

DECISION OF DIRECTOR OF LIQUOR LICENSING

APPLICANT: PAR 3 INDOOR GOLF PTY LTD

PREMISES: PAR 3 INDOOR GOLF

PREMISES ADDRESS: UNIT 5, 5 HUGHES STREET CANNING VALE WA 6155

APPLICATION ID: A000178422

NATURE OF APPLICATION: APPLICATION FOR GRANT OF A SPECIAL FACILITY LICENCE

DATE OF DETERMINATION: 11 May 2015

Introduction

1. On 29 August 2014 an application was lodged by Par 3 Indoor Golf Pty Ltd ("the applicant") for the grant of a special facility licence for premises to be known as Par 3 Indoor Golf Pty Ltd and situated at Unit 5, 5 Hughes Street, Canning Vale.
2. The application is made pursuant to ss 46 and 68 of the *Liquor Control Act 1988* ("the Act") and more specifically, the applicant seeks a licence of the type for the purposes prescribed in accordance with r 9A(13) "Catering" and r 9A(18) "Amusement venue" of the *Liquor Control Regulations 1989* ("the Regulations").
3. The applicant, in accordance with s 17 of the Act, is represented by Hospitality Total Services (Aus) Pty Ltd.
4. Pursuant to s 67 of the Act, the application was required to be advertised by way of a notice published in *The West Australian* newspaper; by way of a notice on the site of the premises for a period of 28 days commencing on 30 September 2014; by way of a notice to residents and businesses located within a 200 metre radius of the premises; and a general notice to educational, health care and local and regional government institutions, as well as community and church groups, within the locality.
5. An objection was by W & F.L. Lenz Super Fund. Also, pursuant to s 69 of the Act, Notices of Interventions were lodged by the Commissioner of Police ("the Commissioner") and the Executive Director Public Health ("the EDPH").
6. Pursuant to ss 13 and 16 of the Act, the application will be determined on the papers and by me under delegation pursuant to s 15 of the Act. The submissions of the parties are briefly summarised below.

Submissions on behalf of the applicant

7. The applicant seeks the grant of a special facility licence for the purposes described as “Amusement venue” and “Catering” in accordance with s 46 of the Act, for premises situated at Unit 5, 5 Hughes Street, Canning Vale.
8. The applicant’s Public Interest Assessment (PIA) lodged in support of the application, among other things, includes the introduction and the background of the applicant; the intended manner of trade; and addresses the matters set out in s 38 of the Act.
9. In respect of the purposes for the licence and the manner of operation, among other things, and on behalf of the applicant, it was submitted:

“The applicant is seeking approval for an SFL – Amusement to provide patrons playing or viewing a game of virtual indoor golf or attending an event to have the option of purchasing food, and non-alcoholic or alcoholic beverages.

The applicant hires out a marquee with a portable indoor golf simulator for parties, team building exercises, training days, business seminars and all manner of functions and events. With a commercial kitchen on the premises the applicant has the ability to provide food for these off-site functions. A SPECIAL FACILITY LICENSE – CATERING is also being applied for, to give the applicant the opportunity to offer patrons the amenity of hiring a portage golf simulator for their next function or event, with the provision of food and beverage (alcoholic and non-alcoholic) catering services also available from Par 3 Indoor Golf.

The applicant seeks to be able to provide golfers the same experience they would get at their local golf course or club and more, by providing them the opportunity to play a round of golf in any kind of weather, all year round, and the option to purchase food and beverages (non-alcoholic and alcoholic) during or after their game of indoor virtual golf. A food menu (...) will be available at all times the venue is open until 30 minutes before close. Free potable tap water will be available to patrons at all times.

Par 3 Indoor Golf is the only venue of its kind in south metro Perth Western Australia. As such, it will be of benefit to the tourism/recreation sector in the locality, as patrons (residents or visitors resorting to the locality) can enjoy the facility all year round regardless of weather.”

10. In respect of that part of the application seeking a special facility licence for the purpose of “catering”, it was submitted that Mr John Manoottil is responsible for preparing and serving the food at Par 3 Indoor Golf; and any food for off-site catering associated with the hire of the off-site virtual indoor golf marquee. It was also submitted that Red Hot Couriers will provide the appropriate vehicles to ensure that food, for consumption, is kept at safe temperatures during transport.

11. The applicant's PIA addressed the matters contained in s 38(4) of the Act. It was submitted that in view of the primary focus of the proposed licence, namely the playing or viewing of indoor golf, in a small venue, or at an external function, the grant of the application will not impact adversely on the community and will have minimal or no negative impact on the amenity of the locality.
12. To demonstrate consumer support and the requirements for the licence, the applicant lodged a number of letters, patron questionnaires, a petition and surveys.
13. Furthermore the applicant, in view of the provisions of s 46 of the Act, submitted that because of the purposes for which the licence is sought no other class of licence, whether on its own, or with an extended trading permit would be suitable. In particular, taking into consideration that the purposes for which the licence is sought are specifically provided for, under r 9 of the Regulations.

Objection of W & F.L. Lenz Super Fund

14. The objection by W & F.L. Lenz Super Fund is made on the basis that the grant of the application would be contrary to the Act.
15. It was submitted by the objector that the public interest in consuming alcohol while playing simulated golf is currently being met by the applicant's BYO licence. It was also submitted that if the application was refused, it would not change the applicant's desire to provide golfers with the same experience that they would get at their local golf club.
16. The objector further submitted that the application is clearly an advancement of the applicant's commercial interest and referred to decision No LC44/2010.41 of the *Liquor Commission*, wherein the Commission stated:

"Whilst the 2007 amendments to the Liquor Control Act were designed to encourage a diversity of premises and new interesting and innovative businesses, an intended outcome of the amendments of the Act was not a proliferation of licences (refer Parliamentary Debates, WA parliament, vol409, p6342). Licences should not be granted simply because an applicant "has a good idea" or would like to establish a business involving sale and supply of liquor. The private interest of an applicant should not be confused with the public interest. Such an approach would not be consistent with the Act or the objects of the Act (refer 5) which includes minimizing alcohol-related harm and having regard to the proper development of the liquor industry."

Submissions of the Commissioner

17. The Commissioner, in his notice dated 27 October 2014, intervened in the application to make representations that if the application was granted or conditions not imposed, public disorder or disturbance would be likely to result. The Commissioner presentations also included concern as to the duration of the liquor licence; and suggested trading conditions to assist with the implementation of harm minimisation strategies.

18. It was submitted by the Commissioner that while the applicant's intention is to replicate the local golf club atmosphere, it should be noted that there are inherent motivational differences between a typical not-for-profit community golf club existing for the support of its members and the promotion of golf, versus a business enterprise in the form of a proprietary company existing for the purpose of soliciting profit.
19. It was also submitted by the Commissioner that while the applicant seeks trading hours Monday to Sunday from 7 a.m. to 12 midnight, it was noted that the trading hours sought exceeded the applicant's current trading hours as advertised on its website.
20. In respect of trading hours, the Commissioner submitted that the trading hours of the proposed premises should be commensurate with other special facility licences granted for similar indoor golfing centre; and the permitted trading hours in regards to the catering part of the application should not commence before 10 a.m.
21. In regards to harm minimisation strategies, the Commissioner noted a direct correlation between licensing sporting events where patrons are exposed to prolonged periods of liquor consumption to incidents of drunkenness, anti-social behaviour and assaults. The Commissioner also highlighted the fact that under the type of licence sought by the applicant, the sale and supply of liquor is ancillary to the main purpose of a person resorting to the proposed premises, namely the playing of a simulated game of golf or viewing persons playing a simulated game of golf.
22. In this regard, the Commissioner noted that the applicant's website promotes the venue for sporting events such as "League Nights" and "Bucks Parties". The Commissioner submitted that it is a notorious fact that "Bucks Parties" are synonymous with, often, prolonged heavy drinking and occasionally, lewd acts.
23. The Commissioner also raised concerns with that part of the application seeking a "catering" purpose, because the applicant would be allowed to operate off-site in an uncontrolled environment and potentially with large numbers of persons in attendance. It was further highlighted that the applicant has only 1 portable virtual golf simulator for hire for use off site.
24. In conclusion, the Commissioner recommended conditions to be imposed on the licence to minimise the risk associated with the applicant's intended manner of trade including specific conditions which require applications to be lodged to vary the trading conditions of the licence depending on the anticipated number of persons likely to be attending a function or an event, to be held, off site.

Submissions by the Executive Director Public Health

25. The EDPH, in his notice dated 27 October 2014, intervened in the application to make representations on harm considerations associated with the application.

26. The harm considerations, as identified by the EDPH, included:
- the venue design (open plan), proposed licensed area (whole premises) and high visibility of alcohol at the premises;
 - the harm and ill-health impact of fostering the link between alcohol consumption and sport;
 - risk of harm to juveniles;
 - Par 3 Indoor Golf hosts child-focused events and activities at the premises;
 - risk of drink-driving due to the venue location and the nature of the venue; and
 - concerns relating to the mobile nature of the Special Facility Catering licence, which poses monitoring difficulties.
27. The representations of the EDPH included an analysis of the applicant's PIA and intended manner of trade; an interrogation of the applicant's website; data linking the vulnerability of children in a combined sporting-alcohol environment; and concerns associated with the applicant's proposed catering licence.
28. In respect of juveniles, the EDPH highlighted some of the applicant's promotions specifically directed at children such as "Junior Classes", "School Holiday Fun" and "Movie nights" conducted at the premises.
29. The EDPH suggested, in addition to those trading conditions submitted by the applicant, that if the application is granted, conditions as recommended be imposed to minimise the harm associated with the use of liquor in particular in regards to the exposure of liquor to children.

Determination

30. The applicant seeks a special facility licence for 2 specific purposes; namely for the purpose of "Catering" as prescribed in r 9A(13); and for the purpose of "Amusement venue" as prescribed in r 9A(18) of the Regulations.
31. Regulation 9A(13) of the Regulations provides:

"A special facility licence may be granted for the purpose of allowing at a function the sale, by a caterer, of liquor supplied at premises at which the caterer has agreed with the person organising the function to provide liquor (whether with or without food), for consumption by persons at that premises.

caterer means a person who-

- (a) carries on a food business as defined in the Food Act 2008 section 10: and
- (b) handles or sells food for consumption at functions."

32. Regulation 9A(18) of the Regulations provides:

“A special facility licence may be granted for the purpose of allowing the sale of liquor at an amusement venue to persons in the venue.

Amusement venue means premises the primary purpose of which is to allow persons in the premises-

- (a) to play or view snooker, bowling, electronic games or similar amusements; or
(b) to participate in or view karaoke.”*

33. Regulations 9A(13) and 9A(18) of the Regulations provide the scope and purpose for which a special facility licence may be granted. Section 46(3) of the Act, provides that if a special facility licence is granted, it must be granted on such terms and conditions as are necessary to ensure that the licence is used, only for the prescribed purpose for which it is granted. In this regard, a special facility licence may be granted for more than one purpose.
34. In this case the applicant seeks approval under s 46 of the Act and r 9A(13) of the Regulations to sell liquor on the proposed licensed premises to be located at Unit 5, 5 Hughes Street, Canning Vale for the purpose of catering at functions to a person with whom the caterer has agreed to provide liquor (whether with or without food) for consumption by persons attending those functions which are held on unlicensed premises.
35. The applicant also seeks, in accordance with r 9A(18) of the Regulations, a special facility licence for the purpose of allowing the sale of liquor at an amusement venue. The proposed premises are also located at Unit 5, 5 Hughes Street, Canning Vale.
36. In respect of special facility licences, in accordance with s 46 of the Act, the licensing authority shall not grant a special facility licence except for a prescribed purpose. In this regard, taking into consideration the tenor of the applicant's submissions in respect of establishing an “Amusement venue” and “Catering” facility, I am satisfied that pursuant to s 46 of the Act, the purposes for which the licence is sought are prescribed, in the regulations, and the application may proceed.
37. In accordance with s 38 of the Act, the onus is on the applicant to satisfy the licensing authority that the grant of the application is in the public interest. In this regard, the licensing authority, however constituted, makes its determination on the balance of probabilities.
38. In determining whether an application should be granted “in the public interest”, the licensing authority is required to exercise a discretionary value judgement within the scope and purpose of the Act (refer *Water Conservation and Irrigation Commission (NSW) v Browning* (1947) 74 CLR 492; *O’Sullivan v Farrer* (1989) 168 CLR 210; and *Palace Securities Pty Ltd v Director of Liquor Licensing* (1992) 7WAR 241. That is, consideration must be given to the objects of the Act as specified in s 5 and regard may be given to the matters prescribed in s 38(4) of the Act.

39. In *McKinnon v Secretary, Department of Treasury* [2005] FCAFC 142 Tamberlin J said:

The reference to “the public interest” appears in an extensive range of legislative provisions upon which tribunals and courts are required to make determinations as to what decision will be in the public interest. This expression is, on the authorities, one that does not have any fixed meaning. It is of the widest import and is generally not defined or described in the legislative framework, nor, generally speaking, can it be defined. It is not desirable that the courts or tribunals, in an attempt to prescribe some generally applicable rule, should give a description of the public interest that confines this expression.

The expression “in the public interest” directs attention to that conclusion or determination which best serves the advancement of the interest or welfare of the public, society or the nation and its content will depend on each particular set of circumstances.

40. Pursuant to s 33 of the Act, the licensing authority has an absolute discretion to grant or refuse an application under the Act on any ground, or for any reason, that the licensing authority considers in the public interest, provided that the application is dealt with on its merits within the scope of the Act (refer *Woolworths Ltd v Director of Liquor Licensing* [2012] WASC; and *Palace Securities v Director of Liquor Licensing* (1992) 7 WAR).
41. The primary objects of the Act, as set out in s 5 are:
- to regulate the sale, supply and consumption of liquor;
 - to minimize harm caused to people, or any group of people, due to the use of liquor; and
 - to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.
42. The secondary objects as set out in s 5(2) are, to facilitate the use and development of licensed facilities, including their use and development for the performance of live original music, reflecting the diversity of the requirements of consumers in the State; to provide adequate controls over persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of this Act.
43. The applicant currently operates an amusement venue at the proposed premises wherein patrons may play or view the playing of a game of virtual indoor golf. The applicant seeks the grant of a special facility licence so as to provide golfers with the same experience they would get at their local golf course or club, by providing them

with the opportunity to play golf in any kind of weather, with the option to purchase and consume liquor while doing so.

44. The proposed premises comprises:
- entry;
 - 4 high definition simulated golf booths;
 - a lounge area of approximately 185 m²;
 - bar of approximately 20 m²;
 - kitchen of approximately 28 m²;
 - conference room;
 - office;
 - storage rooms; and
 - toilet facilities.
45. The proposed premises may accommodate 50 persons and up to 16 persons may play a game of simulated golf at any one time. The proposed premises currently trade on a BYO basis, with food and non-alcoholic drinks being available for purchase at the café bar.
46. The applicant also has available a marquee with a portable indoor golf simulator for hire for functions and events held off site and seeks a special facility licence for the purpose of “catering” to provide food and liquor at such functions.
47. In support of its application, the applicant lodged a PIA together with the required planning approvals from the local authority. The PIA included the community consultation process conducted by the applicant as well as a summary of comments, made by consumers, demonstrating support for the application.
48. The applicant also lodged a petition with over 200 signatures; over 30 patron questionnaires; over 110 customer questionnaires and more than 10 letters to demonstrate that the grant of the application would be consistent with object 5(1)(c) of the Act, that is, to cater for the requirements of consumers for liquor and related services.
49. The customer questionnaire for the special facility licence (Amusement and Catering) application completed by potential patrons included:
- The ability to be able to provide food and beverage (alcoholic and non-alcoholic) ancillary to those playing a game of indoor golf or other organised activity or event, with the sale of alcohol only to be available to patrons who have a booking to play, or view family and friends play and/or attending an event.

- The ability to be able to provide a golf simulator with marquee, food and alcoholic and non-alcoholic beverages for functions and events off site.
50. In this regard, it may be worthy to note, that a special facility licence for the purpose as contained in r 9A(18) "Amusement venue" of the Regulations, only allows for the sale and supply of liquor for consumption on the licensed premises to persons who "**play**" or "**view**", in this case, golf, in one of the 4 high definition simulated golf booths. Therefore, any event or function held on the licensed premises must be associated with the playing or the viewing of golf in a booth, so as to allow the licensee to sell and supply liquor to a person attending such a function or event for this purpose.
51. In respect of the applicant seeking a special facility licence for the purpose as contained in r 9A(13) "Catering" of the Regulations the applicant was requested, by letter dated 14 January 2015, to provide further and better particulars to demonstrate that the applicant satisfies the requirements as contained in this regulation. It was also requested that the information lodged should include details (dates and names) of all off-site functions to which the applicant was engaged by a person, as a caterer, to provide food, for the last 2 year period.
52. In response, the applicant submitted that the proposed premises includes a commercial kitchen; and that it has the capability of providing food and beverage services for both on-site and off-site catering, and has developed a catering menu for that purpose. The applicant provided photographs of some of the appliances contained in the kitchen; advised that Red Hot Couriers has been engaged to provide food delivery services for off-site catering; and lodged additional letters of support.
53. The applicant further submitted that the evidence demonstrates that the proposed premises currently operate as a food compliant business, as defined under the Regulations, and that the application should be granted to meet the requirements of consumers.
54. The application was objected to by W & F.L. Lenz Super Fund. In respect of this objection, s 73(10) of the Act provides that the burden of establishing the validity of the objection lies with the objector. While, I acknowledge the objection lodged, the objection, in my view merely expressed an opinion. Therefore, the objector has not discharged its burden of establishing the validity of its objection as to why the application is not in the public interest.
55. The Commissioner and the EDPH intervened in the application for the purposes of making representations and recommendations of possible conditions to be considered with a view to imposing trading conditions which reflect the applicant's intended manner of trading and to minimise harm due to the use of liquor. In particular trading conditions in respect of the duration of the permitting trading hours; juveniles being on the licensed premises; the promotion of liquor; and the nature and scale of functions or event held off-site. In this regard, the Commissioner and the EDPH as interveners to the application carry no burden of proof (per Greaves J. *Gull Petroleum (WA) Pty Ltd (1998) LLC No. 13/98*).

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56. In responding to the presentations of the interveners, the applicant reiterated its intended manner of trade and submitted that it was willing to accept as trading conditions many of the recommendations made by the interveners.
57. In considering the application and in particular the purposes for which the special facility licence is sought and the evidence, I am of the view that is prudent to deal with this application in 2 parts. Firstly, in respect of that part of the application for the purpose as contained in r 9A(18) of the Regulations as it relates to “Amusement venue” and secondly, in respect of that part of the application for the purpose as contained in r 9A(13) of the Regulations as it relates to “Catering”.
58. In respect of that the first part of the application as it relates to “Amusement venue”, I am satisfied on the information presented that the application is in keeping with the object in s 5(1)(c) of the Act, and I am prepared to grant a special facility licence “Amusement venue” subject to trading conditions which reflect the requirements of the Act, some of the recommendations of the interveners; and the intended manner of trade of the applicant.
59. In respect of the second part of the application as it relates to “Catering”, on the basis of the evidence before me I conclude the following:
- the applicant has a commercial kitchen at the proposed premises;
 - the appliances in the photographs are basic if not limiting for the preparation of food;
 - the applicant has the capability of providing food services, albeit in a limited manner, for off-site catering;
 - the applicant has engaged the services of Red Hot Couriers for the delivery of food; and
 - the applicant provides for hire a marquee, with a mobile virtual indoor golf simulator for events or functions to be held off-site.
60. In regards to this part of the application, the applicant by letter dated 14 January 2015 was requested to lodge further and better particulars in respect of functions where the applicant has been engaged by a person to provide food at an event or function, as a caterer, for the past 2 years. No such details were lodged.
61. As such, I can only conclude that the applicant, as an operator of an amusement venue also has a mobile virtual indoor golf simulator which is hired out for functions or events held off the applicant’s amusement premises and together with the hire of that virtual indoor golf simulator, the applicant seeks to sell and supply liquor off-site with or without food.

62. In the circumstances, I am not satisfied on the information before me that the applicant is a “caterer” as required by r 9A(13) of the Regulations, that is, *carries on a food business as defined in the Food Act 2008 section 10; and handles or sells food for consumption at functions*. In this respect, I am of the opinion that r 9A(13) of the Regulations requires the applicant to be a “caterer” who handles or sells food for consumption at functions and ancillary to the selling of food may also provide a liquor service. In this case, while the applicant has a commercial kitchen and has the capacity to provide food, it does not, in my opinion, carry on a food business and is primarily in the business of hiring out a marquee, with a mobile virtual indoor golf simulator for events or functions to be held off-site.
63. Therefore, I am not prepared to exercise my discretion under s 33 of the Act and grant that part of the application as it relates to a special facility “Catering” licence.
64. Nevertheless, as I am satisfied with that part application for a special facility licence in accordance with r 9A(18) of the Regulations as it relates to “Amusement venue” may be granted; and I am satisfied that the applicant has complied with all the necessary statutory criteria, requirements and conditions precedent to the application being granted, I am prepared to exercise my discretion under s 33 of the Act and grant the application for this purpose.
65. Accordingly, pursuant to s 46(3) of the Act and regulation 9A(18) of the Regulations, this licence is granted for the prescribed purpose of a “Amusement venue” and authorises:

TRADING CONDITIONS AND HOURS

1. Pursuant to s 46(3) of the Act and r 9A(18) of the Regulations, this licence is granted for the prescribed purpose of allowing the sale and supply of liquor to persons playing or viewing the game of golf being played on high definition simulators in booths.
2. The licensee is permitted to sell and supply liquor, for consumption on the licensed premises, to persons playing or viewing the game of golf being played on high definition simulators in booths.
3. The permitted trading hours in accordance with s 98C of the Act are:
 - Monday to Saturday 7 a.m. to 11 p.m.
 - Sunday 7 a.m. to 10 p.m.
 - Trading on Good Friday; Christmas Day or before noon on ANZAC Day is prohibited.

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4. The consumption of liquor within the areas of the golf simulator booths, is prohibited.
 5. The licensee shall, at all times, maintain on the licensed premises four (4) golf simulator booths for the playing of virtual golf.
 6. The sale and supply of packaged liquor for consumption off the licensed premises, is prohibited.
 7. Food must be available during trading hours.
 8. The playing of music on the premises must be kept at a level to allow normal conversation to occur.
 9. The number of persons that may be accommodated on the licensed premises must not exceed 50 persons.
 10. The selling and supplying of beverages in such a way that would encourage rapid consumption of liquor (e.g. but not limited to; unadulterated spirits or liqueur in a shot glass); or drinks known as 'laybacks', 'shots', 'shooters', 'test tubes', 'jelly shots', 'blasters', or 'bombs' or any other emotive title, is prohibited.
 11. No liquor is to be supplied mixed with energy drinks. For the purposes of this condition 'energy drinks' has the same meaning as formulated caffeinated beverage within the Australia New Zealand Food Standards Code with a composition of 145mg/l of caffeine or greater.
 12. Unaccompanied juveniles on the licensed premises, are prohibited.
 13. A closed circuit television video (CCTV) surveillance system, able to identify individuals and showing times and dates must be in place and operational. The CCTV system must comply with the requirements as identified in the Director's Policy 'Security at Licensed Premises'. It is expected that the system will provide and record continuous images of the entrances and exits to the premises during the normal trading hours and until one (1) hour after trading ceases. Images recorded via the CCTV system must be retained for, at least, twenty eight (28) days (or such other period as the Director of Liquor Licensing specifies) and must be made available for viewing or removal by the Police or other persons authorised by the Director.
 14. Entry to the licensed premises is prohibited to any person wearing a jacket or any other clothing bearing patches or insignia including accoutrements, jewellery, visible tattoos, branding or any other item that indicates membership or association with any Outlaw Motorcycle Gang, including but not limited to the Coffin Cheaters; Club Deroes; God's Garbage; Gypsy Jokers; Outlaws; Finks;

Rebels; Comancheroes; Hell's Angels; Rock Machine; Mongols; Lone Wolf; and Bandidoes.

ENTERTAINMENT CONDITION

1. A person resorting to, or on the premises, including the licensee or manager, or an employee or agent of the licensee or manager, shall not –
 - (a) be immodestly or indecently dressed on the licensed premises, and/or
 - (b) take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.
2. The licensee or manager, or an employee or agent of the licensee or manager, is prohibited from -
 - (a) exhibiting or showing, or causing, suffering or permitting to be exhibited or shown, on the licensed premises any classified "R 18+", "X 18+" or "RC" classified publication, film or computer game or extract therefrom;
 - (b) causing, suffering or permitting any person employed, engaged or otherwise contracted to undertake any activity or perform any entertainment on the licensed premises to be immodestly or indecently dressed on the licensed premises, or
 - (c) causing, suffering or permitting any person to take part in, undertake or perform any activity or entertainment on the licensed premises in a lewd or indecent manner.
3. In this condition "licensed premises" includes any premises, place or area:-
 - (a) which is appurtenant to the licensed premises, or
 - (b) in respect of which an extended trading permit granted to the licensee is for the time being in force, but does not include any part of the premises which is reserved for the private use of the licensee, manager or employees of the licensee and to which the public does not have access.

Compliance with harm minimisation policy

66. The licensee has lodged a copy of the House Management Policy, Code of Conduct and Management Plan developed for these premises in accordance with the Harm Minimisation Policy. These documents must be retained on the licensed premises and produced to any Authorised Officer if required.

Licence fees

67. Pursuant to s 127(2) of the Act, the prescribed licence fee of \$423 is payable prior to the grant of the licence.
68. I am satisfied that the prescribed fee has been paid.

General

69. The licensed premises are defined as the area outlined in red on the plans attached and dated 29 August 2014. A copy of that plan is to be retained on the premises and produced to any authorised officer if required.
70. The premises' name "Par 3 Indoor Golf" is approved and may not be altered without prior approval of the Director of Liquor Licensing.
71. The applicant must ensure that the signage required under ss 116(4) and 116(5) of the Act is displayed on the licensed premises within fourteen (14) days of the date of this decision.
72. Additionally, pursuant to s 116(4) of the Act, the licensee must ensure a copy of the licence is displayed in a readily legible condition and in a conspicuous position in the licensed premises.
73. *In addition to the specified trading conditions of the licence, the licensee is also reminded of the obligations of a licensee under the Act including the following:-*

- **Supervision & Management**

The licensee must ensure that the conduct of the business at the licensed premises (the function venue) is personally supervised and managed by an Approved Manager or by the licensee if the licensee is a natural person at any time when business is conducted.

- **Mandatory Training - Responsible Service of Alcohol**

Within four (4) weeks of commencing employment at the licensed premises (the function venue) the licensee is required to have any person who will be engaged in the sale, supply and service of liquor on the licensed premises, and all senior staff, successfully complete a course of training in the responsible service of alcohol.

- **Free Drinking Water**

Pursuant to s 115A of the Act, at all times that liquor is sold and supplied for consumption on the licensed premises (function venue), the licensee shall make available to patrons, potable drinking water free of charge. As a minimum, this condition is to be met by way of water dispensers located at or near all bar service areas. The water must be refreshed regularly, with clean glasses or disposable cups being available for use

74. Parties to this matter dissatisfied with the outcome may seek a review of the Decision under s25 of the Act. The application for review must be lodged with the Liquor Commission within one month after the date upon which the parties receive notice of this Decision.



Eric Romato
DELEGATE OF THE DIRECTOR OF LIQUOR LICENSING