



Policy

Liquor Accords

Disclaimer

This Policy is designed to provide information in regard to the subject matter covered, and with the understanding that the Director of Liquor Licensing is not passing legal opinion or interpretation or other professional advice. The information is provided on the understanding that all persons undertake responsibility for assessing the relevance and accuracy of its contents.

Introduction

This policy provides guidance as to the legislative and operational requirements associated with Liquor Accords.

Section 64 of the *Liquor Control Act 1988* (“the Act”) provides that the licensing authority may impose, vary or cancel a condition of licence of its own motion; on the application of the licensee; or at the written request of the parties to a Liquor Accord.

This publication provides guidance on what constitutes a liquor accord and under what circumstances an accord may seek conditions of licence to be imposed, varied or cancelled.

What is a ‘liquor accord’

For the purposes of section 64 the Act, a “liquor accord” means a written agreement or other arrangement:

- a) that is entered into by 2 or more licensees in a local community, and persons who represent the licensing authority, departments of the Public Service, State agencies or local government, and other persons; and
- b) that has the purposes of minimising and preventing the harm caused in the local community by the excessive consumption of liquor, and promoting responsible practices in the sale, supply and service of liquor in the local community; and
- c) that is approved by the Director of Liquor Licensing.

Liquor accords are a co-operative arrangement aimed at developing safe and well managed environments in and around licensed premises in the local context. They are part of an overall strategy that seeks to achieve a standard of practice that assists in fostering a responsible drinking culture; ensures safety in the local community; and promotes effective communication and problem solving between licensees and key stakeholders.

Each liquor accord is focussed on resolving local issues within a local area. Although individual Accords may have similar elements, there are no two the same.

Liquor accords may include representatives from licensed premises, businesses, councils, police, government departments and other community organisations.

The intended outcomes of liquor accords include:

- reducing of anti-social behaviour in and around licensed premises;
- reducing alcohol-related violence, ill-health and other harm;
- increasing the responsible service of alcohol;
- educating licensees, club operators, managers and staff in regard to their legislative obligations;
- reducing alcohol-related road trauma;
- facilitating and maintaining positive communication between stakeholders;
- enhancing community cooperation and understanding of the various roles and resources of government agencies;
- enhancing community engagement in various controls and strategies that affect their community; and
- improving local amenity through the development of proactive and effective responses to local issues.

Approval of an Accord

Prior to considering a request from a liquor accord to impose conditions, the Director must be satisfied that the accord is a bona fide accord group, established consistent with the provisions set out in section 64(1b) of the Act.

Therefore, in order to obtain this approval, the liquor accord will be required to submit the following information to the Director:

- evidence of a written accord agreement or policy;
- details of the formal signatories to that accord agreement;
- the date when the accord was established;
- details of the frequency of meetings; attendance at those meetings; and evidence that proper records are kept in respect of meetings; and
- details as to the accord review and evaluation process.

Please note: a liquor accord only requires the Director's approval where it wishes to seek the imposition or variation of conditions under section 64 of the Act. That is; a liquor accord does not require this approval in order to become established.

Making a request under section 64 of the Act

Where a liquor accord determines that in order to achieve agreed outcomes in the local context, it may be in the public interest for conditions to be imposed on licences within that liquor accord community or district, the liquor accord may lodge a written request with the licensing authority.

In lodging that request, the liquor accord will be required to submit the following information:

- details of the problems that the proposed conditions are intended to address;
- evidence that supports the assertions made about those problems;
- details of who has been consulted (for example; the police, local government, public health agencies; etc) and their position regarding the conditions;
- information on how the proposed conditions are expected to address the problems;
- expected duration of the proposed conditions if imposed;
- details of the intended review and evaluation strategy in respect of the proposed conditions; and
- evidence that the liquor accord members have agreed to the request being made (that is; the minutes of meeting must reflect the discussion and agreed outcome, etc).

In considering the proposed conditions, liquor accords should have regard to harm minimisation issues and strategies, and be careful not to engage in anti-competitive practices.

It should be noted that the absolute discretion to impose, vary or cancel a condition of licence lies with the licensing authority. In this regard, conditions will only be imposed, varied or cancelled where the licensing authority considers it is in the public interest to do so, consistent with the purpose and objects of the Act. In addition, the *Public Interest Assessment Policy* details information sources and reports that decision makers may have regard to in forming their decisions.

For further information, the Department's website address is www.rgl.wa.gov.au and contact telephone number is (08) 6551 4888.

DIRECTOR OF LIQUOR LICENSING