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# Last orders on liquor reform

■ Gareth Parker  
Inside State



If the Government is of a mind to follow the recommendations of the 13-month independent review of the Liquor Control Act chaired by respected businessman John Atkins, the Premier's election promise to allow restaurants to serve liquor without a meal will stand as the high watermark of moves to liberalise the way alcohol is served in WA's burgeoning hospitality scene.

If the Atkins committee holds sway, it will mark the end of a slow but steady 10-year period of reform that has inarguably changed the way West Australians and our visitors socialise in the public realm.

What is now known as the Liquor Control Act was originally passed in 1988, a law whose primary objectives were to regulate and contribute to the proper development of the liquor and hospitality industries, cater for the requirements of tourism, reflect the diversity of consumer demand while adequately controlling the people directly involved in the sale and consumption of liquor.

It remained unchanged for a decade until 1998, when two new primary objectives of the Act were introduced: a requirement to minimise harm or ill-health because of the consumption of liquor, and an explicit responsibility to "regulate the sale, supply and consumption of liquor".

For the first time, the liquor licensing authority was now in the public health business.

The last major review of WA's liquor licensing laws was the 2005 Freemantle review.

From it flowed a further round of reforms to the Act

which left us the system we have today.

Previously licensees would have to satisfy the licensing authority there was a "public need" for their new outlet — an anti-competitive test that left the licensing authority with little option but to protect incumbent licensees. It was replaced with a "public interest test" that was intended to produce fairer outcomes for aspiring entrants to the industry.

Similarly, Sunday trading for liquor stores was introduced for the metropolitan areas, breaking the pubs' monopoly.

Training requirements for licensees and staff in responsible service of alcohol were toughened, and provisions for liquor restrictions on remote communities were introduced.

Arguably the most visible change was the creation of a new licence category for small bars and six years on, there are 78 such venues around the State.

The positive contribution this influx of new venues has had on Perth and its surrounds is self-evident to anyone who has patronised their burgeoning ranks, which dot the city and the suburbs.

The report, which at its outset tasks itself with changing the State's drinking culture, acknowledges the "positive impact on the drinking culture" small bars have had.

The opening of each new venue exposed people to new ways of enjoying alcohol — and each other's company — in vastly more civilised and responsible ways than the beer barns that previously characterised the dominant hospitality offering.

The clientele small bars have attracted — young, old, male, female, suburbanite and city slicker — is as diverse as the array of offerings

They have created culture, supported creativity and provided jobs while encouraging civility, enjoyment and

responsibility over aggression, excessive consumption and recklessness.

In short, the small bar scene has become a symbol of the sort of mature, evolving Perth many residents always believed their city could become if it just trusted its citizens a little more and allowed them to grow up.

The Atkins review marks the end of that approach.

There is no significant new measure proposed that aspires to continue this incremental, yet unmistakable, reform path that has contributed to Perth's present renaissance.

It recommended no change to trading hours, dashing hopes of parts of the industry — and mainstream consumers — that more freedom, especially for small bars and on Sundays, might be on the way.

It reinstates a previously abolished categorisation of venues between high risk and low risk, where all hotels, taverns, nightclubs, liquor stores and special facility licensees are considered high risk, irrespective of their character, management or track record.

It has praise for small bars' contribution towards changing the culture but then refuses to unshackle their operating hours, arguing a right to open later than midnight (or 10pm on Sundays) would see them forfeit their low-risk character. Evidently the committee believes West Australians still cannot be trusted to behave themselves after their bedtime.

The introduction to the Atkins report is telling.

"While moderate, unproblematic drinking is the norm in WA, there is the potential for liquor to be misused with serious negative consequences. While only a minority of the community are drinking at excessive and immediately risk levels, the potential for harm resulting from lower level alcohol consumption is becoming more



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and more evident.” (The emphasis is mine.)

Maybe the committee had no choice, so shocked are we all by the disgraceful phenomenon of what is euphemistically termed “alcohol-fuelled violence” but is really just thuggery that may have far more to do with other cultural and chemical factors than alcohol.

It heard compelling evidence from Police Commissioner Karl O’Callaghan, who whatever pejoratives the Australian Hotels Association’s chief Bradley Woods throws at him still has the thankless job of cleaning up the mess.

The committee is also swayed by the unmistakable moral obligation to shield juveniles from the effects of alcohol, with

new evidence emerging about the deleterious effects of booze on developing brains. It appears inconceivable that WA’s parliamentarians will not pass some form of secondary supply laws within 12 months.

The outspoken Mr Woods said the three-member committee had never worked in the booze industry and claimed they had been “captured” by the evidence of the self-interested police and public health lobby. He, of course, is a mere advocate for what he termed “the needs of modern WA consumers and what the industry needs”.

The public health advocates didn’t get everything they wanted, but then they never expected to.

The report and its 141

recommendations were well received indeed, especially its call for expanded public education programs to be paid for in part by a hike in licence fees, which should keep the grants flowing nicely.

For his part, Mr Atkins was adamant.

“I didn’t feel any pressure. It was a pleasure to be able to undertake this role for the minister and we did our best,” he said. “My job’s done now — it’s over to the Government.”

This is where Mr Woods, whose reputation as an influence peddler is unparalleled, earns his money. Let the lobbying begin.

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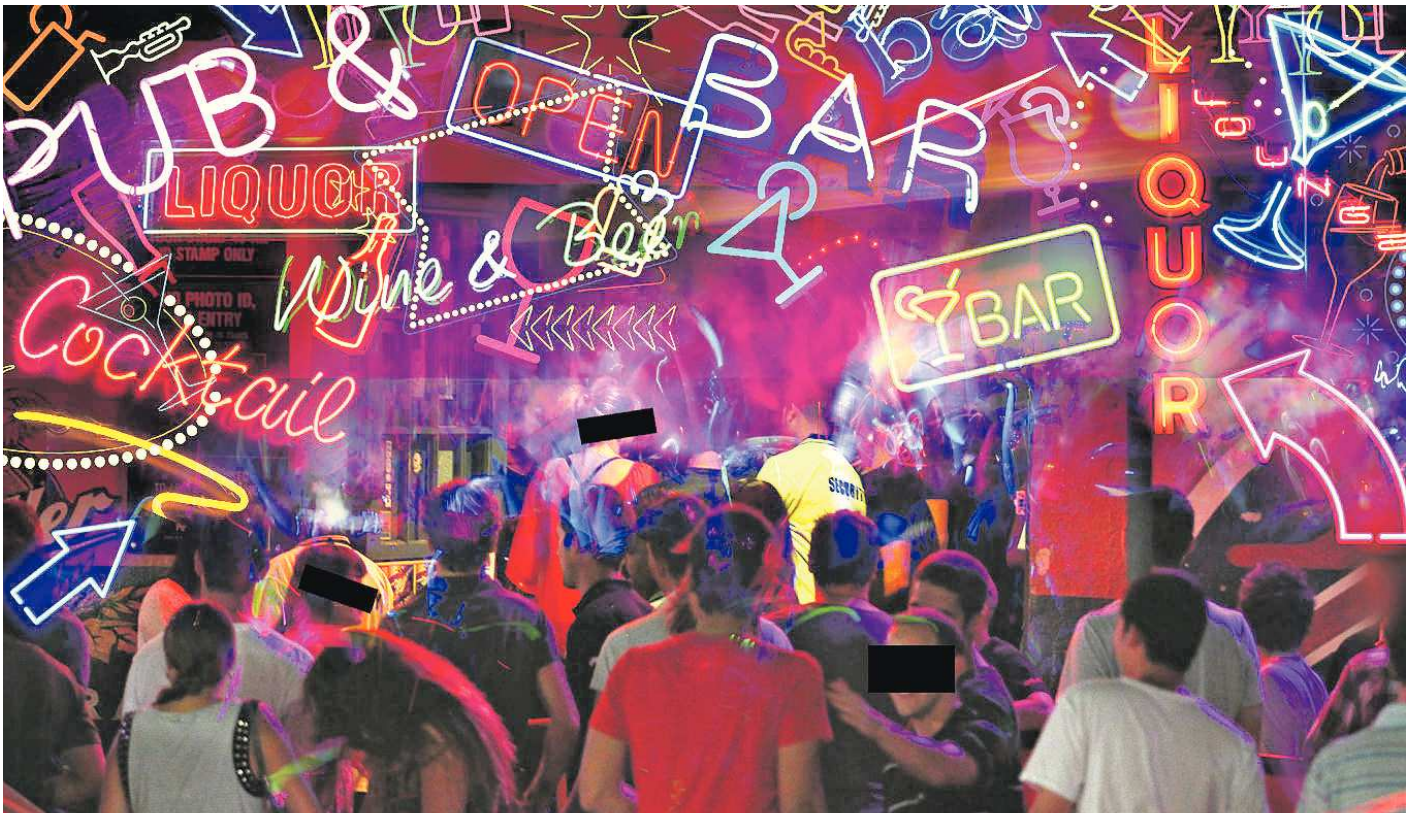


Illustration: Don Lindsay