

**July 2005**

**REPORT OF THE  
MINISTER FOR RACING AND GAMING  
ON THE**

**REVIEW OF THE LIQUOR LICENSING ACT 1988**

Presented to

Members of the Legislative Assembly  
and the Legislative Council

by

The Hon Mark McGowan MLA  
Minister for Tourism;  
Racing and Gaming;  
Youth; Peel and the South West

## **LEGISLATIVE REQUIREMENT**

1. Section 178(1) of the *Liquor Licensing Act 1988* (the Act) provides for the Minister for Racing and Gaming to carry out or cause to be carried out a review of the operation of the Liquor Licensing Act, having regard to and to consider –
  - the effectiveness of the operations of the licensing authority; and
  - such other matters as appear to the Minister to be relevant to the operations and effectiveness of the Act.
2. The Act has been reviewed and in accordance with section 178(2) of the Act I now present my report to Parliament.

## **REVIEW COMMITTEE**

3. In September 2004 the Government appointed the following persons to undertake the review:-
  - Mr Jim Freemantle (Chairperson) recently retired from the position of Chief Executive of Home Building Society and is the deputy chairman of Racing and Wagering Western Australia.
  - Mr George Bray (Member), retired, has extensive experience in local government, including a period from 1991 to 1997 as Chief Executive of the City of Stirling.
  - Mrs Wendy Silver (Member), General Manager Operations, Southern Cross Care WA (Inc), has extensive experience as a member of Government boards and review committees.

## **TERMS OF REFERENCE**

4. The committee was to consider and have regard to:
  - the submissions received on the “Review of the Structure and Operations of the Licensing Authority”, in reviewing the effectiveness of the operation of the licensing authority; and
  - those matters set out below and other matters considered by the review committee to be relevant to the operation and effectiveness of the Act.

### ***The Effectiveness of the Operations of the Licensing Authority***

5. In July 2002, the Minister for Racing and Gaming initiated a review of the operation of the licensing authority, which included an assessment of the manner in which applications are determined under the Liquor Licensing Act and the relationship between the Liquor Licensing Court and the Director of Liquor Licensing.
6. A discussion paper was prepared by the Department of Racing, Gaming and Liquor to facilitate the review and to provide an opportunity for stakeholders to make submissions in relation to the review.
7. In assessing the effectiveness of the operations of the licensing authority, the Review Committee was to examine and take into account the submissions received in response to the discussion paper.

8. In considering the effectiveness of the operations of the licensing authority, consideration was also to be given to the appropriateness of the Government, through the Minister issuing policy guidelines providing guidance in relation to matters of public interest and Government policy on liquor licensing issues.

***Matters Relevant to the Operation and Effectiveness of the Act***

9. The Review Committee was to examine and consider those matters that appear relevant to the operation and effectiveness of the Act, having regard to –

- the interests and needs of the Western Australian community;
- the interests and needs of persons selling or supplying liquor;
- the interests and needs of liquor consumers;
- the interests and needs of the tourism industry in Western Australia; and
- the trends and experiences of other Australian and overseas jurisdictions.

10. These matters include the following:

- (i) The appropriateness of the objects of the Act and the current licence classification system and associated trading hours, having regard to changing community needs and attitudes relating to the accessibility of liquor and related services, including -
  - ❖ the minimisation of harm or ill health caused to people, or any group of people, due to the use of liquor;
  - ❖ the use of extended trading permits;
  - ❖ the times during which liquor is available at hotels and liquor stores and the distinction between the services offered by hotels and cabarets;
  - ❖ the role of the club licence and the requirement that liquor only be sold to club members and their guests;
  - ❖ the extent to which a restaurant licence should allow liquor to be consumed without a meal;
  - ❖ the availability of packaged liquor;
  - ❖ the ability to ban a specified liquor product or class of liquor products from sale or distribution; and
  - ❖ any specific needs of non-metropolitan licensed premises and communities.
- (ii) The merits of a public interest test in comparison to the public needs test and the relative implications for the licence classification system.
- (iii) The impact of market domination on the liquor industry.
- (iv) Security issues associated with the operation of licensed premises and the control of special events.

## **REPORT TO GOVERNMENT**

11. The Independent Review Committee presented its report to the Government in May 2005 and was released for public comment on 13 July 2005. The report is tabled as part of this report.
12. The review report, which includes 100 recommendations, provides a good framework for addressing industry and community concerns on the operation of Western Australia's liquor licensing laws. It is, therefore, important that industry stakeholders and members of the community have an opportunity to comment on the recommendations and for this to happen the Government has allowed a period up to 26 August 2005.