

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

Complainant: Commissioner of Police
(*represented by Ms Dianne Scaddan of WA Police*)

Respondent: That's Entertainment (WA) Pty Ltd T/A The Clink
Nightclub
(*represented by Mr Ian Curlewis of Lavan Legal*)

Commission: Mr Jim Freemantle (Chairperson)
Mr Eddie Watling
Ms Helen Cogan

Matter: Complaint for disciplinary action pursuant to section
95 of the *Liquor Control Act 1988*

Date of Hearing: 1 September 2010

Date of Determination: 6 September 2010

Determination:

Pursuant to section 96(1)(m) of the *Liquor Control Act 1988* That's Entertainment (WA) Pty Ltd is to pay a monetary penalty of \$7,500. The licensee is to lodge with the Commission within 28 days evidence of payment of the penalty.

Pursuant to section 96(1)(b) of the *Liquor Control Act 1988* the following conditions are imposed on the operation of the nightclub licence:

- (1) Patrons are prohibited from entering or re-entering the premises after 3.00am.
- (2) In respect of the "smoking area" at the rear of the premises the licensee is to:
 - Install a CCTV camera to monitor and control the area; and
 - Install adequate lighting in the area to monitor patron behaviour.
- (3) The licensee is to engage two security persons licensed under the *Securities and Related Activities (Control) Act 1996*, who are additional to the number of security required under the existing condition of the licence headed "Security Requirements", to monitor and control patron behaviour

in the queue at the front of the venue from 9.00pm Friday and Saturday evenings until 3:30am (i.e. 30 minutes after the commencement of the 'lock out' condition).

- (4) No liquor is to be sold or supplied for consumption on the premises in any of the following ways:-
- (a) in any vessel 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 the 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', 'blaster' or 'bombs'; or
 - (c) with energy drinks.

(for the purpose 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).

- (5) The provision of drink tokens to patrons is prohibited.

As indicated to the parties at the hearing before the Commission, written reasons supporting this determination will be published in due course.



JIM FREEMANTLE
CHAIRPERSON