

Tasmanian Liquor and Gaming Commission

Appeal against a determination of the Commissioner for Licensing lodged 26 December 2019

Ben Hickey

V

Commissioner for Licensing

Appellant

Respondent

Reasons for Decision

1. On 12 December 2019, the Commissioner for Licensing determined to take disciplinary action against Ben Hickey (the Appellant) for contraventions of section 46C of the *Liquor Licensing Act 1990*.
2. At all material times, the Appellant was the Licensee of 'Mobius', located at 7 Despard Street, Hobart (On liquor licence number 7322006X), and the Licensee also held an associated Out of Hours Permit (OOHP7322006X) for the sale of liquor between 12.00 am and 5.00 am seven days a week.
3. In making his determination, the Commissioner considered the following matters as relevant to his decision and were taken into account when considering whether to take disciplinary action or not:
 - "the five serious assaults that have taken place either inside Mobius or in the vicinity of the Mobius involving patrons of the premises. That these assaults have occurred in a short period of less than a year, resulting in one fatality and a number of serious injuries;
 - all but one of the five assaults have occurred in the period between 3:30 am and 5:00 am;
 - actions taken by you to improve the situation at the premises including the increased number of security personnel and the implementation of a "stamps only" 4:00 am lockout and a full lockout from 5:00 am; and
 - the installation of CCTV equipment meeting the required technical standard."
4. In accordance with section 100(3) of the Act, the Commissioner determined to amend the Out of Hours Permit by reducing the times at which the permit authorises the sale of liquor to between 12.00 am and 4:00 am seven days a week, and adding the following conditions:
 - "no patrons are to enter or re-enter the premises after 3:30 am;
 - water is to be free and made available during the permit hours;
 - promotions that may encourage excessive consumption of liquor, such as free alcoholic drinks, two for one alcoholic drinks offers, buy one get one free alcoholic drinks offers, or similar, must not be conducted during the permit hours; and
 - sufficient licensed crowd controllers are to be provided during the approved hours to ensure effective control of patrons."
5. On 26 December 2019, the Appellant lodged an appeal pursuant to section 211(1)(i) of the Act against the Commissioner's decisions to take disciplinary action for contraventions of section 46C of the Act and amend the

Out of Hours Permit by, amongst other things, reducing the times at which the permit authorises the sale of liquor.

6. The Commission considered the appeal on 19 February 2020 having determined it would be heard solely on the basis of written evidence pursuant to section 213(4A) of the Act. The Commission also viewed closed circuit television (CCTV) footage provided by Mobius relating to two of the five incidents relied on by the Commissioner - namely the incidents of 24 February 2019 and 29 September 2019. The evidence considered by Commission is set out in Attachment A to these reasons.

Grounds of appeal

7. The Appellant raised the following grounds in his Notice of Appeal dated 24 December 2019:

"1. The Commissioner made no findings of fact that Appellant did not ensure the sale and consumption of liquor on the Mobius licensed premises caused either:

- (a) undue annoyance or disturbance to people lawfully on the Appellants [sic] licensed premises; or
- (b) the occurrence of disorderly conduct:
 - (i) in the Appellants [sic] licensed premises; or
 - (ii) in the neighbourhood of the Appellants [sic] licensed premises.

2. The Commissioner failed to give any or adequate reasons for his decision to find the Appellant breached S.46 C of *the Act*.

3. The Commissioner in making his determination, took undue account when considering taking disciplinary action against the Appellant:

- Of brief summary incident reports of Tasmania Police when he stated five serious assaults had taken place either inside Mobius or in the vicinity of Mobius involving patrons of those premises, *"having occurred in less than a year resulting in one fatality and a number of serious injuries"*; and
- All but one of the five assaults occurred in the period between 3.30 am and 5.00 am. but [sic] failed to find any causative link between the sale and consumption of liquor on the licensed premises and the alleged assaults and failed to give proper weight to the Appellant's responses to him of the 29th November and 5th December 2019 that there was no such causative link.

4. The Commissioner relied on five (5) documents headed *"Police Liquor Licensing Reports"* that did not disclose any factual basis for the breaches alleged against the Appellant and in particular:

- (a) The Incident 2 December 2019
This incident did not take place inside Mobius but some distance away. The incident record stated *" It was confirmed via witness and RP statements that both the RP and offender had been at Mobius Night Club for approximately 4 hours prior to the assault"* but the direct account of the Appellants contradicted this.
Neither the witness nor RP statements mentioned in the report were produced.

The Commissioner ignored or failed to give proper weight to the factual account of the Appellant's staff, the Appellant's firsthand account.

- (b) The Incident 1 February 2019

The date of the incident report was in error and only after enquiry was the incident correctly identified the 17th of February.

The Appellant's submission of the 5th December 2019 was ignored or failed to be given proper weight by the commissioner [sic].

There was no evidence liquor at all was involved, and no evidence of any breach of S.46C of *the Act*.

- (c) The Incident 24 February 2019
This incident was an unprovoked assault by Beau Kelly on the late Mr Williams. There is no evidence or suggestion that Beau Kelly was sold and consumed alcohol at the premises. The Appellants [sic] staff say Beau was not intoxicated on entry and was only in the premises a short time when the incident occurred
The incident is subject to a criminal trial and these facts are likely to be aired.
- (d) The Incident 4 March 2019
This incident arose out of existing animosity between two persons and not because of liquor sold and consumed on the Premises.
The incident occurred at 2.00 a.m. The police incident report of the offender states he was affected by drugs. The evidence of the Appellant was that the offender was not long on the premises before the incident and little or no alcohol was sold and consumed on the premises by those involved.
- (e) The Incident 29 September 2019
The evidence is that no liquor was recalled by Mobius staff of being sold to and consumed by the offender at Mobius. There was no do [sic] disorderly conduct noticed by any staff.
The incident occurred between two persons known to each other.
The best evidence concerning the offender at Mobius was as [sic] in the representation of the Appellant by its security personnel. The incident report, to the contrary states the consumption of liquor by the victim was everywhere but prior to him being at Mobius."

Legislation

8. Section 99 of the Act provides that:

"Each of the following is a ground for disciplinary action in relation to a liquor licence or a liquor permit:

- (a) the licensee or permit holder has contravened a provision of this Act..."

9. Section 46C of the Act provides that:

"A licensee or permit holder must ensure that the sale and consumption of liquor on the licensed premises or the permit premises does not -

- (a) cause undue annoyance or disturbance to -
- (i) people living or working in the neighbourhood of the premises; or
 - (ii) customers or clients of any business in the neighbourhood of the premises; or
 - (iii) people conducting or attending religious services or attending a school in the neighbourhood of the premises; or
 - (iv) people lawfully on the premises; or
- (b) cause the occurrence of disorderly conduct -
- (i) in the premises; or
 - (ii) in the neighbourhood of the premises."

10. Section 100 of the Act provides that:

- (1) "If the Commissioner considers it appropriate, the Commissioner may inquire into whether there are grounds for disciplinary action against a licensee or permit holder.
- (2) The Commissioner must notify a licensee or permit holder by written notice –
 - (a) that the Commissioner is considering taking disciplinary action on the grounds specified in the notice; and
 - (b) that the licensee or permit holder, within 14 days of receipt of the notice, may make written submissions to the Commissioner as to why disciplinary action should not be taken.
- (3) After considering any submissions made under subsection (2), the Commissioner may –
 - (a) take such disciplinary action as the Commissioner considers appropriate; or
 - (b) take no further action..."

11. Section 211(a)(i) of the Act provides that a person may appeal to the Commission against a decision by the Commissioner to take disciplinary action.

12. When considering an appeal, the Commission considers all of the evidence it has taken in and makes its own determination on the issues raised in the grounds of appeal. It is not, therefore, necessary for the Commission to determine in relation to each ground of appeal whether the Commissioner made an error. The grounds of appeal simply provide a mechanism for the relevant issues to be considered by the Commission.

Appeal Ground 1

13. Ground 1 is that the Commissioner made no findings of fact that the Appellant did not ensure the sale and consumption of liquor on the Mobius licensed premises caused undue annoyance or disturbance to people lawfully on the Appellant's licensed premises or the occurrence of disorderly conduct in the Appellant's licensed premises or in the neighbourhood of the Appellant's licensed premises.

14. The Commissioner did not expressly set out findings of fact but it is clear to the Commission upon which material the Commissioner based his decision. In the Notice to Show Cause dated 8 November 2019, the Commissioner, in identifying the particulars of contravention of section 46C of the Act, lists the following material:

- Tasmania Police Licensing Report - 2 December 2018
- Tasmania Police Licensing Report - 1 February 2019
- Tasmania Police Licensing Report - 24 February 2019
- CCTV footage provided by Mobius licensee - 24 February 2019
- Tasmania Police Licensing Report - 4 March 2019
- Tasmania Police Licensing Report - 29 September 2019
- CCTV footage provided by Mobius licensee - 29 September 2019

15. The Commission's separate consideration of this material is set out below.

Appeal Ground 2

16. Ground 2, is that the Appellant alleges that the Commissioner failed to give any or adequate reasons for his decision to find the Appellant breached section 46C of the Act.

17. The Commission's reasons based on its own separate consideration of the material are set out below.

Appeal Ground 3

18. The factual basis upon which a decision is made and the construction of the term "cause" in section 46C of the Act are central to Ground 3.

19. In his Notice of Appeal, the Appellant alleges the Commissioner:

- took undue account of the Licensing Reports when considering taking disciplinary action;
- failed to find any causative link between the sale and consumption of liquor on the licensed premises and the alleged assaults; and
- failed to give proper weight to the Appellant's responses of 29 November and 5 December 2019 that there was no such causative link.

20. The Commission's separate consideration of these issues is set out below.

Appeal Ground 4

21. This Ground implies that the Commissioner's reliance on the five "Police Liquor Licensing Reports" was erroneous or improper, and expressly alleges that he did not disclose any factual basis for his decision to take disciplinary action for contraventions of section 46C of the Act.

22. It appears that these Reports are provided by Tasmania Police to the Liquor and Gaming Branch of the Department of Treasury and Finance, for the purposes of informing the Branch's investigations into liquor-related incidents, on behalf of the Commissioner. The incidents detailed in the Reports are or were subject to further criminal proceedings or investigation and, as a result, the Commission assumes that relevant witness statements may not have been able to be provided until those proceedings were concluded. To the extent that they contain facts, the Commission considers that these reports are properly relied upon.

23. The Commissioner was also entitled to draw appropriate inferences of fact and causation from those Reports, and from material in the Appellant's submissions of 29 November and 5 December 2019.

24. The Commission's separate consideration of these issues is set out below.

Consideration

25. In order for there to be a contravention of s46C, it must be established that Mr Hickey as licensee did not ensure that the sale and consumption of liquor on the Mobius premises did not cause the occurrence of disorderly conduct in the premises or in the neighbourhood of the premises.

26. The Commission has considered the material listed in attachment A, except for the disciplinary paper dated 10 December 2019.

27. The Commission has considered each Report/incident in turn:

27.1 *Tasmania Police Licensing Report - 2 December 2018* ("the First Report")

27.1.1 The relevant description of the incident in the First Report states that:

"On Sunday the 2nd of December 2018 at approximately 0500hrs the reporting person (RP) [sic] (a 25yr old male) was assaulted by another male known to the RP. The assault took place outside the Quest apartments [sic] roller door on Despard Street. Several witnesses observed the assault and Statements were obtained. The RP cannot recall the conversation before the assault due to being intoxicated. It was confirmed via witness and RP statements that both RP and offender had been at the Mobius night club for approximately 4 hrs prior to the assault..."

27.1.2 The Commission is satisfied that the First Report provides evidence of an assault in the street outside Mobius, and that was disorderly conduct in the neighbourhood of the premises.

27.1.3 The Appellant alleges that the Commissioner ignored or failed to give proper weight to the factual account of the Appellant's staff, the Appellant's firsthand account. The Appellant addresses this incident in his response to the Notice to Show Cause dated 29 November 2019.

27.1.4 The Appellant provides no direct or indirect evidence to counter the statement that witness and RP [victim] statements confirmed that the victim and the offender were patrons of Mobius for approximately 4 hours prior to the assault. While the witness statements were not provided, the Commission infers that those statements were made, and that Tasmania Police has accurately summarised the substance of those statements in its report.

27.1.5 In the response dated 29 November 2019, the Licensee confirms that they had no record of this incident. He goes on to state that a security officer, Mr Banks "feels it's a stretch to assume the RP and

his friend were in Mobius for 4 hours". He sets out some further general opinions apparently sourced from Mr Banks. The Commission prefers the inference to be drawn from the police report, rather than Mr Banks "feelings" about something he has no recollection of, or his opinions.

27.1.6 The Appellant also produced a single statutory declaration from David Michael Tilley dated 23 December 2019. In his statutory declaration, Mr Tilley states: "I do not recall the incident specifically given that the event occurred over 12 months ago".

27.1.7 The Commission is comfortably satisfied based on the evidence in the police report and inferences properly drawn from it that there was an assault on 2 December 2018 at approximately 5.00 am which occurred some metres from Mobius in Despard Street, and that the victim of that assault and the offender had been at Mobius for approximately 4 hours before the assault. The Commission infers that alcohol was sold and consumed during that time.

27.2 *Tasmania Police Licensing Report - 17 February 2019 (not 1 February)*
(“the Second Report”)

27.2.1 The relevant description of the incident in the Second Report states that:

“On the 17/02/2019 at approximately 3:35am the Reporting Person (RP) was in Mobius Nightclub near the bar and ATM at the bottom of the stairs. At this time the RP was approached by another male who is known to him from his gym. The male has allegedly punched the RP to the nose and face with a closed fist causing a small cut in his nose. The RP and male were removed from Mobius...”

27.2.2 The Second Report does not provide any evidence placing the victim and offender in Mobius for any particular, let alone significant, amount of time or any evidence of intoxication. The latter point is identified by the Appellant in his response dated 5 December 2019, where he states that his staff said neither the RP nor the offender appeared intoxicated. No CCTV footage was provided for the Commission’s consideration. The Appellant’s response also summarises staff saying (without providing witness statements from those staff) that the victim said he and the victim had issues for some time, that is was a chance encounter and they hated one another.

27.2.3 The Commission is comfortably satisfied that there was an assault on 17 February 2019 in Mobius at approximately 3.30 am, which was disorderly conduct, and that the victim and offender knew each other and had been on the premises for an unknown but likely short amount of time and there is no evidence or inference that can be drawn concerning alcohol sale or consumption.

27.3 *Tasmania Police Licensing Report - 24 February 2019* (“the Third Report”)

27.3.1 The relevant description of the incident in the Third Report states that:

“At 4:45am on Sunday the 24th February 2019, a serious assault was committed upon a patron inside Mobius Nightclub, located at 7 Despard Street, Hobart. Details of the assault are as follows:

At the reported date and time, the 54 year old male victim (now deceased) in this matter was walking up the main stairs inside the venue. At the same time, the 18 year old male offender in this matter was walking down the stairs. There was a brief verbal altercation between both parties whereby the offender subsequently punched the victim once to the face causing the victim to lose consciousness...”

27.3.2 There is no evidence in the Third Report that the offender and victim were known to each other, and no direct evidence indicating how long both parties were at the premises prior to the incident.

27.3.3 The Commission viewed the CCTV footage of the incident which the Appellant provided to the Commissioner. That showed the offender and the victim both appearing to come up from the bar area downstairs to where the assault occurred on the stairs.

27.3.4 In his statutory declaration regarding the incident on 24 February, Mr Tilley states that:

“...the alleged offender appeared steady on his feet, not exhibiting slurred speech and did not exhibit the significant effects that I would attribute to intoxication. Additionally, I had a number of conversations with the victim through the course of the shift and although he told me that he was drinking that night, I did not form the view at the time that he was intoxicated warranting his removal or refusal for reentry to the venue...”

27.3.5 The Commission draws the inference that the victim had been in the premises for a significant time. This inference is drawn from the declaration of Mr Tilley stating that he had a number of conversations with the victim through the course of the shift.

27.3.6 The Commission is comfortably satisfied that there was a serious assault on 24 February 2019 in the premises at approximately 4.45 am, that this was disorderly conduct, and that the victim and the offender had both been in the bar in the premises for a significant time.

27.4 *Tasmania Police Licensing Report - 4 March 2019 (not 4 March 2018)* (“the Fourth Report”)

27.4.1 The relevant description of the incident in the Fourth Report states that:

“In the early hours of Sunday the 4th March 2018 [sic], the victim was at Mobius bar at the Hobart Waterfront with a friend. The victim was sitting on a chair to the left of the bar, talking with his friend. The victim knows the offender and are old school acquaintances. As the offender reached the victim, he made a derogatory comments [sic] before head butting the victim to the face three times as the victim remained seated on the chair. The victim stood up and punched the offender backwards causing him to stumble backwards and land on his bum. The offender was highly intoxicated and believed to be affected by drugs. The victim then left the bar with his friend...”

27.4.2 In the Appellant’s response to the Notice to Show Cause dated 29 November 2019, it is stated that “the offender and victims [sic] appeared fine upon entering the premises”. In the Fourth Report, the Police state that the offender was “highly intoxicated”. The Commission infers that between the time the offender entered the premises, and the time of the incident, the offender consumed enough alcohol to go from “fine” to highly intoxicated.

27.4.3 The Commission is comfortably satisfied that there was a serious assault on 4 March 2019 at approximately 2.00 am, which was disorderly conduct, and that the offender had been in the premises for a long enough time to consume a significant amount of alcohol.

27.5 *Tasmania Police Licensing Report - 29 September 2019* (“the Fifth Report”)

27.5.1 The relevant description of the incident in the Fifth Report states that:

“On Sunday the 29th of September 2019 at 4.50am the offender and victim were inside Mobius nightclub, when they were involved in a heated argument. The offender raised his hand in an attempt to shake the victims [sic] who slapped it away. The offender walked off and the victim followed him. The argument continued and the offenders [sic] partner became involved and attempted to push the offender away. The offender lashed out unexpectedly and punched the victim in the face, causing him to be knocked unconscious, fall back and hit his head on the ground...Police investigating this incident have identified the offender and established the following:

- He started drinking at 6pm
- He was drinking Jim Beam
- That’s the only thing he drinks as it doesn’t affect him
- He was 5 out of 10 intoxicated, which isn’t much
- He was at Mobius
- He was identified in the CCTV footage
- He had an argument with a male
- He punched the male once with his left closed fist
- The male fell back and he left

Police were unable to establish the length of time that the offender was at the premises prior to the incident...Police were unable to establish the length of time that he was at the premises prior to the incident taking place as the victim has no recollection of this.”

27.5.2 The Commission viewed the CCTV footage provided by the Appellant to the Commissioner. In addition to viewing the incident at 4.50 am as described, the Commission saw the offender consuming a beverage in the bar at 3.48 am which was handed to him by another patron, and further being served a beverage at 4.06 am, and further holding two beverages at 4.25 am. This occurred in the hour leading up to the incident.

27.5.3 The Commission is comfortably satisfied that an assault occurred on the premises on 29 September 2019 at approximately 4.50 am, and was disorderly conduct and that the offender was at the premises for at least an hour prior to the incident and was consuming and being served alcohol during that time.

28. The Commission has considered whether the sale and consumption of liquor on the Mobius premises caused the instances of disorderly conduct, or some of them.

29. In the case of *Jubb v Commissioner for Licensing* [2009] TASSC 16; 18 Tas R 376, Tennent J discussed the causal link relevant for consideration of matters of this kind. When considering the former section 40(1) of the Act, a similar section to the section 46C of the Act, in the context of the occurrence of disorderly conduct in the licensed premises Isobar between the times specified on an out of hours permit, Her Honour stated that:

[32] ... The issue is clearly the causative link between the sale of liquor and the disorderly conduct. The applicant's submissions are predicated upon the need for the Commissioner to be satisfied that the sale of alcohol at the relevant time was the sole cause of the disorderly conduct, in effect that there were no other contributing factors or reasons why two particular parties may have become involved in an incident. His submissions appeared to be that if, for example, two parties had a history of ill-feeling and met by coincidence in Isobar and had a fight, any alcohol they may have bought there and consumed was irrelevant. They also appeared to presume that if a patron became intoxicated to any degree elsewhere or prior to permit hours, that could not be considered even if that patron purchased and consumed alcohol in Isobar during permit hours.

[33] With respect, such an interpretation of s40 would render it useless. I cannot conceive of any circumstances where there will be direct evidence that the sale of alcohol at a particular time caused an incident. The Commissioner needs to have regard to evidence of the circumstances surrounding each incident. The Commissioner was entitled to conclude that, if an incident occurred two, three or four hours into the permit period, and the parties had been in Isobar for a period of time before that incident, the parties involved had been consuming alcohol purchased in Isobar during the permit hours. She was also entitled to conclude as a matter of general knowledge that consumption of alcohol over a period of time could affect a person's behaviour in the sense of making them more uninhibited and perhaps more likely to fight than would otherwise have been the case.

[34] There was material before the Commissioner which could satisfy her that:

- disorderly conduct had occurred during permit hours;
- one or more parties had been in Isobar for a considerable time, during and prior to permit hours, prior to the disorderly conduct incident;
- one or more parties involved in incidents were intoxicated to some degree;
- they had been buying alcohol which either resulted in, or contributed to, their state of intoxication during permit hours; and

- the disorderly behaviour was as a consequence of consuming the alcohol bought during permit hours.
30. In *Jubb*, Tennent J takes a “common sense” approach to the causative link between the sale and consumption of liquor and undue annoyance or disturbance and/or disorderly conduct. The Commission accepts that this is the proper approach, and that it is not required by section 46C to make a finding of direct causation such as that the sale to, or consumption of, alcohol at the premises by the particular offender (or victim) directly caused any disorderly conduct.
31. The Commission considers that it can properly take into consideration when considering the question of whether for each of the identified incidents the sale and consumption of alcohol caused the conduct the following matters:
- that one or both of the parties involved in the conduct had been in Mobius for more than a short time, during permit hours;
 - that one or both of the parties involved in the conduct were intoxicated to some degree;
 - that the relevant sale and consumption of alcohol on the premises can be to any patron who is on the premises, not just to the parties to the conduct;
 - that such sale and consumption of alcohol is a reason for patrons to attend the premises during the permit hours;
 - it becomes a more obvious reason the later the hour;
 - that such sale and consumption of alcohol on the premises is intended to and does attract patrons to the premises during the permit hours; and
 - that the consumption of alcohol is likely to make a person less inhibited and more likely to behave in a disorderly manner.
32. The Commission, having taken those matters into consideration, is comfortably satisfied that each of the incidents 1, 3, 4 and 5 were disorderly conduct that occurred in the premises or in the neighbourhood of the premises and that each was caused by the sale or consumption of liquor at Mobius. Further the occurrence of these incidents establishes that the licensee did not ensure that they did not occur.
33. The Commission does not need in the circumstances to determine whether it is satisfied about incident 2.
34. The Commission is satisfied that the licensee has contravened s46C on 4 occasions.
35. The Commission is satisfied that disciplinary action should be taken. The Commission notes that the occurrence of multiple instances of disorderly conduct is not a necessary element before disciplinary action can be taken, and that one occurrence only may in given circumstances warrant disciplinary action.

36. The Commission is satisfied that because most of these 4 incidents occurred in the last hour of the Out of Hours permit, an appropriate and proportionate disciplinary action is to vary the conditions of the permit so that the permit hours cease at 4.00 am. The Commission is also satisfied that the other variations to conditions in the Commissioner's determination are in the circumstances appropriate.

Decision

37. The Commission confirms the decision of the Commissioner for Licensing to take disciplinary action against the Appellant, Mr Ben Hickey, licensee of Mobius, for contraventions of section 46C of the *Liquor Licensing Act 1990* by varying the Out of Hours Permit in accordance with section 100(3) of the Act as set out in the Commissioner's Decision Letter dated 12 December 2019.

Decision made by the Commission on 2 March 2020.

Jenny Cranston (Chair), David Hudson (Member), Andrew Walker (Member)

ATTACHMENT A

Appeal hearing - Mobius (disciplinary action)

Wednesday, 19 February 2020 at 2.30 pm

The Commission considered the following documentation:

1. Notice to show cause - Commissioner for Licensing - 8 November 2019 including the following attachments:
 - a. Tasmania Police Licensing Report - 2 December 2018
 - b. Tasmania Police Licensing Report - 1 February 2019
 - c. Tasmania Police Licensing Report - 24 February 2019
 - d. CCTV footage provided by Mobius licensee - 24 February 2019
 - e. Tasmania Police Licensing Report - 4 March 2019
 - f. Tasmania Police Licensing Report - 29 September 2019
 - g. CCTV footage provided by Mobius licensee - 29 September 2019
2. Submissions from Mr Ben Hickey, licensee of Mobius, dated 29 November and 5 December 2019.
3. Decision to take disciplinary action - Commissioner for Licensing - 12 December 2019.
4. Out of Hours Permit - Mobius - dated 12 December 2019.
5. Letter from Mr Hickey attaching notice of appeal dated 24 December 2019 and statutory declaration of Mr David Tilley dated 23 December 2019.
6. Further submission from Mr Ben Hickey received 6 February 2020.
7. Further submission from Mr Ben Hickey received 13 February 2020 (opportunity to be heard).

Material not considered by the Commission - not relevant

1. Tasmanian Commissioner for Licensing Disciplinary Paper D/013 - 10 December 2019 - excluding the document linked under "6. Breach Penalty Comparison".