

JURISDICTION : EQUAL
WESTER

LOCATION : PERTH

CITATION : SIMMON
PTY LTD

CORAM : MRS N JO
DR C GIL
MEMBER

HEARD : 19 SEPT

DELIVERED : 17 APRIL

FILE NO/S : ET/2000-0

BETWEEN : GRAHAM
Complainant

and

: MINORA
LEISURE
Respondent

Catchwords:

Equal Opportunity – age discrimina

Legislation:

Equal Opportunity Act 1984, s3, s6
Liquor Licensing Act 1988, s121

Result:

Application dismissed

Re

A

E

Ca

Alc

Au

Jan

Wa

Ca

Has

Mc

Par

Sm

JUDGM

In

1. Ti
M
ur
ar
cc
19
ag
w
he

2. TE
di
al
qu
pu
L

3. Pa
Di
rea
th

"I
pr
di
pe

4. Dis
66V
age
circ
trea
66V
the
any

5. It is
to c
mus
of t
whi
Dep
Kir
Ltd
Gat
Pub
Ma
698
case
Cor

6. How
less
him
unle
the

“(1,
by
pers

(e) .

as t
orde
reas

(2)
and
reg

*case, inclu
person aga*

7. In its Point
a defence u
acting in th
safety issue
acted in t
exculpatory

8. The Act is
promote its
The object
against per
goods and
within the
their ages:
objects, sta
Act and wh
circumstan
words of
construction
conduct fal
the Act.

9. On behalf
provisions
context of
access to s
render any
the Liquor
the Respo
accompanie
Act which c
enforceable
Liquor Lic
reasonable
liquor to an
be circumst
and service
circumstanc
offence by
liquor. Alth
circumstanc

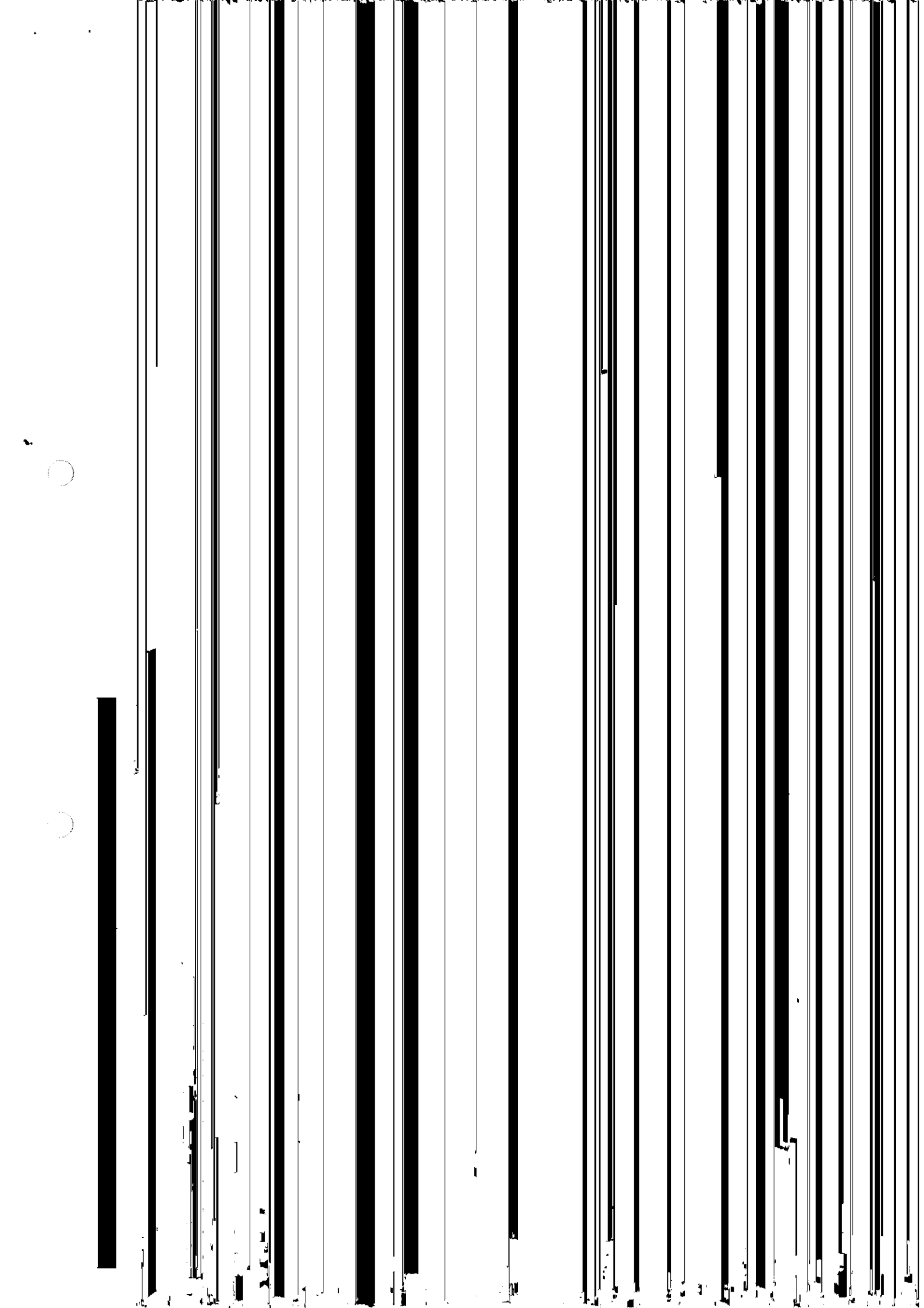
to enter and re
convey or create
adult to enter an
considers that th
assist in the reso

The Evidence

10. On Saturday 26
Marie Simmond
in Fremantle for
Complainant su
O'Grady's hotel
and decided to
suggested that th
garden and hav
Complainant ent
through a gate at
sat on the wall
According to the
pm.

11. The Complainant
two security gua
not enter the pre
the Complainant
exactly what wa
different portion
according to the
The Complainant
that all he wan
indicated a speci
drinks for him ar
and then leave. I
was the account
shortly after.
following the cc
"[L]ook, this is t
you know".

12. The Complainant
shocked by this.
in view of the fac
hotel for exactly



Co
ch
re

15. Th
to
th
at
Co
th
m
he
ha

16. M
Re
pr
se
re
se
re
re
vi
co
Co
of
ac
wi
ve
de

“
rel
the
sai
if
all
wo
4 c
see
the
tha

17. This act
against
Tribuna
support
source
Licensi
may be
entry i
Respon
correct

18. While
enter w
fact re:
having
drink,
particul
guard i
his dri:
Comple
apparer
the onl
Comple
the Tril
Comple
services

19. It rema
discrim
lawful t

a) “
o.
n

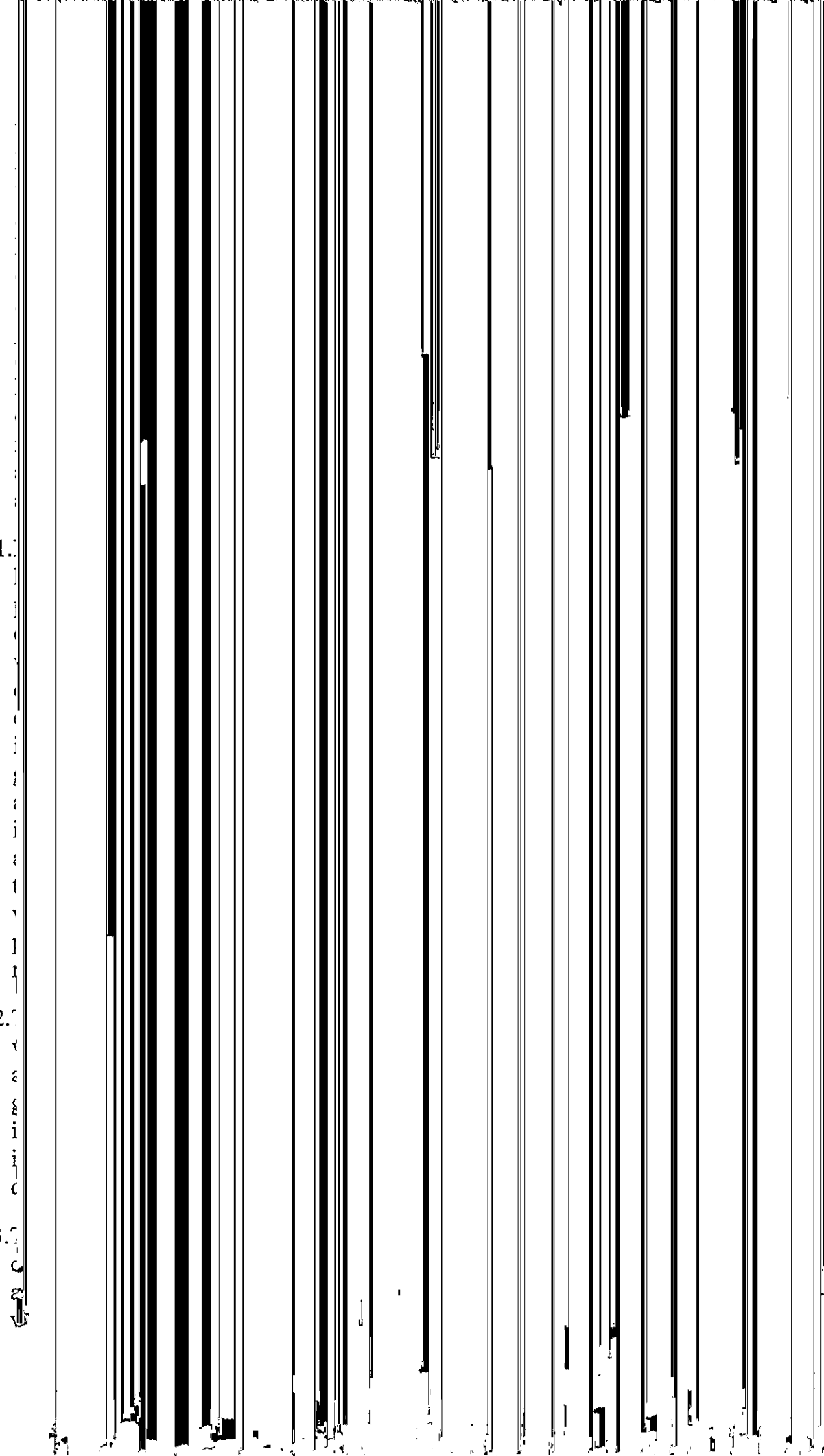
b) T.
ci

20. In asse
section
failure t
his dec:
guard's
minor a

21.

22.

23.



Tu
ga
pa
ent
be
ga
an

24. Oc
an
pre
un
dir
res
dif
res
inc
wa
pre
an
ne

25. Th
chi
fra
acc
cor
pot
the
eve

26. Th
chi
in
cor
rel
unc
the
acc
wo
acc
cor
sim
ent

outing
from 1
that ch
protec

Concl

27. For t
reason
to com
person
establi
66ZM