is varied to add the licence conditions as set out below:
 - a) Where amplified or live and amplified music is played, the windows are to be completely closed.

- b) Music or entertainment played within the building is to be played at such a level that patrons in the external areas are permitted to converse at normal levels of conversation.
 - c) A noise or sound filter is to be fitted:
 - (i) The setting for the limiter is to be set in the unoccupied venue, when no patrons are present to ensure the limiter only applies to music noise only; and
 - (ii) The sound limiter is to be installed and set so that internal noise level from music is limited to 86d(LA10).
 - d) All windows and doors (including those to the alfresco area) are to be completely closed by 9:00pm.
 - e) The licensee is to have and maintain a CCTV system throughout the licensed premises in accordance with the policies of the Director of Liquor Licensing. Specifically, the video surveillance system must:
 - (i) comply with the “Minimum Standards – Closed Circuit Television (CCTV) Security System” policy as amended;
 - (ii) record continuous images on any day that the venue trades from the commencement of trade until 1 hour after trading ceases; and
 - (iii) retain recorded images for a period of seven (7) days available for viewing or removal upon request by police or other persons authorised by the Director.
5. The Extended Trading Permit (Extended Area) of Mr D’Arcy (permit number 0218949422) is varied to add the condition as set out below:
- a) The Area to which the permit relates is to be closed to patrons from 9:00pm.



EMMA POWER
CHAIRPERSON



NICHOLAS VAN HATTEM
DEPUTY CHAIRPERSON



MARY BROWN
MEMBER

ATTACHMENT A

Chronology

Jarrah

No.	Date	Event	Evidence
1.	17 December 2021	LEU officers attend Jarrah. They observe: • a patron consuming liquor outside the licensed red line area; • a patron consuming liquor at a table while apparently drunk; and • patrons purchasing and consuming liquor while standing at the bar.	Document 3.1
2.	24 December 2021	LEU officers attend Jarrah. They observe patrons buying and consuming liquor at the bar. The rostered approved manager, Sagar Malik, cannot produce any evidence of his approved manager authorisation.	Document 3.1
3.	23 January 2022	LEU officers attend Jarrah and observe patrons being served at the bar and consuming liquor there. The Jarrah licence and Jarrah ETP are not displayed.	Document 3.1
4.	8 February 2022	LEU sends Bushtree Holdings a formal engagement letter. A caution is issued for: • a patron consuming alcohol outside boundaries of licensed premises; • the approved manager being rostered without the proper approval; • patrons buying and consuming liquor at the bar; • failing to display the Jarrah licence.	Document 3.1
5.	19 February 2022	Incident at Jarrah: male pulls at trees in front of café, turns outdoor furniture upside and damages a large timber outdoor couch.	Document 8.4
6.	21 February 2022	Police officers obtain CCTV footage showing incident at Jarrah.	Document 8.5 (pp 130-131)

No.	Date	Event	Evidence
7.	15 April 2022	Incident at Jarrah: person jumps and stamps on the pots wine barrels and trees causing damage.	Document 8.6
8.	19 April 2022	Police officers obtain CCTV footage showing incident at Jarrah.	Document 8.6 Document 8.7
9.	22 October 2022	LEU officers attend Jarrah and observe several patrons standing in the rear room consuming alcohol.	Document 4.1
10.	27 October 2022	LEU sends Bushtree Holdings a formal engagement letter. A caution is issued for the patrons consuming liquor while not seated at a table.	Document 4.1
11.	1 November 2022	LEU officers attend Jarrah (approx. 10-15 patrons present at the time) and observe patrons purchasing drinks at the bar and returning with drinks to their tables.	Document 5.1 Document 5.4 [11], [14]-[31] Document 5.5 [12]-[13] Document 5.7
12.		The barman becomes aware that LEU officers are observing and removes drinks from in front of a patron and asks another staff member to take them to the table.	Document 5.1 Document 5.4 [32]-[37] Document 5.5 [26]-[32]
13.		Two patrons from that evening recall purchasing and collecting drinks at the bar.	Document 5.2 [6]-[15] Document 5.3 [8], [11]-[12]
14.		One patron recalls carrying his drink back to his table, and, on returning for the rest, being told to be seated while staff served the drinks at their table.	Document 5.3 [16]-[26]
15.		LEU officers do not observe any signage identifying the venue as table service only.	Document 5.1
16.		The barman identifies himself as Shahbaz Sundrani, the approved manager, and states that drinks are served at tables when not busy, but patrons often order and collect drinks at the bar when it is busy. Another staff member provides the same explanation.	Document 5.1 Document 5.4 [39] Document 5.5 [7], [34]-[35] Document 5.4 [40]

No.	Date	Event	Evidence
17.	2 November 2022	LEU officers attend Jarrah (approx. 15-20 patrons present at the time) and observe patrons being served at the bar and do not observe any table service.	Document 5.1 Document 5.4 [47]-[52] Document 5.5 [40]-[47], [49] Document 5.7 Documents 5.9-5.11
18.		LEU officers serve a s 154 notice requiring production of: • internal CCTV for 7.30-9.30pm on 1 Nov 2022; and • staff rosters for 1 Nov 2022.	Document 5.4. [53]-[60] Document 5.5 [52]-[55] Document 8.1
19.	3 November 2022	Angel Lin emails LEU Officer Burbidge and advises 'our CCTV is auto renewed after 24 hours'.	Document 8.2
20.	11 November 2022	Bushtree Holdings is served with Infringement Notice 101300001558272 for acting in a way that Contravenes Act/Term Condition of Licence/Permit on 1 Nov 2022.	Document 5.6 Document 5.7
21.	9 December 2022	Canford Hospitality Consultants (on behalf of Bushtree Holdings) writes to the Director of Liquor Licensing to request that the condition of service of liquor at tables be removed from the Jarrah licence/Jarrah ETP.	Document 10.1
22.	13 December 2022	Minister for Racing and Gaming writes to Wesley D'Arcy to advise that conditions including consumption of liquor only while seated at tables are regularly imposed on liquor without a meal ETPs, but that there are no restrictions on applications for a different type of liquor licence.	Document 10.2
23.	3 February 2023	RGL inspectors attend Jarrah and observe patrons purchasing drinks from the bar, and do not observe any table service.	Document 6.1 [5]-[10] Document 6.2 [4]-[9]
24.	7 February 2023	RGL inspectors serve infringement notice 10130000159536 for acting in a way that Contravenes	Document 6.1 [20] Document 6.3

No.	Date	Event	Evidence
		Act/Term/Condition of Licence/Permit on 3 February 2023.	
25.	24 July 2023	Police officers investigating a family violence incident that occurred near Jarrah before 6am on 23 July 2023 obtain CCTV footage from Wesley D'Arcy.	Document 8.8 (p 137)
26.	24 August 2023	LEU officers attend Jarrah and observe: - patrons purchasing and collecting drinks at the bar; and - signage advertising 'Jarrah Bar and Café'.	Document 7.1 Document 7.2
27.		LEU officers serve a s 154 notice on Bushtree Holdings requiring production of: - CCTV footage for 6.30-8.30pm on 24 Aug 2023; - till receipts for same period; - the staff roster for 24 Aug 2023; and - a copy of the up to date Jarrah licence, Jarrah ETP and premises plan.	Document 7.4 Document 8.3
28.	26 August 2023	LEU officers attend Jarrah and observe patrons standing at the bar consuming liquor.	Document 7.4 Document 7.3
29.		LEU officers are advised that the CCTV system is in monitor mode only and no recordings are available for the time requested.	Document 7.4 (p 119)
30.	31 August 2023	LEU officers conduct formal engagement with Wesley D'Arcy, Chia-Chi (Angel) Lin and Rishi Kalra (Approved Manager).	Document 7.4 (p 119)
31.	7 September 2023	LEU sends Bushtree Holdings a formal engagement letter, noting the breaches on 24 and 26 August 2023, and recording cautions issued to Bushtree Holdings and Rishi Kalra.	Document 7.4

Mister D'Arcy

No.	Date	Event	Document Reference
32.	22 September 2022	City receives noise complaint.	Document 11.2 (p 150)
33.	23 September 2022	City receives noise complaint.	Document 11.2 (p 150)
34.	27 September 2022	City receives noise complaint.	Document 11.2 (p 150)
35.	28 September 2022	City of Stirling writes to Pierre D'Arcy advising that multiple noise complaints have been received by the City in relation to Mister D'Arcy.	Document 11.1 Document 11.2 (p 150)
36.	30 September 2022	City receives noise complaint.	Document 11.2 (p 150) Document 16.1 (p 229)
37.	3 October 2022	City receives noise complaint.	Document 11.2 (p 150)
38.	6 October 2022	City receives noise complaint.	Document 11.2 (p 150)
39.	9 October 2022	City receives noise complaint relating to events on 8 October 2022.	Document 11.2 (p 150)
40.	13 October 2022	City receives noise complaint.	Document 11.2 (p 150)
41.	17 October 2022	City EHOs meet with Wesley D'Arcy at Mister D'Arcy to discuss ongoing noise complaints.	Document 11.2 (p 150)
42.	19 October 2022	City receives noise complaint.	Document 11.2 (p 150) Document 16.1 (p 223)
43.	27 October 2022	Noise monitoring equipment set up at a residential property and sound measurement data collected.	Document 11.2 (p 151) Document 13.1
44.	28 October 2022	City receives noise complaint.	Document 11.2 (p 151)
45.	31 October 2022	Noise monitoring equipment collected.	Document 11.2 (p 151)

No.	Date	Event	Document Reference
46.		City receives noise complaint relating to events on 28 October 2022.	Document 11.2 (p 151) Document 16.1 (p 220-221)
47.	2 November 2022	City receives noise complaint.	Document 11.2 (p 151)
48.	3 November 2022	Letter sent to Pierre D'Arcy with results from the noise monitoring.	Document 11.2 (p 151)
49.	14 November 2022	City receives noise complaint.	Document 11.2 (p 151)
50.	16 November 2022	Wesley D'Arcy advises that bass component of music has been reduced and arrangements have been made to install roof insulation.	Document 11.2 (p 151)
51.	<i>Ca. November 2022</i>	City receives noise diary relating to period 4 November 2022 to 17 November 2022.	Document 11.2 (p 151)
52.	21 November 2022	Letter sent to Pierre D'Arcy advising 14 days since 3 November 2022 correspondence has passed, and more noise complaints have been received.	Document 11.2 (p 151)
53.	29 November 2022	Wesley D'Arcy advises that roof insulation works are complete.	Document 11.2 (p 152)
54.	3 December 2022	City conducts noise measurements.	Document 11.2 (p 152)
55.	12 December 2022	City receives noise complaint.	Document 11.2 (p 152)
56.	2 January 2023	City receives noise complaint.	Document 11.2 (p 152)
57.	10 January 2023	Wesley D'Arcy advises sound system has been replaced.	Document 11.2 (p 152)
58.	11 January 2023	City receives noise complaint relating to period 2 January 2023 to 9 January 2023.	Document 11.2 (p 152)
59.	15 January 2023	City receives noise diary relating to period 21 December 2022 to 14 January 2023.	Document 11.2 (p 152)

No.	Date	Event	Document Reference
60.	19 January 2023	City receives noise diary relating to period 27 December 2022 to 15 January 2023.	Document 11.2 (p 152)
61.	21 February 2023	City advises Wesley D'Arcy (in a phone call) that further noise complaints have been received.	Document 13.2 (p 179)
62.		City EHOs visit area near Mister D'Arcy from 4.15pm and observe the windows and doors open and music playing.	Document 13.4
63.	23 February 2023	Canford Hospitality Consultants emails City's lawyer to advise of measures taken by Pierre D'Arcy.	Document 13.2 (p 179-180)
64.	27 February 2023	City receives email attaching log relating to noise complaints.	Document 12.1
65.	1 March 2023	City receives noise complaint.	Document 12.2 (p 156)
66.	2 March 2023	City issues Environmental Protection Notice to Pierre D'Arcy in relation to various noise complaints, requiring the licensee to prepare and implement a plan for preventing, controlling and abating noise emissions from the premises.	Document 11.2
67.	9 March 2023	EHOs visit area near Mister D'Arcy from 7.20pm and observe windows and doors open, patrons seated in the alfresco area and music playing.	Document 13.3 (p 185) Document 13.4 (p 193)
68.		EHOs take sound measurements from two nearby residences from 8.00-9.10pm.	Document 13.3 (p 186) Document 13.4 (p 193)
69.		EHOs visit Mister D'Arcy and speak to approved manager Maddison Asquith about the ongoing noise issues.	Document 13.4 (p 193)
70.	10 March 2023	EHOs visit area near Mister D'Arcy from 7.35pm and observe patrons seated in the alfresco, music playing and door and bifold windows open.	Document 13.3 (p 186) Document 13.4

No.	Date	Event	Document Reference
71.		EHOs take sound measurements from two residences from 8.05-9.00pm.	Document 13.3 (p 186)
72.		EHOs officers visit Mister D'Arcy and speak to manager on duty Rishi Kalra.	Document 13.2 (p 181) Document 13.4 (p 193)
73.	13 March 2023	City's lawyer writes to Canford Hospitality Consultants in response to 23 February 2023 correspondence.	Document 13.2 (p 181)
74.	14 March 2023	Wesley D'Arcy contacts City and advises he has started noise monitoring, and also advises that he will not be closing windows and doors, turning off music or following any of the immediate orders on the EPN. Subsequent email from Wesley D'Arcy and responsive email from City's lawyer.	Document 13.2 (p 181-183)
75.	15 March 2023	Canford Hospitality Consultants writes to City's lawyer in response to 13 March 2023 correspondence.	Document 13.2 (p 183)
76.	28 March 2023	City receives noise complaint.	Document 12.4
77.	28 April 2023	An EHO visits Mister D'Arcy from 8pm and observes patrons seated in the alfresco area, bifold windows shut and door open, and music playing from outdoor speakers.	Document 13.4 (p 194)
78.	29 April 2023	City EHO visits area near Mister D'Arcy from 8.10pm and observes music playing, people seated in alfresco area, bifold windows shut and door open.	Document 13.4 (p 194)
79.	3 May 2023	City EHO visits area near Mister D'Arcy from 7.50pm and observes music playing, people seated in alfresco area, bifold windows shut and door open, though noting noise was quieter than other nights.	Document 13.4 (p 194)
80.	4 May 2023	EHO visits area near Mister D'Arcy and observes:	Document 13.4 (p 194)

No.	Date	Event	Document Reference
		• at 7.15pm, diners in alfresco area; • from 7.25pm, diners in alfresco area, music audible, bifold windows closed and main door open; • at 8.35pm, a diner in alfresco area, bifold closed and music lower.	
81.	9 May 2023	City receives noise complaint.	Document 12.5
82.	25 May 2023	City receives noise complaint.	Document 12.6
83.	2 June 2023	City receives noise complaint relating to 19 May and 29 May 2023.	Document 12.7
84.	3 June 2023	City receives email stating renovations have begun at Mister D'Arcy.	Document 12.9
85.	21 June 2023	City receives correspondence on behalf of Pierre D'Arcy attaching materials from Pierre D'Arcy's acoustic engineer.	Document 13.2 (p 183)
86.	22 June 2023	Wesley D'Arcy emails City requesting the EPN be lifted immediately to avoid legal action.	Document 13.2 (p 184) Document 14.1
87.	15 July 2023	City EHO visits Mister D'Arcy from 7.30pm and observes patrons in expanded alfresco area and music playing on outside speakers.	Document 13.4 (p 194)
88.	17 July 2023	City receives two emails stating Wesley D'Arcy is extending/has extended the outside area and commenting on the impact this will have on the noise.	Document 12.10 Document 12.11
89.	18 July 2023	City receives email relating to "constant source of noise" since the opening of Mister D'Arcy.	Document 12.12
90.	22 July 2023	City receives noise complaint.	Document 12.13
91.	24 July 2023	City receives impact statement from resident relating to noise from Mister D'Arcy.	Document 12.14
92.	24 August 2023	RGL receives noise complaint.	Document 12.15

No.	Date	Event	Document Reference
93.	1 September 2023	DLGSC inspectors conduct inspection of Mister D'Arcy and observes patrons purchasing and consuming drinks at the bar, more patrons present than the maximum permitted under the licence. They are informed by approved manager, Virginia Otero, that drinks continue to be sold after the kitchen closes. Otero also believes that 50 patrons are permitted in the extended area and 50 patrons are permitted inside.	Document 15.1 Document 15.2 [4], [9], [13], [16]-[18] Document 15.3 [4], [9], [13], [16], [18]
94.	7 September 2023	DLGSC officer issues two liquor infringement notices to Pierre D'Arcy (Nos. 10130000166002 and 10130000166010).	Document 15.4 Document 15.5
95.		DLGSC officer issues four cautions to Pierre D'Arcy for breaching conditions of the North Beach LWAM ETP and North Beach EA ETP, and for failing to have an approved manager on duty.	Document 15.6 Document 15.7