

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

Applicant: Tybel Nominees Pty Ltd
*(represented by Mr Peter Fraser of Dwyer Durack
Lawyers)*

Interveners: Director of Liquor Licensing
*(represented by Mr Andrew Mason of State
Solicitor's Office)*

Commissioner of Police
*(represented by Mr Gregory Stockton of State
Solicitor's Office)*

Objectors in attendance: Mr Wyndand van Niekerk
Ms C J Jean

Other Objectors: Ms Jody Bart
Ms Kirsty-Lee McKenzie
Ms Della Foxglove
Ms Cate Vose
Mr Heath Pilton
Mr Jacobus Klopper
Mr Dean Groetzinger
Mr Gerold Lingg and Ms Irene Lingg
Ms Nicole Summers
Paster Phillip Chia on behalf of Zion Fellowship
Ms Caitlin Roper on behalf of Collective Shout
Ms Dahlia Messiha on behalf of Australia Christian
Lobby

Commission: Mr Michael Egan (Presiding Member)
Dr Eric Isaachsen (Member)
Ms Mara Barone (Member)

Matter: Application pursuant to section 25 of the *Liquor Control Act 1988* for a review of a decision by the delegate of the Director of Liquor Licensing to refuse an application to vary a condition of the tavern licence in relation to premises known as *The Sixty 30*.

Premises: The Sixty 30, 36 Baltimore Parade, Merriwa

Date of Hearing: 10 July 2017

Date of Determination: 14 November 2017

Determination:

By a decision of the majority of members of this Commission, Member Ms Mara Barone dissenting, the application to vary a condition of the tavern licence in relation to premises known as *The Sixty 30* is refused.

Authorities referred to in the majority determination:

- *Lonergan v The Commissioner of Police*, Unreported Supreme Court of WA, #960309, 12 June 1996
- *Keft v Fraser* Unreported Full Court of the Supreme Court of WA, #6251, 21 April 1986
- *Crowe v Graham* [1969] 121 CLR 375
- *Hancock v Executive Director of Public Health* [2008] WASC 224
- *Australian Leisure & Hospitality Group Pty Limited v Commissioner of Police* [2017] WASC 88
- *ALDI Foods Pty Ltd* LC 09/2017
- *Woolworths Ltd v Director of Liquor Licensing* [2013] WASCA 227