



Australian Hotels Association
WESTERN AUSTRALIA

38 Parliament Place West Perth WA 6005
PO Box 660 West Perth Western Australia 6872
T: 08 9321 7701 F: 08 9321 7730 W: www.ahawa.asn.au

Media Release

11 November 2009

High Court Decision Should Act As Warning to Drinkers

The High Court of Australia's ruling on the Tandara Motor Inn reinforces the complexity and responsibility that is shared by patrons and licensees on matters of alcohol consumption, and a tragic reminder about the need for responsible drinking.

Bradley Woods CEO of AHA(WA) said the High Court ruling makes it clear that licensees owe no general duty of care at Common Law to customers requiring them to protect them from any possible consequence of the alcohol they choose to consume.

"However, Western Australian legislation, and in particular the *Liquor Control Act*, still requires and holds enormous obligations on licensees to sell and serve alcohol responsibly, he said

"Our preliminary understanding is that this High Court Decision relates only to the application of law to negligence and does not relinquish the statutory obligations placed upon licensees and staff to sell and serve alcohol responsibly.

"The Decision has absolutely no effect on the moral obligation licensees have to ensure alcohol is served and consumed responsibly on licensed premises. However, it clearly reinforces the need for individual consumers to take responsibility for their actions."

The Australian Hotels Association welcomes the decision as reinforcement of personal responsibility and not shifting blame in negligence cases.

Ends

**For further information please contact
Jo Chapman, ☎ 9321 7701, 0458 761 927**