

8 April 2010

Snapshot – future restrictions in Northbridge

A recent Liquor Commission decision has given some insight into the possible trading restrictions Northbridge licensees may face in the future.

On 27 October 2009 the Director of Liquor Licensing notified all metropolitan nightclubs that he was proposing to impose trial trading conditions for a period of 20 weeks over the 2009-2010 summer and beyond. The aim of the proposal was to address alcohol related law and order issues in Northbridge. The conditions would force the nightclubs to close an hour earlier, implement lockouts and limit alcohol consumption.

The Western Australian Nightclub Association and various nightclub licensees made submissions as to why the trial trading conditions were inappropriate. The Director dismissed the concerns and enforced the trial. A number of nightclub licensees requested a review of the Director's decision and the matter went before the Commission.

The Commission accepted the licensees' submissions but still found that the trial trading conditions were in the public interest and allowed the trial to continue. Part of the rationale for this was to allow the full impact of the conditions to be analysed and enable long term strategies to be developed.

The Commission also made some interesting comments in relation to the trading conditions stating that if the conditions were permanent and not a trial, the decision may have been different. One of the Commission's most important comments was that the conditions did not address the time period when the greatest offending behaviour took place - 11.00pm to 3.00am.

The Commission also stated that the conditions did not target those licensees with extended trading permits and special facility licences which 'are more likely to contribute to the alcohol related harm.'

These comments suggest that any permanent trading restrictions imposed in the future may target the period of greatest offending (11.00pm to 3.00am). Licensees with extended trading permits and special licenses may face greater scrutiny in the future as a consequence.

If you have any queries or would simply like to know more about trading conditions in Northbridge please do not hesitate to contact Dan Mossenson on 9288 6769 / dan.mossenson@lavanlegal.com.au or Jessica Patterson on 9288 6946 / jessica.patterson@lavanlegal.com.au.