



Government of **Western Australia**
Department for **Communities**

Your ref: L45/15/69
Our ref: DG2012-042
Author: Vicki Kelly, 6551 8321



Ms Janine Belling
Director for Licensing
Department of Racing, Gaming and Liquor
PO Box 6119
EAST PERTH WA 6892

Dear Ms Belling

Thank you for your letter dated 8 February 2012 regarding the report 'Alcohol related hard in the Pilbara'. I apologise for the delay in responding.

While the Department for Communities' Pilbara-based staff have not provided direct evidence relevant to alcohol related harms specifically based on the delivery of their programs, the Department for Communities would be supportive of further examination of the efficacy and impacts of alcohol restrictions in the Pilbara in promoting improved outcomes for women, youth and children in the area.

Thank you for bringing this matter to my attention.

Yours sincerely

Jenni Perkins
Director General

5 April 2012



Building Strong, Vibrant Communities

Gordon Stephenson House
140 William Street, Perth WA 6000
t: (08) 6551 8700 f: (08) 6551 8556
w: www.communities.wa.gov.au

Rio Tinto

**Comment on the Report to the Director of
Liquor Licensing on Alcohol-related Harm III-
health and Disorder in the West Pilbara**

April 2012

About Rio Tinto Iron Ore

Rio Tinto is the world's second largest producer of iron ore. Our global iron ore headquarters are based in Perth and we employ more than 11,000 people across Western Australia.

Our iron ore operations are located in the Pilbara region of Western Australia and in Canada, and we have development projects at Simandou in Guinea and Orissa in India.

Our Pilbara iron ore operations account for a large proportion of our global iron ore production, with a network of 14 mines, three shipping terminals and the largest privately owned heavy freight railway in Australia spanning 1,400 kilometres. We have a current annual capacity of 225 million tonnes, with expansion plans to increase to 283 million tonnes by 2013, on a pathway to 353 million tonnes by 2015. This is an increase of more than 50 per cent of our current capacity and represents the largest integrated mining project in Australian history.

Rio Tinto's Iron Ore Operations in the Pilbara



Comment on the Report to the Director of Liquor Licensing on Alcohol-related Harm, Ill-health and Disorder in the West Pilbara

Rio Tinto welcomes the opportunity to comment on the Report on Alcohol-related Harm, Ill-health and Disorder in the West Pilbara.

Rio Tinto supports the efforts of police, local councils and community groups to address problem drinking in the Pilbara and recognises that measures are needed to manage the Pilbara's growing public health challenges caused or contributed by alcohol consumption.

As a responsible employer our aim is to operate our business to a position of industry leadership and to ensure that our business adds value to the communities in which we operate.

Rio Tinto has policies, procedures and training in place, including the Rio Tinto Iron Ore Alcohol and Other Drug Policy, which includes the random screening of employees designed to identify trends. In addition, Rio Tinto has implemented a number of health and wellbeing initiatives aimed at improving the health and wellbeing of workers by increasing awareness, access to programs / services and encouraging employees to make healthier lifestyle choices.

All Rio Tinto employees must ensure that alcohol consumption does not adversely impact on any individual's health and safety, or their ability to participate as a productive member of the workforce. The Rio Tinto code of good conduct ("The way we work") imposes a number of expectations and obligation on all employees, contractors and visitors.

Whilst Rio Tinto fully supports the work of the West Pilbara Management Group and the implementation of the West Pilbara Alcohol Management Strategy, we do not believe a heavy-handed prescriptive regulatory response is appropriate in specific circumstances to address these public health challenges.

Appreciating that Rio Tinto's mine site accommodation villages are not general public alcohol supply points, the introduction of the recommendations related specifically to the sale of packaged liquor and the prohibition of the sale and supply of liquor before noon will have a detrimental effect on our employee's ability to enjoy a quality lifestyle while they are living and working away from home.

Mine site accommodation villages are distinct from all other licensed premises in that they are situated in remote locations, cater to a high standard and are governed by strict company policies as well as regulatory legislation.

Rio Tinto provides a range of opportunities and facilities to enable our employees to enjoy a rewarding lifestyle while resident on site, including allowing for the responsible consumption of alcohol. Alcohol consumption is permitted on the basis that it is a social activity that may provide a balanced contribution to our employee's lifestyle.

Rio Tinto has a camp accommodation alcohol policy to ensure that the consumption of alcohol does not conflict with the company's objective of providing a safe workplace.

The general details of the policy include:

- No alcohol is to be brought onto the mine site lease or camp accommodation without prior approval from the Rio Tinto manager accountable for the camp.
- Bulk take away sales are restricted to 1 only 6 pack of alcohol or pre-mixed spirit drinks or 1 only bottle of wine per consumer per day.
- Bulk take away sales must not be consumed in the licensed area.

- No cartons of beer or pre-mixed spirit drinks or cask wine will be sold in a bulk purchase.
- As a guide, the bar is open for 2.5 hours each evening with a 30 minute break for dinner (e.g. 6.30pm – 7.30pm and 8.00pm – 9.30pm). The bar is also be open for one hour each morning to cater for those employees who have completed night shift (e.g. 6.30am - 7.30am).
- All drink sales for consumption in the licensed premises must be opened at the bar during bar hours.
- Entry is restricted to residents of the village and authorised visitors.
- Employees who believe they may need assistance with alcohol related matters are encouraged to contact the company's employee assistance programme.
- All persons working at any Rio Tinto mine where the company provides accommodation is subject to the company's alcohol and other drugs policy and the mines safety and inspection regulations, as they apply to the use of alcohol.
- Breaches of this policy may result in disciplinary action up to and including termination of employment or contractual arrangements.

Rio Tinto fully acknowledges that the sale of alcohol brings with it considerable responsibilities. Indeed, managers of our site accommodation are in many cases able to exert a greater influence over the behaviour of village residents than can be achieved in the wider community.

There is no "one size fits all" solution to reducing alcohol related harm in the Pilbara. Evidence based prevention and health promotion programs should be developed and any solution to reduce alcohol related harm must be based on this evidence and tailored to ensure that high-risk groups are targeted.

Rio Tinto is committed to working with the community and government to address the challenges of alcohol related harm in the Pilbara. The misuse of alcohol and changing the drinking culture in the Pilbara will require a long-term approach based on consistent messages and legislation, commitment, patience and involvement of the whole community.



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C87406



Ms Janine Belling
Director Licensing
Department of Racing, Gaming and Liquor
PO Box 6119
EAST PERTH WA 6892

Dear Ms Belling

Alcohol Related Harm in the Pilbara

Thank you for affording the Shire of Roebourne (the Shire) the opportunity to comment on the joint Police/Health report entitled *West Pilbara: Report on Alcohol-related Harm, Ill-health and Disorder*.

The Shire is actively involved in a number of initiatives and Committees targeted at reducing alcohol related harm including membership of the Liquor Accord, West Pilbara Alcohol Management Group, and the Cleansweep Taskforce (which together with Western Australia Police and Industry addresses crime and anti-social behaviour). The Shire's Club Development Officer is also working with the Shire's Community Safety Officer on alcohol management initiatives for sporting clubs, including signage, pamphlets and a Racing, Gaming and Liquor Seminar.

The Shire has reviewed the aforementioned report and provides the following comment:

- The Shire is supportive of the intent of the restrictions and their potential remedial impact in the context of the volume of alcohol related crime in the district, particularly domestic assaults.
- Restrictions on alcohol in glass containers may result in a reduction in litter volume. Reports from litter collectors indicate that a large proportion of litter is glass alcohol containers, mainly beer bottles. The latter are often broken which poses safety issues to the community. Litter collection is costly for the Shire and is a key target within the Cleansweep Taskforce Strategic Plan 2012-2015.
 - The level of public/business education that will accompany the restrictions.
 - Whether the safety of staff at takeaway liquor outlets will be affected by the restrictions.

The Shire is of the view that community consultation would be required prior to restrictions to ensure their effectiveness and community buy-in or acceptance.

Yours faithfully

Ms Collene Longmore
Chief Executive Officer

16 March 2012

15 March 2012

Ms Janine Belling
Director Licensing
Department of Racing, Gaming and Liquor
Level 1
87 Adelaide Terrace
East Perth WA 6004



Dear Madam

ALCOHOL RELATED HARM IN THE WEST PILBARA

In relation to the above subject, Venturex Pilbara Pty Ltd (VPPL), the licensee of the Whim Creek Hotel (Licence Number: 6010016204), wishes to submit the following comments in response to your recent letter dated 10 February 2012.

The Whim Creek Hotel is temporarily closed. However, when it is operating, the Licensee is cognisant of the impacts that irresponsible supply of alcohol can have on a community.

The Hotel's remote location, half way between Port Hedland and Karratha, poses a restriction on the amount of customers that the Hotel receives by way of passing trade, especially in the evenings due to the dangers of night driving.

As the Hotel's main clientele are people staying at the transient workforce accommodation (when occupied), the Hotel operates on a restricted timeframe and generally closes at 9pm Monday to Saturday. Sundays close earlier at 7pm and there is no sale of takeaway alcohol to the public on that day. These hours help to limit the alcohol intake and reduce potential harm to patrons, as well as assists with their fitness for work requirements the next day.

The Licensee also ensures that the staff working at the Hotel are fully qualified to perform all aspects of Responsible Server practices, and that they interact in a friendly and courteous manner with the patrons as concerned members of the local community to ensure that their alcohol service does not impact adversely on the patrons.

As noted in the report, the incidences directly related to the Whim Creek Hotel/area are negligible and we think attributable to the remote location as mentioned above and the reduced hours of operation.

Should you require any further information, please do not hesitate to contact the undersigned.

Yours faithfully


LIZA CARPENE
Company Secretary

Registered & Principal Office

Suite 3, Level 1, 127 Cambridge Street, West Leederville WA 6007
PO Box 1444, West Leederville WA 6901

ABN 31 071 748 911

Tel: +61 8 6389 7400
Fax: +61 8 9463 7836

www.venturexresources.com
E: admin@venturexresources.com



Ms Janine Belling
Director Licensing
Department of Racing, Gaming and Liquor
PO Box 5119
EAST PERTH WA 6892

Dear Ms Belling

Thank you for your letter dated 8 February 2012 and the opportunity to respond to the *West Pilbara: Report on Alcohol-related Harm, Ill-Health and Disorder* from the Department of Education's perspective. The Department supports the recommendations described in the Report regarding proposed supply reduction strategies. These recommended strategies will complement the existing *West Pilbara Alcohol Management Strategy*.

Education and schools sit at the heart of communities and are directly influenced by problems associated with over consumption of alcohol. Public schools work hard to develop positive relations with their school communities to provide for the social, emotional and educational needs of their students. Staff in these schools report awareness of incidents that occur in the homes and community that impact on individual students and groups of students, some of which are directly linked to over consumption of alcohol. Incidents related to children in schools include but are not confined to exposure to domestic violence, neglect, poor nutrition, sleep deprivation, misbehaviour and poor attendance.

The West Pilbara District comprises ten communities incorporating 14 schools with a total student population of 4 428 students. The Department has a commitment to providing quality educational outcomes for all students with the greatest impact on learning being school attendance. Department school attendance statistics (2011) for students in the West Pilbara District indicate primary students have a regular attendance of 86.4% and secondary students 81.9%. Both categories are below the state average of 92.7% and 87.5% respectively. These attendance rates are defined by the Department as 'indicated educational risk'. Public schools in the West Pilbara District have identified attendance targets to address local attendance issues in partnership with parents and the community. Schools plan and implement a range of strategies that reflect local needs and issues to improve student attendance rates.

Alcohol related incidents in the home and community impact on a family's capacity to provide an environment conducive to school readiness, regular attendance and engaged learning. Children who do not have their basic needs met or have adequate sleep can not function effectively in classrooms or engage with the curriculum, having serious consequences and costs for society.

This is a complex and vexed issue which needs to be given due consideration and wide consultation.

Yours sincerely



SHARYN O'NEILL
DIRECTOR GENERAL

14 MAR 2022



Government of Western Australia
Department of Corrective Services

Office of the Commissioner

All enquiries: (08) 9264 1264

Your reference: L45/15/69
Our reference: AF18709

Ms Janine Belling
Director Licensing
Department of Racing, Gaming and Liquor
PO Box 6119
EAST PERTH WA 6892

Dear Ms Belling

ALCOHOL RELATED HARM IN THE PILBARA

Thank you for your letter dated 8 February 2012 requesting comment on alcohol related harm occurring in the Pilbara region and the report *West Pilbara: Report on Alcohol-related Harm, Ill-health and Disorder*, prepared jointly by the Commissioner of Police and the Executive Director Public Health.

The Department of Corrective Services is responsible for managing adult and young offenders in prisons and detention centres, and those who are on community orders.

I am supportive of the liquor restrictions for the Pilbara region recommended in the report and provide the following statistics and comment on alcohol-related harm in relation to offenders who are managed by the Department.

The Department's experience with the population of offenders in the Pilbara region are consistent with the information in the report, particularly in regard to alcohol being a precursor to many of the offences which contribute to offenders being imprisoned or placed on community-based orders.

As at 31 January 2012, four per cent (157) of a total of 3,833 sentenced prisoners were from the Pilbara region. Of these 157 prisoners, 37 per cent (58) had a Driving Under the Influence (DUI) offence attached to their current term and 10 per cent (15) had DUI as their most serious offence.

This is significantly higher than the overall state prisoner population, where 14 per cent have a DUI offence attached to their current term and two per cent have DUI as their most serious offence.

As at 31 January 2012, seven per cent (277) of a total of 4,082 people on community corrections orders were from the Pilbara region. Of these, 17 per cent (48) had a DUI offence attached to at least one of their orders and 10 per cent (29) had DUI as the most serious offence across all of their orders. This compares with five per cent of the overall population on community orders who had a DUI offence and three per cent who had DUI as their most serious offence.

The Department's staff at the Pilbara Adult Community Corrections Office and Youth Justice Service have observed alcohol related harm as an ongoing issue and note that alcohol abuse is a contributing factor to increased offending behaviours. Children as young as 13 years of age are presenting to the Youth Justice Service with alcohol and other substance abuse issues. This is often associated with alcohol and substance abuse issues within their family and it has been observed that these behaviours are becoming more entrenched in the Pilbara region.

In addition to the harm caused by alcohol abuse to the health and well-being of individuals, families and communities, there is also a significant financial cost to the community in terms of the cost of managing offenders whose offending behaviour is largely a result of alcohol abuse. As at the 30 June 2011, the cost per day of keeping an offender in custody was \$291.51 and the cost per day of managing an offender through community supervision was \$45.26. (The Department of Corrective Services Annual Report 2010-2011).

I trust that this information will assist in your deliberations. If you require any additional information please contact Ms Marlene Hamilton, A/Manager Policy and Legislation on telephone (08) 9264 1264 or email marlene.hamilton@correctiveservices.wa.gov.au

Yours sincerely


Ian Johnson
COMMISSIONER

19 March 2012

R11

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JB

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Government of **Western Australia**
Department of the **Attorney General**
Policy and Aboriginal Services Directorate



All enquiries: Clare Harvey
Telephone: 9264 6487
Email: clare.harvey@justice.wa.gov.au

C87306

Our ref: 2012/00341

Ms Janine Belling
Director Licensing
Department of Racing, Gaming and Liquor
Level 1, 87 Adelaide Terrace
EAST PERTH WA 6004

ALCOHOL RELATED HARM IN THE PILBARA

Dear Ms Belling

Thank you for the opportunity to comment on the *West Pilbara: Report on Alcohol-related Harm, Ill-health and Disorder*, November 2011 ('the West Pilbara report').

The West Pilbara report recognises certain former Aboriginal Justice Agreement ('AJA') local justice plans as having identified alcohol related issues in the Pilbara. Alcohol issues were identified in the Tom Price, Roebourne, Onslow and Hedland local justice plans and restrictions, or improved accords, were recommended in the Onslow and Hedland local justice plans. While these local justice plans ceased to be operational in 2010 when the AJA expired I believe their findings are still relevant to the West Pilbara report.

The AJA was replaced by the Aboriginal Justice Program ('AJP') in 2011. The AJP introduced a more targeted approach to addressing Aboriginal justice issues by focusing on the areas of motor driver's licensing, fines enforcement, youth and domestic and family violence issues, within the hotspot locations of the Derby West Kimberley and Halls Creek local government areas. Alcohol abuse is proven to be related to all these areas. For example, alcohol abuse is significantly linked to:

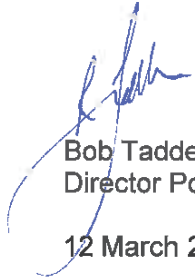
- drink driving;
- increased losses in driver's licenses;
- increased court appearances and court fines for alcohol related anti-social behaviour and crime;
- increased unpaid court fines and the resulting increase in the loss of driver's licenses due to unpaid fines;
- increased youth problems and family dysfunction;
- increased underage drinking; and
- increased family and domestic violence.

There is already substantial evidence to show that alcohol restrictions can help in preventing alcohol related harm. In Halls Creek, where alcohol restrictions were introduced in 2009, there was a reported 70 per cent reduction in presentations to the

sobering-up centre and alcohol-related presentations to the Halls Creek Hospital emergency department fell by more than a third within the first two years.

The AJP, therefore, supports the findings and recommendations of the report, which will assist in improving justice outcomes for Aboriginal people in the West Pilbara.

Yours sincerely,

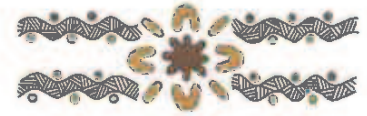
A handwritten signature in blue ink, appearing to read 'Bob Taddeo', is written over the typed name and title.

Bob Taddeo
Director Policy and Aboriginal Services

12 March 2012

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Our Ref:
Your Ref: L45/15/69
Enquiries: Helen Shanks 0427 384 116

287202

RECEIVED
13 MAR 2012
DEPARTMENT OF RACING,
GAMING & LIQUOR

Ms Janine Belling
Director of Licensing
Department of Racing, Gaming and Liquor
PO Box 6119
East Perth WA 6892

Dear Ms Belling

WEST PILBARA: Report on alcohol-related harm, ill-health and disorder

Thank you for your letter dated 8 February 2012 regarding the report on 'alcohol related harm in the West Pilbara' (the Report) in which you seek written views and comment.

The Department of Indigenous Affairs (DIA) has been an active agency in the development of the Report since 2009 when the Pilbara Police District Office and the DIA jointly initiated the first meeting of government agencies and stakeholders. The DIA has remained an active stakeholder including undertaking community consultations and has provided feedback and input to the Report at pages 57-59. The DIA fully supports the West Pilbara Alcohol Management Plan.

The State Government has recently committed \$16.4m over four years to employ up to 31 people across the Pilbara and Kimberley to "expand drug and alcohol treatment, prevention and counselling services". This commitment by Government, along with a range of strategies being proposed as part of the West Pilbara Alcohol Management Plan, will provide significantly increased support to address the serious alcohol concerns in the wider Pilbara.

The Pilbara State Regional Managers Group (PSRMG) met on the 29 November in Port Hedland and agreed to endorse the Report and provide a letter of support to the Director of Liquor Licensing. The DIA is a member of the PSRMG.

The DIA acknowledges that the introduction of restrictions (sections 175) in remote Aboriginal communities has seen a dramatic reduction in violence and anti-social behaviours and an increase in school attendance and community participation. In regional centres (e.g. Port Hedland) and Pilbara town-based reserves (e.g. Nullagine) the restrictions (both section 64, and 175) have led to a safer environment and reduced impact for front line service providers.

For your information, the Department has attached the DIA's *Newman Discussion Paper 2011 – A focus on the impact of alcohol, and remote visitors*. This discussion paper highlights existing programs, developing initiatives and current thinking on the significant impacts of alcohol consumption (in particular regarding the Martu population) and concerns relating to remote Aboriginal visitors. The discussion paper while focussing on the East Pilbara will be relevant to the West Pilbara and provides general regional information and future directions of government.

For any further information please contact DIA Director Operations, Central, Ms Helen Shanks on 0427 384 116.

Yours sincerely



Duncan Ord
DEPUTY DIRECTOR GENERAL

March 2012

Encl.

9 March 2012

Department of Racing, Gaming and Liquor
Attn: Janine Belling
PO Box 6119
EAST PERTH 6892



C87201

Dear Janine

The Australian Hotels Association (WA) (AHA) provides the attached submission for consideration in relation to the West Pilbara: Report on Alcohol-related Harm, Ill-health and Disorder.

We appreciate the opportunity to provide a submission on behalf of our membership, which includes accommodation resorts and hotels, pubs, taverns, small bars and restaurants.

Yours sincerely

A handwritten signature in black ink, appearing to read "Bradley Woods", written over a horizontal line.

Bradley Woods
CEO/EXECUTIVE DIRECTOR



Australian Hotels Association
WESTERN AUSTRALIA

RECEIVED

13 MAR 2012

DEPARTMENT OF RACING,
GAMING & LIQUOR

AHA SUBMISSION

WEST PILBARA: REPORT ON ALCOHOL-RELATED HARM, ILL-HEALTH AND DISORDER

March 2012

This document represents the Australian Hotels Association (WA)'s submission to the Department of Racing, Gaming and Liquor in relation to the West Pilbara: Report on Alcohol-related Harm, Ill-Health and Disorder Report.



INTRODUCTION AND BACKGROUND TO THE AUSTRALIAN HOTELS ASSOCIATION (WA)

The Australian Hotels Association (WA) (AHA) recognises the importance of working with governments and stakeholders and we have a history of working with National, State and local governments, law enforcement agencies, educators, universities, retailers, transport and road safety organisations. Our priorities are to deliver and support responsible service and consumption of alcohol principles and projects and to advance this core objective we further seek to engage with public health authorities, the scientific community and others on responsible drinking and related issues.

The AHA directly and indirectly supports initiatives to fight drink driving, underage drinking and irresponsible drinking and we are fully committed to promoting responsible promotion, service, and consumption of alcohol today, tomorrow and into the future, for without a respect and commitment to that responsibility our industries future is limited.

The AHA has its roots in the history of the state in the context of the development of the hospitality, tourism and hotel industry. It was established officially in 1892 and was set up to represent the interests of the state's hotel industry.

The AHA's membership includes accommodation, hotels and resorts, through to the commercial accommodation hotels, suburban hotels, small bar licences, larger style restaurants, taverns and other bars as well.



EXECUTIVE SUMMARY

The 'West Pilbara: Report on Alcohol-related Harm, Ill-health and Disorder' (the Report), proposes far reaching recommendations on liquor restrictions which show a clear lack of comprehensive, effective and appropriate stakeholder consultation and the failure to consider the effects of imposing such harsh restrictions.

Each town within the West Pilbara is different, and as such requires different management of liquor controls in the local community. Blanket restrictions such as those in the Report fail to address the differences in each of these communities. As there are strong commitments to responsible service of alcohol principles, it would be more prudent to establish liquor accords, or support existing liquor accords in enforcing specific voluntary 'restrictions' relevant to their own community.

The Hon. Terry Waldron reinforced the importance of targeted strategies and reiterated that the 'Liberal-National government...have resisted calls for blanket controls that would damage the [hospitality sector and tourism industries], because the vast majority of Western Australians drink responsibly, and they should be able to do so... it is about the balance'.¹

The recommendations in this Report are a prime example of the blanket controls that Minister Waldron has endeavoured to avoid.

The Report is significantly flawed and recommendations should not be accepted because:

- It fails to recognise existing AHA member commitment to the responsible service of alcohol management practices and actions;
- The information in the Report is incomplete given the faulty consultation methodology;
- The research and statistical information is flawed and the exclusion of "fly in fly out" workers renders the results deficient; and
- There is a distinct avoidance of education and awareness in the Report.

While the AHA is of the view that it is important to monitor and quantify trends in alcohol use and harm, unfortunately this Report, due to its many shortfalls, is not the keystone to defining these trends and making future decisions.

¹ Legislative Assembly Hansard, Wednesday 29 February 2012, page 453.

AHA FINDINGS

Member Commitment to Responsible Service of Alcohol

AHA members that would be affected by restrictions proposed within the Report were surveyed to ascertain feedback in relation to the recommendations.

Members were provided with a summary of the recommendations and access to the full Report link. A series of questions were asked, surrounding current voluntary and involuntary restrictions and specific feedback was requested in relation to the recommendations of the Report.

A response rate of 88% of members in the affected areas surveyed indicated that they believed that the measures proposed were 'draconian' and a 'blanket approach' to the entire community rather than targeting the problem drinkers specifically. It was clear to our members that the restrictions would severely inconvenience responsible drinkers of the community, have a negative impact on the businesses that sell and supply liquor while at the same time, fail to target those most at risk.

AHA members have a strong commitment to Responsible Service of Alcohol (RSA) and recognise that despite RSA being a legislative requirement, they commit themselves to the principle and often go above and beyond what is required.

While all respondents indicated that there were no specific restrictions imposed on their liquor licence, 57% gave details on voluntary restrictions they had in place at their licensed premise, including some which involved a voluntary choice not to serve shots or straight/neat spirits or not to serve Ready to Drink (RTDs) products over 5% strength in alcohol.

Additionally, members were also asked to provide details on specific and unique venue initiated strategies to prevent incidents of alcohol related harm, both in their venue, and in the community as a whole. Members provided the following information:

- Membership in the local liquor accord, which involves liquor controls such as no takeaway sales before 10am; various quantity restrictions after 9pm; and restrictions on the use of glass containers when serving alcohol;
- Negotiated agreements, in the absence of a liquor accord, between licensed premises and the local community as well as local police, with some agreements having been in place for approximately 12 years;
- Individually negotiated agreements between licensed premises and mining companies such as Rio Tinto, enabling licensees to report any anti-social behavior back to the employer;

- Courtesy **buses** to commute people to and from the venue, reducing the incidents of drinking and driving;
- Voluntary early closure of bottle shop or bar **service** to enable patrons to be cleared from the venue and into public transport or courtesy buses;
- Upgrades in CCTV and security systems and staff equipment, including two way radios to enable effective coordination between security staff and approved manager(s); and
- Improved dress standards put in place on Friday and Saturday evenings from 7.30pm excluding those in work clothes and fluorescent/high visibility uniforms. This has been effective in dissuading patrons from the long after work drinking session.

West Pilbara Alcohol Management Group (WPAMG) – Faulty Consultation Methodology

The lack of consultation with AHA members illustrates that the researchers are openly claiming a degree of certainty based on their version of the facts that is clearly not warranted by the evidence that they have collected.

It should also be noted that a number of members approached their local police and were advised that these police officers/stations also had no knowledge of the proposed restrictions contained within the Report.

The Report suggests that relevant stakeholders and community based organisations were consulted and asked to provide comment and information regarding their experience with alcohol-related matters in the West Pilbara. The AHA, nor any of its members in the relevant regions, were included in a questionnaire distributed back in 2009.

We believe it is a major flaw of any research and resulting Report where there is a failure to consult the main group of stakeholders and/or their peak industry association when the recommendations of the Report seek solely to negatively impact on their industry.

If consultation was conducted by researchers compiling the Report, then a number of negative outcomes which would result as a direct consequence of the restrictions would have been highlighted. These negative outcomes include:

- A potentially devastating effect on the local tourism industry;
 - Loss of jobs in the tourism and hospitality sector;
 - Disruption and inconvenience to customers and patrons in the local community;
 - Major inconvenience and additional costs for people in the community who have to travel long distances to purchase packaged liquor;
 - Huge impost on the liquor retailer in terms of policing and monitoring compliance; and
- Detrimental effect on the value of retail liquor businesses.

Flawed Research and Statistical Information

A major flaw of the research is the lack of inclusion of a distinctive feature of the West Pilbara - the “fly in fly out” (FIFO) workforce. These workers live in the region on a temporary basis and hence are not counted in permanent population statistics. The accommodation of FIFO workers is varied, with some being housed at the site of the mining operations, and others being housed in townships. However, they create additional demand for a range of products and services and this in itself if not accounted for, distorts the accurate depiction of research data and results.

In October 2011, the Pilbara Regional Council in a submission to the House of Representatives Standing Committee on Regional Australia advised that the Pilbara region has a population of approximately 56,000 but a FIFO workforce of an estimated 55,000.² Research data that compares alcohol consumption simply based on the permanent population base is fundamentally flawed when a region has such a significant FIFO workforce. In addition, the FIFO population is expected to increase by 33,000 in the next two to three years.

The distinct exclusion of a large part of the population is a clear area of misuse of research time and investment. To exclude from the interpretation of the data, information that was clearly available and easily accessible, in consultation with other stakeholders such as the Pilbara Regional Council, the information in this Report is significantly defective.

As part of the responses from the AHA member questionnaire, many members relayed back to us that they were not aware, or had not observed first hand, any recent alcohol problems that were identified in the Report. In fact, many members believed that over the past few years, alcohol related harm and/or incidents had actually decreased.

Strong support for the information that our members have provided us is the Media Statement by the Hon. Helen Morton, Minister for Mental Health; Disability Services on 23 November 2011, *Alcohol-related harm drops in regional WA*. The media statement specifically identifies that ‘fewer people...in the Pilbara region, [amongst other regions] required hospitalisation from alcohol-related causes compared to four years ago.’ In fact, it is further highlighted that a ‘focus on evidence-based strategies to address alcohol-related issues appears to be making a difference’.

Lack of Education and Awareness Recommendations

This Report is touted as ‘one of a number of initiatives being implemented as part of the *West Pilbara Alcohol Management Strategy* which seeks a comprehensive approach to reducing alcohol-related harm, and ill-health in the West Pilbara’.³

² Pilbara Regional Council Submission, October 2011, page 3.

³ West Pilbara: Report on Alcohol-related Harm, Ill-health and Disorder, page 6.



However, based upon the recommendations in this Report, it is apparent that the WPAMG is focused on a targeted liquor restriction strategy against licensees rather than a comprehensive, all stakeholders encompassing plan.

The Report contains a large amount of data that has the potential to assist in stakeholder planning with the WPAMG indicating that 'a supply reduction (liquor restriction) strategy was just one of a number of initiatives the group prioritised to explore'. However, the question lingers as to why there is a lack of recommendations surrounding education and awareness strategies as well as those focused on liquor restrictions.

All respondents to the AHA member survey confirmed that they had never been contacted by the WPAMG in relation to this Report or any educational or awareness campaigns in their local community. In fact, in all examples where members indicated the existence of educational or awareness campaigns or strategies in the local community, these were initiated either by the local liquor accord, or licensees themselves.

In the Report, WPAMG maintains that the proposed liquor restriction recommendations would *complement* the existing comprehensive West Pilbara Alcohol Management Plan, which includes a broad range of strategies including education, treatment and support. A number of questions are raised then, as to why existing licensees are not aware of this group's existence, the alcohol management plan or any of its strategies and secondly, why this Report does not also identify key education, treatment and support recommendations and initiatives, rather than targeting one particular group of stakeholders, who as abovementioned, were not consulted in the *process* or compilation of this Report.

AHA RECOMMENDATIONS

As Hon. Terry Waldron reinforced in the WA Parliament on 29 February 2012, the importance of targeted strategies has seen the 'Liberal-National government... resist[ing] calls for blanket controls that would damage the [hospitality sector and tourism industries], because the vast majority of Western Australians drink responsibly, and they should be able to do so... it is about the balance'.⁴

In light of the shortfalls of this Report, the AHA submits the following recommendations:

Recommendation 1

The Report be treated as an initial assessment only as it is missing fundamental research foundations such as:

- Consultation with relevant and appropriate stakeholders;
- FIFO Workers data inclusion; and
- Management of bias in collection and interpretation of data.

Recommendation 2

Prior to the Director of Liquor Licensing considering whether a matter should go the way of a section 64 inquiry, the WPAMG should engage in appropriate stakeholder consultation and demonstrate:

- All statistical information is relevant and up to date;
- Provide for variations to statistical sample sizes and the accuracy of per capita consumption data to make sure it also includes FIFO population which is greater than the total permanent population; and
- Ensure that conclusions and interpretation are justified by the evidence.

There is a substantial public interest in ensuring that research into current health and social circumstances involving alcohol use and misuse is accurate, up to date and identifies accurately all of the possible factors that could lead to distorted consumption findings. It is evident through our consultation with our members that there was a distinct absence of consultation with those who are directly involved in the sale of alcohol in the region.

⁴ Legislative Assembly Hansard, Wednesday 29 February 2012, page 453.

It is very easy for research to be stretched or talked up to be given a greater significance than that which is demonstrated by evidence, this could occur for a range of reasons, not all intentional.

The research that was undertaken in this Report has been undertaken by agencies that have an insider stance and there may be some inevitable bias.

Recommendation 3

The Report be noted by the Director of Liquor Licensing and recognition of the WA government's existing Drug and Alcohol Interagency Framework for Western Australia 2011-2015 towards alcohol related harm be able to run its course.

While the AHA is of the view that it is important to monitor and quantify trends in alcohol use and harm, unfortunately this Report is not the keystone to defining these trends and making future decisions due to its many shortfalls.



Government of Western Australia
Department for Child Protection



C87200

Ms Janine Belling
Director Licensing
Department of Racing, Gaming and Liquor
PO Box 6119
EAST PERTH WA 6892

Dear Janine

**RESPONSE TO THE REPORT ON ALCOHOL RELATED HARM IN THE WEST
PILBARA**

Thank you for your correspondence, received on 13 February 2012, inviting comment on the *West Pilbara: Report on Alcohol-related Harm, Ill-health and Disorder* (the report).

The Department for Child Protection (the Department) supports initiatives to reduce alcohol-related harm to children, young people and families. Supply reduction is an important strategy in reducing this harm.

The Department, through its Pilbara District Office, is a member of the West Pilbara Alcohol Management Group and has previously provided data and information about its experiences in relation to alcohol-related matters in the West Pilbara. This has been reflected in pp. 49-50 of the report.

The Department endorses the report and the proposed liquor restrictions.

Should you have any queries, please contact David Cain, Manager, Individual and Family Support, by telephone on (08) 9222 2622 or via email at david.cain@dcp.wa.gov.au.

Thank you again for the opportunity to comment on the report.

Yours sincerely


Terry Murphy
DIRECTOR GENERAL

9 March 2012



Our reference: PLF:3008101
Your reference: 601005925
Please enquire: Peter Fraser
Direct E-mail: pfraser@dwyerdurack.com.au

EX-115

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DWYER DURACK
LAWYERS

9 March 2012

The Director of Liquor Licensing
Department of Racing, Gaming & Liquor
Level 1, 87 Adelaide Terrace
EAST PERTH WA 6004

By email: rgl@rgl.wa.gov.au
Attention: Janine Belling

8th Floor
40 St Georges Terrace
Perth WA

☎ (08) 9289 9888

☎ (08) 9289 9800

Postal Address:
GPO Box M931
PERTH WA 6843

Dear Ms Belling

Nullagine Hotel Pty Ltd – Section 64 Proceedings

We advise that we represent Nullagine Hotel Pty Ltd, the licensee of the Nullagine Hotel.

We refer to your letter dated 10 February 2012 to our client enclosing the report "*West Pilbara on alcohol-related harm, ill-health and disorder*" and inviting written comments in relation to the report.

We note that the report presents data and information pertaining to the West Pilbara district, constituted by the Shire of Roeburn and the Shire of Ashburton. During the course of the report a number of recommendations are made in relation to conditions which should be imposed upon liquor licenses throughout the West Pilbara.

We advise that our client has no comment to make in relation to either the conditions proposed or the data presented in relation to the West Pilbara.

We advise that our client is located within the Shire of East Pilbara which consists of Marble Bar, Newman, Gigelong and Nullagine. From our review of the report it is apparent that the Shire of East Pilbara has not been considered by the authors of the report with all recommendations specifically directed towards the West Pilbara (excluding the town of Port Hedland).

We note that you have also requested advice in relation to what voluntary strategies have been assisted to reduce harm in our community. We advise that the conditions imposed upon our client's licence are as follows:

- (a) The licensee is not permitted to sell or supply beer in 750ml bottles;
- (b) the minimum dress standard consists of full wear, shorts and tank tops in the main bar;

Dwyers Legal Pty Ltd
ACN: 119 804 714

RAH Practice Trust JK Practice Trust MLK Practice Trust PLF Practice Trust

- (c) in respect of members of the *Irrungadji* Community only;
- (i) the sale of packaged liquor for consumption off the licensed premises is prohibited, unless it comprises packaged beer;
- (ii) the licensee may sell packaged beer during the following times:
- (A) Full strength beer (over 3.5% ethanol by volume) – 12:00 noon – 1:00pm;
- (B) mid to low strength beer (3.5% ethanol by volume or lower) – 1:00pm – 5:00pm.

These conditions should be read in conjunction with the *Irrungadji* Community By-laws.

For the purpose of the present matter, the following sections are relevant:

Alcohol and Drugs:

1. *For this Bylaw –*

- *A "harmful substance" is any substance that may harm your health if you swallow or inhale it, such as glue or petrol;*
- *an "illegal drug" is any drug that it is illegal to possess under laws of Western Australia; and*
- *"prohibited alcohol" is port, wine, spirits or any other drink containing alcohol, but not beer.*

2. *Unless you have the Community of Management's permission to do so, you must not –*

- *bring any prohibited alcohol or harmful substance onto the Community lands; or*
- *give any prohibited alcohol or harmful substance to another person; or*
- *have or keep any prohibited alcohol or harmful substance; or*
- *drink any prohibited alcohol.*

3. *You must not –*

- *bring any illegal drug onto the Community land; or*
- *give any illegal drug to another person; or*
- *have or keep any illegal drug; or*
- *use or take any illegal drug; or*
- *deliberately swallow or inhale or inject yourself with any illegal drug or harmful substance.*

4. *If you are under 18 years of age, you must not drink any alcohol.*

5. *You must not give any alcohol to a person who is under 18 years of age.*
6. *If you know that a Community member has been told by a doctor not to drink alcohol, you must not give alcohol to that person.*
7. *You must not be under the influence of an illegal drug or harmful substance.*
8. *If you are drunk or under the influence of an illegal drug or harmful substance, the Community can order you to leave the Community lands and, if it does, you must leave immediately.*
9. *This Bylaw does not stop you taking any medicine in the way it is meant to be taken or any drug that has been prescribed for you by a doctor or a nurse.*

In addition to the specific By-laws addressing alcohol and other harmful substances, the By-laws grant the Police a number of enforcement powers, including:

1. If a member of the Police Force believes that a person is breaking or has broken one of these By-laws, he/she can ask the person for the person's name and address;
2. If a member of the Police Force asks you for your name and address under Bylaw 13(1), you must tell him/her;
3. If a member of the Police Force believes that a person is breaking, or has broken, one of these By-laws, he/she can arrest the person and remove him/her from the Community lands;
4. A person who is arrested under Bylaw 13(3) must be released after being dealt with by a Court for the breach and, in any event, must not be kept in custody for longer than 24 hours;
5. A member of the Police Force can remove anything from the Community lands, including, but not limited to, vehicles and animals.

Finally, a breach of By-laws is punishable by a fine of not more than \$5,000.00 and, in certain circumstances, damages in the sum of \$250.00.

The By-laws must be read in conjunction with the *Liquor Control (Irrungadji Restricted Area) Regulations 2010*.

Regulation 7 relevantly provides that a person who brings liquor into, or causes liquor to be brought into, the Irrungadji Aboriginal Community, or who has liquor in his/her possession in the Irrungadji Aboriginal Community, commits an offence. The penalty for a breach of Regulation 7 is a fine of \$5,000.00 in the event that the offender is a licensee, manager of licensed premises or a director of a body corporate to hold a licence. In all other cases, a fine of \$2,000.00 is the penalty.

9 March 2012

Please do not hesitate to contact the writer if you have any queries.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Peter Fraser', written in a cursive style.

Peter Fraser
for Dwyer Durack

RS

LAS/15/69 28

L8717A



9th March 2012

Janine Belling

Director of Licensing

Department of Racing, Gaming & Liquor

PO Box 6119,

East Perth WA 6892

Dear Director,

ALCOHOL RELATED HARM IN THE PILBARA

The following is in response to the joint report by Detective Superintendent Jim Migro of WA Police & the Executive Director of Public Health regarding their concerns in relation to the extent of alcohol-related harm in various communities in the Pilbara.

We have some concerns with applying the proposed conditions and suggest that those that apply in Port/South Hedland should be applied as they seem to have been very successful.

Comments:

We note that the Fortescue Statistical Division Per Capita Consumption (litres of pure alcohol) by Statistical Subdivision quoted is substantially greater than Western Australia however we query whether the FIFO has been taken into account?

One could assume that the areas that the restrictions are proposed is taking into account that the population may relocate to areas where there are much lesser incidence of the over-use of alcohol such as Paraburdoo or Tom Price, which *numerically* doesn't appear indicative of the 'problem areas'!

On Page 63 it says:

Doesn't there need to be more than just restrictions?

We agree that there needs to be more than just restrictions on the availability of alcohol and that a total health and rehabilitation centre(s) need to be established. Once a person becomes 'addicted' it is not enough to restrict supply as they will move to another geographic location of supply which has already happened in the north west of the State. Alternatively their addiction will lead them to 'other types of substances'!

The proposal doesn't address the following circumstances:

- Pastoralists need to have the ability to purchase in greater quantities as they tend to purchase enough provisions for extended amounts of time.
- If persons are having a private function such as a birthday/engagement party at home they should be able to purchase in sufficient quantities to satisfy their needs
- Similarly sporting clubs etc. that have a function at the end of the game need to be able to purchase larger quantities than proposed, which in many cases occurs from licensed outlets.

So there would need to some mechanism to enable this to happen however:

We are of the view that the conditions imposed in Port/South Hedland seem to have been accepted well by authorities, retailers and consumers! And indeed the proposal by WA Police and Public Health indicates this!

Lindsay James

Executive Director

Ph: 0893215022

M: 0414724784

27a

7 March 2012

The Director Licensing
Department of Racing Gaming and Liquor
Level 1, 87 Adelaide Terrace
EAST PERTH WA 6892

Attention Ms Janine Belling

Alcohol Related Harm in the West Pilbara

With reference to your letter of 9 February 2012, Woolworths is pleased to provide the attached submission.

If you have any questions regarding the matters raised in the submission, please contact me on (02) 8885 1793 or kattard@woolworths.com.au.

Yours sincerely,
WOOLWORTHS LIMITED



Kay Attard
National Liquor Compliance Manager

Att

ALCOHOL RELATED HARM IN THE WEST PILBARA

Woolworths welcomes the opportunity to make the following submission to the Director of Licensing, Department of Racing, Gaming and Liquor.

Woolworths Limited operates two Liquor Store Licences in the West Pilbara, Shire of Roebourne. The two outlets, one at Karratha and one at Wickham are operated in conjunction with our supermarkets in those towns.

While we believe that alcohol consumption is ultimately an issue of individual responsibility, as Australia's largest retailer of alcoholic beverages our aim is to operate our liquor business beyond the required standards of legal compliance to a position of industry leadership.

In pursuit of this objective Woolworths Liquor Group (WLG) has developed a number of responsible service initiatives, some of which have been adopted by other industry participants.

- Compulsory RSA training for all staff engaged in the service of liquor.
- Launch of ID 25 program supported by staff training and point-of-sale material.
- Launch of "Don't buy it for them" secondary supply program supported by staff training and point-of-sale material.
- Launch of WLG responsible buying charter incorporating ranging prohibitions on products that are packaged and marketed irresponsibly.
- Working with local police and licensing authorities to introduce voluntary restrictions on trading hours in areas that are prone to alcohol related harm.
- Ongoing point-of-sale information campaigns on responsible drinking. Examples include, explanations of standard drink icons, a campaign to encourage consumers to measure rather than free-pour spirits, and a campaign targeted at Schoolies areas.

In addition to these initiatives WLG has repeatedly demonstrated its willingness to introduce voluntary ranging and trading hours restrictions in response to alcohol related harm in some Western Australian communities. For your information, in Karratha we have deleted 2 litre McWilliams Fortified Casks and Flagons and in Wickham we have deleted 2 litre RTD casks, all 2 litre glass Flagons and 750ml beer bottles. We have also moved our opening hours in Wickham from 8am to 10am.

While we do not believe that supply restrictions alone are an effective way to control alcohol related harm we recognise that the unique set of circumstances that exist in the West Pilbara demand a more flexible approach. Restrictions on the availability of alcohol products should not be used as a substitute for the implementation of long-term and broadly based public health strategies to reduce alcohol consumption levels.

Having said this we believe that some of the recommendations contained in the report represent a broad brush and simplistic approach to the complex set of problems that result in alcohol abuse in the West Pilbara. Some of the proposed restrictions are impractical from an operational point of view and will have the effect of significantly inconveniencing the majority of the population, with little or no benefit in terms of the reduction of alcohol related harm.

Competition for labour with the mining industry means that staff turnover is extremely high in these stores, which results in constant retraining of staff, who need to understand the requirements of product restrictions and the implications that has on how they serve the customer. The additional pressure that the enforcement of these restrictions will place on staff and the likelihood of negative reactions from customers is likely to exacerbate this problem even further.

Whilst it is true that restrictions of this nature have been implemented in some very remote smaller communities, Karratha is a focus of the Royalties for Regions program being implemented by the Department of Regional Development and Lands in the Pilbara Cities Vision. Proposed projects including the development of the city CBD and accommodation for service workers will see millions of dollars of funding support directed toward the growth of the region. This and the continued growth of the resources industry will result in very significant growth in the population of the region in the short and medium term.

Following are our comments on the recommendations to minimise harm, ill-health and disorder in the West Pilbara:

1. Packaged liquor may only be sold Monday to Saturday from 12 noon to 8pm

Experience in other jurisdictions (e.g. Northern Territory) tells us that when trading hours are shortened the overall volume of alcohol purchased does not change. The restriction would have the effect of compressing the same volume of sales into a smaller timeframe.

The majority of Woolworth's customers make their alcohol purchases in conjunction with their grocery shopping, and in remote areas such as the West Pilbara it is not uncommon for many people to travel a considerable distance to make these purchases. Concerns are also raised for tourists, grey nomads, etc who visit our stores prior to midday to make their purchases of food and alcohol before they leave town. They normally purchase in larger than average quantities as they can be away from town for long periods. This is also true of miners and contractors working in remote areas. All of these groups would be significantly inconvenienced by the proposal which would create a misalignment between supermarket and liquor store trading hours.

2. Sale of packaged liquor on Sunday is prohibited.

The Liquor Store Licences held by Woolworths in the West Pilbara region already restrict trade on Sunday, therefore we would not be affected by the proposed restriction.

3. The sale and supply of liquor for consumption on premise is prohibited before 12 noon except where it is sold ancillary to a meal or lodger.

Woolworths does not have 'on premise' licences in the West Pilbara region and therefore we would not be affected by the proposed restriction.

4. The sale of wine in casks greater than 2 litres in volume is prohibited.

We are aware that large format wine casks are often the alcohol product of choice for problem drinkers. Due to the differential rates of taxation applied to beer, wines and spirits the average cost per standard drink is considerably lower for wine casks than for other forms of alcohol. The price combined with the convenience and portability afforded by the packaging of casks makes them attractive relative to other forms of alcohol.

Our experience with these types of restrictions in other areas leads us to believe that if and when the restrictions are imposed we can expect that there will be a significant degree of product substitution as consumers switch their purchasing to a class of product that is unaffected by the restrictions. We have no issue with the proposed restriction but our experience in the Northern Territory and other areas leads us to believe that the volume of alcohol sold in large format casks will simply transfer to smaller casks.

- 5. Specified packaged liquor may only be sold in the following quantities:**
- a. Wine in casks is limited to one 2 litre cask per customer per day; or,
 - b. Fortified wine is limited to one 2 litre cask per customer per day; or,
 - c. Beer is limited to one carton per customer per day; or,
 - d. Ready-to-drinks (RTD's) is limited to one carton per customer per day; or,
 - e. Spirits are limited to one 750ml bottle per customer per day.
 - f. With reference to c and d, an equivalent to one carton in quantity may include a mix of beer and RTD's.

Typically these stores are extremely busy outlets with very high volumes of customer transactions; Karratha alone serves 6,000 customers in a typical week and based on the current average transaction in store we would estimate that almost 100% of transactions would breach the restriction level. The restrictions on quantities of alcohol per customer will be extremely challenging if not impossible for our staff to enforce. It will add further complexity to the issues they already face on a daily basis including making judgements about a customer's age, state of sobriety or intoxication and in many cases where they intend to consume their purchases. There will be many occasions where a staff member may change shift or take a break and it would be impossible for the replacement staff member to determine which customers had already purchased up to the restricted quantity.

The proposed restrictions also mean that it would no longer be possible for customers to purchase product in bulk for celebrations/parties/functions. Many of these customers are legitimate account holders, with requirements for bush orders or supply of a mining wet mess. We cannot envisage how these requirements could be met within the framework of the proposed restrictions. Another issue that has not been addressed are proposed measures that will prevent the purchasing of alcohol at multiple outlets in order to circumvent the restrictions.

- 6. Where a packaged liquor product is available in a non-glass container, licensees are prohibited from selling the product in a glass container.**

There is an extensive range of glass/non-glass products available in beer, spirits and wine. Woolworths seeks clarity around the type of product that will require substitution to non-glass containers. A restriction of this nature would be likely to significantly reduce the range of product available to our customers.

- 7. Licensees to submit returns of sales data to the Department of Racing, Gaming and Liquor every four months.**

It is unclear whether this request is to submit alcohol sales or alcohol purchases by licensees. Our preference is to supply alcohol sales data; as this can easily be extracted from our existing systems. We believe that the provision of this data 3 times per year would create a significant administrative burden and we therefore suggest that the sales data information be supplied to the Department every six months.

- 8. Restrictions to be reviewed in 2 years.**

We believe that any measures of this nature need to be evaluated against a set of stated objectives in order that an objective judgement can be made about their effectiveness or otherwise. In conclusion we would reiterate that we do not believe that supply restrictions alone are an effective way to control alcohol related harm. Restrictions on the availability of alcohol products should not be used as a substitute for the implementation of long-term and broadly based public health strategies such as education, rehabilitation, and brief interventions to attack the cause of alcohol abuse and reduce the harm that stems from the current high levels of alcohol consumption in the West Pilbara region.

9 March, 2012

Janine Belling
Director of Liquor Licensing
Department of Racing Gaming and Liquor
Via email rgl@rgl.wa.gov.au

Dear Madam

RE: Recommendations contained in the West Pilbara Report on Alcohol Related Harm, Ill Health and Disorder

Ringfence Management is the manager of the Onslow Supermarket and General Store. The site holds a liquor licence and is one of the sources of packaged liquor in the town.

The Supermarket is a signatory to the Onslow voluntary liquor accord and supports initiatives to reduce the societal effects of the misuse of alcohol in the community. In relation to the recommendations of the report, we have the following comments:

Recommendation 2: The sale of alcohol on Sunday is prohibited

We believe that the prohibition of the sale of alcohol on Sunday may not have the desired effect. As Sara Hudson detailed in her 2011 Report "Alcohol Restrictions in Indigenous Communities and Frontier Towns" such restrictions only work in the short term as those who are determined to obtain alcohol will do so in other ways.

With the significant demographic changes in the Onslow community in coming months and years as a result of the Wheatstone and Macedon projects, we believe the demand profile will change and there will be a significant demand for the sale of packaged alcohol on Sundays in Onslow.

Recommendation 5: Limitations on the purchase of alcohol per person per day

There is no suggestion as to how this recommendation would be implemented by retailers. We believe that this proposal will be extremely difficult to enforce from a retailers perspective. Further the recommendation does not address the requirement to be able to sell to customers who may be organising private functions or sporting club functions or post game drinks where it is normal practice for the customer to buy in excess of the limits proposed.

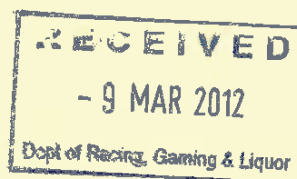
**RINGFENCE
MANAGEMENT**



Please feel free to contact me should you have any queries in relation to our comments.

Kind Regards

Luke McNiece
General Manager
Ringfence Management



Curtin University
Health Research Campus
GPO Box U1987
PERTH WA 6845
Tel: +61 8 9266 9079
Fax: +61 8 9266 9244
CRICOS Provider Code 00301J

9 March 2012

Department of Racing, Gaming and Liquor
PO Box 6119
East Perth WA 6892

By e-mail: rgl@rgl.wa.gov.au

Re: Alcohol related harm in the Pilbara

Dear Ms Belling,

The McCusker Centre for Action on Alcohol and Youth welcomes the opportunity to comment on the report, *West Pilbara: Report on Alcohol-related Harm, Ill-health and Disorder*.

It is clear from the report that communities in the West Pilbara are experiencing alarming levels of alcohol consumption and alcohol-related harms. It is of great concern that per capita consumption in the Fortescue Statistical Division (25.84L), which incorporates the West Pilbara, is estimated to be more than twice the WA average (12.45L). The disturbingly high per capita consumption rate in the West Pilbara is accompanied by significant short- and long-term alcohol-related harms, with the risk of experiencing serious harms considerably greater for people living in the West Pilbara than for the WA population in general.

The magnitude of the alcohol problems experienced in the West Pilbara are of great concern: problems are not confined to a particular section of the community; trends in per capita consumption and alcohol-related harms show a serious and growing problem; many young people are experiencing serious harms related to their own and others' drinking; and there is high risk of significant generational impacts where young people grow up in an environment where binge-drinking is an accepted and modelled behaviour, and through the impact of Foetal Alcohol Spectrum Disorders.

The Department of Racing, Gaming and Liquor Director's policy on Public Interest Assessments notes that children and young people are considered to be an "at risk" group.¹ We support the view that

¹ Department of Racing, Gaming and Liquor. Public Interest Assessment. 2012 [updated 2012 Feb 29; cited 2012 Mar 7]. Available from: <http://www.rgl.wa.gov.au/Default.aspx?NodeId=132>.

young people are particularly vulnerable community members. The stakeholder perspectives presented in the report outline many ways in which young people are currently impacted by alcohol in the West Pilbara. Harms may be to the young drinkers themselves; for example, harms associated with underage drinking, alcohol-related antisocial behaviour and crime, self harm and violence. Further, the stakeholder perspectives provided in the report detail many ways in which young people experience harm from other peoples' drinking; including from Foetal Alcohol Spectrum Disorder caused by maternal drinking during pregnancy, alcohol-related domestic violence, alcohol-related neglect, sexual abuse, violence, lack of supervision, and the related school attendance and nutrition concerns.

These harms were echoed by many of the organisations whose views were presented in the report; including the Department of Health, the Salvation Army, Yaandina, the Department of Education, the Department of Child Protection, the Shire of Ashburton, and the Department of Housing. The impacts of alcohol in the West Pilbara are broad, impact greatly on young people and demand the resources of many different organisations. There is clearly a serious alcohol problem in the West Pilbara which requires serious action.

A comprehensive approach is needed to effectively and sustainably reduce alcohol-related harm in the West Pilbara. Whole of community approaches, including liquor restrictions, can make important contributions to the required multi-faceted approach. We are pleased to see that the West Pilbara Alcohol Management Group has identified the need for a comprehensive approach to alcohol management which includes, but goes well beyond, the recommended liquor restrictions to approaches including alternative activities for young people, local education campaigns, community capacity building, and treatment and support.

We support the recommendations to minimise harm, ill-health and disorder, as outlined in the report and urge that serious consideration be given to liquor restrictions as an important part of a comprehensive approach to reducing harm from alcohol in the West Pilbara.

Research has consistently shown a strong relationship between the availability of alcohol and the consumption of alcohol and alcohol-related harms.² There is strong evidence to support the reduction of the physical availability of alcohol as a means of reducing alcohol consumption and alcohol-related harm.³ The physical availability of alcohol can be reduced in a number of ways including through restrictions on the hours and days of sale for licensed premises and restrictions on access to high risk alcoholic beverages.

² National Preventative Health Taskforce. Australia: The Healthiest Country by 2020 – National Preventative Health Strategy – the roadmap for action. Canberra: Commonwealth of Australia; 2009.

Chikritzhs T, Catalano P, Pascal R, Henrickson N. Predicting alcohol-related harms from licensed outlet density: a feasibility study, in Monograph Series No. 28. Hobart: National Drug Law Enforcement Research Fund; 2007.

Livingston M. Alcohol outlet density and harm: Comparing the impacts on violence and chronic harms Drug and Alcohol Review. 2011; 30:515 - 523.

³ Chikritzhs, T.N., Gray, D., Lyons, Z. and Siggers, S. (2007). Restrictions on the sale and supply of alcohol: Evidence and outcomes. *National Drug Research Institute*. Curtin University of Technology, Perth, Western Australia.

While each community and regional area in WA is unique in regard to population characteristics, prevailing concerns and appropriate solutions, an examination of the experiences of other WA regional areas with liquor restrictions will be valuable in informing approaches in regions such as the West Pilbara. Liquor restrictions have made important contributions in areas including Halls Creek and Fitzroy Crossing where benefits have been seen across a broad range of health and social indicators.⁴

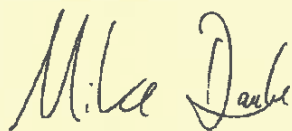
The report notes a number of procedural issues to be addressed in considering liquor restrictions in the West Pilbara. We acknowledge the importance of consistency in alcohol restrictions across the West Pilbara region to prevent people travelling to buy alcohol and prevent the transfer of problems to other locations. Further, we support the introduction of mandatory liquor restrictions to enable effective enforcement and an even playing field among licensees.

Approaches of the kind recommended in the report must be accompanied by comprehensive evaluation. The recommendation for licensees to regularly submit returns of sales data to the Department of Racing, Gaming and Liquor is necessary to enable thorough evaluation of the proposed liquor restrictions.

Well-planned action on alcohol in the West Pilbara – developed and introduced in close partnership with the communities of the West Pilbara – can be expected to impact positively on a broad range of harms and indicators; including short-term harms such as road injuries, assaults and falls, and long-term harms including stroke and alcohol-related diseases.

The report provides compelling evidence of the magnitude of the community-wide alcohol problems in the West Pilbara and recommends supply reduction approaches that have the potential to make a real impact in reducing alcohol-related harm. To not act in an appropriately meaningful and urgent manner would be a failure to the young people and communities of the West Pilbara. We urge that serious consideration be given to liquor restrictions in the West Pilbara as a matter of priority. We further urge that approaches to reducing harm from alcohol in the West Pilbara be considered in the context of a comprehensive, whole-of-government approach which addresses other issues as recommended by the report of the National Preventative Health Taskforce.⁵

Yours sincerely,



Professor Mike Daube
DIRECTOR, MCCUSKER CENTRE FOR ACTION ON ALCOHOL AND YOUTH

⁴ Drug and Alcohol Office. The Impact of Liquor Restrictions in Halls Creek, Quantitative Data-24 month review. November 2011.

University of Notre Dame Australia and Drug and Alcohol Office. Fitzroy Valley Alcohol Restriction Report. December 2010.

⁵ National Preventative Health Taskforce. Australia: The Healthiest Country by 2020 – National Preventative Health Strategy – the roadmap for action. Canberra: Commonwealth of Australia; 2009.

Our ref: DXM:1134057
Your ref: L 45/15/69
Partner: Dan Mossenson
Direct Line: (08) 9288 6769
Email: dan.mossenson@lavanlegal.com.au



9 March 2012

Ms Janine Belling
Director Licensing
Department of Racing, Gaming &
Liquor
PO Box 6119
EAST PERTH WA 6892
By Email: janine.belling@rgl.wa.gov.au & rgl@rgl.wa.gov.au
cc:

client

Dear Janine

**Alcohol related harm in the West Pilbara – Pannawonica Tavern
& ISS Mart**

I refer to your letters addressed to ISS Facility Services Pty Ltd, the licensee of Pannawonica Tavern and of ISS Mart, Pannawonica in relation to this matter.

Unfortunately, in the time available, I have not had the opportunity to take full instructions. However I do have the following initial written feedback from my client in relation to the specific conditions one to eight referred to in the Report:

1. *We see this as posing issues for the night shift workers within the Pannawonica town site and may even suggest it be discriminatory. Owing to their shift patterns this would not enable these workers to purchase any liquor, even the proposed restricted amounts.*
2. *While this would affect takeaway sales at the tavern, ISS has no issue with this restriction.*
3. *We would appreciate your advice on the definition of a 'lodger' in this case. Should this only relate to lodgers at the licenced premises this would completely remove the ability for our night shift workers to buy liquor. Point 1 refers.*

Please notify us if this communication has been sent to you by mistake. If it has been, any privilege between solicitor and client is not waived or lost and you are not entitled to use it in any way.

4. *We have some management concerns over this restriction for example, people staggering their purchases to bypass the system, etc but I suspect they would be considered trivial by RGL. A real concern however would be those customers we have from remote areas that may visit Panna maybe only once a week for supplies. This restriction would likely be the cause of some annoyance.*
5. *Point 4 as above.*
6. *I think I remember in the report that this point referred to the increased amount of waste/ litter and the added issue of broken glass. We believe that the above restrictions will already significantly reduce the amount of bottles in circulation and as such see this additional restriction as being unnecessary.*
7. *ISS is happy to cooperate with this request*
8. *ISS would welcome a prompt review.'*

In light of this are you able to clarify the query regarding lodgers please?

I do have other observations to make as follows:

- It is anticipated there will be ongoing unsatisfactory issues with customers in view of the fact that there is such a large number of transient and also fly in fly out people to whom the prospective conditions will need to be explained on each occasion. The prospective conditions are harsh in that they punish all responsible drinkers for the sake of those few who disrespect the rules.
- It is very relevant to take into account the fact that a considerable amount of purchasing takes place in Pannawonica over the internet. This gives the public access to cheap prices at outlets such as Dan Murphy's, Vintage Cellars, and Cellarmasters. One can appropriately query how this will be controlled under the alcohol management plan particularly in the light of the fact that local businesses are going to be placed at a disadvantage if those conditions are imposed.

As the officer at ISS who is responsible for this matter and who gives me instructions has been away and only returns early next week, I respectfully reserve the right to put in some supplementary comments shortly. As the quoted passages above make entirely clear, rather than being obstructive, ISS is taking a positive attitude to the issue. Any further comments will be presented with a view to being as helpful as possible in assisting the Director at Liquor Licensing deal with this very complicated issue.

Yours sincerely



Dan Mossenson
Partner

23B.

C87173



Telephone: 61 3 9829 4594
Facsimile: 61 3 9829 3760
alison.tehan@coles.com.au

8 March 2012

Ms. Janine Belling
Director of Liquor Licensing
Department of Racing, Gaming & Liquor
PO Box 6119
EAST PERTH WA 6892

PRIVATE & CONFIDENTIAL

Dear Ms. Belling,

Re: Submission on Alcohol Related Harm in the West Pilbara

We refer to your letters dated 10 February 2012 seeking comments on the submission prepared by the WA Police and Office of the Executive Director of Public Health ("the Submission"). We advise that we received letters for our South Hedland and Tom Price stores however, other Port Hedland licensees have indicated that they did not receive this correspondence for their premises.

Coles Liquor is committed to the responsible service, supply and promotion of alcohol. We are supportive of harm minimisation measures that are targeted and proportional and which do not penalise the vast majority of drinkers who consume alcohol in a sensible manner and do not cause harm to themselves or those around them. We also are committed to working closely with community and Government representatives to curtail alcohol related harm. However, we have serious concerns with some of the conditions outlined in the Submission.

We have not experienced or observed significant issues with alcohol related or anti-social behaviour in Tom Price. This is supported by the data outlined in the Submission for Tom Price which shows a relatively low number of offences and a decrease in offences from the last financial year in most cases.

Current Initiatives in Place

As a responsible liquor retailer, we have been extremely careful about the type of alcohol products that we offer and the promotions that we run in all of our stores in the Pilbara region. Some recent examples of our responsible approach include:

- discontinuing or not ranging particular brands or varieties of products which are more attractive to those members of the community who are vulnerable to alcohol harm.
- in South Hedland cask sales are limited to one per person per day as outlined in the liquor accord.
- not promoting or advertising some products such as cask or fortified wine.
- participation in the local liquor accord, where there is one.

- where Police ask us to either not trade or open at a later time due to an event in town such as a funeral we will always co-operate with their request.
- good security at the store including CCTV surveillance and lighting.

We have a comprehensive training program in place for all team members which covers topics such as:

- Responsible service of alcohol. Whilst completing RSA training is a legislative requirement we have an ongoing compliance program which ensures that all team members are aware of their obligations, particularly in respect of refusing service to minors, people who are intoxicated, disorderly or behaving in an anti-social manner or who may supply alcohol to a minor, intoxicated or disorderly person. This is done through a variety of communication methods and includes quarterly reminders for all team members, online training program, licensing guidelines, audit checklists and customer service and management procedures which are available to all team members.
- Company polices such as Compliance (including Fair Trading, tobacco, liquor licensing), Equal Opportunity/Anti-Discrimination, Safety, Asset Protection (Security); and
- Code of Conduct and Behaviour Standards;
- Asset Protection and security including dealing with aggressive or threatening customers and controlling store loss.

The Submission and Proposed Conditions

In respect of the conditions outlined in the Submission we make the following comments:

1. Specific packaged liquor may only be sold in the following quantities:
 - (a) Beer: one carton per customer per day; or
 - (b) RTD's: one carton, per customer, per day; or
 - (c) Spirits: one 750ml bottle maximum, per customer per day; or
 - (d) Casks are limited to a maximum of one per person per day

In our experience, these types of conditions create a significant operational and administrative burden for licensees. It is important that licensees can reasonably comply with any licence condition that is imposed. For example, our team members work different shifts throughout the day, and it would be extremely difficult, if not impossible, for a team member working late in the day to know whether a customer had purchased liquor prior to them starting their shift and comply with this type of condition.

Similar conditions were imposed on our liquor licence in Kununurra some time ago. We have seen an increase in our team members being exposed to frustrated and at times aggressive, threatening and abusive customers. In South Hedland, where cask sales are restricted to one per person per day our team members via the local liquor accord considerable frustration is directed towards our team members, particularly by tourists who are unaware of the restrictions.

2. Where a packaged liquor product is available from a manufacturer in a non-glass container, licensees are prohibited from selling the product in a glass container.

We are not supportive of this type of condition. In our experience, where customers are unable to purchase product in a particular container that is widely available elsewhere they can often be aggressive towards our team members.

3. All licensees are required to provide liquor product sales figures as directed by the Commission
As a wholesale licensee, we are required to submit data on an annual basis to the Department in relation to stock provided to our licensed premises. This is an extremely onerous administrative requirement to place on licensees and we are not supportive of this type of condition.

We believe these types of conditions could actively discourage people from wanting to work in our liquor stores and could result in it being extremely difficult to recruit employees for all of the liquor industry. We are also concerned that they can expect to face increased aggression and abuse from customers who are refused service or unable to purchase liquor at the times or in the quantities they wish.

Please contact me on (03) 9829 4594 if you have any queries.

Yours sincerely,



Alison Tehan
Licensing & Regulatory Manager
Coles Liquor

8 March 2012

Ms. Janine Belling
Director of Liquor Licensing
Department of Racing, Gaming & Liquor
PO Box 6119
EAST PERTH WA 6892

PRIVATE & CONFIDENTIAL

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CHOICE **COOPERMAN** **VINER CRUISE**

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Please contact me on (03) 9829 4594 if you have any queries.

Yours sincerely,



Alison Tehan
Licensing & Regulatory Manager
Coles Liquor



Government of Western Australia
Mental Health Commission

Our ref: MHC12/114
Your ref: L45/15/69
Enquiries: 6272 1200



Ms Janine Belling
Director Licensing
Department of Racing, Gaming and Liquor
PO Box 6119
EAST PERTH WA 6892

C87041

Dear Ms Belling

ALCOHOL RELATED HARM IN THE PILBARA

Thank you for your letter of 8 February 2012 relating to the recent submission regarding the extent of alcohol related harm in the West Pilbara. The Mental Health Commission appreciates the opportunity to comment on the submission and the recommendations made.

As the submission clearly outlines; the harms associated with excessive alcohol consumption have a significant impact on individuals, families and the broader community. Where these harms are experienced by a community at a rate that is excessive, it is imperative that measures be taken to address the associated causes and to also minimise the harmful consequences. The submission succeeds in articulating a convincing case in support of restrictions on the supply of alcohol in the region, and the Mental Health Commission supports this view.

The submission quite rightly argues that the introduction of alcohol restrictions should be viewed as only one part of a broad suite of strategies. Within this suite, the role of restricted supply could be viewed as fundamental, as without this the effectiveness of other initiatives may be limited. In the context of restrictions, it is imperative that the community is provided with appropriate support to address the factors which fuel a culture of excessive drinking, whilst also starting to heal the damage done.

Given the strong and complex association which exists between excessive consumption of alcohol and mental illness or a decline in mental wellbeing, the introduction of alcohol restrictions may result in increased utilisation of mental health services in these communities. It could also be envisioned however, that the effectiveness of that service provision will be enhanced as people are more likely to engage appropriately with services. I would strongly advocate for your consultation process to include mental health services working in the area.

Yours sincerely

Eddie Bartnik
COMMISSIONER
MENTAL HEALTH COMMISSION

27 February 2012

Telephone: 0448 073 818
Facsimile: 61 3 9829 3760
Thinus.keeve@coles.com.au

C86959
RECEIVED
- 6 MAR 2012
DEPARTMENT OF RACING,
GAMING & LIQUOR

2 March 2012

Mr. Barry Sargeant
Director General
Department of Racing, Gaming & Liquor
PO Box 6119,
East Perth WA 6892

BS 8/3/12

Dear Mr. Sargeant,

I have recently been appointed as the General Manager, Operations for Coles Liquor's Liquorland, Vintage Cellars and First Choice Liquor Superstores nationally.

Coles Liquor currently operates 100 stores in Western Australia employing more than 700 team members. As one of Western Australia's largest liquor retailers, we are very committed to the responsible service, supply and promotion of alcohol.

We note the recent submission by the Executive Director of Public Health and the Police Commissioner requesting conditions to be imposed on all outlets that sell packaged liquor in the Pilbara region – we will be lodging response to this shortly. While we fully support the objective of harm minimisation, we believe that there must be an appropriate balance between the benefits to community flowing from harm minimisation and the impact on a licensee's ability to implement any harm minimisation policies and procedures.

We will be in contact shortly to set up a time to meet with you. Alison Tehan, the Licensing & Regulatory Affairs Manager is still the key contact in respect of liquor licensing matters. However, should you require any further information in the meantime or wish to contact me directly my contact details are 0448 073 818 or thinus.keeve@coles.com.au.

Yours sincerely,

Thinus Keeve
General Manager, Operations
Coles Liquor



Liquorland (Australia) Pty Ltd. 0448 073 818
Liquorland (Vic) Pty Ltd. 0448 073 818
100 Years Road, Melbourne VIC 3000
PO Box 1000, Melbourne VIC 3000
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19

CELLARBRATIONS @ NEWMAN LIQUOR STORE

PO BOX 644
NEWMAN WA 6753
ABN 45 376 392 609

Phone 08 91751040
Fax 08 91750974

1 March 2012

For the attention of: Janine Belling
Re "West Pilbara: Report on Alcohol related Harm, Ill health and Disorder"

Firstly, may I respectfully submit that the West Pilbara Alcohol Management Group can be classed as a lobby group comprising those whose work involves the difficult side of life, which includes excessive alcohol consumption? The report's 60 odd pages of statistics really only portray that problems exist, which would not be challenged.
"We are a part of the state having problems related to alcohol"

At the same time I would challenge the veracity of those numbers. They exist over differing periods, some results have too small a sample and need to be classed as statistically inadequate and not linked into proving up any of the proposed changes. At best they exist as performance criteria that are the most basic of data, and would need to be analysed by regression to determine the most important contributors that can be validly related to any interpretations made. For example age, district, ethnicity, previous history, ect. ect.

In fact, the recommendations themselves do not have any supportive documentation at all. It is a repeated grab bag of restrictions, each unsubstantiated. Even the "broad range of strategies including education and treatment and support" has no details of costs, resources or even the starting point and what might be achieved.

If any changes are to be reviewed they need to be declared at the outset. This to include, expected standard of success, how it will be measured and those who will be party to that assessment. In the past it has been as a one line declaration.

Similarly, there is no consideration for the remaining population who do not fall under the aegis of "at risk". Until such time that they lose status within the Act, changes that effect them need reasonable appreciation, especially those working within the industry including tourism and hospitality.

CELLABRATIONS @ NEWMAN LIQUOR STORE

Phone 08 91751040
Fax 08 91750974



PO BOX 644
NEWMAN WA 6753
ABN 45 376 392 609

1 March 2012

Strategies in Place in Newman

Here in Newman I believe that we have effectively improved the "at risk" situation. That is not to say that this is the solution for everywhere. But with a lot of hard work and resolve it seems to have worked.

Take away liquor must be within a vehicle.

Problems no longer occur with groups of people hanging around the premises or secreting themselves nearby to drink or ask others to buy when they have been refused service. It still requires diligence to ensure that liquor is removed from the area by a taxi or a vehicle but people are coming to an understanding of the process with less fuss. The biggest hurdle has been the availability of Taxis at the right times to avoid losing control if families are together for a protracted period.

This scheme was introduced by the local police with their authority and their ability to think laterally. It was totally sanctioned by all of the members of our local Liquor Accord.

Voluntary Strategies

Awareness and Participation

Rather than being regarded as the enemy I have been active in every committee or group that appears challenged by harm from alcohol. Therefore not just the Liquor Accord, but also the Women's shelter, The East Pilbara Shire Council, Pampajinya group, The Pilbara college of Tafe, The Reconciliation action plan, all assists my own appreciation of the local situation as well as being in the forefront to assist determining action plans.

CELLARBRATIONS @ NEWMAN LIQUOR STORE

PO BOX 644
NEWMAN WA 6753
ABN 45 376 392 609

Phone 08 91751040
Fax 08 91750974

1 March 2012

Tribal Elders.

There is mutual respect and honesty between myself and with the local elders. An example I have invited Mr. Peter Tinker an elder and healer to spend time in the shop to observe and advice on individual issues that could occur. Typically when people are hanging around, without reasons or if pregnant ladies are thinking of purchasing Peter has the authority by position and the respect to tell them they are to move on.

I have meetings with other elders Jimmy Williams from Cotton Creek, Joshua Booth from Jigalong

Also meetings with the Police from Nullagine and Marble Bar, regarding Any issues that need support, for example there is to be a Football game in Nullagine the police have requested that no alcohol be taken in to Nullagine I will place signs in the shop and inform people of this.

Should you wish more information please contact me directly?

Yours faithfully,

Anita Grace
Licensee
Cellarbrations at Newman
PO BOX 644
NEWMAN WA 6753
08 91751040

Our Ref: D12/705
Tourism WA File: IPD/1086



Ms Janine Belling
Director Licensing
Director of Racing, Gaming and Liquor
PO Box 6119
EAST PERTH WA 6892

286890

Level 9
2 Mill Street
PERTH WA 6000
GPO Box X2261
PERTH WA 6847
Telephone +61 8 9262 1700
Facsimile +61 8 9262 1702
info@westernaustrialia.com
tourism.wa.gov.au
explore westernaustrialia.com

Dear Ms Belling

ALCOHOL RELATED HARM IN PILBARA

Thank you for your letter dated 8 February 2012 regarding alcohol related harm in the West Pilbara.

Tourism Western Australia (Tourism WA) recognises the need for a harm-minimisation strategy in many localities in Western Australia and generally supports the proposed recommendations in the report. Whilst this issue is not explored in any detail, it is considered unlikely that the visitor experience in the region will be significantly affected by the proposed changes to the sale of alcohol, and any impact on the tourism industry can be managed. The tourism industry may benefit from a reduction in alcohol related anti-social behavior and associated improvements to the reputation of the region.

A potential impact is the prohibition of the sale of packaged liquor on Sundays, especially on visitors who are passing through the Pilbara on that day only. It is recognised that this restriction is based on providing at least one day of the week where the cycle of alcohol consumption can be broken. It is noted that the introduction of this is consistent with a number of other communities in the north west of Western Australia including Port Hedland and Newman.

The West Pilbara is an important gateway to the north and south of the state for visitors providing access to the Kimberley and Coral Coast and remote locations within the Pilbara including Karijini and Millstream-Chichester National Parks. This should be considered as part of this process and the introduction of these restrictions needs to be supported by educational material to ensure that tourists are aware of what is in place.

In this context, Tourism WA fully supports the need to prepare and implement a communications strategy as indicated on page 69 of the report. This needs to include appropriate consultation with key stakeholders including Australia's North West Regional Tourism Organisation, Australia's Coral Coast Regional Tourism Organisation, Australia's Golden Outback Regional Tourism Organisation, the Tom Price and Karratha Visitors Centre's and the Pilbara Tourist Association.

In addition, DRGL should also undertake consultation with the Tourism Council Western Australia (TCWA), the Caravan Industry Association of Western Australia, the Australian Tourism Export Council (ATEC), accommodation providers and tour operators to ensure that any implications of introducing these restrictions are fully understood. Tourism WA can provide contact details for



these organisations if required. It is further suggested that should these restrictions be imposed that DRGL work with these stakeholders to monitor the impact on tourism.

If you have any queries on this matter please contact Tourism WA's Policy Manager, Mr Campbell Fletcher by telephone on 9262 1714 or by email to campbell.fletcher@tourism.wa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephanie Buckland'. The signature is fluid and cursive, with the first name 'Stephanie' written in a larger, more prominent script than the last name 'Buckland'.

STEPHANIE BUCKLAND
Chief Executive Officer

29 February 2012



C86535
Commissioner for Children and Young People
Western Australia

17
RECEIVED

21 FEB 2012

DEPARTMENT OF RACING,
GAMING & LIQUOR

All enquiries

Telephone: (08) 6213 2211
Email: trish.heath@ccyp.wa.gov.au
Our reference: 12/940
Your reference: L45/15/69

Ms Janine Belling
Director Licensing
Department of Racing, Gaming and Liquor
PO Box 6119
EAST PERTH WA 6892

Dear Ms Belling

Alcohol-related harm in the Pilbara

Thank you for your letter requesting my comment on the report *West Pilbara: Report on Alcohol-related Harm, Ill-health and Disorder (the Report)* and the need to address the issue of alcohol-related harm in the Pilbara.

As the Western Australian Commissioner for Children and Young People I have a responsibility to monitor the health and wellbeing of children and young people in Western Australia and to advocate for laws, policies and services that further children and young people's best interests. Under the *Commissioner for Children and Young People Act 2006 (WA)* in performing my role I must have special regard for Aboriginal children and young people and children and young people who are vulnerable or disadvantaged in some way.

As Commissioner I have visited the Pilbara and met with children and young people, their families, service providers and other community members to hear first hand what they are concerned about and their views on what needs to be done to improve the health and wellbeing of children and young people in their communities. I have also conducted a number of consultations with children and young people, including a specific consultation on reducing alcohol-related harm, and an Inquiry into the mental health and wellbeing of children and young people in Western Australia. Through this work I have become well acquainted with the issue of alcohol-related harm and its impact on the health and wellbeing of children and young people.

Indisputably alcohol consumption has a serious negative impact on the health and wellbeing of children and young people in a number of ways including, child abuse and neglect, exposure to violence, Fetal Alcohol Spectrum Disorder (FASD), poor school attendance and attainment, and other adverse outcomes. The consumption of alcohol by young people themselves is also of serious concern particularly given the impact of

Caring for the future growing up today

alcohol on the developing brain and its association with acute harms such as drowning and other accidents, suicide and violence.

Children and young people themselves have also raised their concerns about alcohol through the various consultations I have conducted. Alcohol consumption is a serious source of stress to children and young people, particularly when it is associated with family conflict. They are also concerned about other alcohol-related harm to themselves, their friends and their families.

In my recent consultation with young people on alcohol-related harm and the strategies needed to reduce this harm, young people made it clear that excessive alcohol consumption was pervasive throughout the Western Australian community and was not just a problem with young people who drink alcohol or with other minority groups. This view is supported by other research, for example, Australian research has estimated that 13% of children under the age of 12 years live in a household with at least one 'binge drinking' adult¹ which equates to approximately 50,000 children in Western Australia. As the Report also quotes, "*most alcohol-related harm is caused by non-dependent persons drinking excessively on particular occasions – simply because there are so many more of them.*"²

The rate of per capita consumption of alcohol in Western Australia (12.45L) is significantly higher than the Australian rate (9.86L) and is amongst the highest in the world by World Health Organisation³ data. The per capita consumption of alcohol in the Pilbara region on 25.84L, twice the State average, quoted in the Report, is of serious concern.

Given this extraordinary rate of consumption it is unsurprising that the indicators of alcohol-related hospitalisations and alcohol-related offences quoted in the Report are also high. Notably, the significantly higher rates of alcohol-related hospitalisations in the non-Aboriginal population in the West Pilbara are indicative of the problem extending across the broader community and not just occurring in specific populations.

The Pilbara also has the highest proportion of children and young people in its population at 28%, above the State average of 23%. This suggests that high rates of children and young people are being exposed to patterns of excessive drinking in this community and the corresponding consequences. Of particular concern is the high rate of alcohol-related domestic violence in the West Pilbara noted in the Report with some communities reporting 84% of domestic violence being related to alcohol consumption. The negative impact of this on the wellbeing of children and young people who may experience these incidents is well documented⁴. In addition I note the concerns of many of the service providers raised in the Report of children being placed at risk or neglected due to parental alcohol use and the impact of issues such as poor school attendance that also flow on from such use. Such concerns are consistent with other research and anecdotal information provided when I have travelled through these communities.

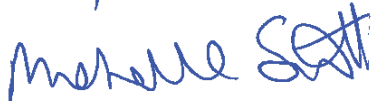
During my term as Commissioner I have noted with interest the impact of the imposition of alcohol restrictions elsewhere in the Pilbara and in the Kimberley region particularly and the positive impact these restrictions have had in reducing alcohol-related harm within these communities.

I appreciate that alcohol restrictions in isolation are not the answer to reducing alcohol-related harm in the community and that a broader strategy, including prevention, early intervention and treatment strategies, is also required. I am pleased to see the collaboration of the West Pilbara Alcohol Management Group in developing such a strategy to coordinate policy development and service delivery and to work with the local community to implement effective solutions.

I strongly support the recommendations of the Report and believe that the imposition of alcohol restrictions is in the best interests of children and young people in the West Pilbara community and in the broader public interest. In particular I support the imposition of a community-wide strategy for alcohol restrictions to ensure an effective reduction in supply and that the problems in one community are not simply transferred to others by the implementation of a fragmented, individual approach.

I note the reference in your letter to the Director of Liquor Licensing undertaking consultation with stakeholders prior to determining what action to take under section 64 of the Liquor Control Act 1988. I would encourage further consultation with the community in the West Pilbara regarding the restrictions needed to reduce alcohol-related harm in their community as this will improve the effectiveness of any approaches developed.

Yours sincerely



MICHELLE SCOTT

Commissioner for Children and Young People WA

17 February 2012

¹ Dawe S, Atkinson J, Frye S, Evans C, Best D, Lynch M, Moss D, & Harnett P (2006) Drug Use in the Family: impacts and implications for children. Australian National Council on Drugs.

² National Drug Research Institute (2007) *Restrictions on the sale and supply of alcohol: evidence and outcomes*. Curtin University of Technology, Perth. In *West Pilbara: Report on Alcohol-related harm, ill health and disorder*. Report to the Director of Liquor Licensing. WA. Unpublished.

³ World Health Organisation (WHO) (2005) Global Information System on Alcohol and Health: Recorded adult (15+ years) per capita consumption in litres of pure alcohol 1961 – 2005. www.who.int

⁴ Australian Domestic Violence and Family Clearinghouse (2011) *The impact of domestic violence on children: A literature review*. University of NSW.