



REGULATION OF ALCOHOL & TOBACCO BY LOCAL GOVERNMENT IN WESTERN AUSTRALIA: OPPORTUNITIES FOR INNOVATION? AN EXPLORATORY STUDY

**49th Annual Alcohol Epidemiology Symposium of the
Kettil Brunn Society, 27 - 31 May 2024, Fremantle**

**Greg Swensen
swengreg@gmail.com**

Regulatory Framework - Then - Six o'clock closing



John Brack (1954) The bar

Regulatory Framework - Public & Local Government

Legislative power of local governments

(1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

.....

(4B) Nothing in the *Health (Miscellaneous Provisions) Act 1911* or the *Public Health Act 2016* prevents a local government from making local laws under this Act about matters relating to public health (as defined in the *Public Health Act 2016* section 4(1)).

Local Government Act 1995, s. 3.5 (1)

Public health means the health of individuals in the context of —

- (a) the wider health and wellbeing of the community; and
- (b) the combination of safeguards, policies and programmes designed to protect, maintain, promote and improve the health of individuals and their communities and to prevent and reduce the incidence of illness and disability;

Public Health Act 2016, s. 4(1)

A local government has the following functions in relation to the administration of this Act —

- (a) to initiate, support and manage public health planning for its local government district;
- (b) to develop and implement policies and programs to achieve the objects of this Act within its local government district;

Public Health Act 2016, s. 16

Liquor Licensing Framework - Public Interest Test

To satisfy the public interest test, the licensing authority may take into account:

1. The harm or ill-health that might be caused to people, or any group of people, due to the use of liquor.
2. Whether the amenity, quiet or good order of the locality in which the licensed premises or proposed licensed premises are, or are to be, situated might in some manner be lessened.
3. Whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises.
4. Any effect the granting of the application might have in relation to tourism, or community or cultural matters.
5. Any other matter stipulated in the Liquor Control Regulations 1988.

Department of Local Government, Sport and Cultural Industries. Public interest test. <<https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/liquor-applications/public-interest-test>>

The primary objects of the Act are:

- a) to regulate the sale, supply and consumption of liquor;
- b) to minimise harm or ill-health caused to people, or any group of people, due to the use of liquor; and
- c) to cater for the requirements of consumers for liquor and related services, with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the State.

Liquor Licensing Act 1988, s. 5

Liquor Licensing Framework - 2022 Reforms (Proposed)

The Next Chapter of WA's Liquor Laws – have your say.



Department of Local Government Sport and Cultural Industries, *The next chapter of WA's liquor laws - have your say*. (Department of Local Government Sport and Cultural Industries, 2022).

The Chamber of Commerce and Industry WA's submission to the consultation supported these reforms as they would 'reduce red tape associated with holding a liquor license ...(and improve and modernise) regulation and remove redundant and archaic rules'.

Chamber of Commerce and Industry WA, Submission to the next chapter of liquor licensing reform (2023).

Local Government - Roles - 3 Rs

'Local governments are responsible for planning their local communities by ensuring appropriate planning controls exist for land use and development. They do this by preparing local planning schemes and strategies.'

Local planning schemes set out the way land is to be used and developed, classify areas for land use and include provisions to coordinate infrastructure and development within the local government area.

This is set out via scheme text and maps.'

Department of Planning, Lands and Heritage. 'Local planning strategies, schemes and structure plans listed by local government'. <
<https://www.wa.gov.au/organisation/departments/departments-of-planning-lands-and-heritage/local-planning-strategies-schemes-and-structure-plans>>

3 Rs

1. Roads
2. Rates
3. Rubbish



Many Rs

1. Regulation
2. Recreation
3. Relief (eg welfare, childcare, aged care health care)
4. Regionalism
5. Regional development
6. Retail services (eg water, sewerage, transport services)

Regulatory Framework - Tobacco - City of Vincent

Public health programs and plans across the world are guided by the Social Determinants of Health.

These are the conditions in which a person is born, grows up, lives, works and ages; and in turn influences their opportunity to be healthy, their risk of illness and life expectancy.

The social determinants of health are broad and include socioeconomic status, employment, education, housing, social support, access to health care and other services, transport, food security and community safety.

Source: City of Vincent. Public health plan 2020 - 2025, p. 10.

The policy is designed to support implementation of the City of Vincent Public Health Plan 2020-2025, including the target to have smoke free Town Centres by 2025.

Source: City of Vincent. Smoke free areas - Education and enforcement policy, p. 1.

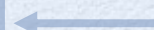
Local Government Act 1995



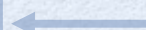
City of Vincent Local Property
Local Law 2021



Public Health Plan 2020 - 2025
Adopted 20 October 2020



Smoke Free Areas -
Education & Enforcement Policy
City of Vincent Local Government Property
Amendment Local Act 2022
Adopted 26 July 2022



Regulatory Framework - Public & Local Government

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Public Health Act 2016, s. 16



CITY OF VINCENT

Public Health Plan

2020 – 2025

A strategy for a healthy,
happy and connected
community for all



Regulatory Framework - Tobacco - City of Vincent



Exhibit A

Smoke Free Areas - Education & Enforcement Policy

Adopted 26 July 2022

Smoke and/or smoking means to -

- (a) smoke, hold or otherwise have control over an ignited tobacco product;
- (b) light a tobacco product; or
- (c) use an e-cigarette.

Tobacco product has the same meaning as defined in the *Tobacco Products Control Act 2006*

5.17 Prohibition on smoking

- (1) A person must not smoke in a smoke free area.
- (2) Where an authorised person believes on reasonable grounds that a person is contravening or contravened subclass (1), the authorised person may direct the person to extinguish the tobacco product or e-cigarette.

Penalties

Failure to extinguish tobacco product or e-cigarette Modified penalty \$200.

Source: City of Vincent Local Government Property Local Law 2021

Regulatory Framework - Alcohol - City of Vincent

City of Vincent: Public Health Plan 2020 - 2025

Priority areas

1. Civic leadership
2. Advocacy
3. Public awareness and engagement
 - 3.2 Develop a communication plan to inform, engage and educate residents, visitors, businesses and community organisations on the priority health topics for the City

Source: City of Vincent. *Public health plan 2020 - 2025*, p. 25.

Top priority health topics

1. Alcohol
2. Physical activity
3. Healthy eating
4. Mental health and wellbeing
5. Smoking
6. Environmental health

Source: City of Vincent. *Public health plan 2020 - 2025*, p. 25.

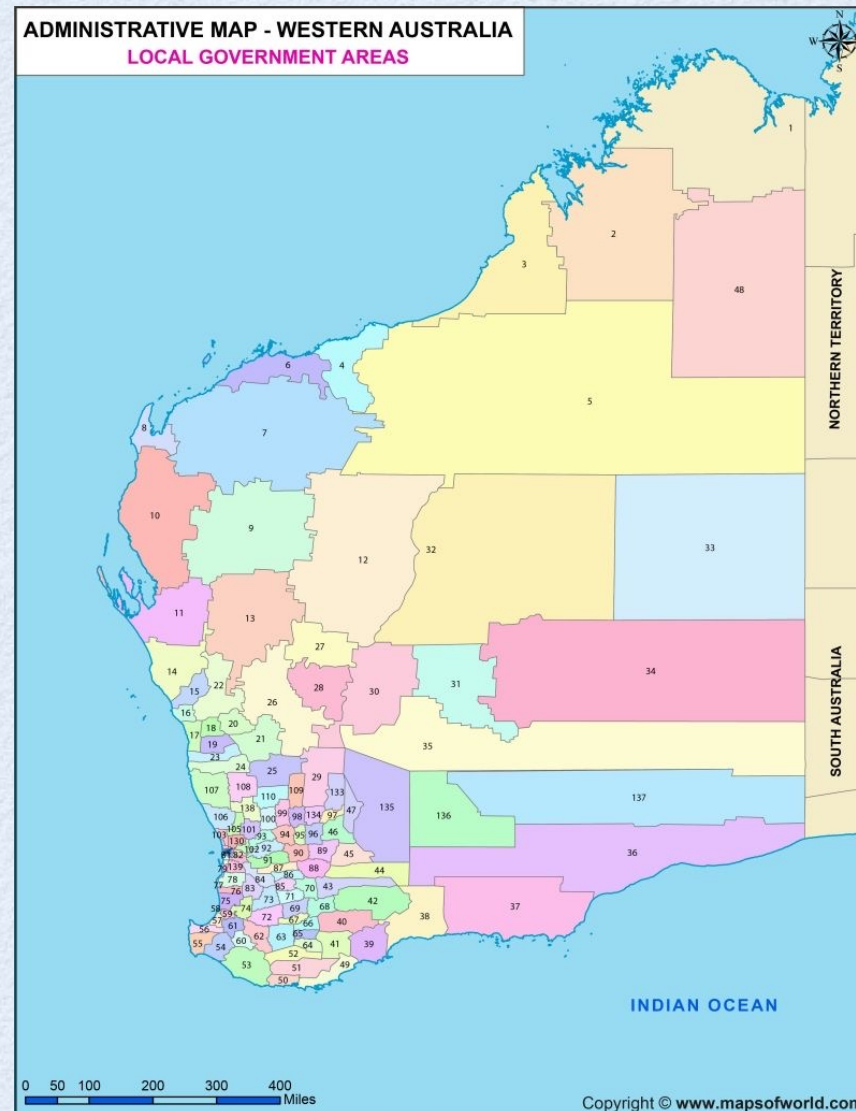
Local term health outcomes

1. Increased physical activity
2. Increased mental health and wellbeing
3. Reduced harmful alcohol use
4. Reduced smoking
5. Reduced exposure to environmental health risks
6. Increased healthy eating
7. Reduced injuries and a safe community
8. Prevent and control of communicable diseases
9. Mitigate the impact of public health emergencies
10. Promote screening and immunisation
11. Reduce exposure to ultraviolet radiation

Source: City of Vincent. *Public health plan 2020 - 2025*, p. 25.

Local Government Areas - WA

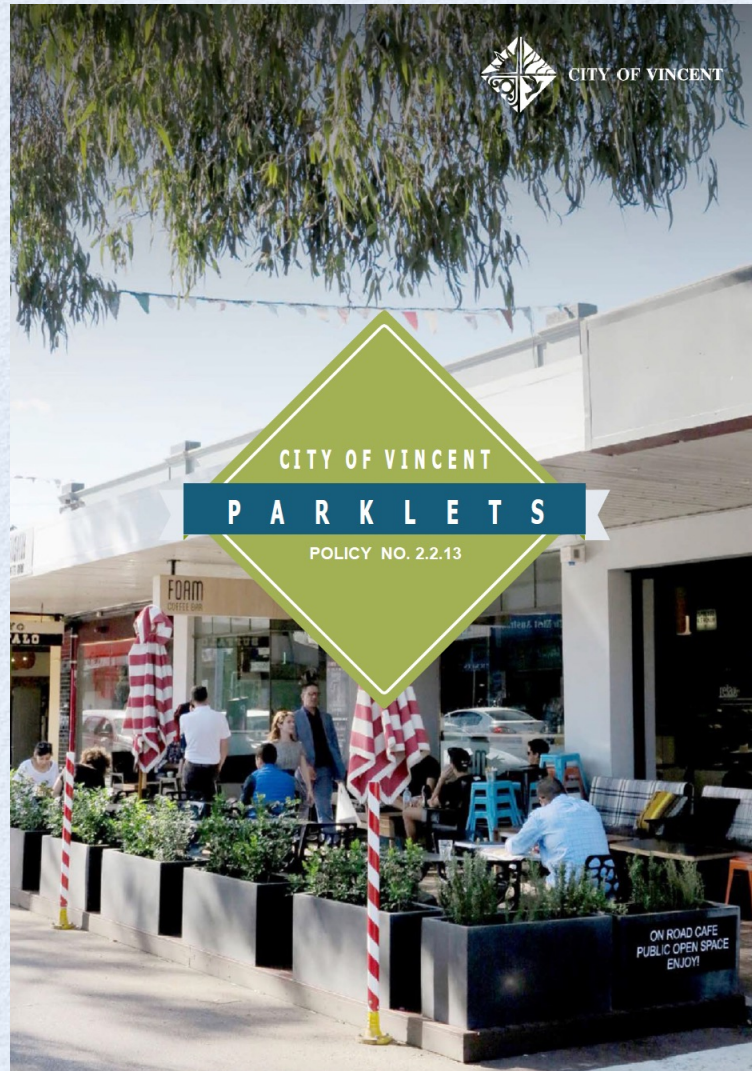
Cities	27	
Towns	8	
Shires	102	
Total	137	



Local Government Areas - Perth Metro

LGA name	Population		LGA name	Population
Armadale, City of	87,634		Melville, City of	101,940
Bassendean, Town of	15,739		Mosman Park, Town of	9,067
Bayswater, City of	68,232		Mundaring, Shire of	39,139
Belmont, City of	41,510		Serpentine–Jarrahdale, Shire of	30,933
Cambridge, Town of	28,481		Nedlands, City of	22,554
Canning, City of	92,965		Peppermint Grove, Shire of	1,721
Claremont, Town of	10,704		Perth, City of	27,762
Cockburn, City of	112,165		Rockingham, City of	133,389
Cottesloe, Town of	8,188		South Perth, City of	43,554
East Fremantle, Town of	8,711		Stirling, City of	220,249
Fremantle, City of	30,868		Subiaco, City of	17,106
Gosnells, City of	123,325		Swan, City of	143,374
Joondalup, City of	160,031		Victoria Park, Town of	36,601
Kalamunda, City of	58,946		Vincent, City of	36,088
Kwinana, City of	43,511		Wanneroo, City of	203,679

Regulatory Framework - Now - Parklets



Regulatory Framework - Now - Parklets



Advertising Public Spaces



Advertising Public Spaces

