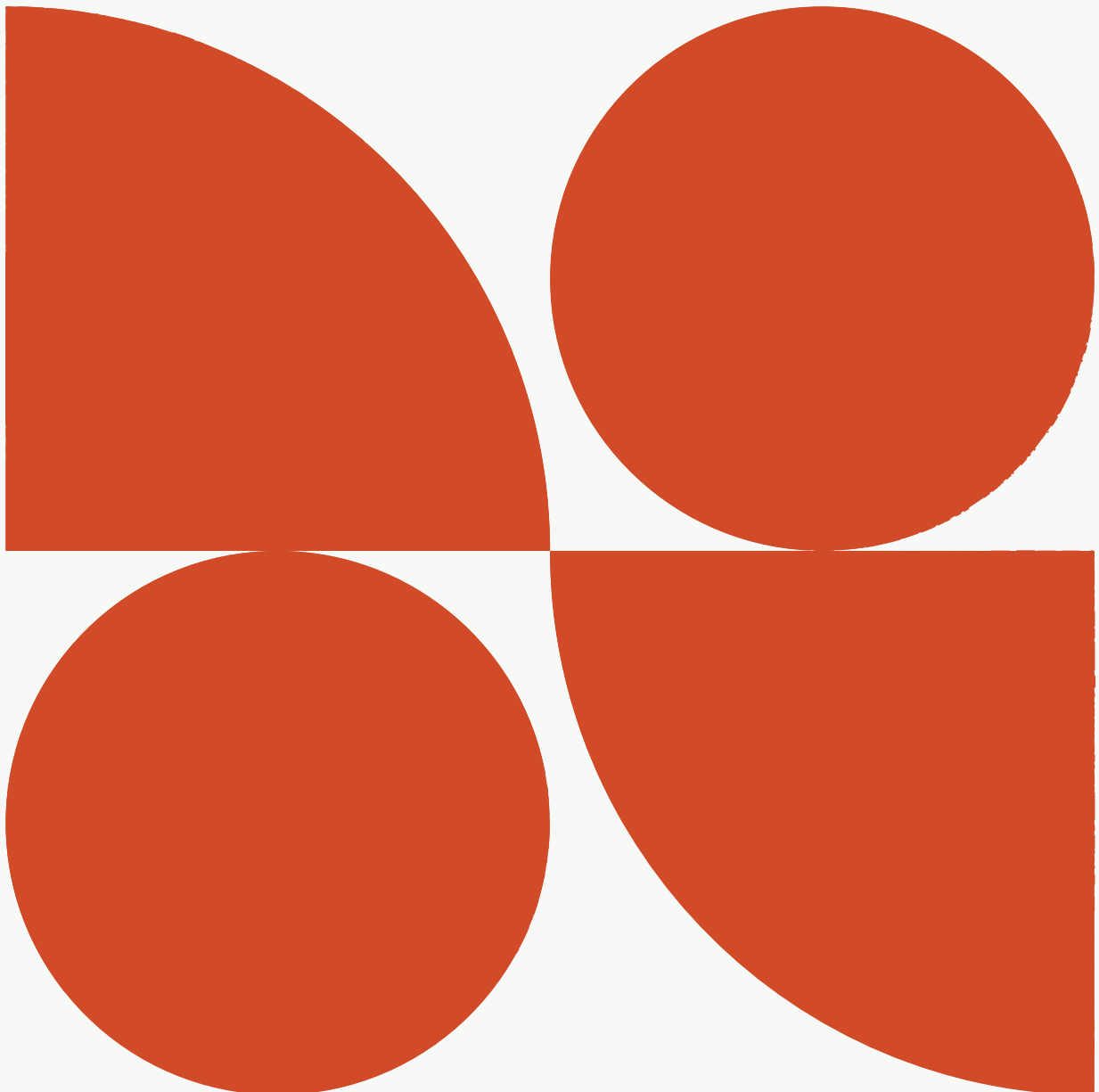


# Submission

## Liquor Control Act 1988 Review



## Acknowledgement of Country

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WANADA acknowledge the traditional custodians of Country on which this submission was developed, the Whadjuk people of the Noongar Nation. We acknowledge their continuing and unbroken connection to land, sea and community. We pay our respect to their culture and their Elders, past and present and acknowledge their ongoing contribution to WA society and the community.

## About WANADA

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The Western Australian Network of Alcohol and other Drug Agencies (WANADA) is the peak body for the specialist alcohol and other drug education, prevention, treatment and support sector in Western Australia. WANADA is an independent, membership-driven, not-for-profit association.

WANADA is driven by the passion and hard work of its member organisations, which include community alcohol and other drug counselling; therapeutic communities; residential rehabilitation; intoxication management; harm reduction; peer based; prevention; and community development services.

## Key Points

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- WA experiences significant levels of alcohol-related harms. Each week there are 8 deaths, 402 hospitalisations and 180 family violence assaults related to alcohol use.<sup>1</sup>
- The WA government has indicated an increased focus on applying population-based, health-focussed responses to alcohol harms.
- There are a range of evidenced, population-based, health-focussed initiatives that should be introduced in WA, including a floor price for alcohol, alcohol home delivery reform, and reducing children's exposure to alcohol.

WANADA has viewed an advanced copy of the submission being lodged by Cancer Council WA and wishes to express support for its recommendations.

## Alcohol and Other Drug Policy Context

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Harm minimisation is outlined as a primary objective of the Liquor Control Act 1988 (*The Act*)<sup>2</sup> and has underpinned Australian alcohol and other drug policy since 1985. A harm minimisation approach responds to the scope and complexity of government, social, legal, commercial, and economic systems that impact alcohol and other drug related harms.<sup>3</sup>

In recent years, the WA government has indicated an increased focus on population-based, health-focussed responses to reduce harms related to alcohol, including:

- The *Sustainable Health Review* aims to reduce alcohol-related harms by 10% by 2024, referencing alcohol use as a public health issue.<sup>4</sup>
- The *WA Health Promotion Strategic Framework Draft* includes a focus on effective management of alcohol availability as a preventive health measure.<sup>5</sup>
- The *Western Australian Alcohol and other Drug Interagency Strategy* identifies primary and secondary prevention as key strategic areas, and outlines harm reduction initiatives.<sup>6</sup>

Internationally, the World Health Organisation supports a health-based response, acknowledging that alcohol is not a normal commodity<sup>7</sup> and contributes a significant burden on health and social systems. Implementing population-based, health-focussed measures and a genuine balance across all three pillars (supply, demand, and harm reduction) of harm minimisation has long been recognised as a required response to alcohol (and other drug) related harms.<sup>8</sup>

## Alcohol-Related Harm in WA

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Almost every part of our lives is impacted by alcohol-related harm, including our ability to access urgent medical treatment, the amenity of our communities, safety on our roads, and the health and wellbeing of our children.<sup>9</sup>

Each week in WA there are 8 deaths, 402 hospitalisations and 180 family violence assaults related to alcohol use.<sup>10</sup> Nationally, harm from

alcohol is estimated to cost the Australian community nearly \$67 billion a year in health, workplace, economic, and other costs,<sup>11</sup> and is the fifth highest risk factor for disease (both fatal and non-fatal), contributing to 4.5% of the total burden.<sup>12</sup>

Harm from alcohol is not limited to those who consume it: research shows friends, family, bystanders, and others are equally impacted by alcohol harms, meaning alcohol has overtaken tobacco in its risk of harm to others.<sup>13</sup>

WANADA believes that there is a need for continued focus and investment on addressing alcohol related harms through evidenced, population-based, health-focussed approaches.

## WANADA Recommendations

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### 1 A Floor Price for Alcohol

Very cheap alcohol is a significant contributing factor towards alcohol-related harms across our community. Some alcohol is sold for less than 35c per standard drink.<sup>14</sup> This cheap alcohol accounts for only a small share of the market, but a large share of the harms. Nationally, over 75% of all alcohol consumed is done so by only 20% of the population, and those who purchase the most prefer the cheapest alcohol products.<sup>15,16</sup>

A floor price for alcohol – also known as a minimum unit price – is an evidenced approach to reduce the disproportionate harms driven by very cheap alcohol products. A floor price set at \$1.50 per standard drink raises the cost of only the cheapest alcohol products, which are targeted at people who drink at high-risk levels, sold in dangerously high volumes<sup>17</sup> and linked to disease, injuries, road crashes, and violence.<sup>18</sup>

WANADA understands only a small proportion of alcohol products at liquor stores will be affected by a floor price while licenced establishments already sell their alcohol at a higher price point and can purchase their establishment's alcohol at wholesale prices (which will remain unaffected).

The Northern Territory introduced a floor price in 2018. An evaluation found that in the first year, the floor price resulted in significant drops in alcohol-related ambulance call outs, emergency department presentations, assaults, road crashes, and child protection cases.<sup>19</sup> A 2022 evaluation resulted in the state government committing to continue the measure.<sup>20</sup> Several other countries, such as Scotland, Wales, Ireland and Canada have introduced a floor price, with no jurisdiction removing the measure post-evaluation; a testament to its cross-cultural efficacy.

A key benefit of a floor price is that it has very limited implementation costs, with the main associated cost being retail compliance.

It is WANADA's view that a floor price should be packaged alongside complementary measures, such as investment in alcohol and other drug treatment services, as recommended in existing government plans.<sup>21</sup>

## 2 Alcohol Home Delivery Reform

The recent expansion of the alcohol home delivery marketplace has significantly increased the accessibility of alcohol.<sup>22,23,24</sup>

WANADA notes related risks such as increased accessibility for children and young people,<sup>25</sup> suicide,<sup>26</sup> family violence,<sup>27</sup> and delivery to people who are already intoxicated.<sup>28</sup>

WANADA supports Cancer Council WA's submitted recommendations to reduce risk of harm in the sale of home-delivery alcohol.

## 3 Reduce Barriers for Community Participation in Liquor Licensing

Currently, community members are required to establish and prove a valid objection against a liquor license if they believe its approval will be harmful to their community.

WANADA notes, however, that communities are typically not supported to engage with liquor licensing processes due to generally limited: understanding of the process; support from relevant bodies; resources; time; and legal knowledge.

In line with Cancer Council WA's submission, WANADA recommends *The Act* include key mechanisms to support community members, including Aboriginal community representatives, and local services and representatives, to genuinely engage in the liquor licensing process, such as the establishment of an independent Community Defender's Office.

4

## Effectively Monitor and Enforce WA Liquor Laws

*The Next Chapter of WA's Liquor Laws* discussion paper states "compliance and enforcement are essential for ensuring the effectiveness of the liquor regulatory framework".<sup>29</sup>

WANADA notes evidence that young people under the age of 18 in WA are able to enter licenced premises and/or purchase alcohol without having their identification checked,<sup>30</sup> indicating an opportunity to improve monitoring and enforcement practices of licenced venues.

To foster a 'compliance culture', WANADA supports Cancer Council WA's recommendation re. compliance surveys and controlled purchase operations to improve compliance of licenced venues.

5

## Protect Children from Exposure to Alcohol

There is strong evidence that exposure to alcohol marketing is *causing* underage alcohol consumption,<sup>31</sup> and is associated with high-risk drinking in young people.<sup>32</sup>

Children can be exposed to alcohol advertising via many different mediums, and this has only been exacerbated by targeted digital marketing increasingly used by the alcohol industry.<sup>33</sup> Further, the self-regulatory and voluntary nature of the Alcohol Beverages Advertising Code (ABAC) poses a clear conflict of interest.<sup>34</sup> The ABAC Panel works reactively, relying solely on consumer complaints to detect non-compliance, rather than actively monitoring.<sup>35</sup> Concurrently, digital advertising is only visible to its target audience and is often fleeting, and therefore not open to public scrutiny. This exposes a gap in monitoring advertising – it is unlikely that adults will be fully aware of alcohol

marketing children and young people are exposed to online.

Other forms of children's exposure to alcohol are also of concern, such as modelling of alcohol use,<sup>36</sup> living near licenced venues,<sup>37</sup> and exposure to alcohol industry branding on non-alcohol products.<sup>38</sup>

Given that children and young people are amongst the most vulnerable cohort in our community, it is essential that they are appropriately protected from alcohol advertising.

WANADA supports Cancer Council WA's submitted recommendations to protect children from exposure to alcohol.

## 6 Prioritise Reducing Alcohol-Related Harm in *The Act*

WANADA notes that *The Act* currently places both minimising alcohol harms and development of the liquor, tourism, and hospitality industries as its primary objectives. These objectives are inherently in tension.

WANADA welcomes the inclusion of theme three, "Enhanced harm minimisation, enforcement and

compliance", however, we hold concerns regarding the prioritisation of supply reduction measures without equal consideration of population-based, health-focussed harm and demand reduction measures.<sup>39</sup>

Ultimately, liquor laws should exist to regulate products and practices to protect, and reduce harm in, the community. WANADA supports Cancer Council WA's recommendations to amend the primary objects of *The Act* to be:

1. to regulate the sale, supply and consumption of liquor; and
2. to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor (the current sections 5(1)(a) and 5(1)(b) of *the Act*).

WANADA recommends the object "to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry, and other hospitality industries in the State" (the current section 5(1)(c)) be demoted to a secondary object of *The Act*.

<sup>1</sup> Cancer Council WA, WANADA, ADF & TKI (2022) WA's hidden crisis: Harm from alcohol. <https://cancerwa.asn.au/wp-content/uploads/2022/08/2022-06-WAs-Hidden-Crisis-Harm-from-alcohol-FINAL.pdf>

<sup>2</sup> WA Government (2018) Liquor Control Act 1988. Version 08-g0-00.

[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc\\_41184.pdf/\\$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41184.pdf/$FILE/Liquor%20Control%20Act%201988%20-%20%5B08-g0-00%5D.pdf?OpenElement)

<sup>3</sup> Australian Department of Health (2017) National Drug Strategy 2017-2026. <https://www.health.gov.au/sites/default/files/national-drug-strategy-2017-2026.pdf>

<sup>4</sup> WA Department of Health (2019) Sustainable Health Review. <https://ww2.health.wa.gov.au//media/Files/Corporate/generaldocuments/Sustainable-Health-Review/Final-report/sustainable-health-review-final-report.pdf>

<sup>5</sup> WA Department of Health (2021). WA Health Promotion Strategic Framework 2022-2026.

<https://consultation.health.wa.gov.au/chronic-disease-prevention-directorate/draft-wa-health-promotion-strategic-framework-2022/>

<sup>6</sup> WA MHC (2018) Western Australian Alcohol and Drug Interagency Strategy 2018-2022. <https://www.mhc.wa.gov.au/media/2831/western-australian-alcohol-and-drug-interagency-strategy-2018-2022.pdf>

<sup>7</sup> World Health Organisation (2010) Global strategy to reduce the harmful use of alcohol. <https://www.who.int/publications/i/item/9789241599931>

<sup>8</sup> For example: "Allocating funding in a way that prioritises law enforcement strategies above demand and harm reduction policies runs the risk of undermining the success of Australia's [National Drug Strategy]. Therefore, the committee is of the view that the Commonwealth, state and territory governments must continue to re-balance funding across all three pillars of the [National Drug Strategy]." – Parliamentary Joint Committee on Law Enforcement (2018) Inquiry into crystal methamphetamine (ice): Final Report.

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Law\\_Enforcement/Crystalmethamphetamine45/Final\\_Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Law_Enforcement/Crystalmethamphetamine45/Final_Report), finding 5.72.

<sup>9</sup> Cancer Council WA, WANADA, ADF & TKI (2022) WA's hidden crisis: Harm from alcohol. <https://cancerwa.asn.au/wp-content/uploads/2022/08/2022-06-WAs-Hidden-Crisis-Harm-from-alcohol-FINAL.pdf>

<sup>10</sup> Cancer Council WA, WANADA, ADF & TKI (2022) WA's hidden crisis: Harm from alcohol. <https://cancerwa.asn.au/wp-content/uploads/2022/08/2022-06-WAs-Hidden-Crisis-Harm-from-alcohol-FINAL.pdf>

<sup>11</sup> NDRI (2021) Examining the Social and Economic Costs of Alcohol Use in Australia: 2017/18.

<https://ndri.curtin.edu.au/ndri/media/documents/publications/T302.pdf>

<sup>12</sup> AIHW (2021) Australian Burden of Disease Study 2018. <https://www.aihw.gov.au/reports/burden-of-disease/burden-of-disease-study-2018-key-findings/contents/key-findings#preventable>

<sup>13</sup> Jiang, H., Doran, C., Room, R., Chikritzhs, T., Ferris, J. & Laslett, A. (2022) Beyond the Drinker: Alcohol's Hidden Costs in 2016 in Australia. *Journal of Studies on Alcohol and Drugs*, 83(4). <https://www.jsad.com/doi/abs/10.15288/jsad.2022.83.512?journalCode=jsad>

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- <sup>14</sup> For example: [https://www.danmurphys.com.au/product/DM\\_772682/sonata-estate-soft-fruity-white-cask-4l](https://www.danmurphys.com.au/product/DM_772682/sonata-estate-soft-fruity-white-cask-4l)
- <sup>15</sup> Cook, M., Mojica-Perez, Y. & Callinan, S. (2022) Distribution of alcohol use in Australia. *FARE*. <https://fare.org.au/wp-content/uploads/CAPR-report-Distribution-of-alcohol-use-in-Australia.pdf>
- <sup>16</sup> Sharma, A., Vanderberg, B. & Hollingsworth, B. (2014) Minimum Pricing of Alcohol versus Volumetric Taxation: Which policy will reduce heavy consumption without adversely affecting light and moderate consumers? *PLoS One*, 9(1). <https://doi.org/10.1371/journal.pone.0080936>
- <sup>17</sup> Callinan, S., Room, R., Livingston, M. & Jiang, H. (2015) Who Purchases Low-Cost Alcohol in Australia? *Alcohol and Alcoholism*, 50(6), 647-653.
- <sup>18</sup> Cancer Council WA, WANADA, ADF & TKI (2022) WA's hidden crisis: Harm from alcohol. <https://cancerwa.asn.au/wp-content/uploads/2022/08/2022-06-WAs-Hidden-Crisis-Harm-from-alcohol-FINAL.pdf>
- <sup>19</sup> Coomber, K., Miller, P., Taylor, N., Livingston, M., Smith, J., Buykx, P., Clifford, R., Scott, D., Clifford, S., Chikritzhs, T., Nambiar, D., & Moayeri, F. (2020) Investigating the introduction of the alcohol minimum unit price in the Northern Territory. Prepared for the NT Department of Health. [https://alcoholreform.nt.gov.au/\\_data/assets/pdf\\_file/0007/818278/investigating-introduction-of-alcohol-minimum-unit-price-nt-final-report.pdf](https://alcoholreform.nt.gov.au/_data/assets/pdf_file/0007/818278/investigating-introduction-of-alcohol-minimum-unit-price-nt-final-report.pdf)
- <sup>20</sup> Callinan, S. et al. (2015) Who Purchases Low-Cost Alcohol in Australia? *Alcohol and Alcoholism*, 50(6), 647-653.
- <sup>21</sup> WA MHC (2015) Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025. <https://www.mhc.wa.gov.au/media/1834/0581-mental-health-planprintv16acc-updated20170316.pdf>
- <sup>22</sup> Mojica-Perez, Y., Callinan, S. & Livingston, M. (2019) Alcohol home delivery services: an investigation of use and risk. *FARE*. <https://fare.org.au/wp-content/uploads/Alcohol-home-delivery-services.pdf>
- <sup>23</sup> Bury, K., Stafford, J. & Keric, D. (2022) Alcohol Delivery in WA: Results from an audit of online alcohol retailers prior to and following the introduction of WA Liquor Delivery Regulations. *Cancer Council WA*. [https://cancerwa.asn.au/wp-content/uploads/2022/11/2022-11-14\\_Cancer\\_Council\\_WA-report\\_Alcohol-Delivery-WA.pdf](https://cancerwa.asn.au/wp-content/uploads/2022/11/2022-11-14_Cancer_Council_WA-report_Alcohol-Delivery-WA.pdf)
- <sup>24</sup> Alcohol Change Vic (2020) Online sale and home delivery of alcohol: measures to prevent harm in Victorian communities. <https://www.alcoholchangevic.org.au/downloads/position-statements/online-alcohol-sales-and-delivery-position-statement.pdf>
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- <sup>26</sup> Alcohol Change Vic (2020) Online sale and home delivery of alcohol: measures to prevent harm in Victorian communities. <https://www.alcoholchangevic.org.au/downloads/position-statements/online-alcohol-sales-and-delivery-position-statement.pdf>, p. 4.
- <sup>27</sup> Wang, J., Fung, T., Pynton, S. (2022) Takeaway alcohol sales and violent crime: the implications of extended trading hours. *Crime and Justice Bulletin, NSW Bureau of Crime Statistics and Research*. <https://www.bocsar.nsw.gov.au/Publications/CJB/2022-Report-Takeaway-alcohol-sales-and-violent-crime-CJB247.pdf>
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- <sup>29</sup> WA DLGSC (2022) The Next Chapter of WA's Liquor Laws – have your say. [https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/the-next-chapter-of-wa-s-liquor-laws-have-your-say.pdf?sfvrsn=a2307f24\\_6](https://www.dlgsc.wa.gov.au/docs/default-source/racing-gaming-and-liquor/liquor/the-next-chapter-of-wa-s-liquor-laws-have-your-say.pdf?sfvrsn=a2307f24_6), p. 40.
- <sup>30</sup> Lam, T., Lenton, S., Burns, L., Aiken, A., Ogeil, R., Gilmore, W., Chikritzhs, T. et al. (2015) Alcohol policy impact on young risky drinkers and their support for proposed measures. *Australian and New Zealand Journal of Public Health*. 39(2). [https://espace.curtin.edu.au/bitstream/handle/20.500.11937/44423/234387\\_234387.pdf?sequence=2&isAllowed=y](https://espace.curtin.edu.au/bitstream/handle/20.500.11937/44423/234387_234387.pdf?sequence=2&isAllowed=y)
- <sup>31</sup> Sargent, J. & Babor, T. (2020). The Relationship Between Exposure to Alcohol Marketing and Underage Drinking Is Causal. *Journal of Studies on Alcohol and Drugs*. <https://www.jsad.com/doi/pdf/10.15288/jsads.2020.s19.113>
- <sup>32</sup> Jernigan, D., Noel, J., Landon, J., Thornton, N. & Lobstein, T. (2016) Alcohol marketing and youth alcohol consumption: a systematic review of longitudinal studies published since 2008. *Society for the Study of Addiction*, 112(1). [https://movendi.ngo/wp-content/uploads/2019/09/Jernigan\\_et\\_al-2017-Addiction.pdf](https://movendi.ngo/wp-content/uploads/2019/09/Jernigan_et_al-2017-Addiction.pdf)
- <sup>33</sup> Digital marketing is predicted to account for 30% of alcohol advertising spend in 2023. See: Alcohol Focus Scotland (2022) Realising our Rights: How to Protect People from Alcohol Marketing. [www.alcohol-focus-scotland.org.uk](http://www.alcohol-focus-scotland.org.uk), p. 17.
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- <sup>39</sup> Too heavy a focus on punitive supply reduction measures can exacerbate stigma, prejudice and discrimination of alcohol and other drug issues. See: Lancaster, K., Seear, K. & Ritter, A. (2017) Reducing stigma and discrimination for people experiencing problematic alcohol and other drug use. Prepared for QLD MHC. [https://researchmqg.monash.edu/ws/portalfiles/portal/245192394/245192327\\_oa.pdf](https://researchmqg.monash.edu/ws/portalfiles/portal/245192394/245192327_oa.pdf)