

**Liquor Commission of Western Australia  
(Liquor Control Act 1988)**

Applicant: Fremantle Beverages Pty Ltd trading as the Impact Bar

Objectors: Smithers Jones Pty Ltd trading as Geisha Bar  
Salmon Point Holdings Pty Ltd trading as Rise Nightclub

Interveners: Executive Director Public Health  
Director of Liquor Licensing

Commission: Mr Eddie Watling (Deputy Chairperson)  
Ms Helen Cogan  
Mr Greg Joyce

Date of Hearing: 21 April 2010

Date of Determination: 11 May 2010

Matter: Application for on-going extended trading permit pursuant to section 60(4)(g) of the *Liquor Control Act 1988*

Determination: Application is granted in part

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Authorities referred to in decision:

*Palace Securities Pty Ltd v Director of Liquor Licensing [1992] 7WAR 241).*

*Executive Director of Health –v- Lily Creek International Pty Ltd & Ors [2000] WASCA 258).*

*Malec v JC Hutton Pty Ltd (1990) 169 CLR*

## **Introduction**

- 1 On 20 July 2009 Fremantle Beverages Pty Ltd, the licensee of premises known as the Impact Bar and located at 147 James Street Northbridge lodged an application for an extended trading permit pursuant to section 60(4)(g) of the Liquor Control Act 1988 ('the Act'). The applicant is seeking the grant of the permit for a period in excess of three weeks.
- 2 The application originally sought approval to trade on Friday and Saturday nights from 12 midnight to 2.00am the following morning and on Sunday from 10.00pm to 12 midnight whenever the following Monday is a public holiday. However, on 23 July 2009, the applicant amended the application in respect of the hours to be approved for Friday and Saturday nights to 12 midnight to 3.00am the following morning, with no change to the proposed hours for Sundays. The applicant currently has an extended trading permit (permit No. 27103) which was effective from 7 September 2006 for a period of three years (although that permit has been extended pending the determination of this application) which authorises trading on Friday and Saturday nights from 12 midnight to 2.00am and Sunday from 10.00pm to 12 midnight (only prior to a Monday public holiday).
- 3 The application was advertised in accordance with instructions issued by the Director of Liquor Licensing. Objections to the application were lodged by Smithers Jones Pty Ltd (licensee of the Geisha Bar) and Salmon Point Holdings Pty Ltd (licensee of the Rise Nightclub), whilst the Executive Director Public Health (EDPH) lodged a Notice of Intervention, pursuant to section 69(8a) of the Act. The Commissioner of Police submitted an email indicating that the police do not support the application and the City of Perth indicated that they have no objection to the premises trading until 2.00am; however the extension of hours to 3.00am does not comply with the City's policy on extended trading hours for taverns and is therefore not supported.
- 4 On 11 January 2010 the Director of Liquor Licensing referred the application to the Commission for determination pursuant to section 24 of the Act. The Director of Liquor Licensing also intervened in the application, pursuant to section 69(11) of the Act.
- 5 A hearing was conducted on 21 April 2010

## **Submissions on behalf of Fremantle Beverages Pty Ltd**

- 6 According to the applicant, the premises have operated successfully with an extended trading permit for three years. On Friday and Saturday nights, which are the most heavily patronised nights at the premises, live music is provided at the venue from 9.00pm to 1.30am.
- 7 By 10.30 - 11.00pm on Friday and Saturday evenings the venue will be nearing its usual attendance of between 70 – 100 patrons. Patrons of the venue are generally described

as visitors to Northbridge in their mid twenties and upwards who enjoy music of all genres in a relaxed environment. Saturday evenings cater more towards the younger and diverse patrons who frequent Northbridge from surrounding areas and who enjoy listening to a similar type of diverse music.

- 8 On both Friday and Saturday nights those patrons who come to the venue for the specific purpose of listening to the live music generally arrive after dinner, usually between 8.30pm and 10.00pm. However, the venue also has a number of patrons who have arrived earlier in the evening with friends to socialise and stay on for the live music. According to the applicant, most patrons stay at the premises until the final hour of trade (1.00am – 2.00am) having their final dance and drink with friends, before leaving.
- 9 The applicant submits that on busy nights its security has found clearing the venue easier and more manageable when they have an additional hour to do so. It is the applicant's experience that the additional hour ensures that patrons leave gradually, thereby assisting with an orderly closure of the premise.
- 10 Since the premises have been trading to 2.00am on Saturday and Sunday mornings over (at least) the last three years, the applicant claims that there have been no problems relating to the behaviour of patrons during the operation of the extended trading permit. The applicant believes that the grant of a new extended trading permit:
- is in the public interest and is justified by the successful operation of the permit to date;
  - will ensure that the premises continue to meet the reasonable requirements of the public for liquor and related services in the area; and
  - will meet the ongoing expectations of the patrons of the premises to trade beyond midnight on Friday and Saturday nights.
- 11 Finally, the applicant submits that the grant of the application will further the objects of the Act because:
- the permit assists the harm or ill-health objectives of the Act and reduces any amenity impact of the premises by providing a slower, more relaxed closure of the premises;
  - the premises will continue to contribute to the overall proper development of the liquor and hospitality industries in Northbridge by meeting the demands of the applicant's patrons for live music on Friday and Saturday nights between 9.00pm and 2.00am; and
  - the trading of the applicant's premises until 2.00am on Saturday and Sunday mornings will continue to provide an alternative entertainment venue for the many visitors to Northbridge on those evenings.

### **Submissions on behalf of Smithers Jones Pty Ltd**

- 12 This objector submits that there are over 20 venues that can already trade past 12 midnight in Northbridge, which it believes is the biggest concentration of post midnight trading venues in the state. To grant the application would be contrary to section 5 of the Act and any additional late night venues would be detrimental to the future development of late night licences in Northbridge as licensing hours are under review.
- 13 According to the objector, the application is not in keeping with the spirit or integrity of the Act, because there are different designated categories of licence which cater to different needs. This application seeks to increase the customary tavern/hotel hours by encroaching on a market that is completely and adequately covered by another licence category.

### **Submissions on behalf on Salmon Point Holdings Pty Ltd**

- 14 It is submitted on behalf of Salmon Point Holdings Pty Ltd that the applicant has failed to demonstrate that the grant of the application is in the public interest and therefore the application should be refused.
- 15 According to the objector, one of the primary objects of the Act is to minimise alcohol-related harm. Research evidence indicates that extended trading hours at hotels lead to higher consumption of alcohol, increased levels of intoxication and greater incidence of alcohol-related harm. The objector cites research undertaken by Chikritzhs and Stockwell (*The impact of later trading hours for Australian public houses (hotels) on levels of violence. Journal of Studies on Alcohol, 63, 2002*), Briscoe and Donnelly (*Problematic Licensed Premises for Assault in Inner Sydney, Newcastle and Wollongong, 2003*), D.G Wastell (*Alcohol Policy and Licensing Deregulation: a review of research 2004*) and Tanya Chikritzhs (*Profit versus Harm: The Paradox of Alcohol Regulation in Australia 2006*). In addition, the Alcohol and Other Drugs Council of Australia, in their 2004 submission to the Productivity Commission inquiry into National Competition Policy Arrangements argued that alcohol is not just another commodity and there was a link between availability and increased consumption and alcohol-related harm.
- 16 In the recent research report prepared for the Commissioner of Police, "*Is Your House in Order? Re-visiting liquor licensing practices and the establishment of an entertainment precinct in Northbridge*", it was asserted that there was a correlation between extended and late trading hours of licensed premises and anti-social behaviour in Northbridge, with the greatest demand on frontline service agencies being between the hours of 11.00pm and 3.00am.
- 17 The objector indicates that the applicant has only operated the premises for a short period of time and therefore the applicant cannot claim that the successful operation of the existing extended trading permit justifies the grant of this application, when it was in

fact operated by a different licensee. Also, the mode of operation of the premises has changed significantly since the permit was first granted. The premises used to cater to an older market segment and live music was offered via duos and trios, which was something not offered elsewhere in Northbridge. However since this applicant took over the venue, it has focused more on a younger market offering entertainment common to many licensed premises in Northbridge.

- 18 The objector observed the number of patrons at the venue on Friday 16 October and Saturday 17 October 2009. The maximum number of patrons at the venue on these nights at 12 midnight was only 45, dropping to around 20 at 1.00am and to 5-10 patrons at 2.00am. Therefore, claims by the applicant in its submission about the number of patrons on the premises during the extended hours, is inaccurate.

#### **Submissions on behalf of the Executive Director Public Health (EDPH)**

- 19 The purpose on the intervention lodged on behalf of the EDPH was to recommend that the application be refused on the grounds of minimising harm or ill-health.

- 20 According to the EDPH, there are a number of risk factors associated with the grant of the application, including:

- high levels of violence and alcohol-related problems in the vicinity of the premises, particularly during late night trading times;
- existing levels of drink-driving;
- the association between late night trading, licence type and increased rates of alcohol-related harm such as violence, road trauma and related injury; and
- limited late night public transport options available at the proposed closing time of the premises.

- 21 The EDPH provided details of the existing outlet density within the locality of the applicant's premises. In addition, it was asserted that Northbridge already experiences a significant level of alcohol-related harm as evidenced in the following statistics:

- in the 12 months ending March 2009, there were 3,727 alcohol-related incidents recorded in Northbridge, of which 89% occurred between 8.00pm Friday and 8.00am Sunday;
- in the 12 months previous to March 2009 in Northbridge, there were 1022 selected offences (assault, sexual abuse, threatening behaviour and robbery) against the person and 1,377 disorderly conduct offences, with the majority of offences occurring Friday to Sunday and correlated with existing times of late and/or extended trading hours in Northbridge;

- during the period 2005 to 2009 there was a 71% increase in the number of reported selected offences against the person in Northbridge and more recently, between January 2009 and October 2009 there were 374 alcohol-related assaults, accounting for 72.3% of all assaults in Northbridge during this period;
- between 2004/05 and 2008/09 there has been a general increasing trend in assault presentations on Saturdays and Sundays (in the early hours of the morning) to the Royal Perth Hospital Emergency Department (supported by a statement from Professor Daniel Fatovich); and
- in the nine month period between June 2007 and March 2008 there were 316 drink-driving charges where Northbridge was recorded as the drinking suburb.

22 It is asserted by the EDPH that the relationship between late night trading, licence type and alcohol-related harm is well documented and relevant to this application. In this context the EDPH referred to a number of research papers, including research undertaken by Chikritzhs and Stockwell (*The impact of later trading hours for Australian public houses (hotels) on levels of violence (2002, Journal of Studies on Alcohol)*), Briscoe and Donnelly (*Temporal and Regional Aspects of alcohol-related Violence and Disorder (2002), NSW Bureau of Crime Statistics and Research and the National Drug Research Institute, Sydney*), Chikritzhs et al (*Predicting alcohol-related harms from licensed outlet density: a feasibility study (2007): Monograph Series No 28. National Drug Law Enforcement Research Fund*) and Stockwell et al (*The Relationship Between Licence Type and Alcohol-Related Problems attributed to Licensed Premises in Perth Western Australia (1992). Journal of Studies on Alcohol*).

23 The EDPH is of the view that given the problems in the locality of the premises, along with risk factors associated with the extended trading hours, the granting of the application is of concern and the application should be refused, or at the very least the hours reduced to 1.00am on Friday and Saturday nights.

#### **Email from the Commissioner of Police**

24 On 14 October 2009 Senior Constable Howard Kelly from the Licensing Enforcement Unit of the WA Police, sent an email to the Director of Liquor Licensing indicating that the police do not support the application however if the application is granted the hours should be restricted to an extension of one hour only and a condition is imposed requiring the applicant to install CCTV.

#### **Letter from the City of Perth**

25 In a letter dated 13 October 2009, the Manager Approval Services from the City of Perth advised the Director of Liquor Licensing that the City has no objection to an extension of trading hours to 2.00am, however the extension of hours to 3.00am is not supported because it is not in line with the City's policy on extending trading hours for taverns.

## **Responsive submissions on behalf of Fremantle Beverages Pty Ltd to Objectors and Intervener**

- 26 The applicant states that the low patron numbers observed at the premises on the nights of 16 and 17 October 2009 was because the “One Movement” festival was held on that weekend and the whole of Northbridge was quiet. In response to suggestions that the premises have shifted from an older patron to catering for the younger market, the applicant believes that this will reduce alcohol consumption because the younger clientele are more interested in dancing than drinking as opposed to the older, harder drinking patron. Entertainment at the venue is responsive to what patrons want; with a mixture of karaoke, live bands and dj’s being provided.
- 27 There is no evidence that the operation of an extended trading permit at these premises in the past three years has contributed to the existing alcohol-related harm in the area and there is no factual or theoretical basis to support the claim from the EDPH that “the combination of risk factors further increases the risk of harm occurring should the application be granted.” Furthermore, the additional hour to 3.00am is so relatively small an increase in the drinking time otherwise permitted that it is unlikely to increase the likelihood of drunkenness occurring, particularly since the drinking is not uncontrolled but is closely managed and supervised.
- 28 According to the applicant, Northbridge is one of Western Australia’s premier hospitality and entertainment precincts and there are few venues such as the Impact Bar which are small and intimate, providing live music and various forms of entertainment. The objects of the Act include catering for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry and other hospitality industries in the state; and facilitating the use and development of licensed facilities, including their use and development for the performance of live music, reflecting the diversity of the requirements of consumers in the state.
- 29 Consequently, it is submitted that the refusal of the application will tend to stifle the development of the hospitality industry in Northbridge generally and will deprive the public of the diversity which helps make Northbridge a vibrant and contemporary locale.
- 30 The applicant believes that no credible evidence has been identified under the provisions of section 38(4) of the Act which could or should weigh against the public interest benefits of diversity of choice for those who seek entertainment and/or a suitable venue at which to drink in Northbridge.

## **Responsive submissions on behalf of the EDPH**

- 31 It was further submitted on behalf of the EDPH that the applicant has not met its onus under section 38(2) of the Act and it has produced no evidence to show that the grant of the application is in the public interest. Whilst the applicant may claim that there have been no problems with the operation of its current permit over the past three years, it is

well known that many patrons move between premises and may have begun drinking at one licensed venue and then relocate to another licensed venue or the street before any incidents occur. The EDPH believes that a holistic approach to liquor licensing needs to be adopted for the benefit of the community.

- 32 The EDPH reiterated the data contained in the police report *“Is your house in order? Re-visiting liquor licensing practices and the establishment of an entertainment precinct in Northbridge”*, which also advocates that regulators must “consider holistically” the social harm in entertainment precincts caused by extended and late trading licences. In this context, this report also notes that “many stakeholders will argue against such a move stating that it is unfair to consider applications holistically. They will put forward spurious arguments and red herrings suggesting precise factual material must be produced against each venue ...However, all the research to date has found these arguments have no merit. More importantly, by not considering the cumulative harm impact in individual extended trading applications makes the public harm provision of the Act meaningless”.
- 33 Accordingly, it is the submission of the EDPH that where harm or ill-health due to the use of liquor is already significant in a given locality, the need to “weigh and balance all relevant considerations” means it is appropriate that applications be refused which may have been granted in localities without a high pre-existing level of harm or ill-health.
- 34 It is further submitted that harm does not have to be occurring inside the venue itself for the consumption of alcohol at the premises to contribute to harm in the locality. Serving alcohol to patrons for an additional two hours during recognised ‘high risk’ drinking time, and to patrons who are likely to have been drinking prior to that time, either at home or out at licensed premises, the venue contributes to the amount of alcohol patrons of Northbridge are consuming. The Commission has already recognised that problems in the area peak during late trading times and are particularly problematic at 2.00am when many hotel/taverns with extended trading permits close (Liquor Commission decision No LC27/2009).

### **Submissions by the Director of Liquor Licensing**

- 35 The Director of Liquor Licensing provided oral submissions at the hearing before the Commission. The Director advised that the application was referred to the Commission for determination under section 24 of the Act because of the existing circumstances in Northbridge and previous decisions of the Commission in respect of applications in that locality. The Director also raised concerns about the implications that the grant of the application may have, particularly given that there are a number of hotels in the locality that operate with permits authorising an extension of trading hours, and some of those permits will be due for renewal in the near future.

## Determination

- 36 This is an application for an extended trading permit under section 60(4)(g) of the Act to authorise trading for a period exceeding three weeks. Consequently, pursuant to Regulation 9F(b) of the *Liquor Control Regulations 1989* and sections 38(1)(b) and 38(2) of the Act, the applicant must satisfy the licensing authority that granting the application is in the public interest.
- 37 Section 38(4) of the Act provides:
- (4) Without limiting subsection (2), the matters the licensing authority may have regard to in determining whether granting an application is in the public interest include –
- a) The harm or ill-health that might be caused to people, or any group of people, due to the use of liquor; and
  - b) The impact on the amenity of the locality in which the licensed premises, or proposed licensed premises are, or are to be situated; and
  - c) Whether offence, annoyance, disturbance or inconvenience might be caused to people who reside, or work in the vicinity of the licensed premises or proposed licensed premises; and
  - d) Any other prescribed matter.
- 38 Pursuant to section 33(1), the licensing authority has an absolute discretion to grant or refuse an application on any ground or for any reason that it considers in the public interest; the discretion being confined only by the scope and purpose of the Act (refer *Palace Securities Pty Ltd v Director of Liquor Licensing [1992] 7WAR 241*).
- 39 When considering the public interest, the licensing authority is bound by the objects of the Act as set out in section 5. In respect of this application, the objects set out in sections 5(1)(b) and (c) are particularly relevant.
- 40 Where there is conflict between the various objects of the Act, the licensing authority needs to weigh and balance those competing interests (refer *Executive Director of Health –v- Lily Creek International Pty Ltd & Ors [2000] WASCA 258*).
- 41 The Commission therefore needs to consider the level of alcohol-related harm, due to the use of liquor, which is likely to result from the grant of the application and whether the possibility of harm or ill-health is of a such a serious nature to be sufficient for the licensing authority to impose stringent conditions on a permit or refuse the grant absolutely. As observed by Ipp J (in *Lily Creek supra*), it is significant that the primary object in section 5(1)(b) is to “minimize” harm or ill-health, not to prevent harm or ill-health absolutely. The word “minimize” is consistent with the need to weigh and balance all relevant considerations.

- 42 The outcome will turn on the facts and particular circumstances in each case. Whether such harm or ill-health would arise in a particular case requires predicting the future (refer *Malec v JC Hutton Pty Ltd (1990) 169 CLR* as cited in *Lily Creek supra*).
- 43 The evidence from the applicant is that the premises are a small venue catering for approximately 132 people. The venue has operated under an extended trading permit for the past three years and from midnight to 2am there are about 60-80 patrons in the venue. According to Mr Taylor, a director of the applicant company who spoke at the hearing before the Commission, there are little or no problems at the venue and he provides a safe drinking environment for his customers, particularly his female customers who he stated felt 'safe' in the premises. Crowd controllers are employed at the premise and a CCTV system, compliant with the guidelines issued by the Director of Liquor Licensing, is in operation. Entertainment at the venue is provided in response to the needs of its patrons.
- 44 There is no evidence before the Commission that the premises are not well managed.
- 45 The Commission understands from the records of the Department of Racing, Gaming and Liquor that the premises have actually operated under a permit extending the permitted trading hours on Friday and Saturday nights for over 15 years. In 1994 approval was first granted to trade to 1.00am and from 2002 onwards, permits have authorised trading until 2.00am on Fridays and Saturdays.
- 46 The evidence from the Executive Director Public Health and Salmon Point Holdings Pty Ltd indicates that Northbridge experiences high levels of alcohol-related harm. The extent of the problems in Northbridge has been acknowledged by the Commission in other recent applications relating to the area. However, as previously observed by the Commission (refer LC 07/2010) such evidence does not in itself immediately lead to an outcome that the application should be refused. Each application must be considered on its merits (section 33(2)) and the licensing authority must weigh and balance all relevant considerations.
- 47 The EDPH submitted that the Commission should adopt a holistic approach to liquor licensing in the area. It is asserted that by serving alcohol to patrons for an additional two hours during recognised 'high risk' drinking time, and to patrons who are likely to have been drinking prior to that time, either at home or out at licensed premises, the venue contributes to the amount of alcohol patrons of Northbridge are consuming. However, in this case, there was no evidence presented to the Commission that the operation of the premise or the behaviour of its patrons is directly contributing to the existing levels of harm in the locality.
- 48 Whether there is any indirect contribution to existing levels of harm in the area by the extension of hours at this venue, is not immediately apparent based on the evidence and is difficult to predict or prophesy with any degree of certainty or on the balance of probability, given the length of time that the premise has operated with an extension of

trading hours, albeit under a different licensee. As indicated at paragraph 44, there is no evidence to suggest that the premises are not well managed under the current licensee.

- 49 Consequently, in weighing and balancing the competing interests, particularly the objects set out in sections 5(1)(b) and (c) and based on the evidence submitted in respect of this application, the Commission is of the view that in general, the grant of the application will have little or no impact on existing levels of alcohol-related harm in the locality.
- 50 However, the Commission finds that the evidence presented by the applicant to justify extending the hours of operation of the current permit at the premises from 2.00am to 3.00am falls well short of the standard required under section 38 of the Act. Similarly, little or no evidence was presented to justify any extension of hours on Sundays preceding a Monday public holiday. Nonetheless, in consideration of the written and oral submissions presented by the applicant and giving some weight to the history of trading at the venue under previous extended trading permits, the Commission is satisfied that the applicant has discharged its onus under section 38 of the Act and demonstrated that the grant of the application, in part, is in the public interest.
- 51 The Commission rejects the assertion by Smithers Jones Pty Ltd and to a lesser extent Salmon Point Holdings Pty Ltd that the application should be refused because there are existing licences in the locality that can trade past 12 midnight. Such a proposition is not consistent with the objects of the Act and protecting market share and the commercial interests of individual licensees should not be confused with having proper regard to the development of the liquor industry and making decisions in the public interest.
- 52 Having determined that the applicant has discharged its onus under section 38 of the Act, the Commission however, in weighing and balancing the competing interests in this application, is of the view that the grant of the application should be subject to appropriate conditions to minimize the risk associated with the operation of the permit in a locality which experiences high levels of alcohol-related harm. Previous permits have been subject to various conditions.
- 53 Accordingly, an extended trading permit, pursuant to section 60(4)(g) of the Act shall be issued to the applicant authorising trading on Friday and Saturday nights from 12 midnight to 2.00am the following morning subject to the following conditions:
- i. Patrons are prohibited from entering or re-entering the premises after 12 midnight.
  - ii. No trading is permitted on Christmas Day, Good Friday or before noon on Anzac Day.
  - iii. The area to which the permit relates is that area outlined in yellow on the plans dated 13 July 1994.

- iv. There is to be no liquor discounting or advertising of cheap liquor during the operation of the permit.
- v. The sale of packaged liquor during the hours covered by this permit is prohibited.
- vi. It is a condition of this permit that the permit is effective for five years.
- vii. No liquor is to be sold or supplied for consumption on the premises in any of the following ways:
  - a) In any vessels with a measurement capacity exceeding 750ml and no spirits or spirit based beverages are to be supplied in vessels with a measurement capacity exceeding 375ml.
  - b) In either:
    - i. any non standard measures; or
    - ii. presented in such a way that would encourage rapid consumption of liquor (for example, but not limited to, unadulterated spirit or liqueur in a shot glass) or
    - iii. by virtue of their emotive title , such as 'laybacks', 'shots', 'shooters', 'test tubes', jelly shots, 'blasters' or bombs' or
  - c) No liquor is to be supplied with energy drinks.

(For the purposes of this condition **energy drinks** has the same meaning as **formulated caffeinated beverage** within *Australia New Zealand Food Standards Code* with a composition of 145mg/l of caffeine or greater).

## SECURITY REQUIREMENTS

- viii. Crowd controllers, licensed under the Securities and Related Activities (Control) Act 1996, are to be employed at a ratio of two (2) crowd controllers for the first 100 patrons, and one crowd controller for each additional 100 patrons or part thereof.
- ix. Security personnel and crowd controllers (licensed under the *Securities and Related Activities (Control) Act 1996*), are to be present to monitor the licensed premises and the behaviour of patrons arriving and departing the premises from 8 pm (or the time of opening of the premises if after 8 pm), until one (1) hour after trading ceases. While these personnel have no authority over the patrons when they are away from the licensed premises, their presence may assist in the orderly dissipation of patrons once they leave the premises.

- x. A video surveillance system (as approved by the Director of Liquor Licensing) able to identify individuals and showing times and dates, must be in place. It is expected that this system should provide and record continuous images of the entrances to the premises, bars and entertainment/dance areas, from 8 pm (or the time of opening of the premises if after 8 pm), until one (1) hour after trading ceases.
  - xi. Images recorded via the video surveillance system must be retained for fourteen (14) days (or such 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.
- 54 One final comment. Northbridge is Perth's premier entertainment precinct, attracting large numbers of people from throughout the metropolitan area and tourists each day and more significantly, at night on weekends. There is a high density of licensed premises, catering for a variety of consumer demands, in a relatively small locality, which, when mixed with a large influx of patrons late at night creates an environment that has led to an increase in anti-social behaviour and alcohol-related problems. Arguably, Northbridge is no different to entertainment precincts in other capital cities in Australia and elsewhere in other developed countries. This is not to excuse or downplay the extent of alcohol-related harm that occurs in Northbridge, but to put it in some context.
- 55 Consequently, whilst the evidence indicates that alcohol is a major contributing factor to much of the harm data, there is nonetheless a range of complex social dynamics which interplay to create the problems in Northbridge. There is no simple solution to these problems and all agencies must work collaboratively to solve them. However, the Commission must balance the existing alcohol-related harm against providing for the demand by consumers for liquor and related services in this entertainment precinct. In doing so the Commission applies a high weighting on harm minimisation against the other objects of the Act and takes the approach of assessing each case on its merits.



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**EDDIE WATLING**  
**DEPUTY CHAIRPERSON**