

AUSTRALIA DAY 2003, EXTENDED TRADING PERMITS

537. Hon Barry House to the Minister for Racing and Gaming

- (1) In relation to Australia Day 2003, why were extended trading permits issued for venues north of the Swan River but not for venues south of the river?
- (2) Were these applications rejected as a result of opposition from the police?
- (3) Is the Department required to reject applications if the police do not support them?

Hon NICK GRIFFITHS replied:

- (1) Extended trading permits were issued to south of the river venues, including hotels, liquor stores, cabarets and clubs, on Australia Day 2003.
- (2) Applications are not approved if the Director of Liquor Licensing determines that it is not in the public interest to grant an extended trading permit. In determining the public interest, however, the Supreme Court, in the *Hermal Pty Ltd [(2001) WASCA 356]* has confirmed that the Director, having regard to all the circumstances, and the legislative intention, has a wide discretion; it is a matter for him to decide what weight he will give to the competing interests, including the views of the police and the local authority, and other relevant considerations.
- (3) No.