



Department of
**Local Government, Sport
and Cultural Industries**



Liquor Commission of Western Australia

2024-25 Annual Report



Table of contents

Statement of compliance2

Overview of the Liquor Commission3

 Executive summary3

 Operational structure4

 Administrative structure6

 Performance summary for 2024-258

Supreme Court challenges..... 13

Significant issues impacting the Liquor Commission 15

 Changes in written law..... 15

 Trends or special problems that have emerged..... 15

 Proposals for improving the operation of the Commission..... 15

 Forecasts of the Commission’s workload for 2025-26 15

Other legal and government policy requirements..... 15

Acknowledgement of country and peoples

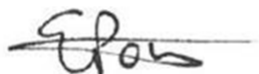
The Liquor Commission acknowledges Aboriginal people throughout Western Australia as the Traditional Owners and Custodians of the lands, waters, and communities in which we operate. We pay our respects to all Aboriginal people and their cultures, and to Elders past and present.

Statement of compliance

Hon Paul Papalia CSC MLA
Minister for Racing and Gaming

In accordance with the *Liquor Control Act 1988*, I am pleased to present, for your information and presentation to Parliament, the Annual Report on the activities of the Liquor Commission of Western Australia for the financial year ended 30 June 2025.

The Annual Report has been prepared in accordance with the provisions of section 9K(2) of the *Liquor Control Act 1988*.



Emma Power
Chairperson

1 September 2025

Overview of the Liquor Commission

Executive summary

It is with pleasure that I present the Liquor Commission (Commission) Annual Report for the year ended 30 June 2025.

As has been the case for some time now, it has been a busy year for the Commission with 46 hearings held and 30 applications determined.

The Commission has seen an increase in the number of applications for review of a barring notice issued by the Commissioner of Police (Commissioner), receiving 27 such applications compared to 23 in 2023-24.

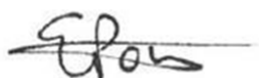
Similarly, the Commission saw an increase in the number of applications for review of the decision of the Director of Liquor Licensing (Director) lodged by objectors and licensees in opposition to the grant of liquor licenses. There were 11 such applications this year, up from 6 in the previous year.

In June 2025, the Liquor Control Amendment Bill 2025 (Amendment Bill) was introduced to Parliament to amend the *Liquor Control Act 1988* (Act).

The Bill proposes to disestablish the Commission and confer its review and disciplinary functions to the State Administrative Tribunal (SAT), and to make the Director the sole Licensing Authority under the Act.

I take this opportunity to thank the SAT for the continued use of their facilities to conduct Commission hearings.

Finally, I wish to thank the Commission members for their efforts this year, and the staff of the Department of Local Government, Sport and Cultural Industries (DLGSC) for the provision of executive services in 2024-25 to support the effective operations of the Commission.



Emma Power
Chairperson

1 September 2025

Operational structure

Enabling legislation

The Commission is established under section 8 of the Act to provide a flexible system to review the decisions of the Director, with as little formality and technicality as practicable. The Commission came into effect on 7 May 2007, replacing the Liquor Licensing Court.

The Liquor Commission Rules 2007 underpin the practices and procedures of the Commission and matters that are related and subject to the Liquor Control Regulations 1989, as to the costs and charges payable in relation to proceedings under the Act.

Responsible Minister

During 2024-25, the Minister responsible for the Commission was Hon Paul Papalia CSC MLA, Minister for Emergency Services; Corrective Services; Defence Industries; Veterans; Racing and Gaming.

Responsibilities of the Commission

The Commission's primary function is to adjudicate on matters brought before it through referral by the Director, or by an application for a review of a decision made by the Director. The latter is achieved by way of a re-hearing and therefore makes its own determinations based on the merits of each case. When considering an application for review, the Commission may have regard to the material that was before the Director when making the decision.

The Commission is responsible for:

- determining liquor licensing matters referred by the Director;
- conducting reviews of decisions made by the Director, or by a single Member of the Commission;
- conducting reviews into decisions based on a question of law;
- determining complaints and disciplinary matters in accordance with section 95 of the Act;
- determining applications for review of a barring notice issued by the Commissioner under section 115AA(2) of the Act;
- determining applications for review of a short-term exclusion order (STEO) issued by the WA Police Force (WAPF) officers under section 152NH of the Act;
- determining applications for the review of a Banned Drinker Order (BDO) issued by the WAPF officers under section 152YY of the Act;
- awarding costs associated with matters before the Commission;
- reporting annually to the Minister for Racing and Gaming on the activities of the Commission; and
- reporting to the Minister for Racing and Gaming, when requested to do so, on the jurisdiction and functions of the Commission, including the provision of high-level policy advice relevant to liquor control matters.

The Commission may make the following decisions:

- affirm, vary or quash a decision subject to review;
- make a decision in relation to any application or matter that should, in the opinion of the Commission, have been made in the first instance;
- give directions as to any questions of law that have been reviewed;
- give directions to the Director, to which effect shall be given; and
- make any incidental or ancillary order.

Under the Western Australian legal system, in any proceedings constituted by three Commission members, the parties have the right to appeal the decision of the Commission to the Supreme Court

of Western Australia (WA) on a question of law. The Commission will always abide by any decision made by the Supreme Court.

Appeals which may be heard by the Liquor Commission

The Commission determines the following matters under the Act:

Section 24

The Director may refer the whole or part of any matter that is to be determined by the Director, or any question of law arising from such a matter, for hearing and determination by the Commission.

Section 25

Application for review of the Director's decision can be lodged when:

- the decision relates to an application for the grant or removal of a licence;
- the decision is to make, vary or revoke a prohibition order under Part 5A of the Act or an extended exclusion order under Part 5AA of the Act;
- the decision is to make, vary or revoke a BDO under Part 5C of the Act; or
- the decision is made by the Director in respect of proceedings before the Director.

Section 28(4A)

When there is an appeal against the decision of one Commission member, it is to be heard and determined by the Commission constituted by three other members, including a member who is a lawyer.

Section 95

The Liquor Commission determines complaints and disciplinary matters in accordance with section 95 of the Act. Complaints lodged to the Commission may be made by the Director, the Commissioner or a WA local government authority.

The Commission will determine the validity of the complaint and impose disciplinary measures if grounds exist for such a course of action.

The following table shows the number of section 95 complaints that were handled by the Commission during 2024-25.

Complaints outstanding as at 1 July 2024	1
Complaints lodged 1 July 2024 – 30 June 2025	3
Complaints withdrawn 1 July 2024 – 30 June 2025	0
Complaints resolved 1 July 2024 – 30 June 2025	1
Total outstanding complaints as at 30 June 2025	3

Section 115(AD)

An application for a review of a barring notice issued by the Commissioner can be heard by the Commission constituted by one member.

Section 152NH

The Commission can hear and determine applications for the review of a STEO issued by the WAPF.

Section 152YY

The Commission can hear and determine applications for the review of a BDO issued by the WAPF.

Matters outside the jurisdiction of the Liquor Commission

An application for review cannot be lodged against the following decisions of the Director:

- cancellation of a licence under section 93 of the Act, unless the application for the review is made on a question of law;
- an application for or the conduct of business under an extended trading permit (where the period is greater than three weeks and less than five years) or an occasional licence;
- the imposition, variation, or cancellation of a term or condition of an extended trading permit, or an occasional licence;
- the cancellation or suspension of the operation of an extended trading permit or an occasional licence;
- matters relating to the hearing of an objection;
- a finding of fact required to be made in order to dispose of the matter or application; or
- a decision made in the course of, and for the purposes of, the administrative duties of the Director not directly related to the outcome of any application or matter before the licensing authority.

Furthermore, the Commission cannot reconsider any finding of fact by the Director as to:

- the qualifications, reputation or character of a person, or the fitness or propriety of a person in relation to an application or licence;
- the adequacy or suitability of any premises, accommodation or services provided, or proposed to be provided under a licence; or
- in relation to a club licence, or an application for such a licence, or the existence of the club, unless the review is sought by the person who lodged the application in respect of which the decision was made; or by the person about whom the finding was made in relation to the qualifications, reputation or character of a person.

Administrative structure

Section 9B of the Act provides that the Commission consists of a Chairperson and other members as determined by the Minister for Racing and Gaming.

At least one member of the Commission is required to be a lawyer as defined in section 3 of the Act. Members of the Commission are appointed for a maximum period of five years and are eligible for reappointment.

The member or members who constitute the panel in relation to an application/appeal shall be selected by the Chairperson, who will consider their knowledge or experience.

DLGSC provided executive support for the Commission in 2024-25. On 31 March 2025, the Premier of Western Australia, the Hon Roger Cook MLA, announced targeted reforms involving nine departments which came into effect on 1 July 2025. The reform included reshaping the Department of Local Government, Sport and Cultural Industries (DLGSC). The local government and racing, gaming and liquor functions of DLGSC joined the industry regulation and safety functions (remit of the Department of Energy, Mines, Industry Regulation and Safety) to form the Department of Local Government, Industry Regulation and Safety. Accordingly, as of 1 July 2025, the Department of Local Government, Industry Regulation and Safety (LGIRS) provides executive support for the Commission.

As of 30 June 2025, the Commission consisted of nine members:

Ms Emma Power – Chairperson

Ms Power has been working predominately in property, development, corporate and commercial. Prior to studying law, she was a secondary school teacher teaching visual arts. In 2017, she became the principal of the private law practice Power Commercial Law. Ms Power is also the legal member of the Local Government Standards Panel.

Mr Nicholas van Hattem – Deputy Chairperson

Mr van Hattem is a barrister with experience in commercial, government and criminal law matters. Prior to joining Francis Burt Chambers, he worked as a solicitor at Freehills, the Aboriginal Legal Service, Rio Tinto and the State Solicitor's Office. In 2020, Mr van Hattem served as President of the Law Society of WA.

Mr Paul Shanahan

Mr Shanahan has over 35 years' experience in legal practice, in commercial litigation and dispute resolution. His practice has focused primarily on contract disputes, regulatory issues, administrative law, negligence, product liability, insurance and risk management, and building and construction. Since 2020, Mr Shanahan has been General Counsel at the University of Western Australia (UWA).

Ms Elanor Rowe

Ms Rowe has practiced as a solicitor in both England and Australia and was admitted as a Lawyer in the Supreme Court of WA in 2010. Ms Rowe currently works in property management and is a member of the Local Government Standards Panel.

Ms Pamela Hass

Ms Hass is an experienced general counsel with a background in higher education and resources, and a strong history in Board governance. Ms Hass has practiced in Brisbane, Sydney, Canberra and Perth, in both private and public practice, specialising in house as General Counsel in several large universities. She is General Counsel to the Chief Advocate Mental Health Advocacy Services WA. Ms Hass holds a Bachelor of Laws (Honours) from the University of Queensland, a Master of Laws from UWA and a Bachelor of Arts from Deakin University.

Ms Shelley Davies

Ms Davies is a Legal Practitioner Director at Vitalis Legal. She has practiced in both commercial and litigation areas, including appearances before the Supreme Court of WA, the State Administrative Tribunal and the Commission.

Mr Tony Di Francesco

Mr Di Francesco is Special Counsel at Pragma Lawyers and practices in the areas of corporate law, commercial law, property law and commercial litigation. He has been a director of several companies and organisations in the real estate, sport and media industries.

Ms Mary Brown

Ms Brown has over 30 years of public sector leadership experience. Her distinguished career spans law enforcement, corruption prevention, policy development, legislative reform, and is a member on various governance committees. Ms Brown is currently the Executive Director, Professional Standards and Conduct at the Department of Education, with strategic responsibility for the functions of multi-disciplinary teams across legal and legislative services, risk and assurance, misconduct and reportable conduct, integrity education, child death reviews and criminal history screening.

Mr Jared Brotherston

Mr Brotherston has over 20 years' experience as a director and company secretary and has held executive and senior management positions in postal services, construction and transport and logistics industries. Mr Brotherston is currently employed with a major lithium mining company, with responsibility for contracting, procurement and supply chain management. He is a qualified barrister and solicitor of the High Court of New Zealand, and a legal practitioner in WA.

Performance summary for 2024-25

The following tables provide details of the number, nature and outcome of applications before the Commission as at 30 June 2025. Full determinations are available on the Commission's website: [Liquor Commission](#).

The Commission determined **30 applications** in 2024-25:

Applications determined in 2024-25				
Case No.	Section of Act	Name	Matter	Outcome
24/3367	115AD	TLB v Commissioner of Police	Application for review of a barring notice.	Application dismissed.
24/4258	115AD	RLM v Commissioner of Police	Application for review of a barring notice.	Application dismissed.
24/4289	115AD	JLH v Commissioner of Police	Application for review of a barring notice.	Barring notice varied.
24/4825	115AD	RZF v Commissioner of Police	Application for review of a barring notice.	Application withdrawn.
24/4747	115AD	CMWAL v Commissioner of Police	Application for review of a barring notice.	Barring notice varied.
24/4748	115AD	CSC v Commissioner of Police	Application for review of a barring notice.	Barring notice quashed.
24/5202	115AD	ELS v Commissioner of Police	Application for review of a barring notice.	Barring notice varied.
24/5760	115AD	JNVM v Commissioner of Police	Application for review of a barring notice.	Barring notice quashed.
24/5163	115AD	LAS v Commissioner of Police	Application for review of a barring notice.	Application dismissed.
24/1055	147(1)	Director of Liquor Licensing v Perth City Enterprises Pty Ltd	Application for the forfeiture of illegal gains against Perth City Enterprises Pty Ltd.	Licensee ordered to pay the sum of \$14,230.30.
24/5496	25	MAM v Commissioner of Police	Application for review of the decision of the Director of Liquor Licensing to refuse an application for approval as an unrestricted approved manager.	Application granted.
24/5314	115AD	JLU v Commissioner of Police	Application for review of a barring notice.	Application dismissed.
24/5759	115AD	MRC v Commissioner of Police	Application for review of a barring notice.	Barring notice varied.
24/5761	115AD	JTW v Commissioner of Police	Application for review of a barring notice.	Barring notice varied.
24/4725	25	NDJ v Commissioner of Police	Application for review of the decision of the Director of Liquor Licensing to	Application dismissed.

Applications determined in 2024-25				
Case No.	Section of Act	Name	Matter	Outcome
			refuse an application for approval as an unrestricted approved manager.	
21/1114	95	Commissioner of Police v Spinifex Holdings (WA) Pty Ltd, Boab Inn Pty Ltd and Emanuel Dillon	Complaint by the Commissioner of Police alleging there is proper cause for disciplinary action.	Spinifex Holdings (WA) Pty Ltd fined \$60,000, Boab Inn Pty Ltd fined \$30,000 and Emmanuel Dillon reprimanded and fined \$50,000. Decision appealed to the Supreme Court. Decision quashed and remitted back to the Liquor Commission for rehearing.
23/2723	25	Condo Produce Pty Ltd v Director of Liquor Licensing	Application for review of the decision of the Director of Liquor Licensing to impose section 64 liquor restrictions on two licensed premises known as Al's Liquor Store and Camel Lane Tavern.	Application dismissed. Decision appealed to the Supreme Court. Appeal discontinued.
24/6612	115AD	AJF v Commissioner of Police	Application for review of a barring notice.	Application dismissed.
24/6422	115AD	JAO v Commissioner of Police	Application for review of a barring notice.	Barring notice varied.
25/163	115AD	CJT v Commissioner of Police	Application for review of a barring notice.	Application dismissed.
24/6114	25	MNR v Director of Liquor Licensing	Application for review of the decision of the Director of Liquor Licensing to refuse an application for approval as an unrestricted approved manager.	Application granted.
24/2493	25	Curtin Student Guild v Fleximix Pty Ltd and Chief Health Officer	Application for review of the decision of the Director of Liquor Licensing to conditionally grant a liquor store licence for premises known as Exchange Cellars without imposing further restrictions.	Decision of the Director varied by modifying trading conditions.
25/954	115AD	MS v Commissioner of Police	Application for review of a barring notice.	Barring notice varied.
25/1521	115AD	ACB v Commissioner of Police	Application for review of a barring notice.	Application withdrawn.
24/6222	25	Chief Health Officer v Hoyts Multi-Plex Cinemas Pty Ltd	Application for review of the decision of the Director of Liquor Licensing to grant an application to add, vary or cancel a condition of a licence for premises known as Hoyts Karrinyup.	Variation to trading condition 11 of Hoyts Karrinyup liquor licence varied by mutual consent of the parties.
25/1510	115AD	KMD v Commissioner of Police	Application for review of a barring notice.	Barring notice varied.

Applications determined in 2024-25				
Case No.	Section of Act	Name	Matter	Outcome
25/2417	115AD	TJF v Commissioner of Police	Application for review of a barring notice.	Barring notice quashed.
25/1511	115AD	JDSK v Commissioner of Police	Application for review of a barring notice.	Application dismissed.
25/3206	115AD	MSO v Commissioner of Police	Application for review of a barring notice.	Barring notice quashed.
25/1713	115AD	NAMH v Commissioner of Police	Application for review of a barring notice.	Application dismissed.

There are **16 matters** that have been heard but not determined by the Commission as at 30 June 2025:

Matters heard but not determined as at 30 June 2025				
Case Number	Name	Section of Act	Nature of matter	Status
22/1920	Commissioner of Police v KEDD	24	Referral by the Director of Liquor Licensing of an application by the Commissioner of Police for revocation of approved managers approval.	Decision reserved.
24/2233	Director of Liquor Licensing v Cabaret Australia Pty Ltd	147	Application by the Director of Liquor Licensing seeking forfeiture of illegal gains due to breaches of licence conditions.	Decision reserved.
24/1296	MAM v Commissioner of Police	25	Application for review of the decision of the Director of Liquor Licensing to make a prohibition order.	Decision reserved.
24/2693	VM v Commissioner of Police	25	Application for review of the decision of the Director of Liquor Licensing to make a prohibition order.	Decision reserved.
24/1306	Benjamin Lawver v Liquorland (Australia) Pty Ltd	25	Application for review of the decision of the Director of Liquor Licensing to approve the conditional removal of a liquor store licence for premises known as Liquorland Hamilton Hill.	Decision reserved.
24/1931	Bushtree Holdings Pty Ltd v Director of Liquor Licensing	25	Application for review of the decision of the Director of Liquor Licensing to refuse an application to vary trading conditions of for licensed premises known as Jarrah.	Decision reserved.
24/2382	Ameera Pty Ltd v Liquorland (Australia) Pty Ltd and Chief Health Officer	25	Application for review of the decision of the Director of Liquor Licensing to approve an application for the conditional grant of a liquor store licence for premises known as Liquorland Yanchep.	Decision reserved.
24/1296	Liquorland (Australia) Pty Ltd v	25	Application for review of the decision of the Director of Liquor Licensing to refuse the grant of a liquor store	Decision reserved.

Matters heard but not determined as at 30 June 2025				
Case Number	Name	Section of Act	Nature of matter	Status
	Director of Liquor Licensing		licence in relation to premises known as Liquorland Southern River East.	
24/5983	Bluffpoint Pty Ltd v Millem Pty Ltd & Ors	25	Application for review of the decision of the Director of Liquor Licensing to conditionally grant a liquor store licence in relation to premises known as The Good Grocer Cellar East Fremantle.	Decision reserved.
24/6303	Chief Health Officer v Murdoch Pine Golf Pty Ltd	25	Application for review of the decision of the Director of Liquor Licensing to conditionally grant a tavern restricted licence in relation to premises known as Outta Bounds without imposing further trading conditions.	Decision reserved.
25/241	HA v Commissioner of Police	25	Application for review of the decision of the Director of Liquor Licensing to make a prohibition order.	Decision reserved.
24/6148	RACWA Holdings Pty Ltd v 11 Forty-Five Pty Ltd & Ors	25	Application for review of the decision of the Director of Liquor Licensing to conditionally grant a nightclub licence in relation to premises known as 11:45.	Decision reserved.
25/387	Fiorita Pty Ltd v Director of Liquor Licensing	25	Application for review of the decision of the Director of Liquor Licensing to refuse an application to vary trading conditions of for licensed premises known as Jarrah.	Decision reserved.
25/2441	KLR v Commissioner of Police	115AD	Application for review of a barring notice.	Decision reserved.
25/2464	SPB v Director of Liquor Licensing	25	Application for review of the decision of the Director of Liquor Licensing to make a prohibition order.	Decision reserved.
25/3235	DTM v Commissioner of Police	115AD	Application for review of a barring notice.	Decision reserved.

As at 30 June 2025, there were **11 matters** that were awaiting consideration by the Commission and will be carried over to the 2025-26 period:

Matters to be carried over to 2025-26				
Case Number	Name	Section of Act	Nature of application	Status
21/1917	Director of Liquor Licensing v Spinifex Holdings (WA) Pty Ltd	147	Application by the Director seeking forfeiture of illegal gains due to breaches of licence conditions.	Matter to be listed for hearing.

Matters to be carried over to 2025-26				
Case Number	Name	Section of Act	Nature of application	Status
21/1918	Commissioner of Police v BGD	24	Referral by the Director of an application by the Commissioner of Police for revocation of approved managers approval.	Matter to be determined on the papers.
21/1919	Commissioner of Police v ED	24	Referral by the Director of an application by the Commissioner of Police for revocation of approved managers approval.	Matter to be listed for hearing.
24/862	Commissioner of Police v KH	95	Complaint by the Commissioner of Police alleging there is proper cause for disciplinary action.	Complaint may be withdrawn pending discussions between the parties.
25/4647	JDP v Commissioner of Police	115AD	Application for review of a barring notice.	Matter to be determined on the papers.
24/7057	SFG v Director of Liquor Licensing	25	Application for review of the decision of the Director of Liquor Licensing to refuse an application for approval as an unrestricted approved manager.	Matter listed for hearing on 15 July 2025.
25/1241	Paul Spittle and Stephen Bianchini v Waikiki Beach Hotel Pty Ltd	25	Application for review of the decision of the Director of Liquor Licensing to conditionally grant a tavern restricted licence in relation to premises known as the Waikiki Beach Hotel.	Matter to be determined on the papers.
25/2418	Commissioner of Police v CLP	95	Complaint by the Commissioner of Police alleging there is proper cause for disciplinary action.	Matter to be listed for hearing.
25/3832	RJM v Commissioner of Police	115AD	Application for review of a barring notice.	Matter to be determined on the papers.
21/1114	Commissioner of Police v Spinifex Holdings (WA) Pty Ltd, Boab Inn Pty Ltd and Emanuel Dillon	95	Complaint by the Commissioner of Police alleging there is proper cause for disciplinary action.	Matter to be listed for hearing.
25/4647	JDP v Commissioner of Police	115AD	Application for review of a barring notice.	Matter to be determined on the papers.

Supreme Court challenges

GDA 12 of 2024 Condo Produce Pty Ltd v Director of Liquor Licensing

On 2 June 2023, Condo Produce Pty Ltd (Condo Produce) lodged an application pursuant to section 25 for the review of a decision of the Director to impose section 64 liquor restrictions in Carnarvon and Gascoyne Junction.

The Director was satisfied there was a proper basis for exercising the power to impose liquor restrictions under section 64(1) of the Act.

On 7 December 2024, the Commission determined to refuse the application as there was a proper basis for the Director to impose the section 64(1) conditions given the significant levels of alcohol-related harm in Carnarvon.

On 24 December 2024, Condo Produce appealed the decision to the Supreme Court on the following grounds:

1. The Commission erred in law by failing to establish there was a proper basis for exercising its power under section 64(3) of the Act to impose the following conditions:
 - a) Prohibiting the sale and supply of packaged liquor on both Sunday and Monday (Condition 12(a)).
 - b) Limiting the available purchase options to only one or more product types (Condition 12(c)).
 - c) Imposing a minimum price of \$15 per bottle or cask of wine (Condition 12(e)).

Alternatively, that the imposition of Conditions 12(a), 12(c) and 12(e) amounts to unreasonableness constituting an error of law.

2. The Commission erred at law by giving precedence to the harm minimisation object under section 5(1)(b) of the Act and failing to carry out the proper weighing and balancing exercise required by the Act.
3. The Commission erred in law by failing to consider relevant matters which it was obliged to consider under the Act, namely:
 - a) the specific aspects of the business carried on by the Appellant under its licence, including but not limited to: its manner of trade; trading history; usual customer base; product offering; management policies and procedures; and harm minimisation measures and strategies;
 - b) the extent to which such aspects increased the risk of, or caused or contributed to, the existing levels of liquor related harm and ill-health in the Carnarvon and Gascoyne Junction communities;
 - c) the extent to which the imposition of each of the proposed conditions on the Appellant's licence would contribute to the reduction of liquor related harm and ill health in the Carnarvon and Gascoyne Junction communities; and
 - d) what proportion of sales of packaged liquor into the Carnarvon and Gascoyne Junction communities, and to whom, were made by the Appellant's business compared to other available sources of packaged liquor.

On 29 April 2025, the appellant discontinued the appeal.

GDA4 of 2025 Spinifex Holdings (WA) Pty Ltd & Ors v Commissioner of Police

On 22 April 2021, the Commissioner lodged a section 95 complaint against Spinifex Holdings (WA) Pty Ltd (licensee for the Spinifex Hotel) (Spinifex Holdings), Boab Inn Pty Ltd (licensee for the Derby Boab Inn) (Boab Inn) and Mr Emanuel Dillon, (sole director of both Spinifex Holdings and Boab Inn), in relation to breaches of certain liquor restrictions that were in place over the Kimberley region in 2020 as part of the State's response to the COVID-19 pandemic.

On 9 December 2024, the Commission determined that the complaint had been made out to a satisfactory standard such that proper cause for disciplinary action exists. The Commission imposed a penalty of \$60,000 against Spinifex Holdings, a penalty of \$30,000 against Boab Inn, and reprimanded Mr Dillon and imposed a personal penalty of \$50,000.

On 20 January 2025, the Respondents appealed the decision to the Supreme Court on the following grounds:

1. The Commission erred on law in purporting to determine the complaint by failing to comply with the requirement in sections 9A(1), 95(7a) and 96(1) of the Act as the same three members constituting the Commission to hear the matter were not the same three members constituting the Commission to determine the matter.
2. Alternatively, the Commission erred in law by failing to afford the appellants procedural fairness by failing to give notice and an opportunity to be heard as to reconstitution and process of the Commission after the hearing and prior to determination of the complaint.
3. The Commission erred in law by failing to afford the appellants procedural fairness by not notifying the appellants of adverse conclusions not obviously open on the known material as found at paragraphs [179(a)], [179(b)] and [192] of the decision.
4. The Commission erred in law by failing to afford procedural fairness or to consider and determine the substance of the complaint by not taking into account, or give inadequate reasons as to, the Spinifex Holdings' substantial and clearly articulated arguments against finding certain breaches and as to the severity of conceded breaches.
5. The Commission erred in law by failing to afford procedural fairness or to consider and determine the substance of the complaint by not taking into account, or give inadequate reasons as to, the Boab Inn's substantial and clearly articulated arguments against finding certain breaches and as to the severity of conceded breaches.
6. The Commission erred in law by misdirecting itself to, or misapplying, the statutory test in section 164(1a) of the Act when imposing a penalty on an officer or other person concerned in the management of a body corporate against which a ground of complaint has been made out.
7. The Commission erred in law when finding at paragraphs [182] and [208] of the decision that various contraventions occurred with the consent, or possibly the direction, of Mr Dillon or, in the absence of a direction, were attributable to Mr Dillon's failure to take all reasonable steps to secure compliance by a body corporate.

On 8 May 2025, Justice Lemonis determined that Ground 2 was made out, allowed the appeal, quashed the decision of the Commission and sent the matter back to the Commission for reconsideration by constituted by members other than those who constituted the Commission which made the Decision. Justice Lemonis' written reasons were published on 22 May 2025. The Commission is making arrangements to schedule a hearing on this matter in accordance with the Supreme Court decision and subject to the availability all parties.

Significant issues impacting the Liquor Commission

Changes in written law

The Liquor Commission Amendment Rules 2024 amended Schedule 1 of the Liquor Commission Rules 2007 to increase the following application fees, which came into effect on 1 January 2025:

- Application for a review of a decision by the Director of Liquor Licensing - \$457.00.
- Appeal against a decision of the Commission constituted by one member - \$457.00.

The Racing and Gaming Regulations Amendment (Fees and Charges) Regulations 2023 amended Schedule 3 of the Liquor Control Regulations 1989 to increase the following application fees, which came into effect on 1 January 2025:

- Application for a review of a barring notice issued by the Police: \$280.50.
- Application for a review of an exclusion order issued by the Police: \$280.50.
- Application for a review of a banned drinker order issued by the Police: \$280.50.

Trends or special problems that have emerged

As has been the case for some years now, the Commission has seen an increase in the number of applications for review of a barring notice issued by the Commissioner. Similarly, the Commission saw an increase in the number of applications for review of the decision of the Director lodged by objectors and licensees in opposition to the grant of liquor licenses.

Proposals for improving the operation of the Commission

The Commission will continue to take steps towards improving completion timeframes for matters to ensure the efficient exercise of the Commission's statutory functions.

Forecasts of the Commission's workload for 2025-26

It is expected that the Commission's workload will be similar to previous years, however, should the Amendment Bill be passed, the Commission's workload will likely be impacted by changes associated with the conferral of review and disciplinary functions to the SAT.

Other legal and government policy requirements

The Commission met its executive support requirements in 2024-25 through arrangements with DLGSC. The DLGSC Annual Report contains information on the following matters:

- | | |
|--|--|
| • Disability access and inclusion plan outcomes. | • Staff development. |
| • Compliance with public sector standards and ethical codes. | • Workers' compensation. |
| • Recordkeeping plans. | • Occupational safety, health and injury management. |
| • Employment and industrial relations. | • WA multicultural policy framework. |
| • Agency capability review requirements. | • Substantive equality. |
| | • Workforce inclusiveness requirements. |

Unauthorised use of credit cards

There have been no identified instances of unauthorised use of corporate credit cards.

Act of Grace payments

There were no act of grace payments made during the reporting period.

Advertising

The Commission did not incur any advertising expenditure in 2024-25.

Remuneration of members

Chairperson

The Chairperson is entitled to payment of:

- \$763 per day for hearings or deliberations/meetings of less than four hours; or
- \$1,074 per day for hearings or deliberations/meetings of over four hours.
- Plus \$129 per hour for preparation time. The rate which applies is three hours for up to one day and three hours for each additional day of hearings or deliberations or part thereof.
- Plus \$129 per hour for decision writing time. The rate which applies is five hours for up to one day and three hours for each additional day of hearings or deliberations or part thereof.

Members

The members are entitled to payment of:

- \$505 per day for hearings or deliberations/meetings of less than four hours; or
- \$773 per day for hearings or deliberations/meetings of over four hours.
- Plus \$102 per hour for preparation time. The rate which applies is three hours for up to one day and three hours for each additional day of hearings or deliberations or part thereof.
- Plus \$107 per hour for decision writing time. The rate which applies is five hours for up to one day and three hours for each additional day of hearings or deliberations or part thereof.

During the reporting period, the following remuneration figures applied to Commission members:

Position	Member name	Type of remuneration	Period of membership		Gross/actual remuneration for 2024-25
Chairperson	Emma Power	Sitting fees plus preparation and decision writing time	1/7/2024	30/6/2025	\$1,795.00
Deputy Chairperson	Nicholas van Hattem	Sitting fees plus preparation and decision writing time	1/7/2024	30/6/2025	\$5,690.00
Member	Paul Shanahan	Sitting fees plus preparation and decision writing time	1/7/2024	30/6/2025	\$4,374.00

Position	Member name	Type of remuneration	Period of membership		Gross/actual remuneration for 2024-25
Member	Elanor Rowe	Sitting fees plus preparation and decision writing time	1/7/2024	30/6/2025	\$5,427.00
Member	Pamela Hass	Sitting fees plus preparation and decision writing time	1/7/2024	30/6/2025	\$6,897.00
Member	Shelley Davies	Sitting fees plus preparation and decision writing time	1/7/2024	30/6/2025	\$2,187.00
Member	Anthony Di Francesco	Sitting fees plus preparation and decision writing time	1/7/2024	30/6/2025	\$2,998.00
Member	Mary Brown	Not applicable - Full time public sector employee	1/7/2024	30/6/2025	Nil
Member	Jared Brotherston	Sitting fees plus preparation and decision writing time	1/7/2024	30/6/2025	\$11,102.00
Total					\$40,470.00

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