



1984

WESTERN AUSTRALIA

Report of the Honorary Royal Commission

**Appointed to inquire into
and report upon**

THE LIQUOR LAWS IN WESTERN AUSTRALIA



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HONORARY ROYAL COMMISSION APPOINTED TO INQUIRE INTO
AND REPORT UPON THE LIQUOR LAWS IN WESTERN AUSTRALIA

To His Excellency the Lieutenant Governor and Administrator
of Western Australia The Honourable Sir Francis Theodore
Page Burt, K.C.M.G.

May it please Your Excellency -

We, the members of your Honorary Royal Commission appointed to inquire into and report upon the Liquor Laws in Western Australia, have the honour to present to Your Excellency our report as follows -

The Royal Commission commenced on the 14th March, 1983 as a Committee of Inquiry. The Members of the Committee were Judge John Syme, Chairman, Hon Colin Jamieson, M.L.A., and Antony Trethowan, Esq, M.L.A. On the 5th July, 1983 the Inquiry was reconstituted as an Honorary Royal Commission to inquire into the same matters upon the same Terms of Reference as the former Committee.

The terms of appointment were published in the Government Gazette of 15th July, 1983. The Royal Commission appears at Appendix A.

Your Commission's Terms of Reference are as follows:

1. A review of the rationalization procedures in Part V, Division 3 of the Liquor Act, 1970-1982, sections 111 to 114, with a view to considering the means of compensating holders of redundant licences.
2. The extension of the proposed moratorium on the granting of new licences and whether this should be made a permanent feature of the liquor laws in respect of any and which categories of licence.
3. A review of the regulation of the liquor industry and the proliferation of regulatory authorities, for example, Local Authorities, Health Department, Fire Brigade, Police and Town Planning Authorities.
4. To examine the operation of the present adversary system of applying for and objecting to licences and in particular the possibility of reducing the costs and expenses of appearing before the Licensing Court, whether as an applicant or as an objector.

5. 5.1 To examine and report on unlicensed clubs operating under an unlicensed club permit [section 42 of the Act] in particular:

5.1.1 whether any more unlicensed club permits should be issued;

5.1.2 whether a club should be compelled to seek a club licence when its membership reaches a certain prescribed level; and

5.1.3 whether the requirement that an unlicensed club purchases its liquor supplies from the holder of a licence should be made more specific and the supplying licensee specified [section 42(2) of the Act].

5.2 An examination of the place in the liquor laws of function permits - section 43 of the Act.

5.3 To examine and report on the place of caterer's permits - section 25 of the Act.

5.4 Limited hotels - to consider whether the name of this category of licence should be varied to make it more attractive to the tourist industry.

5.5 To examine the winehouse licence and consider whether this licence still has a place in the Liquor Act - section 29.

6. To give particular attention to the submissions of the representative groups in the liquor industry.
7. To examine those aspects of the liquor laws which have reference to the tourist industry.
8. To examine any other matters relating to the Liquor Act and its administration that may be considered necessary.

METHODS

Your Commission advertised for submissions in June and August, 1983 and received seventy-nine by the closing date of 26th August, 1983. These are listed at Appendix B. Thirty-three submissions received after the closing date were rejected, however, perusal of each indicated that all points raised had been mentioned in previous submissions. Prior to the closing date the Local Government Association applied for and was granted an extension of time in which to lodge its submission which was later received.

Your Commissioners examined all submissions individually and these were discussed in meetings. It was then resolved to invite certain of the authors for interview. In cases where a submission was complete and readily understood or where it did not cover any new ground, no interview was undertaken. The interviews were conducted informally and those attending were encouraged to give their views in a

frank manner. A list of the persons and associations involved is contained in Appendix B.

APPOINTMENTS

Mr M.C. Cocker the Assistant Director of the Department of Administrative Services was appointed the Executive Officer of your Commission and Mrs Janine Rouse of the staff of the Licensing Court of Western Australia was appointed Secretary. Because of Mr Cocker's involvement with Departmental duties his availability to your Commission has been limited. We are grateful for his capable assistance and advise that Mrs Rouse has undertaken the additional duties of Executive Officer consequent upon Mr Cocker not being available to your Commission. We are greatly indebted to her and commend her for the dedicated, efficient and professional manner in which she performed her duties.

MEETINGS

The Committee and subsequently your Commission met on fifty-five occasions in Perth and also conducted many interviews and inspections in the other States visited and in Western Australian country districts. The members of your Commission also individually visited many parts of the State and gathered information and impressions.

ACKNOWLEDGEMENTS

Your Commission expresses its gratitude to all those who have assisted its inquiries, particularly the liquor authorities in the four States visited, namely, the Queensland Licensing Court and the Queensland Licensing Commission, the New South Wales Liquor Administration Board, the Liquor Control Commission of Victoria, the South Australian Department of Public and Consumer Affairs - Licensed Premises Division and the South Australian Licensing Court.

The assistance of the representative bodies in all States is gratefully acknowledged. Many busy executives and committee members gave generously of their time and experience, in some cases at short notice.

Your Commission acknowledges the co-operation of all those who made submissions and who responded to its invitations to interview.

We also gratefully acknowledge the support readily given by the staffs of the Licensing Court of Western Australia and the Department of Administrative Services.

A special acknowledgement is made for the assistance rendered by Doctors Lesley Cala, M.B., B.S., M.D., D.M.R.D., F.R.C.R., M.R.A.C.R., Neuroradiologist, and Clive Harper, M.B., B.S., F.R.C.P.A., Neuropathologist. These medical specialists

were approached to give us the results of their research into the effects of the consumption of liquor on the human brain. Dr Harper attended at a meeting and explained the results of a number of postmortem examinations. Dr Cala received your Commissioners at Sir Charles Gairdner Hospital and explained in detail the results of a comprehensive and interesting experiment involving a large group of moderate social drinkers. The evidence of both of these doctors has made a deep impression on your Commission and their contribution is gratefully acknowledged.

As this research is recognized as being of the highest international standing, we trust that they will be encouraged to continue with their valuable work.

DEFINITIONS

In this Report, unless a contrary or other intention is expressed -

"defined metropolitan area of Perth" means the area enclosed within the Metropolitan Region Scheme Boundary, 1982 and further described in the Schedule to the Builders' Registration Act, 1939-1980, published in Government Gazette 23/1980 of 21st March, 1980 at pages 986 to 989 with the addition of Rottnest Island.

"Liquor Commission" means the proposed Liquor Commission whose establishment is recommended under Term of Reference 4.

"moratorium" means the moratorium imposed by the Liquor Licensing (Moratorium) Act, 1983 and any extension thereof.

TERM OF REFERENCE 1

"A review of the rationalization procedures in Part V, Division 3 of the Liquor Act, 1970-1982, sections 111 to 114, with a view to considering the means of compensating holders of redundant licences."

Your Commission recommends a scheme of rationalization based on the existing provisions in sections 111 to 114 of the Act to apply to hotels, taverns and stores only.

Broadly the scheme should provide for the declaration of rationalization areas and the designation of licences as redundant. After three years of the declaration a process of compulsory elimination will come into effect. Prior to this the holder of a redundant licence is encouraged to sell it for removal by the retention of the exemption from premium [section 166(2)] but the licensee may elect to take compensation. A licensee in a declared area may apply for compulsory elimination at a time earlier than three years.

Where compulsory elimination occurs compensation is to be payable based on the Victorian concept of valuation. The value of the licence is calculated by valuing the business as a going concern at the beginning of the period, deducting the value of the land and buildings as unlicensed premises and the estimated cost of carrying out any Court Orders on

the premises. In the case of leased premises, compensation is to be apportioned between licensee and owner by the Licensing Court after investigation and recommendation by the Liquor Commission.

It must be enacted that the parties to a lease may not contract out of the rationalization provisions of the Act.

Compensation is to be financed from the Treasury. It is intended that these payments will be recouped from premiums charged on the reissue of eliminated licences. It is expected that the forfeiture of licences against compensation will be comparatively rare as the market procedure outlined above may be taken as the normal way by which redundant licences are eliminated.

Hotel, tavern and store licences that have been suspended for twelve months and not in a rationalization area should be subject to a renewal fee which should be assessed at an appropriate level say \$500.

We consider that the success of a rationalization scheme is dependent on the maintenance of a moratorium on licences for a considerable period. Furthermore, the exercise of the reference power in the present Liquor Licensing (Moratorium) Act, 1983 [section 3(4)], is in direct opposition to the success of this scheme. Those who can demonstrate a need for

a licence will be able to obtain one from the market in licences, or, as a last resort in special circumstances, from the pool of eliminated licences.

Your Commission is of the view that the rationalization scheme should be carried out by the liquor authority, whether it is the Licensing Court as presently constituted or an authority as described in our recommendations under Terms of Reference 3 and 4.

It is important that the liquor authority is given adequate support to carry out its rationalization role. A senior professional officer with accounting skills should be placed on the staff of the authority with specific duties including the collection and analysis of economic data and the supervision of the statistical officer referred to under Term of Reference 4.

Your Commission recommends that no licences be permitted to lapse under the present rationalization provisions in Division 3 Part V of the Liquor Act and that any current rationalization procedures should be postponed until this Report has been considered by the Government.

RECOMMENDATIONS

1. A scheme of rationalization broadly based on the existing provisions of the Act.

2. The holder of a redundant licence to be encouraged to sell it for removal.
3. Where sale of a licence is not accomplished after three years, provision is to be made for compensation on valuation.
4. Compensation is to be for the loss suffered by the licensee when his licence is compulsorily forfeited.
5. The system of Ministerial referral of applications for licences to the Licensing Court to cease.
6. The rationalization scheme to be adequately supported with resources and qualified staff.
7. Current rationalization procedures to be postponed for the time being.

TERM OF REFERENCE 2

"The extension of the proposed moratorium on the granting of new licences and whether this should be made a permanent feature of the liquor laws in respect of any and which categories of licence."

After carefully considering all the evidence presented to it, your Commission is of the opinion that the moratorium that commenced on 10th April, 1983 should be continued in a modified form for an extended period. The opinions received by us from the liquor industry varied in the recommended terms but all sections of the industry favoured an extended period. As mentioned earlier, a moratorium is essential to make the purchase of a redundant licence more attractive than the initial application for a new licence.

We believe the moratorium should apply without a specified time limit but for a minimum of five years, to hotel, tavern and store licences. The period of five years is seen as necessary to allow the rationalization provisions referred to earlier to operate. Winehouse licences are not mentioned because of our recommendations at Term of Reference 5.5.

The exercise of the reference power in the present Liquor Licensing (Moratorium) Act, 1983, should be repealed as it

is in direct opposition to the success of the rationalization scheme. It also places an undesirable burden on the responsible Minister and his department.

LIMITED HOTEL LICENCES

Your Commission is of the opinion that particular considerations apply to limited hotels and does not recommend an extension of the present moratorium on this form of licence. We consider it to be undesirable to use the liquor licensing laws to inhibit the provision of accommodation.

CLUB LICENCES

Your Commission does not recommend the extension of the present moratorium on the issue of club licences. It is apparent that rationalization has no application to this form of licence. Club licences cannot be removed from an area of surplus to one where there is a need for a new club. Where a club ceases to have a need for a licence, that licence should be surrendered.

Furthermore, it would be wrong to allow yet more obstacles in the way of a newly formed club obtaining a liquor licence. It has not been demonstrated that there is an oversupply of club licences when one remembers that membership is not

interchangeable. One cannot use a club as one does a tavern or hotel and one must be a member or a guest of a member to enter. At least that is the law as it is written. It should also be remembered that a club applying for a licence has to face the possible objections of hotel and tavern licensees.

UNLICENSED CLUB PERMITS

Your Commission does not recommend the extension of the present moratorium on the issue of unlicensed club permits. It is thought to be more sensible to judge each application on its merits rather than applying a blanket prohibition. Other recommendations in this regard are made under Term of Reference 5.1.

SUPERVISION OF CLUBS

Your Commission is of the opinion that rather than extend the moratorium, attention should be paid to the enforcement of the restrictive provisions of the Liquor Act relating to the operations of both licensed and unlicensed clubs.

RESTAURANT LICENCES

Your Commission believes that licensed restaurants do not compete with other licensed outlets to a significant degree. Because the supply of liquor is ancillary to the supply of meals, the main area of competition is between restaurants

of similar type, whether licensed or not. It appears that there is an oversupply of licensed restaurants in Perth and a further two year moratorium should assist in reducing it. The oversupply is not apparent in other areas of the State.

We therefore recommend a limited form of moratorium on the issue of restaurant licences in the metropolitan area of Perth with the present moratorium continueing until 30th June, 1986. Outside the metropolitan area there should be no moratorium after 31st December, 1984, however, removal of restaurant licences from outside to within the metropolitan area should not be permitted during the currency of the moratorium.

CABARET LICENCES

Your Commission has evidence that the licensees of cabarets are competing with one another for a limited amount of trade. It should be noted that cabarets in contrast with other licences, do not enjoy any local or neighbourhood custom. We recommend a moratorium on the issue of cabaret licences in the Perth metropolitan area for a period of two years to 30th June, 1986 during which removals from outside that area into it should be proscribed. After this date the situation may have changed with the anticipated increase in tourism.

WHOLESALE LICENCES

Your Commission recommends that the moratorium on wholesale licences should not continue beyond 31st December, 1984.

PERMITS

Your Commission believes that after 31st December, 1984 the moratorium should not apply to permits of any nature.

RECOMMENDATIONS

1. The moratorium to continue for at least five years in respect of hotel, tavern and store licences.
2. The present moratorium, expiring on 31st December, 1984, not to be continued for limited hotel and club licences, unlicensed club permits and restaurant and cabaret licences outside the metropolitan area.
3. For metropolitan restaurant and cabaret licences the moratorium to continue until 30th June, 1986 with country to metropolitan area removals proscribed.
4. The moratorium on wholesale licences to cease on 31st December, 1984.
5. After 31st December, 1984 the moratorium to cease in respect of all permits of a continuing nature.
6. The system of Ministerial referral of applications for licences to the Licensing Court to cease.

TERM OF REFERENCE 3

"A review of the regulation of the liquor industry and the proliferation of regulatory authorities, for example, Local Authorities, Health Department, Fire Brigade, Police and Town Planning Authorities."

Your Commission sees the regulation of the liquor industry as having two main aspects. Firstly, the ongoing regulation of existing licensed premises and, secondly, the impact of regulatory authorities on the process of application for new licences.

EXISTING LICENSED PREMISES

The evidence discloses two main areas of concern. Firstly the number of inspections made by different authorities. A licensee must be the unwilling host to a multitude of officials inspecting his premises from various aspects for example, food and liquor hygiene, sewerage and drainage, toilets, bathrooms, bedrooms, overcrowding, lodgers registers, fire safety, exit signs, fire escapes, panic bolts, adulteration of liquor, the presence of juveniles, animals, birds and vermin, noise pollution, amplified music, gambling, illegal lotteries, discrimination, vice and so on.

Indeed it appears that if all the officials who may and do inspect licensed premises descended at the one time, there

would be little room for the patrons. In reality the licensee must spend a great deal of time with each visiting official showing the premises and making explanations. However, we recognise that all the inspection functions are proper and that the various authorities have a legitimate interest in licensed premises. We believe that the large number of inspections is necessary to maintain proper standards.

A second cause for complaint is in the area of conflicting requirements laid down by different authorities. It is most frustrating for a licensee to be faced with varied and, indeed, at times conflicting, requirements and standards imposed by different regulatory authorities. Generally the standards imposed on licensed premises by the Licensing Court are higher than those demanded of other food retailers by local and health authorities.

Your Commission does not see this as objectionable in itself and believes that this difference in standards is accepted by the liquor industry. However, the various authorities have an unfortunate record of jealousy and mutual quarrelling one with another. While this may advance the interests of particular officials, it is not conducive to the orderly regulation of the liquor industry and results in hardship and unnecessary expense.

Your Commission is of the view that to correct this situation the Liquor Commission should be given control of all matters

relating to licensed premises with the sole exception of the exercise of police powers. All orders relating to licensed premises will be referred to the Liquor Commission which will have the power to confirm or refer them back to the originating authority. The Liquor Commission shall then determine the time for compliance with orders made and shall be responsible for their enforcement. The Liquor Commission may refer proposed orders from one authority to another and shall fix a time limit for response, failing which approval may be deemed.

In cases where urgent action is imperative in the interests of health and safety, provision may be made for an immediate order with a reference to the Liquor Commission explaining the need for urgent action and seeking a subsequent endorsement.

In the case of a dispute between authorities, the decision of the Liquor Commission shall prevail after each party has been given the right to be heard [c.f. section 96 of the Liquor Act].

We further recommend that the current "policies" of the Licensing Court relating to standards in premises be replaced by Regulations having specific requirements for each type of licensed premises.

Variations or extensions to existing licensed premises should be treated as such by all authorities and not as new licences.

NEW AND PROPOSED PREMISES

The requirements of regulatory authorities prior to and during the process of application for liquor licences do not cause the same volume of complaints as is the case with existing premises. The solicitors, architects and planners who advise prospective applicants appear well able to meet the demands of Authority and we do not recommend any substantial change to the current arrangements.

However, it has been suggested that the provisions of section 59A of the Liquor Act should be extended to applications for cabaret, limited hotel and reception lodge licences. The effect of such an amendment would be that these applications could not proceed without a certificate from the town planning authority that the proposed use does not contravene the provisions of any town planning scheme. Your Commission recommends such an amendment.

ADULTERATION OF LIQUOR

An associated matter arising from this Term of Reference is the adulteration of liquor, particularly the watering of bulk beer.

At present the control of adulteration of all liquor is vested in the Department of Public Health. From the very small number of prosecutions undertaken it might be assumed that

very little adulteration occurs. However, your Commission is not convinced that this is the case and believes that watering of beer takes place undetected in premises operating under entertainment, function and caterer's permits and at other venues away from regularly licensed premises.

While we had no evidence to support the assumption that this is particularly widespread, there is enough to suggest that the practice also occurs on regularly licensed premises. We believe that the officers of the Public Health Department undertake few patrols and inspections at night or on weekends.

Your Commission recommends that the duty of inspecting liquor for adulteration be transferred to the Liquor Commission which should be provided with the resources to carry out this function. It should be remembered that the sale of watered liquor is not only a fraud on the consumer, it also causes a loss of licensing revenue and of exise duty. We also recommend that the method of inspection be as inconspicuous as possible so as to cause the minimum of inconvenience to any licensee being routinely inspected.

ILLICIT DRUGS

Your Commission is concerned at the alleged spread of the trade in illicit drugs to licensed premises. Inquiries in other States lead us to believe that it would give some assistance to the police in combating the trade in drugs if the obligations

of a licensee required him to exclude reputed dealers in illicit drugs from his premises.

Accordingly we propose an amendment to section 126 of the Liquor Act to achieve this object.

RECOMMENDATIONS

1. Only the Liquor Commission to make orders in respect of the conduct, upkeep, reconstruction and use of licensed premises with a provision for reference to other authorities and an examination of their requirements. Exception is to be made in the case of urgent matters.
2. The Liquor Commission to set the time in which the orders of other regulatory authorities will be completed.
3. Section 59A of the Liquor Act to be extended to include cabaret, limited hotel and reception lodge licences.
4. The policing of adulteration of liquor to be transferred from Public Health Department to Liquor Commission and resources provided to enable the Commission to carry out the duties involved.
5. The current "policies" of the Licensing Court to be replaced by Regulations relating to the requirements for new and existing premises.

6. Section 126 of the Liquor Act to be amended to include an offence of knowingly permitting a dealer in illicit drugs to remain on licensed premises.

TERM OF REFERENCE 4

"To examine the operation of the present adversary system of applying for and objecting to licences and in particular the possibility of reducing the costs and expenses of appearing before the Licensing Court, whether as an applicant or as an objector."

The submissions and evidence we have received in this area lead us to the conclusion that a form of adversary system is essential for regulating the grant, forfeiture and suspension of licences. The rights embodied in a liquor licence involve privileges of such importance that proceedings for the grant and forfeiture of them should be conducted in public with a right of representation to the parties. The relevant questions should be answered on the basis of evidence brought in each case and subjected to the scrutiny of opposing parties.

Your Commission proposes that a Licensing Court should be retained for the disposal of applications for the grant, forfeiture, suspension and removal of licences. On the other hand, many of the functions exercised by the present Licensing Court in relation to the ongoing supervision of the conduct of licences and in respect of permits would be better performed by an administrative body which may be called the Liquor Commission.

The Liquor Commission would be charged with the administration of the Act subject to those matters which are reserved to the Court. It is desirable that the Commission's objects and duties should be specified in the Act. Apart from the duty to ensure rationalization in section 111, the present Liquor Act does not specify the duties of the Licensing Court.

Consideration of the proposed duties of the Licensing Court and Liquor Commission may be conveniently divided into two aspects. The first involves the matters concerned with new licences and removal of licences to new sites and the grant of new permits. The second relates to the ongoing administration of the existing licences and permits and the collection of licensing revenue.

ROLE OF THE LIQUOR COMMISSION

The Liquor Commission will consider and approve plans and specifications for new licensed premises. A set of Regulations should be promulgated under the Act detailing the standards required. The decisions of the Liquor Commission will be made on the basis of whether an application meets the requirements of the Regulations as to plans, specifications and formalities, for example, notice of application and display.

In relation to permits, the Liquor Commission will take the responsibility for the grant and cancellation of all permits. The provisions of section 24A, 58A and 58B relating to entertain-

ment permits will require amendment to enable the Liquor Commission to determine these applications.

It is not intended that the Liquor Commission will hold formal sittings as a general rule. It will normally proceed on the basis of written submissions and documents. In exceptional cases it may require a person to appear before it for interview. It is not considered appropriate for representation by legal counsel before the Liquor Commission to be permitted. However, it is expected that professional assistance will be employed in preparing submissions.

The Liquor Commission will examine and approve proposals for variations and extensions to existing licensed premises and it shall impose premiums in proper cases.

When orders are required by other regulatory authorities, the Liquor Commission shall examine all requests from those authorities for orders on licensed premises, co-ordinate same and issue the orders on a licensee.

ROLE OF THE LICENSING COURT

In relation to new applications for licences the Licensing Court will hear the applications but it may only proceed if all the requirements of the Liquor Commission have been satisfied. The hearing would proceed between applicant and objectors. Appeal on a question of law only would

would lie to a Judge of the Supreme Court. A clear power to award costs at the discretion of the Court is recommended.

For applications for permits the Licensing Court's role is restricted to hearing appeals from the Liquor Commission on grounds to be defined, for example, that the decision of the Liquor Commission is contrary to the Regulations or a provision of the Liquor Act. However, in the case of an application for an unlicensed club permit when the matter cannot be resolved with written submissions to the Liquor Commission, the application shall be referred by the Commission to the Licensing Court.

In dealing with applications for variations to licensed premises the role of the Licensing Court is to hear appeals from the decisions of the Liquor Commission.

CONSTITUTION OF PROPOSED LICENSING COURT

We consider and recommend that the proposed Licensing Court should be constituted by a single Judge of District Court status. This is justified by the high level of value involved in decisions relating to liquor licences as well as the important social issues involved. We further recommend that this appointment be a permanent one.

The Judge of the Licensing Court may be relieved as required by a stipendiary magistrate nominated by the Minister in

consultation with the Chief Stipendiary Magistrate. The relieving Judge should be chosen from those magistrates who hold the qualifications to be a District Court Judge, i.e., a legal practitioner of eight years standing. The relieving Judge would be paid a higher duties allowance to bring his salary up to the level of the permanent holder of the position.

CONSTITUTION OF PROPOSED LIQUOR COMMISSION

Your Commission recommends a Liquor Commission of four members. The Liquor Commission will perform the administrative duties carried out by the principal clerk and the present lay members of the Licensing Court.

The Liquor Commission should be constituted by the Registrar who would also be Chairman, and three other full time members. We do not think it expedient that the Liquor Act should prescribe the qualifications of the members but we recommend that they should have a suitable and varied range of qualifications and experience. They may be public servants on secondment to the Liquor Commission for up to five years or professionally qualified or experienced persons from the private sector on appointment to the Commission for five years.

We also suggest that consideration be given to one member being appointed from a panel of three names submitted by the Western Australian Alcohol and Drug Authority. The

matters put before us by this Authority and Doctors Cala and Harper disclose a state of affairs that justifies an input to the Liquor Commission from this source.

We have noted in our inquiry that other States do not have members of their liquor authorities drawn from the liquor industry. While a case could be made for drawing on the undoubted expert knowledge and practical experience of such appointees, we consider that the disadvantages outweigh the benefits. This view has been confirmed in interviews and submissions in this State as well as Interstate and the point has been put forcefully to us by several groups representing the industry.

This criticism is in no way aimed at any present or past appointees to the Licensing Court whose integrity is not questioned. However, we are convinced that the appearance of natural justice requires a distance from the industry which is presently lacking. It is apparent that after a working life spent in the industry a member must have many friends and associates who are engaged therein. It is unfair to the appointee to expose him to the appearance of bias. As we have indicated above, other liquor administrations do not need to draw their members from the liquor trade.

The Commission members should have qualifications and experience in accounting, business and administrative studies and appropriate experience involving these disciplines. We consider that

a higher level of seniority than that enjoyed by the principal clerk should prevail for the Registrar/Chairman. Again, our view of other administrations shows that the positions demand more qualified and experienced officers. We recommend that the Registrar should be of A-1-7 or equivalent classification and the Liquor Commissioners A-1-5.

We envisage the Registrar being the managerial head of the whole of the liquor administration including the secretarial, revenue and supervision branches, and also responsible for the officers exercising delegated powers in country areas.

LIQUOR COMMISSION STATISTICIAN

Your Commission was favourably impressed on learning of the appointment of a full time statistical officer to the Liquor Control Commission of Victoria. It appears to us that with the increasing debate concerning liquor matters, accurate statistics on the subject are essential to permit informed decisions.

The ability to prepare and interpret the data gathered by the Liquor Commission will require a trained officer with appropriate qualifications and your Commission recommends that such a person be appointed to the staff of the Commission.

ROLE OF THE LIQUOR COMMISSION IN RATIONALIZATION

Your Commission recommends that under the rationalization scheme described under Term of Reference 1, the role of

Liquor Commission should be as follows:

1. Of its own motion or upon request from the Minister the Liquor Commission may define and declare a rationalization area [section 112 of the Liquor Act]. The Commission shall determine the priority of areas for rationalization.
2. The Liquor Commission will investigate the area in the same way as detailed in the present Act and if thought proper recommend that the Licensing Court declares a licence or licences "redundant" [section 113].
3. The Liquor Commission shall value the redundant licences and, where the licensee is not the owner, apportion the compensation between the owner and the licensee and make an appropriate recommendation to the Licensing Court.
4. The Licensing Court may decide compensation matters in open court in which case they would become public knowledge, or in Chambers where it would be confidential as between the liquor authority and the licensee/owner. It is important that the Licensing Court makes the final decision as to the amount of compensation.
5. The Liquor Commission will advise the licensee/owner of the amount of compensation, which is to be paid in

three years if the licensee fails to effect a sale of his licence for removal.

6. Three years from the declaration of the licence as redundant the Liquor Commission shall apply to the Licensing Court for its forfeiture against compensation.

ROLE OF THE LICENSING COURT IN RATIONALIZATION

Upon receiving a recommendation from the Liquor Commission the Licensing Court shall give all interested parties the opportunity of being heard and shall then determine whether the affected licence will be declared redundant. The Court will also determine finally the amount of compensation payable and, where the licensee is not the owner, the proportions payable to owner and licensee.

PRIVACY AND SECRECY OF INFORMATION

Your Commission is concerned that there is no general statutory provision ensuring the security of information supplied to the Licensing Court administration. We see a need for safe guarding the privacy of owners, licensees and persons complaining about the conduct of licences.

The existing Rules require confidentiality of revenue information (Rule 24(3) of the Licensing Court Rules) and in other cases the general Public Service restrictions on disclosure of information

must be relied upon. In revenue matters security of information is important if only to ensure a full and frank disclosure.

Your Commission therefore recommends that the provisions for privacy and secrecy of information be reviewed and that substantial penalties be enacted for wrongful disclosure of information. It is necessary that this provision extends to the members and all staff of the Licensing Court and Liquor Commission.

RECOMMENDATIONS

1. The present Licensing Court to be replaced.
2. A Licensing Court consisting of a single Judge at District Court level to be established.
3. A Liquor Commission charged with the administration to the Liquor Act to be established.
4. The Liquor Commission to comprise four suitably qualified members of senior status headed by a Registrar/Chairman.
5. One member of the Liquor Commission to be chosen from persons suggested by the Western Australian Alcohol and Drug Authority.
6. A statistical officer to be appointed to the staff of the Liquor Commission.

7. Provisions relating to privacy and secrecy of information to be reviewed.

TERM OF REFERENCE 5

"5.1 To examine and report on unlicensed clubs operating under an unlicensed club permit - section 42 of the Act."

Your Commission received a number of responses and submissions from unlicensed clubs the majority of which showed satisfaction with this form of liquor permit and no desire to see it further restricted. The large number of clubs holding these permits, 297 at 30th June, 1983, collectively enjoy a most extensive membership while the individual clubs vary in nature from extremely large to comparatively small. It is clear that this kind of permit enjoys popular support and should be continued.

5.1.1 whether any more unlicensed club permits should be issued;"

Your Commission notes the opinions of the hotel and club sections of the industry to the effect that unlicensed club permits should be abolished. We received 357 letters from 240 hotels and 117 taverns expressing the licensees' willingness to service, through caterers permits, functions outside licensed premises. Of the respondents, seventy-three hotels and twenty-eight taverns in fact held caterer's permits. We draw an inference from this that many licensees inexperienced in this type of operation are prepared to say they will undertake

it. At all events, these licensees are prepared to sign a form letter to this effect.

The response itself may not be representative of the hotel and tavern trade. Of 126 metropolitan hotels, forty responded; of 219 country hotels, twenty-four responded; and of thirty-three North-West hotels, nine responded. Similarly, taverns show metropolitan 107:19, country 81:8 and North-West 11:1.

For these reasons we are in some doubt as to the force of the argument that hotels and taverns can take over the role of unlicensed club and function permits.

The hotels see unlicensed club permits as transferring some 'on' premises drinking from them to stores as effective suppliers. This objection would be met if it were possible to remove the right of unlicensed clubs to purchase from stores. Your Commission is not prepared to recommend that this right, which has existed since the enactment of unlicensed club permits in 1970, be eliminated.

Your Commission notes that clubs may obtain an unlicensed club permit as of course, provided the requirements of section 42 are met. We recommend a limited form of objection to the grant of an unlicensed club permit to be adjudicated as an administrative function by the Liquor Commission sitting in a full session with a quorum of three members. The

Liquor Commission will receive written submissions of objection and invite the club to reply in writing.

In the first instance the application should be considered by the Liquor Commission using the written submissions supplied. The Commission would then have the right to call on the applicant and any objector in person for interview to clarify obscure points. Any decision made as a result of these investigations would be administrative and not subject to appeal to a higher court. We further recommend that the limited right of objection to the grant of an unlicensed club permit also extend to renewal.

The right of objection in each case should vest in hotel, tavern and club licensees in the locality, police, local authority and a supervisor of licensed premises. The grounds of objection should be as in section 57(2)(d)(iii), (iv), (v) and (vii) of the Liquor Act.

Your Commission believes that regular visits from the police would help to establish more responsibility among holders of unlicensed club permits. Many unlicensed clubs operate within the law and cause no problems, however, there is evidence that some are not observing the rules. Unfortunately, some clubs are treating this permit, not as a convenience for members, but as a licence for revenue raising. It should be borne in mind that profits from liquor sold pursuant to an unlicensed club permit should not be the prime objective.

We recommend that, as a check on the operations of these clubs, an annual or six monthly return of liquor purchased be required and a condition that the permit holder purchases all liquor from any of three retail outlets nominated on the the permit by the Liquor Commission. We also recommend that the eight kilometre provision be removed as set out under Term of Reference 5.1.3. Forms for permit holders' returns and those of the retailers supplying unlicensed clubs should be created, the details for which should be able to be extracted from normal accounting information kept on account customers.

"5.1.2 whether a club should be compelled to seek a club licence when its membership reaches a certain prescribed level;"

This proposal has been condemned by all shades of opinion coming to your Commission's notice. Therefore we do not recommend that it should be adopted.

"5.1.3 whether the requirement that an unlicensed club purchases its liquor supplies from the holder of a licence should be made more specific and the supplying licensee specified [section 42(2) of the Act]."

Your Commission sees a danger in specifying a single licensee as the supplier to an unlicensed club permit. The unlicensed

club would be at the mercy of a monopolistic supplier who could demand an unreasonable price.

On the other hand, the present legislation is not sufficiently precise in specifying who may supply bearing in mind the effect an unlicensed club permit may have on the trade of the licensees in the vicinity of the club. It is apparent that many clubs play one supplier off against another to the detriment of all.

Your Commission recommends that the Liquor Commission be required to nominate at least three retail licensees in the vicinity of an unlicensed club permit as authorised suppliers, the club to choose one or more of them. The club should have a right to seek a change of nominated supplier. The application/renewal forms for unlicensed clubs will provide for suggested suppliers.

The Liquor Commission should be empowered, in a proper case, to remove an authorised supplier from a permit and substitute another. This power is to be exercised administratively, as in the objection procedure outlined above.

The exemption from retail purchasing available to clubs situated eight kilometres or more from a licensed supplier is not now availed of and should be repealed by deleting all the words after "permit" in line seven of subsection (2) of section 42 of the Act.

"5.2 An examination of the place in the liquor laws of function permits - section 43 of the Act."

Your Commission considers that the present system of function permits under section 43 of the Act should be retained with some modifications. In particular we recommend that the present policy applied by the Licensing Court to the issue of function permits on a regular basis should be laid down in Regulations which would make clear the extent of maximum trading hours and the frequency with which permits are issued. The current policy is to allow not more than one permit per week to a particular body, however, exceptions are made in the cases of annual festivals, major sporting carnivals and amateur theatre seasons.

It has been suggested to us that all function permits should issue from the liquor authority in Perth. In view of the large numbers of permits involved and the need for prompt issue, we do not accept this suggestion. However, we do submit that the power of issue of function permits should be restricted to those Clerks of Court who are Crown Law and Mines Department officers. It is thought inappropriate that where the clerk is a police officer he should combine the functions of issue, recommendation and enforcement of conditions in the one person.

We further recommend that the restrictive provision contained in section 43(1a) precluding the issue of function permits

for hours prior to 9.00am be varied. There exists a demand for so called "champagne breakfasts" and similar functions at an earlier hour than 9.00am. These functions are generally orderly and we consider that the demand should be met. The excluded hours should be 2.00am to 6.00am.

"5.3 To examine and report on the place of caterer's permits - section 25 of the Act."

Your Commission was advised that many hotels and taverns would utilize caterer's permits to cater for those social events that presently require function permits to provide a liquor service. An examination of the licences involved shows that some of the most enthusiastic licensees appeared to have the least experience of caterer's permits.

We recommend that it be emphasised, either by amendment to the Act or by Regulation, that caterer's permits are intended to provide an occasional service and not a means whereby a permanent bar may be set up without the need to face objections.

The recently introduced provisions prohibiting profit sharing and requiring the appointment of a nominee, in section 25(6) enacted in 1981, are useful and should be enforced.

Caterer's permits have a place, though a limited one, in the scheme of liquor legislation. As indicated they should

not be allowed to become a substitute for regular licensing and neither should they supersede function permits. The effect of the latter proposal would be to deny the right of the organizers of a function to sell liquor which, in many cases is a right of long standing.

"5.4 Limited hotels - to consider whether the name of this category of licence should be varied to make it appear more attractive to the tourist industry."

The few submissions and comments we received on this topic lead us to the belief that no change is necessary. Whereas we recommend when dealing with Term of Reference 8 some variation to the privileges attaching to the limited hotel licence, we are not convinced that the name of the category has any influence on tourists or other patrons of the licensed premises. Indeed, our own experience when travelling shows that the form of licensing plays a minimal role in determining the choice of accommodation.

"5.5 To examine the winehouse licence and consider whether this licence still has a place in the Liquor Act - section 29."

The winehouse licence is a creature of the 1970 Act. It was intended to take the place of the wine saloon which had acquired a debased reputation. The winehouse licence permits the sale of wine and brandy only on similar terms

to those governing a tavern. Most winehouses are pleasant and well conducted, frequently including a restaurant adjacent to the bar. A common cause of complaint is that a winehouse is unable to supply beer. The needs of spirits drinkers are met by the supply of "grape based" spirits made to simulate whisky, gin, rum, vodka, etc. Complaints seem to arise when one of a party desires beer and cannot get it. Usually that party takes its leave to go to a tavern.

In our view it is now no longer necessary to provide separate premises devoted to the sale of wine and brandy. These drinks are in common use and sold in all licensed premises.

Your Commission recommends that no new winehouse licences be granted or existing licences removed and that the conversion of winehouses to either taverns or restaurants be encouraged. A comparison is invited with section 71(2) of the Act which facilitates the transformation of an Australian wine licence into a store.

RECOMMENDATIONS

1. Unlicensed club permits to continue with provision for a limited form of objection.
2. Closer supervision of the trading of unlicensed clubs.

3. The Liquor Commission to prescribe the retail licences from which an unlicensed club permit holder obtains its liquor.
4. A return of all liquor purchased by the holder of an unlicensed club permit to be lodged with the Liquor Commission.
5. The eight kilometre exemption in section 43(2) to be repealed.
6. No compulsory change from unlicensed to licensed club.
7. Function permits to be retained with certain modifications.
8. The hours of function permit to be varied to allow a 6.00am start.
9. The issue of function permits outside the metropolitan area to be restricted to Crown Law and Mines Department officers acting as clerks delegated.
10. All current "policies" relating to function permits to be embodied in Regulations.
11. Caterer's permits to be continued with modifications prescribed by Regulation.

12. No change to be made to the title "limited hotel licence".
13. No further winehouse licence to issue.
14. All existing winehouse licences to be encouraged to convert to tavern or restaurant licences. Such conversions to be facilitated by amendment to the Liquor Act.

TERM OF REFERENCE 6

"To give particular attention to the submissions of the representative groups in the liquor industry."

Your Commission has viewed this term as a direction conveying the manner in which it should treat the submissions of groups that were made concerning the other Terms of Reference. In carrying out this duty the Commission made a point of consulting representative bodies from all sides of the liquor industry both in Western Australia and in the four mainland Eastern State capitals. Many interviews were held and the views of these groups were noted wherever they were expressed. A list of all persons and bodies with whom we spoke is contained at Appendix B.

Where it has been possible to do so these views have been assimilated to our own. We have received valuable guidance from all sections of the industry and we take this opportunity to commend the persistence and professionalism of many of the authors of submissions, particularly those representing the liquor trade.

We believe that the present legislation tends to regard the hotel and tavern section as the senior branch of the liquor industry. We have endeavoured to balance the views of this section with those submitted by the others, notably stores, cabarets and clubs because it is the needs of the community as a whole that must be served.

We reached a general conclusion that, overall, the liquor laws of Western Australia compare extremely well with those in the four States which we visited.

We would like to acknowledge the kind co-operation and assistance received by us in all cases from the industry both at home and interstate.

TERM OF REFERENCE 7

"To examine those aspects of the liquor laws which have reference to the tourist industry."

This term of reference embraces a wide field because the liquor laws affect many aspects of tourist operations. Your Commission received a number of specific suggestions for amendment to the present laws.

INCREASED SUNDAY & ANZAC DAY TRADING HOURS

There was a suggestion that increased trading hours on Sundays and Anzac Day would provide a service for tourists. We are not convinced that any such concession would be welcomed by the community. It would be difficult to relax trading hours for tourists while keeping the present restrictions and conditions in place for the resident population.

In South Australia we observed that there was concern about concessions to tourist venues and for the ostensible benefit of tourism. These concessions had lead to excessive drinking over an extended period and instances of serious disorder. It is apparent that ninety per cent of tourists visit a State capital and a great deal of the tourism recorded in statistics originates intrastate making it extremely difficult to say what is a "tourist" and, indeed, a "tourist area" for the purpose of legal definition.

We do not favour the suggestion that licensed stores be permitted a spread of trading hours on Sundays in defined resort areas. There is no evidence of any difficulty in obtaining liquor on Sundays in resort or other areas from hotel and tavern licences. The definition of resort areas rests with the Factories and Shops administration and it is undesirable that another body should have control, however indirect, of liquor trading hours. We also perceive some difficulty arising from the extension of any service to the general community which is intended only for tourists.

NUMBER OF TYPES OF LICENCES

It is suggested that the number of types of licences be reduced. We are unable to agree with this proposition because the variety of licences available is seen as an advantage when it is necessary to provide for numerous and varied situations. Two new categories of licence, ballroom and reception lodge, were introduced in 1981 and a need is seen for the reintroduction of the airport licence abolished in 1970. Consequent to the takeover of some country airports by local authorities, there is presently no proper form of licence enabling liquor to be sold at an airport not under the control of the Commonwealth Government.

TOURIST PARK LICENCE

There has been a certain amount of advocacy of a special form of licence on the lines of the Queensland tourist park

licence and we examined the operation of such licences during our visit to that State.

Your Commission concluded that the present licensing framework in Western Australia is adequate to meet the requirements of tourist operators for a liquor service in all circumstances and we are not satisfied that the need exists for a new licence of this kind.

RESTAURANTS

It was suggested that the definition of restaurant in the Liquor Act should be made more restrictive. However, your Commission sees no good purpose in varying a definition that has stood for a number of years and apprehends that an amendment might exclude some existing licensed premises, for example, roadhouses and cafes in country towns and isolated areas. Furthermore, a variation of the definition would not assist in enhancing standards of service and decor.

We recommend that the trading hours available for restaurant licences should run without a break in the afternoon from noon until 12.30am the following morning. It is clear that a demand exists for later luncheon hours and the present restriction on serving liquor ancillary to a meal after 3.00pm is the cause of much offence and dissatisfaction.

We also recommend that the hours in which liquor may be consumed in unlicensed restaurants should be the same as

the trading hours of licensed restaurants. However we do not recommend that sales of beverages containing liquor, for example, liqueur coffee, be permitted in unlicensed restaurants. The use of liquor for cooking and other culinary purposes is an essential part of the food provided and may therefore be distinguished from that in a beverage. A concession permitting liquor to be served in coffee in unlicensed restaurants would generate great confusion in the minds of tourists and other patrons. It would be impossible to police and would open the way to widespread sales of illicit liquor.

LIQUOR IN PUBLIC THOROUGHFARES

In other States your Commission gained the impression that many problems of antisocial behaviour arise from uncontrolled consumption of liquor on roads and reserves. Because of the provisions of section 46 of the Liquor Act Western Australia is free from these problems.

It has been suggested that the Western Australian climate renders it extremely desirable that the liquor laws facilitate the establishment of outdoor footpath restaurants. We feel the validity of this proposition is a matter for conjecture as in many places the summer months are far too hot and in others the winters far too cold and windy for enjoyable alfresco dining. Nevertheless, a demand may exist. The present laws do not inhibit the establishment of these facilities on a licensee's premises. Side walk cafes, on the other

hand, are not an acceptable proposition. In your Commission's view the footpath or side walk is intended for pedestrian access and forms part of a street. It appears quite unreasonable to allow one privileged section of the industry to obstruct the pedestrian way by extension of its business into the public domain.

GRADING

While it would appear attractive at first sight that the function of grading accommodation premises be undertaken by a tourist authority, in view of your Commission's proposals for amendments to the operation and trading hours of hotels graded five star, it is necessary that, in relation to licensed premises, this function remains a duty of the liquor authority. For this reason we recommend that grading of licensed premises remains the province of the liquor authority.

CABARETS

Your Commission made a close examination of the points made by the Cabaret Owners Association and we visited a number of Perth cabarets to gain a first hand impression of the facilities offered to the public.

We are most favourably impressed by the potential for entertaining visitors and tourists which this section of the industry offers. It should be noted that cabarets do not compete with other

kinds of licensed premises because they effectively operate when other premises are either closed or about to close. We are satisfied that the market served by cabarets is limited and that the hours of profitable trading are extremely limited. For this reason alone the conflicting requirements of regulatory authorities bear more onerously on cabarets than on other licensed premises.

We propose an extension of permitted trading hours intended to assist cabarets to operate successfully and meet the needs of tourists. It is emphasised that these late hours do not encroach on any other licensees trading time except in the case of the proposed small, late bars of five star hotels. It may not be widely known that many cabarets represent investments of very large sums.

Your Commission recommends that cabarets be permitted to open between 8.00pm and midnight on Sundays provided that the required entertainment comprises live performing artists. This requirement is intended to promote the employment of musicians and other artists. As most cabaret premises are located in non-residential areas we also recommend that they be permitted to trade to 4.30am each weekday and into Sunday morning. Under Term of Reference 3 we have recommended that cabarets be brought into the provisions of section 59A of the Act which relates to town planning approval.

It is the belief of your Commission that these concessions will not only assist the cabaret operators, but will be welcomed by tourists and others and will not offer competition to any significant sections of the industry.

Your Commission further recommends that paragraph (a) of subsection (2) of section 30 requiring the provision of seating adequate for the number of likely patrons, be repealed. Our inquiries reveal that this restriction is no longer in keeping with the needs of the industry and its patrons.

FIVE STAR HOTELS

Your Commission recommends that, in addition to their other licensed facilities, five star hotels should be permitted to operate a single, small, internal bar without street access, between 10.00am and 4.30am the following day including Sundays. It should be remembered that tourists and air travellers may find it difficult to distinguish between Sundays and weekdays when forming their demands for liquor and entertainment.

RECOMMENDATIONS

1. No general increase in trading hours for Sundays and Anzac Day.
2. No Sunday trading for licensed stores in "resort" areas.

3. An airport licence to be reintroduced into the Liquor Act.
4. The trading hours of licensed restaurants to be altered to allow for continuous trading from noon to 12.30am.
5. The hours in which unlicensed restaurants may serve liquor to be amended to coincide with the trading hours of licensed restaurants.
6. The various laws relating to "side walk" cafes to remain unaltered.
7. Stocks of liquor for culinary purposes to be permitted in unlicensed restaurants.
8. The grading of hotels to remain a function of the Liquor Commission.
9. Trading hours for cabaret licences to be amended to allow for weekday trading to 4.30am and Sunday trading from 8.00pm to midnight with "live" artists on Sundays.
10. The repeal of seating requirements in cabarets.
11. The trading hours of five star hotels to be amended to permit trading to 4.30am in a single, small bar with no external access.

TERM OF REFERENCE 8

"To examine any other matters relating to the Liquor Act and its administration that may be considered necessary."

ADVERTISING & DISPLAY OF NOTICE OF APPLICATION

Your Commission has had some complaints that the requirements of the Liquor Act relating to advertising and display of notices of application are too rigid and technical. If an error is made in carrying out these requirements the consequences can be unduly expensive and delaying. If, for instance, an advertisement is inserted one day late the application must be withdrawn and filed again and the notice readvertised.

We consider that a limited measure of discretion should be granted to the proposed Liquor Commission to allow such defective applications to proceed in proper cases where there is no possible disadvantage to any person if a notice is advertised or displayed outside the prescribed time provided it is within the time for lodging of objections. While the importance of giving adequate notice of application for licences is acknowledged, the present requirements are seen as being too rigid.

ADVISORY COMMITTEE ON LIQUOR MATTERS

Your Commission was favourably impressed with the Victorian Advisory Committee as described by the Liquor Control Commission and some of the representative bodies in that State. We therefore recommend that the Hon Minister considers the formation of an advisory committee to inform him on liquor matters. The Victorian model commends itself to us.

We see the Western Australian committee comprising members with experience of the different sections of the liquor trade, i.e., hotels, stores, restaurants, wholesalers, cabarets and manufacturers, liquor industry unions, local government, social services and such other areas of expertise as the Hon Minister may appoint.

We envisage the Judge of the proposed Licensing Court and the Chairman of the Liquor Commission being appointed Chairman and Executive Officer of the committee respectively without voting powers. The members of the advisory committee would serve in an honorary capacity as is the case in the Victorian example cited to us.

The Committee would consider and formulate advice on laws and procedures on a broad basis relating to liquor and the liquor trade. It will be available to consider matters referred to it by the Hon Minister and sections of the industry and the general community and will provide a guide to informed

opinion. It is envisaged that it would meet at approximately two monthly intervals, be a permanent Ministerial body appointed annually and operate within guidelines approved by the Hon Minister.

AIRPORT LICENCE

In recent years a number of regional airports in Western Australia have been transferred to the control and ownership of local authorities. In these cases the sale and supply of liquor can no longer be regulated under the Commonwealth Airports (Business Concessions) Act. There is no appropriate category of licence catering for the liquor requirements of people using an airport in the Western Australian Liquor Act.

It is desirable that liquor trading hours are linked to the times of aircraft movements. Presently the situation is met at certain airports by the use of a caterer's permit operated by the licensees of local hotels. The caterer's permit is not intended for a bar that is continually operated but for intermittent and occasional use. We consider that a licence would provide more secure tenure for the liquor operator and also allow a liquor service to be provided where there was no suitable or willing hotel licensee in the vicinity.

The requirement for the use of a caterer's permit has the undesirable side effect of restricting the choice of operator by the local authority to one or other hotel licensee in the vicinity. It may be that the latter, while suitable and

competent to conduct an hotel, lacks the qualities desirable for operating a liquor concession at an airport.

Therefore your Commission recommends that a further category of airport licence be introduced to the Act to meet this situation. The hours of trading applying to the licence should be linked to the times of regular public transport (RPT) aircraft movements or authorized charter flights of a regular nature.

CLUBS - COMBINED MEETINGS

Doubts have been expressed as to the legality of meetings conducted on licensed club premises of delegates from a number of clubs having a common purpose with the host club. Examples are the committee of the Association of Licensed Clubs in Western Australia Inc, controlling bodies of sports, combined regatta and carnival committees and the like.

It is usual for these meetings to be held at one of the participating clubs. Concern has arisen because the delegates are not guests of any one member of the host club and may exceed the host club members present by more than three to one.

Your Commission recommends that section 35 of the Liquor Act be reviewed to provide for meetings of this type to be conducted within the law.

CLUBS - PRIVATE FUNCTIONS

Section 35(1)(e) of the Liquor Act states -

"35. (1) A club licence authorizes the licensee to sell and supply liquor, on the club premises

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(e) with or ancillary to a meal supplied and taken in good faith, between the hours of -

(i) noon and three in the afternoon, on any day other than Good Friday, and the hours of half-past five in the afternoon, on a weekday, and half-past twelve in the morning of the following day, notwithstanding that the following day is a Sunday, Christmas Day, Good Friday or Anzac Day;

(ii) twelve noon and three in the afternoon and the hours of half-past five in the afternoon and ten in the evening, on a Sunday or Christmas Day,

to a member, for consumption by him and by such of his guests of whose attendance four hours prior notice has been given to the licensee;"

This provision has been implemented to cover the use of club premises for subscription functions, for example, dances and quiz nights which are effectively open to the public.

A further abuse of the privilege in this subsection relates to the use of club premises for commercial promotions. There have been instances where clubs have advertised the availability of their premises for public hire.

Your Commission accepts the view of the Association of Licensed Clubs that clubs primarily exist and are licensed for the benefit of their members. We do not think it is appropriate for them to compete with the commercial liquor industry for the patronage of the public.

We therefore recommend that section 35(1)(e) of the Act be reviewed with the object of maintaining its intended purpose that is to enable a club member to entertain his non-paying guests on the occasions of private family parties. The amendment should exclude from the privilege all functions where there is a charge for admission and also commercial or promotional functions. An exception can be made for approved club functions such as balls, where each member has the right to introduce three guests.

Your Commission further recommends that the hours permitted for private family functions in licensed clubs be the same as those recommended for licensed restaurants.

CLUBS - SURRENDER OF LICENCES

Your Commission recommends that the requirements for the consent of the owner and/or mortgagee to the surrender of

a licence should be repealed in so far as it relates to a club licence. While this provision gives some useful protection to owners and mortgagees in the case of commercial licences, it should have no application to clubs. The owner or mortgagee of premises occupied by a club has not and cannot have any property or interest in the licence. If the club defaults in its obligations to him, he cannot take over the management of the licensed club.

EXPLANATORY PAMPHLETS

Your Commission recommends that the proposed Liquor Commission be given the duty of producing pamphlets setting out the respective rights and obligations attaching to each kind of licence and permit. It is suggested that a separate pamphlet is issued for each, that they are written in simple and non-technical language and are able to be readily understood by people having no expert knowledge of liquor laws.

FINANCIAL STANDING OF TRANSFEREES OF LICENCES

The introduction of a compensated rationalization scheme makes it necessary that action is taken to ensure the reasonable stability of operators entering the industry. There has also been a strong demand from all sections of the industry for action to prevent unfinancial and unviable operators entering the liquor trade. The damage caused when amateurs with

inadequate financial resources obtain trade credit and later default is considerable.

To assist in avoiding this situation your Commission recommends that the proposed Liquor Commission be empowered and directed to give closer scrutiny to the financial standing of the transferees of hotel, tavern and store licences. The Liquor Commission should also be given the power, as in Queensland, to set aside the sale of a freehold or leasehold of licensed premises where it is not satisfied with the financial standing of a proposed transferee.

Apart from the information currently obtained, an applicant for transfer of a licence should be required to answer the following questions to the satisfaction of the Liquor Commission:

"1. Are you buying a freehold or a lease of the licensed premises:

2. To be answered in respect of a lease -
Term of lease.

Does the lease contain a covenant preventing removal?

Does the lease contain any option for renewal?

If so, for what period and on what terms?

In whose name will lease be held?

Purchase price proposed to be paid,
apportioned as premium for lease, licence
and goodwill, furniture and fittings, stock?

Rental?

3. To be answered in respect of freehold -
Purchase price proposed to be paid?
Apportioned as land, improvements premium
for any lease & goodwill, furniture and
fittings, stock?
Does this price include shops or other
buildings not part of the licensed premises?
4. To be answered in respect of both leases
and freeholds -
How is it proposed to finance the proposed
transactions, own money, borrowed money?
Interest payable?
Terms of repayment?
Money left available to purchaser to commence
trading?
Have you any debts?
If so, state amounts."

LIMITED HOTELS

Your Commission recommends that the present anomalous hours of public bar trading of limited hotels be harmonised with those of hotels and taverns. In other words, the concession that allows public bar trading in a limited hotel on Christmas Day and Good Friday should, in the interests of uniformity, be repealed. It is our belief that this concession granted wider privileges than was originally intended by its sponsors.

We also recommend that limited hotels be permitted to trade on weekdays from noon to 12.30am the following day and on

Sundays from noon to 10.00pm, thus eliminating the afternoon break and granting the same concession recommended for licensed restaurants.

The public bar permitted under section 27(1)(b) of the Act should, in the opinion of your Commission, be provided only as a facility for guests and their friends. This bar should be limited in size proportionately to the size of the hotel and placed in the interior of the premises. Direct access to the outside of the building should not be permitted. We recommend that the Liquor Commission establishes the premium charged on a limited hotel so as to ensure that it is comparable with that of an hotel but bearing in mind that it has only a small public bar and no off sales.

We further recommend that the Act be amended to make clear the present interpretation that only one such bar may be permitted in each limited hotel.

REVENUE - COLLECTION

Your Commission has learned that some difficulty and delay attends the achievement of uniformity of the revenue provisions of the Liquor Act with the legislation of other States. We strongly recommend that these matters be put in hand at an early date and, if possible, at the same time as any amendments to the liquor laws which may arise from this Report.

Briefly we recommend that attention be given to the following matters:

1. Broadening the scope of the powers of the inspector of licensed premises - section 20A.
2. Clarifying the power to re-assess licence fees following the discovery of misinformation in licensees' liquor returns.
3. Clarifying the respective powers of the Licensing Court, the proposed Liquor Commission and the inspector in respect of the assessment and collection of revenue.

Your Commission further recommends that early steps be taken to computerise the licensing revenue system and records so that they are compatible with those in use in the other States and Territories of Australia. The expenditure involved, together with the cost of the proposals for constituting the Liquor Commission, will be minimal when compared with the expected significant increase in licensing revenue collections currently lost through evasion and avoidance.

REVENUE - SPIRIT STRENGTHS

Your Commission notes with concern the recently announced decision to reduce the prescribed minimum alcohol strength of spirits from forty-two per cent to thirty-seven per cent.

We believe that the higher percentage required in Western Australia serves as a "marker" distinguishing spirits legitimately traded in this State from those which may be clandestinely introduced from other States. Our inquiries have revealed that where spirits are of uniform strength there is much unsupervised and undeclared traffic in them across State borders with a consequent difficulty in collecting licence fees.

It has been suggested that a reduction in strength is a valuable health measure helping to lessen the consumption of liquor. In view of the usual practice of diluting spirits for drinking, it appears this aspect is exaggerated and we believe it is rare for spirits to be consumed at full strength.

SPECIAL SPORTS PERMIT - LIQUOR AT SPORTS GROUNDS

Your Commission has noted the anomalous position of some controlling sporting bodies mainly the promoters of interstate and international cricket matches. For example, The Western Australian Cricket Association holds a club licence and caters for its members in the club house and adjacent members' seating at the WACA Ground. Under its club licence it is unable to provide a liquor service for the many members of the public attracted to the important cricket matches that it promotes. The liquor service is currently provided by an hotel licensee under a caterer's permit.

We recommend an amendment to the Liquor Act to allow the grant of a "special sports permit" to the controlling bodies

of designated sports enabling them to supply liquor to the public attending interstate and international matches. The permit should be issued to the controlling bodies and be subject to suitable safeguarding provisions.

A condition should be imposed to ensure that the profits from the sale of liquor are applied to promotion of the sport in question. The permit holder is to have the privilege of wholesale and brewery purchase and the right to transfer unsold liquor to a licensed club designated by the Liquor Commission for sale through the bars of that club.

In recommending that privilege your Commission is aware of the problems of law and order involved where liquor is available to the public at sporting fixtures. However, the conditions attached to a special sports permit should address these problems. The permit is to be restricted to "controlling bodies" of particular sports as set out in Regulations.

STORE & WHOLESALE LICENCES - SAMPLING OF LIQUOR

Difficulty and uncertainty is caused by the application of the Liquor Act to promotional liquor tastings which are conducted by store and wholesale licensees. These licensees are authorised to sell liquor for consumption off the premises in sealed containers [stores, section 31(1); wholesalers, section 37(1)].

Subsection (1) of section 128 of the Liquor Act reads -

"128. (1) A licensee who, being authorized to sell and supply liquor for consumption off his licensed premises, and not otherwise, permits, suffers or is privy to the consumption of liquor by a person to whom he has sold and supplied it, in a place near or adjoining his licensed premises, commits an offence.

Penalty - Five hundred dollars."

A prevalent practice is for licensed stores to maintain a room, not part of the licensed premises, where organized tasting functions are held. In many cases the liquor used is supplied by a wholesale licensee. Many wholesalers also maintain a similar sampling room for a like purpose.

Your Commission recommends that the law be amended to enable liquor tasting functions to be held on the licensed premises of stores and wholesalers provided that:

1. No charge is made for the liquor supplied as a sample.
2. Tastings are held during trading hours.
3. Licensees are not obliged to provide samples and section 122 is not to apply to liquor tastings where these conditions are in force.

TRANSMISSION OF LICENCES

The operation of section 88 of the Liquor Act has given rise to complaints where item 5(a) of the Third Schedule to the

Act applies - where the licensee leaves the licensed premises the licence enures for the benefit of the owner of the premises.

This is the case even when the licensee's leaving is in consequence of the owner refusing to renew the lease. Businesses with a goodwill value of tens of thousands of dollars may thus fall into the hands of an owner of premises without any payment to the licensee.

Your Commission believes that this problem, while a most pressing one, falls only incidentally within its Terms of Reference. We are reluctant to recommend changes to the law which might affect the established course of commercial dealings. We believe the purchasers of licensed premises should inform themselves of the possibilities and prospects before paying large sums for the goodwill of a business housed in leasehold premises.

However, we also believe, as a long term attempt to address this problem, that consideration should be given to the prescription by Regulation of standard terms of lease for licensed premises. It would be necessary for different sets of terms to be prescribed to meet the needs of each kind of licence. An alternative to a prescribed lease may lie in the promulgation of a model lease by the Liquor Commission. Any variation from the model terms could be subject to detailed investigation under the proposed financial standing powers.

We consider that existing leases should be unaffected by the changes. The proposition is one which would involve a great deal of careful thought to draft terms which would meet the needs of all parties.

W.A. LEAGUE FOOTBALL TASK FORCE REPORT

The Report of the Western Australian League Football Task Force has recommended an extension of the use of football club licensed premises to include a greater patronage by the public.

Your Commission does not recommend a general extension of the privilege of selling liquor to the public by league football clubs. We have made a suggestion elsewhere that this concession be available for controlling bodies of the various sports but only in the case of interstate and international matches by way of a special sports permit and not on licensed club premises. Football would be included and no further extension is warranted.

We note that no other State permits football clubs to sell liquor to the public but all reserve this business for the commercial liquor industry.

RECOMMENDATIONS

1. The Liquor Commission be given a discretion to accept

advertising or display of notice out of time where it cannot disadvantage any person.

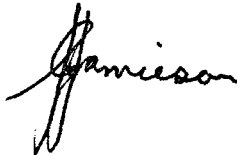
2. The Hon Minister to appoint a committee to advise him on liquor matters.
3. Airport licence to be reintroduced to the Liquor Act.
4. Section 35 of the Act to be reviewed to provide for combined club meetings.
5. Section 35(1)(e) of the Act to be reviewed to specifically exclude subscription and commercial functions.
6. Section 35(1)(e) to be further amended to provide for hours the same as licensed restaurants.
7. Section 117 of the Act to be amended to exclude club licences from consent of owner for surrender.
8. Liquor Commission to produce explanatory pamphlets for each type of licence and permit.
9. Liquor Commission to be given wide powers of investigation and refusal in relation to transfers of licences.
10. Revenue provisions of the Liquor Act to be reviewed and resources provided to protect the revenue against evasion and avoidance.

11. A 'special sports permit' to be introduced to apply to controlling bodies of various sports.
12. Sampling of liquor on store and wholesale licensed premises to be permitted under certain conditions.
13. Section 88 of the Liquor Act to be reviewed to ascertain if protection can be given to lessees.
14. No special privileges to be granted to league football clubs to permit public access to their licensed premises.

Dated at Perth this 8th day of June, 1984.



J.F. SYME
CHAIRMAN



HON C.J. JAMIESON, M.L.A.
MEMBER

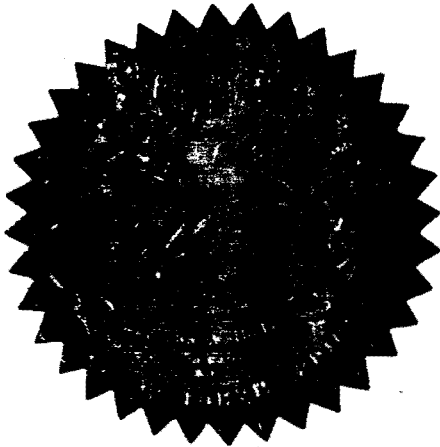


A.M. TRETHOWAN, M.L.A.
MEMBER

ROYAL COMMISSION

Western Australia)
To Wit:)

R. Trowbridge
.....
Governor.



By His Excellency Rear-Admiral
Sir Richard John Trowbridge, Knight
Commander of the Royal Victorian
Order, Knight of Grace of the Most
Venerable Order of the Hospital of
St. John of Jerusalem, Governor in
and over the State of Western
Australia and its Dependencies in
the Commonwealth of Australia.

TO JUDGE JOHN SYME, Chairman
of the Licensing Court of
Western Australia, and to
COLIN JAMIESON and ANTONY
TRETOWAN both members of the
Legislative Assembly of the
Parliament of Western
Australia: I, the Governor,
acting with the advice and

consent of the Executive Council do hereby appoint you, JUDGE
JOHN SYME, COLIN JAMIESON and ANTONY TRETOWAN to be a Royal
Commission to -

(a) continue the inquiries commenced as a Committee of
Inquiry into -

- (i) a review of the rationalization procedures
in Part V, Division 3 of the Liquor Act
1970-1982, sections 111 to 114, with a view
to considering the means of compensating
holders of redundant licences;
- (ii) the extension of the proposed moratorium on
the granting of new licences and whether
this should be made a permanent feature of

- the liquor laws in respect of any and which categories of licence;
- (iii) a review of the regulation of the liquor industry and the proliferation of regulatory authorities, including Local Authorities, Health Department, Fire Brigade, Police and Town Planning Authorities;
- (b) examine the operation of the present adversary system of applying for and objecting to licences and in particular the possibility of reducing the costs and expenses of appearing before the Licensing Court, whether as an applicant or as an objector;
- (c) examine and report on unlicensed clubs operating under an unlicensed club permit (section 42 of the Act), and in particular -
- (i) whether any more unlicensed club permits should be issued;
 - (ii) whether a club should be compelled to seek a club licence when its membership reaches a certain prescribed level; and
 - (iii) whether the requirement that an unlicensed club purchases its liquor supplies from the holder of a licence should be made more specific and the supplying licensee specified (section 42(2) of the Act);
- (d) examine the place in the liquor laws of function permits - section 43 of the Act;
- (e) examine and report on the place of caterer's permits - section 25 of the Act;
- (f) consider whether the name "limited hotel licence"

should be varied to make this category of licence appear more attractive to the tourist industry;

- (g) examine the winehouse licence and consider whether this licence still has a place in the Liquor Act - section 29;
- (h) give particular attention to the submissions of the representative groups in the liquor industry;
- (j) examine those aspects of the liquor laws which have reference to the tourist industry; and
- (k) examine any other matters relating to the Liquor Act and its administration which the Royal Commission considers necessary.

None of the appointments made by this Commission carries any entitlement to remuneration or expenses of any kind whatsoever, except for the expenses which are mentioned in section 41A of the Constitution Acts Amendment Act 1899 as being properly payable to members of the Legislative Assembly who serve as members of a Royal Commission.

AND I hereby declare that by virtue of this Commission you may, in the execution of this Commission, do all such acts, matters and things and exercise all such powers as a Royal Commission or members of a Royal Commission may lawfully do and exercise whether under or pursuant to the Royal Commissions Act 1968 or otherwise.

GIVEN under my hand and the Public Seal of the said State, at Perth, this 5TH day of JULY , nineteen hundred and eighty-three.

By His Excellency's Command,

Brian Burke.

PREMIER.

SUBMISSIONS RECEIVED

All Seasons Resorts Pty Ltd
Restaurant Licensee

Amateur Rowing Association of Western Australia Inc
Unlicensed Club Permit

Annandale, B.L.
Store Licensee

Association of Licensed Clubs in Western Australia Inc

Australian Institute of Health Surveyors Inc

The Baptist Union of Western Australia Inc

R. Bell & Co
Store Licensee

Belmont Ex-Services Club
Unlicensed Club Permit

Bolton, G.
Restaurant Licensee

Cabaret Owners' Association (W.A. Division)

Carey Park Football & Sporting Club Inc
Unlicensed Club Permit

Churches of Christ in Western Australia Inc

City of Fremantle

City of Nedlands

City of Stirling - Recreation Department

City of Subiaco

G.J. Coles & Coy Limited
Store & Wholesale Licensee

Commisioner of Public Health

Connors Price Pty Ltd
Tourist Property Developer

Dale, M.H.
Private Citizen

Dunstan, A.S.
Member of Licensing Court of WA

Foodland Associates Limited
Wholesale Licensee

Gilmour, R.G.
Staff, Licensing Court of WA

Goldfields Licensed Stores' Association of Western Australia

Goodman, A.J.
Private Citizen

Hospitality West Association of Western Australia

Krepp, D.
Store Licensee

Lavery, B.
Tavern Licensee

Law Society of Western Australia

Leading Hotels Pty Ltd
Hotel Licensee

Licensed Stores' Association of Western Australia Inc

Local Government Association of Western Australia Inc

Lovegrove, C.
Private Citizen

Lucchini, F.
Member of Licensing Court of WA

Martin, Professor J.D.
University of Western Australia

Makin, A.H.
Private Citizen

McHenry, Dunstan and Hurley
Hotel, Store & Wholesale Licensee

Merrit, L.
Crown Law Officer

Nesci, F.R.
Vigneron

Nollamara Returned Services League Social Club
Unlicensed Club Permit

Oliver, K.J.
Private Citizen

Pineridge Golf Club
Unlicensed Club Permit

Playhouse National Theatre Incorporated
Theatre Licensee

Roach, C.M.
Private Citizen

Robertson, G.
Walkabout Group of Hotels

Sandalwood Hotel Pty Ltd
Limited Hotel Licensee

Sanders, E.G.
Senior Supervisor of Licensed Premises

Slinger, E.
Cabaret Licensee

Smythe, V.P.
Private Citizen

South West Football League

State Immigration and Ethnic Affairs Office

Terry, J.M.
Private Citizen

Thompson, B.R.
Hotel Licensee

Tuckey, W.
Hotel & Tavern Licensee, MHR

Westel Co-operative Limited
Wholesale Licensee

Western Australian Accommodation Council

Western Australian Alcohol and Drug Authority

Western Australian Cricket Association Inc
Club Licensee

Western Australian Department of Tourism

Western Australian Hotels Association Inc

Western Australian Indoor Cricket Super League Inc

Western Australian Sports Federation

Western Australian Temperance Alliance

Western Australian Turf Club

Wholesale Wine and Spirit Merchants' Association of Western
Australia

Wine and Brandy Producers' Association of Western Australia

Winters, S.
Entertainer

Yarloop Bowling and Recreation Club Inc
Unlicensed Club Permit

Zinnecker, A.J.
Store Licensee

I N T E R V I E W S

PERTH

Association of Licensed Clubs of Western Australia Inc
Mr E.V. Hill, President
Mr B. Boys, Secretary/Treasurer

Belmont Ex-Services Club
Mr R. Gwynne, President
Mr M. Haines, Secretary

Cabaret Owners' Association (W.A. Division)
Mr R. Adams
Mr G. Hardie
Mr D. Marshall

Cala, Dr L., M.B., B.S., M.D., D.M.R.D., F.R.C.R., M.R.A.C.R.,
Neuroradiologist, Sir Charles Gardiner Hospital

G.J. Coles & Coy Limited
Mr D. Guild, Director Western Australia
Mr C. Cacceta, State Manager Liquorland

Department for Youth Sport and Recreation
Mr J. Graham, Director
Mr J. Sharp, Co-ordinator of Regional Services

Harper, Dr C., M.B., B.S., F.R.C.P.A., Neuropathologist,
Royal Perth Hospital

Hospitality West Association
Mr B. Farquhar
Mr H. Ferrante
Mr F. Sabbadini

Law Society of Western Australia
Mr R. Chappell
Mr C. Humphry
Mr R. Meadows

Licensed Stores' Association of Western Australia Inc

Mr B. Parker, President
Mr D. Box, Vice-President
Ms L. Gerrish, Administrator

Licensing Court of Western Australia

Mr E.G. Sanders, Senior Supervisor of Licensed Premises
Mr T. Dutton, Supervisor of Licensed Premises

Local Government Association of Western Australia Inc

Mr D. Leggo, Secretary
Mr J. Bissett, Executive Member

Lucchini, Mr F., J.P., Member, Licensing Court of Western Australia

Public Health Department

Mr L. Layton, Health Surveyor
Mr R. Moss, Health Surveyor

Swan Brewery Company Limited

Mr J. Chapman, Western Australian Sales Manager
Mr B. Sextone, Chief Chemist

Western Australian Alcohol and Drug Authority

Professor D. Hawks, Director
Mr I. Smith, Psychologist

Western Australian Cricket Association Inc

Mr W.M. Bryant
Mr K. Preston

Western Australian Department of Tourism

Mr B. Hearn, Manager Administration and Finance

Western Australian Hotels Association

Mr B. Wilson, President
Mr A. Connell, Vice-President
Mr D. Shave, President Fremantle Division
Mr J. Pickworth, Executive Director

Western Australian Police

Superintendent R. Gillies, Officer in Charge, Liquor
and Gaming Branch
Detective Sergeant C.G. Chockson, Sergeant in Charge,

Western Australian Temperance Alliance
Mr W. Athersmith
Reverend J. Hutchinson

Wholesale Wine and Spirit Merchants' Association of Western
Australia Inc
Mr D. Cruickshank, President
Mr Denis O'Neill, Vice-President

BRISBANE

Queensland Hotels Association
Mr R.K. Maguire, President
Mr P.I. Potter, Senior Vice-President
Mr R.J. Maguire, Vice-President
Mr M. Hudson, General Manager

Queensland Licensing Commission
Mr M.R. Stubbins, S.M. Chairman
Mr B.J. Quirk, Executive Officer

Queensland Licensing Court
Judge E.G. Broad

Queensland Tourist and Travel Corporation
Sir Frank Moore, Chairman
Mr P.T. King, General Manager and Managing Director

SYDNEY

Australian Hotels Association, New South Wales Branch
Mr J.B. McInerney, President
Mr R. McDonald, Chief Executive

Department of Leisure Sport and Tourism
Mr V. Smith, Policy Planning Section

Liquor Administration Board of New South Wales
Mr R.J. Bartley, S.M. Chairman
Mr J. Swanson, Secretary

Registered Clubs Association of New South Wales
Mr S. Sharpe, Executive Director

Retail Liquor Store Owners' Association of New South Wales
Mr G. Quinlan, Secretary
Mr R. Parker, Representing Chain Stores
Mr W. Prehn, Representing Independent Store Owners
Mr P. O'Sullivan, Licensing Consultant

MELBOURNE

Australian Hotels Association, Victorian Branch
Mr D. Washington, President
Mr A. Kayman, Honorary Treasurer
Mr L. Steinfort, Metropolitan Vice President
Mr D. Cox, Chief Executive

Hospitality Industry Association of Australia
Mr G. Kratzer, President
Mr B. Griffiths

Licensed Clubs Association of Victoria
Mr C. Stenning, President
Mr G. Broderick, Secretary

Liquor Control Commission of Victoria
Judge John Campton, Chairman
Mr J. Taylor, Secretary
Inspector D. Scott, Inspector of Licensed Premises

Retail Liquor Merchants' Association of Victoria
Mr B. Scarcella, President
Mr F. Young, Honorary Treasurer
Mr G. Davies
Mr J. Dalton, Secretary/Manager

Wholesale Spirit Merchants' Association of Victoria
Mr K. Maunder, President
Mr M. O'Sullivan, Past President
Mr G. Broderick, Executive Director

ADELAIDE

Australian Hotels Association, South Australian Branch

Mr B. Whallin, President

Mr B. Spurr, Chief Executive Officer

Department of Public and Consumer Affairs - Licensed Premises
Division

Mr Peter Young, Acting Director

Mr B. Sampson, Acting Superintendent of Licensed Premises

Department of Tourism

Mr G.J. Inns, Director

Ms A. Rae

Licensed Clubs' Association of South Australia

Mr M. Beck, President

Mr G. McKenzie, Secretary

Licensing Court of South Australia

Judge B. Kelly, Acting Chairman

South Australian Licensing Act Review

Mr P. Young

Mr A. Secker, Assisting

South Australian Police

Inspector P. Mildren, Officer in Charge, Licensing Branch

Detective Chief Inspector R.G. Lean, Officer in Charge,

Drug Squad

KALGOORLIE

Goldfields Licensed Stores Association of Western Australia

Mr D. Knop, President

Mr A.P. O'Donnell, Secretary

Goldrush Liquor Supplies

Mr D. Krepp

Jones Partners Pty Ltd

Mr R. Allen, Investment Manager

Sandalwood Motel Pty Ltd

Mr G. Crisp, Managing Director

Mr T. Kent

Shire of Boulder

Mr P.G. Winner, Shire President

Mr R. Hadlow, Shire Clerk

Shire of Coolgardie

Mr Moore, Shire Clerk

Western Australian Hotels Association, Goldfields Division

Mr L. Andrews, President

Western Australian Police

Superintendent V. Ridley, Officer in Charge, Kalgoorlie
Regional District

Senior Constable J. Gater, Liquor and Gaming Branch

Senior Constable B. Suiter, Liquor and Gaming Branch