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To the Executive Officer
Liquor Act Review Committee
PO Box 6119
EAST PERTH WA 6892

Dear Sir,

With regards to the upcoming review of the Liquor Control Act, I wish to submit the Holiday Inn Perth's concerns for review on the points below. We are a hotel in the city with 181 rooms, 2 restaurants, a bar/café and 8 conference facilities. We have about 100 staff members currently working at the hotel.

2013 Liquor Control Act Review - Important Issues

Summary of the issues

- Extended Trading Permits (ETPs) for small bars, hotels and taverns - Section 60(4)(g)
- Liquor Licensing Fees - Section 128
- Patrons to be liable for substantial penalties under Liquor Control Act

Extended Trading Permits (ETPs) for small bars, hotels and taverns - Section 60(4)(g)

Greater flexibility is sought for Extended Trading Permits through mandatory 5 year permits and automatic ETP renewals unless there is a legitimate intervention.

Reasons:

Considerable time, effort and resources are invested in gaining Extended Trading Permits. For businesses with ETPs the need to renew a permit on a regular basis becomes an administrative burden. The Liquor Control Act provides for up to 5 year ETP's however these are rarely granted leading to uncertainty, additional compliance and administrative burden.

Recommendation:

ETP renewals should be automatically renewed unless there is an intervention, and where there is an intervention, that all interveners should be required to meet a reasonable onus of proof. Section 60(4)(g) allow for ETP's to be 5 years in length.

Liquor Licensing Fees - Section 128

Increases to fees referred to in the Liquor Control Act or Regulation be limited to not increasing greater than CPI.

Reasons:

CPI price increases are a fair and reasonable way of justifiably increasing fees.

Recent changes to the fee structure have imposed unreasonable fees around some license applications. The fees administered under the Liquor Control Act have been determined by the High Court (*Walter Hammond & Associates v. NSW*) to only be permissible on the basis that it is not indirectly a form of tax or charge for the sale of goods. The Australian Government and States 1999 inter-governmental agreement on the reform of Commonwealth and State Financial Relations provides for States to receive all the revenue from the Goods and Services Tax, therefore fees and charges under the Liquor Control Act should be limited to a reasonable permit charge and only increase by CPI.

Recommendation:

Fees and charges under the Liquor Control Act should be limited to a reasonable permit charge and only increase by CPI.

Patrons to be liable for substantial penalties under Liquor Control Act

Patrons should be subject to substantial similar penalties under the Liquor Control Act in line with the penalties set for licensees for serious offences.


Reasons:

Under section 115, it is an offence for a licensee and/or an approved manager to have permitted drunkenness or violent, quarrelsome, disorderly or indecent behaviour to take place in a licensed premise the licensee or manager can be fined \$10 000. Yet there is no penalty under the Liquor Control Act for the individual(s) who are drunk or engage in violent anti-social behaviour in a licensed premise.

There needs to be a deterrent to unacceptable behaviour from patrons and the public.

Recommendation:

Section 115 be amended to specify it is an offence for patrons who are drunk or engage in violent, quarrelsome, disorderly or indecent behaviour in a licensed premises and they face similar penalties as licensees or approved managers.

I look forward to hearing from you soon and if you wish to discuss any further matters, please do not hesitate to contact me at 

Clause 3(1)

Thank you very much for your consideration.

 Clause 3(1)

Holiday Inn Perth City Centre