

LIQUOR RESTRICTIONS — PILBARA

5056. Mr J.E. McGrath to the Minister for Racing and Gaming:

I refer to the number of restrictions to further minimise alcohol-related harm in the Pilbara region that took effect on 31 March 2019, and I ask:

- (a) Did any party submit an application for review of the decision, (determined on 11 January 2019) by the Director – Liquor Control and Arbitration, to impose the liquor sale restrictions;
- (b) If yes to (a):
 - (i) How many parties submitted an application for review of the decision;
 - (ii) Can the Minister list the name of the parties;
 - (iii) What were the grounds in seeking a review of the decision; and
 - (iv) What was the outcome of the application(s) and the subsequent review;
- (c) Can the Minister provide or set a date on when a review of the effectiveness of these restrictions will be undertaken and if yes, what is that date;
- (d) If no to (c), why not;
- (e) Will the consultation as part of the review of the effectiveness of the restrictions involve the same stakeholders consulted prior to the decision;
- (f) What criteria or parameters will be used to assess the effectiveness of the restrictions;
- (g) Who is responsible in leading or chairing this review; and
- (h) How is the Department going to monitor and ensure total compliance by the large suppliers of packaged liquor in Western Australia (Coles and Woolworths) with the liquor restrictions in respect of their on-line sales and delivery?

Mr P. Papalia replied:

By way of a reminder, the Member is likely aware that the process of setting and implementing liquor restrictions in the State is the responsibility of the Director of Liquor Licensing, in that statutory role, independent of me as Minister. I have no legislative power to intervene in the implementation, alteration or cessation of restrictions. Notwithstanding this, I have obtained the following advice from the Department of Local Government, Sport and Cultural Industries:

- (a) Yes.
- (b) (i) 3 review applications representing 20 parties have been lodged with the Liquor Commission.
 - (ii) (1) Sunseasons Pty Ltd
 - (2) Delta Point Holdings Pty Ltd
 - (3) Bushfalls Pty Ltd
 - (4) Sonsan Pty Ltd
 - (5) Walkabout Holdings Pty Ltd
 - (6) Liquor Store Association Pty Ltd
 - (7) Australian Hotels Association (WA)
 - (8) Regional Property Custodian Pty Ltd
 - (9) Ringthane Pty Ltd
 - (10) Mark Clarkson for 3 licensed premises
 - (11) Rempearl Pty
 - (12) Redsands Nominees Pty Ltd
 - (13) Raminea Pty Ltd
 - (14) Haybar Pty Ltd
 - (15) Rum Holdings Pty Ltd
 - (16) Hotel Newman Pty Ltd

- (17) Iron Bark WA Pty Ltd
- (18) Woolworths Group Limited
- (iii) The key issues raised in the grounds for review are:
 - The Decision Maker:
 - misconstrued its statutory function required under section 64 of the Act, and the primary and secondary objects of the Act;
 - erred in its findings regarding the existing level of harm and ill-health in the relevant area due to the use of liquor;
 - erred in its conclusion that the restrictions will effectively address the level of harm and ill-health occurring in the relevant area;
 - erred by relying upon statistical data not relevant to the relevant area or otherwise out-of-date, unreliable and/or not reflective of the relevant area;
 - failed to consider alternative solutions to minimise alcohol related harm and ill-health in the relevant area.
 - (iv) The matter has been listed for a hearing before the Liquor Commission in June 2019.
- (c) It is proposed that a review of the effectiveness of the restrictions will be undertaken two years after they are implemented.
- (d) Not applicable.
- (e) Key stakeholders will be consulted as part of the review process.
- (f) The review framework has not yet been finalised.
- (g) This will be decided as part of the review framework.
- (h) As noted in the decision imposing the restrictions, both Coles and Woolworths have advised that they will support the minimisation of alcohol-related harm in remote areas of the State by voluntarily abiding by liquor restrictions that are in place in regional and remote areas in respect of their on-line sales, however I will be exploring avenues to ensure this.