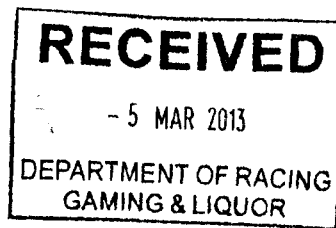




Government of **Western Australia**
Department of **Education**

Your ref :
Our ref : D13/0094354
Enquiries :

Mr John Atkins
Chair
Liquor Act Review Committee
PO Box 6119
EAST PERTH WA 6892



Dear Mr Atkins

Further to the Request for Submissions to the Liquor Act Review Committee please find attached a submission from the Department of Education.

The submission outlines the Department's views on aspects of the Act including:

- the objects of the Act;
- public interest assessment of applications;
- juveniles; and
- Section 64(1) consultation with stakeholders.

Further information can be provided should you require it.

Yours sincerely



Clause 3(1)

SHARYN O'NEILL
DIRECTOR GENERAL

27 FEB 2013
Att.

D13/0094382



**Department of
Education**

**Submission to the
Review of the Liquor Control Act 1988**

FEBRUARY 2013

REVIEW OF THE LIQUOR CONTROL ACT 1988

Introduction

1. This is a submission from the Department of Education, Western Australia (Department) to the Liquor Act Review Committee (Committee) appointed by the Minister for Racing and Gaming, the Hon. Terry Waldron MLA to review the *Liquor Control Act 1988* (Act).
2. The Department notes the significant changes to the Act as a result of the *Liquor and Gaming Legislation Amendment Act of 2006* and the *Liquor Control and Amendment Act 2010*.
3. The Department participates in the Drug and Alcohol Strategic Senior Officers' Group and contributed to the *Drug and Alcohol Interagency Strategic Framework for Western Australia 2011–2015* (Interagency Framework) developed by the Drug and Alcohol Office.
4. The goal of the Interagency Framework is to prevent and reduce the adverse impacts of alcohol in the Western Australian community, a goal that Department wholeheartedly supports.
5. Key Department initiatives across the five strategy areas of the Interagency Framework are outlined in the Department's annual agency action plan. These focus on prevention, early intervention and support through the identification and evaluation of current initiatives related to alcohol and other drug use government schools.
6. The Department contends that public education campaigns that increase knowledge of alcohol issues and consequences, and support the development of a safer drinking culture should be supported by law enforcement strategies.
7. As noted by the Auditor General in *Raising the Bar: Implementing key provisions of the Liquor Control Act in licensed premises* (Report 1 – March 2011) the Act gives wide powers to the Director of Liquor Licensing, the Liquor Commission and Police to regulate licensed premises and ensure compliance with the Act using a range of education, monitoring and enforcement strategies.

Objects of the Act

8. The Department believes the primary objects of the Act are appropriate and give adequate emphasis to both the regulation of the sale, supply and consumption of liquor and minimising harm or ill-health caused to people, or any group of people, due to its use.
9. The Department has no comment on the secondary objects of the Act.
10. The Department supports Section (3) of the Act that in circumstances where the licensing authority considers there is an inconsistency between the primary and secondary objects, the primary objects take precedence.

Public Interest Assessment

11. The Department does not support the granting of a liquor licence to a premise in the immediate vicinity of a school. In this context the Department acknowledges the purpose of Section 38 of the Act which requires a Public Interest Assessment of an application.
12. The *Public Interest Assessment Guideline* (Last Amended: 19 December 2012) issued by the Department of Racing, Gaming and Liquor (DRGL) provides an assurance to the Department that this concern is routinely addressed by the licensing authority in its determinations.
13. The Department is also encouraged by the additional requirement that an applicant must serve notice of the application and intended manner of trade on all schools and educational institutions situated in the specific locality of the proposed premises with the requirement that this notice must be served on the first day of the advertising period.
14. The Department further notes and commends the informative documentation provided by DRGL in print and electronic formats relating to various aspects of the Act.

Juveniles

15. The Department is supportive of the existing prohibition of the sale of liquor to juveniles and other provisions of the Act relating to the presence of juveniles on licensed premises for work / training and also for reasons other than work / training.
16. The Department acknowledges the DRGL policy documents which offer further guidance to licensees and the public on these issues.
17. An issue which the Department would like to see addressed by the Committee is consideration of the inclusion of a penalty in the Act for the secondary supply of liquor to juveniles. The Victorian Parliament has enacted such provisions which came into effect on 1 November 2011. The Department advocates a similar penalty to that which applies to the unlawful provision of liquor on licensed premises.
18. The inclusion of a similar provision in the Act would strengthen the legislative force behind the Department's policies relating to alcohol.

Section 64(1) consultation with stakeholders

19. The Department is supportive of the manner in which DRGL consults with the Department seeking information or evidence on relevant occasions where the Director of Liquor Licensing is considering imposing, cancelling or varying an existing licence.

Conclusion

20. The Department appreciates the opportunity to submit its views to the Committee and hope they will be of assistance in the conduct of the Review. If further information or clarification is required on any matter in this submission please contact the Department.