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Response to the 2017 'Discussion Paper: Proposed Amendments to the *Liquor Control Act 1988*'

Introduction

Thank you for inviting the McCusker Centre for Action on Alcohol and Youth to provide feedback on the 2017 discussion paper with proposed amendments to the *Liquor Control Act 1988* (the Act). This feedback is provided on behalf of the McCusker Centre and the National Drug Research Institute, based at Curtin University. Comments from the Palmerston Association are provided as an Appendix.

As you will be aware, both organisations have been active participants in the review of the Act since its announcement in December 2012.

The key themes outlined in the McCusker Centre's original submission to the review continue to reflect our overall perspective on the Act and how alcohol is made available. These include:

- Preventing and minimising harm and ill-health due to the use of liquor should be the highest priority of the Act.
- Alcohol is a commodity with great potential to cause harm.
- The ability to sell alcohol is a privilege, not a right.
- Alcohol-related harm is entirely preventable.
- The protection of young people and vulnerable groups should be a priority of the Act.
- Limiting and ensuring appropriate availability of alcohol should be a prime focus for the review of the Act.
- Involvement in the processes of the Act should be made much easier for individuals and organisations in the community.

The McCusker Centre's vision for the Act, as noted in our original submission, also remains:

A Liquor Control Act that:

- holds preventing alcohol-related harm in the WA community as its highest priority;
- is based on the principle that alcohol is a commodity with great potential to cause harm; and
- is evidence-based and pro-active in preventing alcohol-related harm.

In this submission, we will outline our significant concerns about the content of the discussion paper and the consultation process, provide feedback on the proposed amendments of greatest concern, and briefly comment on a selection of other proposed amendments.

Concerns about proposed amendments that were not part of the Act review

We believe that the presentation of the discussion paper is not in keeping with transparent process as it precludes genuine consultation on the important matters covered by the proposed amendments. The cover page of the discussion paper states:

“The proposed amendments detailed in the attached discussion paper represent the second stage of the Government’s commitment to implement the recommendations of the review of the *Liquor Control Act 1988* as well as a number of technical and operational amendments to further improve the administration of the Act”.

This was repeated in the email to the McCusker Centre to which the discussion paper was attached on 30 January 2017.

We believe this characterisation of the discussion paper is misleading because the discussion paper appears to include proposed amendments that do not relate to recommendations of the review, were not previously marked as part of the second stage amendments, do not appear to have been considered in the review at all, and cannot appropriately be described as ‘technical and operational amendments’.

The two proposed amendments which are of greatest concern in this regard are copied here:

- **Specify that the Police may only lodge an intervention based on the probity of an applicant or the interest any person may have in a licence. The Director will however, be able to request a report from the Police addressing all grounds. Currently the Police can intervene based on whether or not any person is a fit and proper person; whether public disorder or disturbance would be likely to result if an application is granted; the interest that any person may have in a licence; or any other matter relevant to the public interest.**
- **Enable the sale and supply of packaged liquor for consumption off the premises under a casino liquor licence.**

We are not aware of how these came to be proposed amendments or the rationale for proposing these changes. These are not marked as new proposals and appear to be presented as recommendations of the review which we do not believe they were.

These proposed amendments would be likely to have significant adverse impacts on the community and appear to prioritise private interests over the public interest. They should therefore be open to proper scrutiny and public discussion informed by a sufficient level of detail to allow critique of the origin, rationale and other relevant information.

We respond specifically to these proposed amendments below.

Concerns about the limited distribution of the discussion paper and the timing of the consultation

Following a request from the McCusker Centre, the office of the Minister for Racing and Gaming provided a list of organisations that received the discussion paper.¹ We believe the list of 25 organisations can be fairly categorised as:

- 10 alcohol industry peak bodies and representative groups. In addition, the Business Improvement Group of Northbridge advocates for businesses and their profitability in Northbridge, a late night entertainment district which has a substantial number of licensed premises. This effectively means 11 groups which represent the alcohol industry.
- 13 government agencies, including WA Police, Executive Director of Public Health, Drug and Alcohol Office and Mental Health Commission. Given the merging of the Drug and Alcohol Office and the Mental Health Commission in 2015, these two organisations are effectively now one organisation.
- One non-government organisation, the McCusker Centre for Action on Alcohol and Youth.

The rationale behind the selection of organisations to receive the discussion paper was not provided and remains unclear; however, the imbalance of interests represented among the 25 organisations is very clear and quite remarkable. It is deeply concerning that the commercial interests of the alcohol industry have such comprehensive representation on alcohol policy matters, particularly compared to the representation of health, community and research groups. The imbalance of interests is even more concerning given that the proposed amendments noted above have not previously been publicly discussed and should therefore be open to proper and transparent public discussion.

A broad range of groups participated in the earlier stages of the Act's review and provided important and unique perspectives that informed the recommendations of the Review Committee; many of these organisations were not invited to comment on the discussion paper. Among the excluded organisations were leading research groups on alcohol issues, such as the National Drug Research Institute, and public health and community focused organisations which have an important role in preventing and responding to alcohol harms, such as Cancer Council WA, Local Drug Action Groups, Marninwarntikura Women's Resource Centre, Environmental Health Australia (WA), the WA Network of Alcohol and Other Drugs and the Injury Control Council of WA.

The email to which the discussion paper was attached on 30 January 2017 also included the note, "It would be appreciated if the Discussion Paper is not distributed outside of your organisation". Following a request from the McCusker Centre for clarity on this matter, the office of the Minister for Racing and Gaming² responded, "The request for the discussion paper to not be distributed was partly intended to ensure it wasn't widely distributed in an attempt to receive consolidated feedback from representative bodies, rather than copious individual submissions". We appreciate that the response also noted that the Minister's office was happy for us to share the discussion paper with others for the purpose of preparing considered feedback. We believe that while consolidated

¹ Email from Donna Kennedy (Principal Policy Adviser, Minister for Racing and Gaming) to Julia Stafford (Executive Officer, McCusker Centre for Action on Alcohol and Youth), 14 February 2017.

² Email from Donna Kennedy (Principal Policy Adviser, Minister for Racing and Gaming) to Julia Stafford (Executive Officer, McCusker Centre for Action on Alcohol and Youth), 14 February 2017.

feedback may offer greater convenience, the issues addressed are of sufficient importance to warrant any interested party the opportunity to submit a view, particularly as some key issues have not been publicly discussed previously.

The very imbalanced nature of the groups invited to comment on the discussion paper and the request to limit its distribution are not consistent with the principles of an open and transparent process, as would be expected in a genuine public consultation. These concerns are compounded by the curious timing of the discussion paper's release and the feedback period closing the day before the WA election on 11 March 2017. It seems very unusual to hold an important consultation process about potential legislative amendments in the period immediately before a State General Election.

Proposal to significantly restrict the grounds on which police can lodge interventions

This proposed amendment does not appear to relate to the review of the Act and we are not aware of this proposal being discussed in the public arena previously. The discussion paper does not provide any information regarding the origin of or rationale for this proposal, which severely limits our ability to fully assess the proposal.

We have been unable to find evidence of this proposal being considered within the Independent Review Committee's report or government's response. Indeed, the view of the Independent Review Committee appears to contrast markedly with this proposed amendment, as outlined on page 206 of their report:

The Committee considers the ability for the Executive Director Public Health and the Commissioner of Police to intervene in applications is a fundamental aspect to addressing the harm minimisation objects of the Act. The Executive Director and Commissioner have roles in the process which are unique and do not require replication with respect to any other body or office. The Committee does not recommend any amendments to these provisions of the Act, other than recommending the Commissioner of Police should be bound by the same period as other interveners to lodge his intervention.

We strongly support this view. This extract from the Independent Review Committee's report clearly establishes that this proposal has no basis in the review of the Act and is in opposition to the considered judgement of the review committee that the government established.

The view of the McCusker Centre was also summarised in the Independent Review Committee's report on page 205:

The McCusker Centre for Action on Alcohol and Youth submits the role of the Executive Director Public Health in intervening where liquor licence applications may impact on the community's health is important and should continue. Given the burden of alcohol-related harms on health and law enforcement resources, it is essential and appropriate that the role of the Executive Director Public Health and the Commissioner of Police to intervene in proceedings before the licensing authority continues to be supported within the Act.

As the Independent Review Committee noted, the police have a number of very important roles in liquor licensing processes, including to provide unique and valuable information to inform liquor licensing decisions and assess the potential impact of licence applications on the safety of the community. For example, decision reports show that police submit a range of types of information

where relevant, including evidence regarding alcohol-related domestic assaults and non-domestic assaults,³ level of crime and alcohol-related offending,⁴ disturbance and public disorder issues,⁵ drink-driving offences, road crash data⁶ and other indicators of alcohol related harms.

We are aware of a number of recent liquor licensing decisions where information provided by police played a valuable and unique role in informing the Director's decisions to minimise the risk of public disorder or disturbance,⁷ and reduce the risk of another licence adding to existing higher rates of domestic violence in the community.⁸ These are noted as examples only and we are confident that there are many such examples over time which should be recognised.

While applicants may provide information in the Public Interest Assessment that goes to the level of crime or other social harm indicators in the locality, it is important that the information provided by applicants is assessed and verified by the police and other relevant sources, and that additional information is made available where applicants have been selective in their use of data or where applicants do not have access to the range of relevant information available to police or other agencies.

The proposed amendment notes that the Director will be able to request a report from the Police addressing all grounds; however, we do not believe this is sufficient as it would leave open the major potential for important information to be missed from the decision making process. The existing process - whereby police assess an application and submit relevant evidence where appropriate, and the Director can request additional information as needed – does not have this problem and appears to be working well.

Given that police are required to respond to public disorder and disturbance on a daily basis and face significant challenges and risks in doing so, it is nonsensical to restrict the opportunity for police to comment on whether public disorder or disturbance would be likely to result if an application is granted. Responding to alcohol-related issues places major burdens on police resources, and alcohol-related disturbances often involve risk to members of the public as well as frontline services such as police, paramedics and emergency department staff.⁹ Preventing these problems should be

³ Reasons for determination of the Liquor Commission regarding the Peninsula Tavern Maylands.

⁴ Decision of the Director of Liquor Licensing regarding The Sewing Room, Perth. Available from: <http://r.gl.wa.gov.au/docs/default-source/r.gl/the-sewing-room---conditional-grant-of-a-nightclub-licence-decision---full.pdf?sfvrsn=0>

⁵ Decision of the Director of Liquor Licensing regarding The Harbour Terrace Bar & Grill, Hillarys. Available from: <http://r.gl.wa.gov.au/docs/default-source/r.gl/the-harbour-terrace-bar-and-grill---conditional-grant-of-a-tavern-restricted-licence-decision.pdf?sfvrsn=0>

⁶ Decision of the Director of Liquor Licensing regarding Leedal Pty Ltd and Kimberley Accommodation (East) Pty Ltd, 11 January 2017. Available from: <http://r.gl.wa.gov.au/docs/default-source/r.gl/crossing-inn-amp-kimberley-hotel--variation-of-trading-conditions.pdf?sfvrsn=0>

⁷ Decision of the Director of Liquor Licensing regarding Northam BWS. Available from: <http://r.gl.wa.gov.au/docs/default-source/r.gl/conditional-grant-of-a-liquor-store-licence---bws-northam.pdf?sfvrsn=0>.

⁸ Decision of the Director of Liquor Licensing regarding Falcon BWS. Available from: <http://r.gl.wa.gov.au/docs/default-source/r.gl/bws-falcon---conditional-grant-of-a-liquor-store-licence-decision.pdf?sfvrsn=0>.

⁹ Egerton-Warburton D, Gosbell A, Wadsworth A, et al. Perceptions of Australasian emergency department staff on the impact of alcohol-related presentations. MJA. 2016; 204(4):155.e1-155.e6.

a clear priority of liquor licensing processes. It is therefore entirely appropriate that police have a clear and significant role in providing information that will assist in preventing alcohol-related harms.

As noted above, the discussion paper does not explain the rationale for the proposed amendment, so we are unclear as to whether the rationale rests on unfounded suggestions made by some industry groups¹⁰ that police lodge an unreasonable number of interventions. We sought to gauge the frequency of police interventions from publicly available information:

- In the 2014 calendar year, WA Police assessed 1,713 liquor license applications. Police intervened on 264 applications and objected to 41 new licences. WA Police either intervened or objected to less than 18% of the 1,713 new liquor licence applications it assessed in 2014.¹¹
- The WA Police intervened on 136 occasions in 2011 and 399 occasions in 2012. Interventions were lodged in relation to applications for new licences, ongoing hours extended trading permits, one-off trading permits and one-off variations for major events such as music festivals.¹²

While these figures are informative, it would be appropriate for the office of the Minister for Racing and Gaming to source complete information about the number of interventions and objections lodged in recent years by WA Police either directly from WA Police or the Department of Racing, Gaming and Liquor. However, based on the publicly available information we have identified, the police do not appear to lodge an unreasonable number of interventions or objections to liquor licence applications.

On this basis, we see no merit in this proposed amendment and are deeply concerned by its inclusion in the discussion paper, particularly as it appears to have no connection to the Act review and no rationale or background information was provided in the discussion paper to allow proper scrutiny of the proposal. We therefore strongly urge that this proposal is rejected.

Proposal to allow the sale and supply of packaged liquor for consumption off the premises under a casino liquor licence

This proposed amendment is listed in the discussion paper under the heading 'Technical/Operational'; however, we do not believe this is an appropriate characterisation of the proposal. As far as we are aware, the sale of packaged liquor via a casino liquor licence was not considered as part of the review of the Act, this is the first time we have been made aware of this proposal, and the sale of packaged liquor for off premises consumption under a casino liquor licence would represent a significant change in the availability of alcohol. The discussion paper does not provide any information regarding the origin of or rationale for this proposal, which severely limits our ability to fully assess the proposal.

The types of information that would be required to enable proper consideration of this proposal include:

¹⁰ Australian Hotels Association WA. Media release: WA Labor liquor proposals supported to drive tourism in WA economy. 28 January 2015. Available from:

http://www.ahawa.asn.au/news_information/media_releases.phtml?year=2015#sthash.iCBLAwhE.dpbs

¹¹ O'Connor, A. WA Opposition calls for liquor law reform in Perth to improve quality of venues. ABC News, 28 Jan 2015.

¹² Independent Review Committee report, page 205.

- how the proposal differs from the current situation;
- the intended manner of trade;
- the intended hours that packaged liquor would be available;
- type/s of packaged liquor that would be available and the expected price range;
- who are the anticipated customers;
- possible risks associated with the sale of alcohol at a casino;
- conditions that would be applied to minimise harm; and
- other relevant information to support informed consideration of the proposal.

As this information was absent from the discussion paper, we can only comment on the proposed amendment in general terms. Our primary concern is that the proposal would be likely to increase alcohol-related harms to an unacceptable degree and that these harms would be likely to occur across a large geographic area of Perth and its surrounds. We outline the basis for these concerns below.

WA has one casino which is expected to draw a large number of clients from across the Perth metropolitan area and surrounding areas. As an indication of the large volume of visitors to the casino, the 2016 Annual Report of Crown Resorts estimated that there were more than 10 million visits to Crown Perth in 2016.¹³ Any changes to the operation of a casino liquor licence would therefore have the potential to impact a very large number of people and a large geographic area of WA.

Packaged liquor purchased at the casino would be likely to be carried back to homes and other locations for consumption, and may contribute to elevated levels of alcohol-related problems in other locations away from the casino. These impacts and how they could be minimised would need to be considered further.

Given the 24-hour nature of the casino and associated liquor trading hours, we are very concerned that this proposal would potentially allow for the 24-hour sale of packaged liquor. This would allow for packaged liquor sales well outside of the permitted trading hours of a liquor store licence and have a marked impact on the availability of alcohol during late night hours.

We have additional concerns related to the casino already being a licensed premise associated with a high volume of alcohol sales and consumption; this proposal would potentially combine high volume on-premises consumption and high-volume off-premises consumption of alcohol. The implications of this, including in terms of pre-loading, would need to be fully considered.

Problems associated with the sale of packaged liquor have drawn greater attention from researchers in recent years, and below we have summarised examples of relevant research evidence.

Packaged liquor accounts for a large proportion (80.5%) of alcohol sold in Australia.¹⁴ Therefore, even a small increase in the availability of alcohol through packaged liquor outlets would be expected to have important impacts on alcohol consumption and harms in WA.

¹³ Crown Resorts. Annual Report 2016. Available from <http://www.crownresorts.com.au/investors-media/annual-reports>.

¹⁴ Euromonitor International. Passport: Alcoholic drinks in Australia. August 2013.

Research shows that alcohol availability is strongly related to alcohol consumption and harms, including assaults. A WA study by the National Drug Research Institute which investigated the association between numbers of on-premise and off-premise licensed outlets and assaults occurring at residential and licensed settings found that the higher the amount of alcohol sold per off-site outlet the greater the risk of reported assault within a local government area.¹⁵

Packaged outlet density is positively associated with rates of assault, domestic violence, chronic disease and very heavy episodic drinking.^{16,17,18,19} A study by the National Drug Research Institute examined the effects of alcohol outlets, sales and trading hours on alcohol-related injuries presenting at emergency departments in Perth from 2002 to 2010 and found that higher alcohol sales among off-premise outlets were associated with increased risk of alcohol-related injury.²⁰

Research shows that increased trading hours are accompanied by significantly increased levels of alcohol consumption and/or harms²¹ and that reducing availability of packaged liquor late at night can reduce harm, particularly among young people.²²

On the basis that this proposal appears to have no history of public consideration as part of the Act review process, its origin as a proposed amendment is unknown to us, the absence of specific information about this proposal in the discussion paper, and the potential to substantially increase the availability of alcohol and alcohol-related harms, we strongly recommend that this proposal is not progressed.

Brief comment on other proposed amendments

- 1. Provide the Director with the discretion to consider applications without having regard to the public interest requirements. Those applications determined by the Director to be low risk, such as restaurants, will only need to satisfy the licensing authority that the grant of a licence and the intended manner of trade will not negatively impact on the amenity of the locality in which the premises are situated. High risk applications such as hotels, liquor stores and nightclubs will continue to be subject to the current public interest assessment requirements and applicants will still be required to address the public interest requirements specified by the objects of the Act under sections 5 and 38. Irrespective of**

¹⁵ Liang W & Chikritzhs T. Revealing the link between licensed outlets and violence. Counting venues versus measuring alcohol availability. *Drug and Alcohol Review*. 2011; 30: 524-535.

¹⁶ Livingston M. To reduce alcohol-related harm we need to look beyond pubs and nightclubs. *Drug and Alcohol Review*. 2013; 32(2):113-114.

¹⁷ Livingston M. Alcohol outlet density and harm: Comparing the impacts of violence and chronic harms. *Drug and Alcohol Review*. 2011; 30(5):515-523.

¹⁸ Livingston M. A longitudinal analysis of alcohol outlet density and assault. *Alcoholism: Clinical and Research*. 2008; 32(3):1074-1079.

¹⁹ Livingston M. A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction*. 2011; 106(5): 919-925.

²⁰ Hobday M, Chikritzhs T, Liang W, et al. The effect of alcohol outlets, sales and trading hours on alcohol-related injuries presenting at emergency departments in Perth, Australia, from 2002 to 2010. *Addiction*. 2015; 110(12): 1901-1909.

²¹ National Drug Research Institute. 2007. Restrictions on the sale and supply of alcohol: Evidence and outcomes. Perth: NDRI, Curtin University.

²² Wilkinson C, Livingston M, Room R. Impacts of changes to trading hours of liquor licences on alcohol-related harm: a systematic review 2005-2015. *Public Health Research and Practice*. 2016; 26(4):e2641644.

the licence category, the Director will have the discretion to require an applicant to lodge a public interest assessment where it is deemed appropriate.

This proposal does not appear to be directly related to the recommendations of the Act review or to the government's response.

Caution should be applied when considering any changes to the public interest assessment requirements as any weakening of these requirements may undermine the objects of the Act and have significant consequences for the community. As the McCusker Centre outlined in our original submission to the Act review, a Public Interest Assessment should remain a requirement for applications for all liquor licence categories.

To enable proper consideration of the proposed amendment, further clarity is needed in regard to what type/s of applications would be considered low risk. Restaurants are provided as an example in the discussion paper; however, it is unclear what other licence types or features of an application would be determined to be low risk. As the classification of low and high risk is fundamental to the proposal, further information is needed to allow proper discussion of this proposal.

2. Amend the secondary objects of the Act to include 'encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor that are consistent with the interests of the community'.

We understand that this proposed amendment is largely consistent with the government's response to recommendation 19 of the Act review. On the face of it, the proposal appears reasonable; however, it is rather vague and we are unclear what impact this amendment would have on the decision making process. We would appreciate further information about the potential impacts of this change before commenting further.

3. Establish a separate licence category for small bar licences.

We acknowledge that this proposed amendment is consistent with recommendation 49 of the Independent Review Committee's report and the government's response. As the McCusker Centre outlined in our original submission to the Act review, policy approaches to small bars should not support a proliferation of small bar licences.

The cumulative impact of multiple small bars or a combination of small bars and other types of licensed premises in an area must be considered. The reality is that a small bar does not operate in isolation, and may contribute to the clustering of liquor outlets or further contribute to the availability of alcohol in an area. As with other types of licences, there is also the potential for problems once people leave the small bar, for example, disorder and reduced amenity.

The current process of submitting a Public Interest Assessment as part of an application for a small bar licence is appropriate and should remain to provide some level of assurance that the grant of the application is in the public interest.

4. Enable liquor stores in major regional centres to trade between 10.00 am and 10.00 pm on Sundays. The major regional centres will be prescribed in regulations.

We acknowledge that this proposal is consistent with the government's response to the review, and that the proposed Sunday trading hours for major regional centres are consistent with the current trading hours for liquor stores in the Perth metropolitan region.

However, the proposed change will increase the availability of alcohol in and around major regional centres in WA. Estimates of per capita consumption of alcohol in some regional areas of WA already exceed the WA average.²³ Increasing the availability of alcohol in these areas of regional WA may contribute to increases in alcohol consumption and associated harms.

If this proposal is introduced, we recommend the government resource appropriate approaches to monitoring and evaluation regarding health and social impacts of the changes over time.

5. Enable submissions to be lodged in support of, or opposing, an application.

We acknowledge that this proposed amendment is consistent with recommendation 4 of the Independent Review Committee's report and the government's response.

We believe that liquor licensing processes should provide for meaningful community access and participation, and that the Act and the way it is administered should enable and support effective community engagement in liquor licensing processes. As the McCusker Centre outlined in our original submission to the review (see pages 20-23), community access, participation and representation in liquor licensing processes are restricted by a substantial range of factors and ordinary members of the public are effectively barred from these processes.

The Independent Review Committee recognised the difficulties for community members in navigating the objection process and intended this recommendation to address these difficulties in part.²⁴ We support this proposed amendment to the extent that it facilitates the inclusion of genuine community views in liquor licensing processes and provides concerned members of the public with an avenue to submit their concerns without the substantial challenges associated with preparing an objection.

We also support the comment in the government's response to this recommendation that "it is important to acknowledge that decision-making can only remain evidence based".

We would be concerned if the opportunity to provide submissions in support of an application was exploited by well-resourced applicants to distort the representation of community views within the decision making process. The potential for this should be considered and minimised.

6. Provide the Police with the power to seize and dispose of liquor if it is suspected on reasonable grounds that a person possessing liquor near a remote community that has been declared a restricted area is going to contravene the restrictions.

²³ Loxley W, Gilmore W, Catalano P, Chikritzhs T. National Alcohol Sales Data Project (NASDP) Stage 5 Report. 2016. National Drug Research Institute.

²⁴ Independent Review Committee report, page 21.

This proposed amendment appears to be a reasonable measure to support liquor restrictions in regional WA communities.

7. Make a minor amendment to extend the 'drink up' time to 30 minutes after the cessation of permitted hours.

This proposal does not appear to relate to any recommendations of the review or to the government's response. The lack of detail in the discussion paper explaining the proposal makes it difficult for us to comment on it as we are not fully informed about how the proposal differs from the current situation, the potential implications of this change and the origin of the proposal.

The proposal appears to relate to Section 112 of the Act which allows for the possession or consumption of alcohol on the premises for 15 minutes after the end of the permitted hours. The possession or consumption of liquor supplied ancillary to a meal is allowed for 30 minutes after the permitted hours.

The proposed amendment appears to be consistent with the submission of the Australian Hotels Association WA (AHA WA)²⁵ in which the AHA WA requested "That licensed premises be allowed 30 minutes after closing time for patrons to consume liquor on premise". It is therefore reasonable to infer that the AHA may be the origin of this proposal. We are concerned that this was not made clear in the discussion paper and it raises serious concerns that other proposed amendments noted in the discussion paper may originate from the liquor industry and that this has not been disclosed.

Other comments

There appear to be a range of recommendations that the government supported in its response to the Act review and marked as intended to be part of the second stage of legislative activity, but which are not listed in the 2017 discussion paper. We request clarification on the status of those recommendations that the government supported and noted to be part of the second stage, but which are not included in the discussion paper.

Conclusion

We have outlined our significant concerns about the content of the discussion paper and the consultation process. We are particularly concerned that some of the proposed amendments appear to prioritise private commercial interests over the public interest, and that the representation of commercial interests in the consultation process has far exceeded the representation of other important health and community perspectives.

We believe it was misleading to present the discussion paper as the second stage of the Government's commitment to implement the recommendations of the Act review when a number of the proposals which have significant implications for community health and safety do not appear to have any basis in the review or the government's response.

Our ability to fully assess the proposed amendments has been severely limited by the lack of information provided in the discussion paper. Additional information should be provided to explain

²⁵ AHA WA submission to the WA Liquor Control Act review, page 35. Available from: <http://www.ahawa.asn.au/images/ahawa-335--poochahxej.pdf>.

the origin, rationale and relevant background information for each proposed amendment, especially those without a clear link to the review, and the discussion paper should be made publicly available to allow all interested parties the opportunity to comment.

We would appreciate the opportunity to discuss our feedback with you.

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Appendix: Comments from Sheila McHale, Chief Executive Officer, Palmerston Association.

We are most concerned that the discussion paper is not subject to open and transparent public scrutiny, particularly as it contains matters that were not considered as part of the original review.

We support your assessment of the major concerns as outlined in your email and support the main thrust of your submission.

Whilst there has been recent and significant reporting of, and community concern for the impact of methamphetamine, alcohol remains for many people their primary drug of concern. Our figures show that alcohol is identified as the primary drug of concern for nearly one in four of our clients for the period July to December 2016. It is clearly a major problem and should not be eclipsed by methamphetamine.

Curtailling the capacity of the police to make submissions on liquor applications is a retrograde step. The cost of policing incidents which involve alcohol and other drugs to the police service is staggering.