

**LIQUOR CONTROL AMENDMENT (BANNED DRINKERS REGISTER) BILL 2023**

*Committee*

Resumed from 19 October. The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Darren West (Parliamentary Secretary) in charge of the bill.

**Clause 15: Part 5C inserted —**

Progress was reported after the clause had been partly considered.

**Hon NEIL THOMSON:** It has been a little while since we discussed this clause. By way of recapitulation, we were up to discussion on proposed section 152YJ(3), the role of those restraining orders and their revocation if the court does not make a conviction. I would like to clarify this because the community is genuinely concerned about somebody being put on a banned drinkers register when there is no sentence or there is a spent conviction. I understand that they are automatically taken off the banned drinkers register.

At the time, I asked the parliamentary secretary who has carriage of this bill —

Was no consideration given during the development of this bill to the very ongoing and real problem of domestic violence, which sometimes does not pass the threshold test of a conviction that is not spent?

Progress was then reported before the parliamentary secretary could finalise his answer. I have received reports that this is happening. I then talked about a hypothetical situation in which a person had a spent conviction. It would appear from the proposed section before us that those orders that are put in place by the police will be removed. We have to be realistic here because unless there is a community report of an offence and some sort of police response to, for example, an altercation in a public space, sometimes those long-suffering victims of domestic violence remain quiet sufferers who do not take action to seek a violence restraining order. That is what will need to occur for them to get the perpetrator of that violence on the banned drinkers register.

Could I just get some clarity from the parliamentary secretary? What mechanism will a person have when there is abuse of alcohol but the offender is given only a spent conviction? We know that this happens when there is a report of domestic violence and a charge is laid. What mechanism will the sufferer of domestic violence have to make sure that the perpetrator of the violence, notwithstanding their spent conviction, is placed on the banned drinkers register for a period?

**Hon DARREN WEST:** Member, we went through this quite a bit last time, but just to clarify, should a spent conviction be recorded, the order must be revoked. However, the victim could apply for a family violence restraining order and have the order continued. The amendments will also allow for a medical practitioner or a social worker or, indeed, the offender themselves to apply for an order.

**Hon NEIL THOMSON:** We could conceive of plenty of situations in remote Western Australia at least in which the victim might not want to have a VRO because of other implications. Again, this is just for clarity. Would the victim be able to approach a medical practitioner and seek the imposition of a banning order on the perpetrator?

**Hon DARREN WEST:** Yes, the victim could approach a medical practitioner, but what happens from there would be purely in the hands of the medical practitioner.

**Hon NEIL THOMSON:** That answer has given some comfort. It seems that there will be a mechanism. As members know, often the victim suffers from this sort of behaviour for a long time and these activities occur only in circumstances involving alcohol. That answer provides some comfort. What other mechanisms might the victim have? Can the parliamentary secretary reiterate that so I can ask a question on it?

**Hon DARREN WEST:** There will be a list of prescribed persons a victim could go to, including social workers and others.

**Hon NEIL THOMSON:** For example, the victim could knock on the door of the Department of Communities and seek advice. I am just trying to be practical for the record because I know there is a lot of interest in this question in my communities at least. The person could just pop down to the local Department of Communities office and say that they are suffering at the hands of someone who acts violently when drunk, but they do not want to take out a VRO against the person or seek to have charges of assault laid for personal reasons. Often that is a valid situation. It is not one that we in this place would necessarily recommend, but that is the reality. They could pop down to the local Department of Communities office and seek advice from the prescribed person and have some assurance that, based on a certain level of evidence, they could get a banning order put in place against the offender.

**Hon DARREN WEST:** The member is straying into some very complex situations, none of which will be solved solely by putting someone on the banned drinkers register. There are plenty of other mechanisms and opportunities that victims of family and domestic violence can pursue, and this will be one of them. We have outlined that there will be a list of prescribed persons and that there are other avenues for victims to apply to.

**Hon NEIL THOMSON:** The parliamentary secretary has not answered my question. In a practical situation, who will they go and see? Will it be the Department of Communities? Who could they see, apart from the medical practitioner?

**Hon DARREN WEST:** We will consult more widely on who will be on the prescribed list, but to answer the member's question, it will not be solely covered by this bill. We have talked about some complex circumstances. Should someone find themselves a victim of family and domestic violence and pursue the normal challenges, this could be an option that may help alleviate that.

**Hon NEIL THOMSON:** Thank you for that. A prescribed list will be provided. Will the list of persons who can do that be gazetted? How will that list work?

**Hon DARREN WEST:** Yes, member, it will be done by regulation.

**Hon NEIL THOMSON:** There will be an opportunity to have quite a broad range of persons on the list. I recall that I raised this in my second reading contribution. In the Northern Territory, quite a wide range of persons have the power to put people on the banned drinkers register.

**Hon DARREN WEST:** The consultation will be broad, but anyone who wants to lodge an order will need to be a prescribed person and will need to apply to the director of Liquor Licensing.

**Hon NEIL THOMSON:** The parliamentary secretary did not really answer my question. He is saying that the consultation will be broad, which I assume means that there will be scope for a wide range of persons to be on the list. What will the process be for the prescribed person to seek an order? Will it simply be a written notification to the director of Liquor Licensing? I wonder what the process will be. Can the parliamentary secretary outline the process, please?

**Hon DARREN WEST:** It will be a written application to the director of Liquor Licensing.

**Hon NEIL THOMSON:** Would a certain standard of evidence be required? I assume it might be laid out in regulation. What evidence will be required, given that the prescribed person will be seeking an order on behalf of another person or on the basis of their own observation? Maybe the parliamentary secretary could answer those two questions. The first is when they are seeking an order on behalf of a complainant and the second is when they are seeking an order on the basis of an observation.

**Hon DARREN WEST:** Proposed section 152YQ(3) states —

The application —

- (a) must be in writing in a form approved by the Director; and
- (b) must contain information to demonstrate that —
  - (i) the person the subject of the application is misusing or has misused liquor; and
  - (ii) the person's misuse of liquor is a serious risk to the health, safety or wellbeing of the person or another person;
- and
- (c) may contain a request for the banned drinker order to be in force for a period of 3, 6 or 12 months.

It is in the bill.

**Hon NEIL THOMSON:** We could possibly come back to that, if the parliamentary secretary is happy to answer one more question on proposed section 152YQ, given that it has a couple more provisions. It also states —

*medical practitioner* means a person registered under the *Health Practitioner Regulation National Law* ...

The parliamentary secretary has also outlined other prescribed persons, such as social workers and others. They will have the opportunity to apply for an order to be put in place for three, six or 12 months, which I think is important. I support this; I think it is useful. Effectively, the prescribed person will put forward the application and the final decision will rest with the director of Liquor Licensing. There will be no right of appeal; the decision will be made by the director of Liquor Licensing.

**Hon DARREN WEST:** That is correct. Procedural fairness will be applied. For instance, the person subject to the order will be notified. There will be internal processes to oversee the practice.

**Hon NEIL THOMSON:** I am pleased with that. It is a little broader than I thought was possible, given that we have regulations coming through to enable a wider range of persons on the list. I think that is a good step given that it is often social and community workers in particular who are on the front line of watching family violence, as well as children in difficult situations. That obviously comes under the banner of family violence, but can often also just be violence observed by children or children directly in the line of violence. It is very important that that is dealt with.

I will just move to the self-imposed banned drinkers order under proposed section 152YL. I think there are a number of people who have already sought inclusion on the banned drinkers register. I believe quite a few have already sought to include themselves. How many have currently sought inclusion on the register?

**Hon DARREN WEST:** The most current information we have is as of 6 November and there are 41 voluntary referrals, which is 15 per cent of all people on orders.

**Hon NEIL THOMSON:** Very good. We think that sometimes the best cure is when people with a problem with alcohol use their own initiative to actually take that step. Once the passage of this bill is completed, will the director of Liquor Licensing do some promotion, maybe inviting people to take the step to get on the register themselves?

**Hon DARREN WEST:** That will be a matter for the department, member, but presumably yes.

**Hon NEIL THOMSON:** There are often situations in which English is the person's second language. Remoteness is also sometimes a problem for people getting access. We sit here, have these discussions and make these decisions, but the message often does not get out to the wider community. What will the department do to ensure that people in remote parts of Western Australia who might consider putting themselves on the register can do so?

**Hon DARREN WEST:** Again, that would be a matter for the department. However, there is a communications plan, including one in language. The BDR working group can disseminate information that way.

**Hon TJORN SIBMA:** I just have a couple of questions. The parliamentary secretary will be pleased to know that I have been reasonably silent and in listening mode throughout this debate, but something has just caught my eye. Perhaps the parliamentary secretary can assuage any concern I might have. I refer to proposed section 152YE. I am sorry to go back a proposed section. The utilisation of the banned drinker orders in conjunction with a family violence restraining order is something I just want to come to grips with a little bit, please. It is not intended to, but this might sound like a silly question: how contingent is a BDO on an underlying family violence restraining order?

The reason I ask this question is twofold. There might be a circumstance in which a family violence restraining order is issued or administrated unlawfully. By way of comparison—perhaps not direct comparison—I will draw on an incident from last evening in which a seven-year-old child was issued an unlawful violence restraining order in the northern suburbs. My hypothetical situation is this: if there is a mistake or error of some kind in the issuing of an FVRO, could that potentially undermine the utility or lawfulness of a banned drinker order that was issued in conjunction with that?

**Hon DARREN WEST:** To answer the member's question, if the FVRO has been wrongfully administered and the BDO is a consequence of that, the order must be withdrawn. If it is a court-issued FVRO, there cannot be a BDO, but if the FVRO has been issued by the police, the BDO will apply. If that has been wrongfully issued by the police, the BDO must be withdrawn.

**Hon TJORN SIBMA:** Thank you, parliamentary secretary. That may go some way. I just want to specify that there is potentially a logical flow there. If the administration of the FVRO is at fault, the BDO order may potentially fall over. This is not a hypothetical; it is a genuine question —

**Hon Darren West:** By way of interjection, the BDO will fall over.

**Hon TJORN SIBMA:** The BDO will fall over. Okay; it is good to have that clarified.

Is it absolutely necessary to specifically refer in the bill to an FVRO other than just another blanket police order that could be made under the Restraining Orders or Administration Acts? Is there an absolute necessity to, in part, tie a BDO to an FVRO?

**Hon DARREN WEST:** I will refer to the frequently asked questions about the difference between a police FVRO and a police order. A police FVRO is the same as a police order. The bill defines a police FVRO as an order made by a police officer under division 3A of part 2A of the Restraining Orders Act 1997. These provisions in the Restraining Orders Act give police the power to make a police order in situations involving family violence. Although the terminology differs between the bill and the Restraining Orders Act, the effect of the definition in the bill is that a police FVRO is a police order.

**Hon TJORN SIBMA:** Thank you, parliamentary secretary. That might go some way to assuaging any concerns. However, I know that there cannot necessarily be 100 per cent alignment in the terminology across all the acts, but that is why there are transitional provisions and other schedules in bills. This might not be a question for the parliamentary secretary, but I would potentially like it to be taken up by the government at some stage. I prefer to say family violence restraining order in the long form rather than the acronym, because I trip over myself. Is there any intention on behalf of the government to list that specifically as a term of reference within the Criminal Code? I do not think it exists there are present.

**Hon DARREN WEST:** The member is correct. That is not something that we can answer under this bill with this group of advisers. It is not related to the bill, but it is in *Hansard* now and I am sure someone will see it somewhere.

**Hon NEIL THOMSON:** I would like to move to proposed section 152YO, “Notice of decision and registration of self-imposed banned drinker order”. Proposed section 152YO(2) provides that if the director decides to refuse a person’s request for a self-imposed banned drinker order, the director must give the person written notice of the decision. What conceivable grounds or situation would there be in which the director would refuse somebody’s request to be put on the banned drinkers register?

**Hon DARREN WEST:** These are described in proposed section 152YM(1), and they are —

- (a) about the person’s identity; and
- (b) that the person is not already a banned drinker; and
- (c) that the person agrees to be subject to the banned drinker order.

**Hon NEIL THOMSON:** I will just put that in layman’s terms because it is coming quickly. Is the parliamentary secretary saying that in paragraph (a), “person’s identity” does not refer to the person requesting the order?

**Hon DARREN WEST:** That is correct.

**Hon NEIL THOMSON:** Can the parliamentary secretary help me with paragraph (b), as I do not have the bill in front of me? What was paragraph (b)? The parliamentary secretary could answer by means of interjection.

**Hon DARREN WEST:** It is in the bill under proposed section 152YM, which reads —

**Director must make self-imposed banned drinker order**

- (1) As soon as practicable after receiving a request under section 152YL, the Director must make a banned drinker order for the person who made the request if satisfied —

And only if satisfied —

- (a) about the person’s identity; and
- (b) that the person is not already a banned drinker; and
- (c) that the person agrees to be subject to the banned drinker order.

I might see whether one of the chamber staff could provide the member with a copy of the bill.

**Hon NEIL THOMSON:** I am using the explanatory memorandum, and I was just looking at it. I have the explanations of paragraphs (b) and (c), which read —

- (b) that the person is not already a banned drinker; and
- (c) that the person agrees to be subject to a self-imposed banned drinker order.

I am trying to work that out. The wording seems rather odd —

- (2) Otherwise, the Director must refuse the request.

If a person has asked for an order, I do not see how paragraph (c) could possibly exist. Maybe I am just being pedantic; I do not know. To me that seems odd. It seems that there are no grounds at all for a person not to be granted a request. If they were that person and were not already on the banned drinkers register, they would not be granted that. I will let that go because it is a rather odd provision, but that is my view.

I move to proposed section 152YW, “Revocation of banned drinker order”. Proposed subsection (4) provides that the director may revoke a banned drinker order if satisfied that the banned drinker has participated in and completed a therapeutic support program. Does the government have any therapeutic support programs available?

**Hon DARREN WEST:** The Mental Health Commission, the Department of Health and the Department of Communities have extensive drug and alcohol programs available to those who seek them.

I go back to the member’s previous question with a little bit more information that may be of assistance. If the police have issued a person with a banned drinker order, that person cannot then apply for a voluntary banned drinker order because they can take themselves off a voluntary banned drinker order, and nor can anyone else. A police order takes precedence.

**Hon NEIL THOMSON:** I can see that that is an entirely reasonable point now that the parliamentary secretary has explained it like that. That makes sense. We do not want anyone trying some dodgy arrangement to get off, do we? We just do our best on this side of the chamber to try to work out what is going on and to ask the right questions. Here we go. There are programs run by the Mental Health Commission and others that the parliamentary secretary

outlined. Is the parliamentary secretary satisfied that there will be sufficient availability of these programs, given that we expect the number of people on the banned drinkers register to increase with this new legislation?

**Hon DARREN WEST:** Earlier, we went through the fact that it is difficult in challenging environments, especially rural and remote settings, to have the personnel to adequately supply all services to all of the population; however, I think overall, across the state, yes.

**Hon NEIL THOMSON:** Would the government be open to providing additional support to those therapeutic programs if approached by either social workers or the police?

**Hon DARREN WEST:** We are working with the Mental Health Commission on the rollout of forward funding.

**Hon NEIL THOMSON:** What evidence would be sought of the completion of a therapeutic support program? How would the director of Liquor Licensing be satisfied that that therapeutic support program had been completed?

**Hon DARREN WEST:** It would be an internal process that the director general would establish and it would be done inside the department.

**Hon NEIL THOMSON:** Has consideration been given to the fact that evidence of completion of a program could be accompanied by a letter of recommendation from a qualified person, such as a medical practitioner or social worker, as outlined in proposed section 152YQ?

**Hon DARREN WEST:** That is possible.

**Hon NEIL THOMSON:** I have a question about social workers. Will a social worker be defined as someone eligible for membership of the Australian Association of Social Workers Ltd?

**Hon DARREN WEST:** Again, the frequently asked questions document asks: What is the definition of a social worker? Who may apply to the director of Liquor Licensing for a banned drinker order for a patient or a client? The document states that “social worker” means a person who is a member, or is eligible for membership, of the Australian Association of Social Workers Ltd.

There is more detail in the document.

**Hon NEIL THOMSON:** I move to proposed section 152ZB “Offence of supplying packaged liquor to banned drinker”. We all know that sly grogging is a massive problem. I understand that sometimes cartons of beer can go for many hundreds of dollars where they are not available for sale as takeaway alcohol. I have heard all sorts of figures in the many hundreds of dollars up to \$500 a carton, which seems absolutely extraordinary. I do not have any evidence of that, of course, but that is the sort of discussion we hear. No doubt, one of the challenges in Western Australia is that where restrictions on the sale of alcohol are in place, an unfortunate and unintended consequence is that an incentive is created for the illegal transportation of alcohol. Of course, the other aspect of this is that it is often done by the same sorts of people who may be in the business of selling drugs. That is the unfortunate consequence, because we see the increasing sale and use of certain high-risk drugs such as methamphetamine as it slowly permeates into some of the regional and remote areas. Fortunately, it is not as prevalent in some of the most remote parts of Western Australia as it might be in Perth or nearby areas. It is very important that there are very strenuous offences. I see that the penalty for the offence of secondary supply is a fine of only \$10 000. That could have been a higher figure. How did that offence limit come to be, given the number of offences that the government seems quite happy to introduce, with jail terms for a whole range of things? I wonder whether some of them are appropriate? Why was there no consideration for more strenuous penalties for the secondary supply situation?

**Hon DARREN WEST:** The member referenced a lot of criminal activity that is overseen by other legislation. Sly grogging will be controlled in the Kimberley and Carnarvon through the carriage regulations. Finally, \$10 000 is consistent for similar offences throughout the act.

**Hon NEIL THOMSON:** I do not know whether it occurs, but if somebody who regularly drives a small light truck sells a lot of alcohol, and is maybe even a repeat offender, \$10 000 will be the absolute limit if all they were doing was breaching carriage limits. Is that the highest penalty that could be applied?

**Hon DARREN WEST:** As I said in my second reading reply, we are not naive enough to think that this will stop every instance of everyone obtaining alcohol who should not obtain alcohol. This has been tried over centuries and has failed. We also had to consider a situation in which someone may have been coerced into providing alcohol to someone on the banned drinkers register. There is a balance there, and we think that we struck it with the penalties in the bill.

**Hon NEIL THOMSON:** I appreciate the answer, parliamentary secretary. There could have been a lot more flexibility around that. I have heard from people on the ground about organised crime at various degrees —

**Hon Darren West:** It is up to \$10 000, so the court will have a role in the severity.

**Hon NEIL THOMSON:** That is right, parliamentary secretary. I am concerned that the police might intercept a vehicle with someone who they know is a regular. It seems to me that, yes, there will be situations in which someone

has been coerced. There might even be someone who accidentally breaches the carriage limit or may have done it with a lot less nefarious intent than maybe someone who had made a commercial operation out of it and as part of that operation was using it as a bit of an entry pathway to build up a network for the drug trade, notwithstanding that if they were in possession of drugs for sale they would be charged for that. I thought there might have been an opportunity to strengthen that. Anyhow, that is my view on that. It is probably a bit light.

I seek clarification on the defence available for a person in relation to licensed premises. Under clause 15 is proposed section 152ZB(3), which provides an additional defence for a breach of proposed subsection (1). The explanatory memorandum states —

... they used the ID system in relation to the sale of the packaged liquor and the ID system did not identify the person as a banned drinker ...

...

... if the accused person, other than a person who is a responsible person in relation to the licensed premises from which the liquor was supplied, proves that they did not know, and could not reasonably be expected to know, the person was a banned drinker.

I am seeking clarification. It seems to me that there are potential penalties for someone who is maybe not a liquor store owner, but a worker. It could be someone out there on a temporary visa working for a short time who has the right requirements to sell packaged alcohol at a liquor store, but there is an issue whereby they could not reasonably expect to know the person was a banned drinker. Excuse me; I am reading and trying to get my head around the specific issue here.

What is the risk for those who did not have any wrong intentions—by means of equipment failure, the system not working, a power failure happened on the day so that the takeaway alcohol management system was not working, or something happened within the identification process—that that person still might be subject to some sort of charge for the sale of liquor to a person on the banned drinkers register?

**Hon DARREN WEST:** There are two things to ease the member's concern regarding penalties. The carriage regulations will have their own penalties with a separate set of penalties for those. He can tick that one off. I refer the member to proposed section 152ZB(3), which states —

It is also a defence to a charge of an offence against subsection (1) for an accused person, other than a person referred to in subsection (2)(a), to prove that the person did not know, and could not reasonably be expected to know, the person was a banned drinker.

There is a level of defence if a friend asked someone at the pub to buy a carton and they had no idea they were on the banned drinkers register. If they could prove that in court, they would be found not guilty.

**Hon NEIL THOMSON:** Will that same defence be available to a someone who was working in a liquor store who, for one good reason or another, was unable to identify that person being on the banned drinkers register?

**Hon DARREN WEST:** It could be a defence if, for instance, the scanner did not identify that person as a banned drinker. They would then have a defence.

**Hon NEIL THOMSON:** In the quite common circumstance when we have power failures in the regions, will that mean where the application of the banned drinkers register is applied, that will preclude any sale of liquor, because those systems would not be available?

**Hon DARREN WEST:** Proposed section 152ZB(2)(b) states —

either of the following apply —

(i) the person used the ID system ...

In the member's example, they would be unable to use the system; however, I imagine most liquor stores would have a backup power supply. The proposed section also states —

(ii) the ID system did not operate properly or was not otherwise able to be used.

There are exceptions or avenues of defence for those who genuinely and mistakenly supply a banned drinker.

**Hon NEIL THOMSON:** I appreciate that. This is my last question. I should not say last question, because I said that the other day to Hon Sue Ellery and I then went on to ask more questions. She made a pertinent point to say that she did not get her hopes up.

**Hon Sue Ellery:** I am on the edge of my seat in anticipation.

**Hon NEIL THOMSON:** Yes.

I have a last small group of questions—it might be one—on proposed section 152ZC, “Disclosure of information about banned drinker order or banned drinker”. Proposed section 152ZC(1) provides —

A person —

For example, a medical practitioner or social worker —

who applies to the Director for a banned drinker order for a person, or to extend a banned drinker order for a person, under Division 4 may give the Director information about the person who is the subject of the application or order.

My question relates to the limits of that information. Will there be a framework for how information is provided? It comes back to the question of how they get on the register after that and the processes. Has any consideration been given to the disclosure of information on the banned drinker order or the banned drinker? I note that there will be some sort of database or file maintained by the director of Liquor Licensing that will contain sensitive information.

**Hon DARREN WEST:** I will again refer the member to the frequently asked questions document. I am quite happy to provide the member with a copy. How will people’s privacy be protected? The personal details of banned drinkers will be recorded and retained only by the Western Australia Police Force and the director of Liquor Licensing. The bill will create strict obligations regarding the disclosure of those details. This information is extensive; I will not read all of it into *Hansard*, but I will provide the member with a copy of it.

**Clause put and passed.**

**Clauses 16 to 34 put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

**HON DARREN WEST (Agricultural — Parliamentary Secretary)** [2.02 pm]: I move —

That the bill be now read a third time.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [2.02 pm]: I will not take a long time. I want to thank the parliamentary secretary and his advisers for their work during consideration of the Liquor Control Amendment (Banned Drinkers Register) Bill 2023. Obviously the opposition supports this bill. The issues of alcohol abuse are legion, and it is very difficult to provide simple solutions for a very complex situation. We wish the government well with this legislation and we will be watching very carefully to see the results of how the legislation is applied and how effective it will be.

We accept that there are no easy answers to the problems we face, but I thank all members who contributed to the debate on this bill, particularly the parliamentary secretary and Hon Neil Thomson. We will watch very carefully to see whether the effects of this bill will make a difference to the community in the longer term.

**HON NEIL THOMSON (Mining and Pastoral)** [2.03 pm]: I rise to make a very brief contribution to the third reading debate on the Liquor Control Amendment (Banned Drinkers Register) Bill 2023. I also commend the government for getting this far; it has taken some time, and I will not go into any detail on that. The Committee of the Whole process highlighted the fact that this legislation will be effective only upon its rollout, and I hope that the government will report on that in due course. We will need to look very closely at the effectiveness of this legislation, particularly with regard to the carriage of alcohol into areas where there are other restrictions, and the sale and supply of alcohol to banned drinkers. That is something that will need to be worked through very closely.

I was pleased to hear that there will be some regulations around the people who will be in a position to put people on the banned drinkers register, such as social workers and medical practitioners. There will be some regulation-making in that regard, and I hope we have a fairly broad interpretation of that. I think that is important, particularly given that the scourge of alcohol seems to affect parts of remote and regional Western Australia to a large extent. We know that it is not the sole domain of remote and regional Western Australia and, to some extent, the register is something that could be applied more broadly across the entire Western Australian community as we target people with alcohol problems. That could lead to more liberalisation around some other restrictive practices relating to the sale of alcohol. I know that in Carnarvon, for example, there is some disquiet from some members of the community that law-abiding people who do not have a problem with alcohol, such as retired people, have to pay a lot of money to buy a bottle of wine because the cheaper wine cannot be obtained. As much as we might like to suggest that it is not ideal, in this case there are a lot of retired people who do not cause any trouble at all and who might want to buy alcohol but cannot because of the restrictions that are necessarily applied through other liquor control mechanisms to try to tackle the alcohol abuse challenges across our state.

The important thing is to get this legislation to work and to target the individuals who are causing the problems. They have their own issues to deal with, and they may be seeking help voluntarily. If we can tackle the problem in a more targeted way, it would be of benefit to everyone in our society insofar as we could have a more normalised situation across our state going forward. I appreciate the work that has been done and I commend all the officers involved. I thank the government for getting the legislation to this point, given that we will now see a properly regulated system across our state.

**HON WILSON TUCKER (Mining and Pastoral)** [2.07 pm]: As I mentioned in my contribution to the second reading debate, I support the Liquor Control Amendment (Banned Drinkers Register) Bill 2023 and its intention, which is to cut down on problem drinking and the antisocial behaviour in the community that comes with that. I do not buy into the argument that this bill is racist or discriminatory, which is some of the feedback that I have heard from community members in regional Western Australia. We know that this bill is intended to target any member of the community who sticks their head above the parapet and engages in behaviour that impacts on other members of the community.

When we look at the liquor controls currently in place in Western Australia more broadly, we could say that there is a discriminatory element around the application of section 64 of the Liquor Control Act, particularly in the Kimberley, where there are different, more harsh, restrictions in some towns than in others. I think there is therefore some weight to the argument for having a more uniform application and regulation of section 64 restrictions around the state. I do not think the government's whack-a-mole approach in the Kimberley is necessarily working.

The other point I would like to make is around the intended consequences of this bill. It is not even an unintended consequence; by omission, it is an intended consequence, which I think is a noble one. The government is first trying to identify individuals and put them on the banned drinkers register, and then trying to rehabilitate them and change their behaviour. We know that a number of support programs are already in place. We also know there is an open headcount for government positions in support and wraparound services in a number of towns—Halls Creek, Kununurra, and Fitzroy Crossing spring to mind. Those towns are really at the coalface of some of these antisocial behaviours and we can expect that a number of people who live in those towns will find themselves on this banned drinkers register. The government is really struggling to fill the headcount in those services. Those services have a tendency to chew up people and spit them out. As I mentioned in my second reading contribution, those people have a lot more compassion than I do and their job is hard. The reality and the nature of the work that they do is that it is very hard and onerous. The government is already struggling to find people to fill those roles, which it cannot do for love nor money. The intended consequence of this bill is that more people will be placed on the banned drinkers register who will then hopefully be in a position for the government to take them on a rehabilitation journey that will change their behaviour and make them better people as a result. If the government is already struggling to fill that headcount in those services and struggling under the current weight of demand for services in those communities, how, in the face of this bill that will hopefully identify those people who need help, is it expected to provide the services required to fulfil the second part of the equation?

During the committee, the parliamentary secretary said that no additional funding will be allocated. That is my concern. The different agencies that will provide the services for these people are not covered by this bill, but it is a government responsibility. My concern is: is one hand talking to the other? Once this bill comes into effect, what is the mechanism by which the government will respond to that additional need in the community? The parliamentary secretary mentioned that the standard processes will be in place and, as a result, the need will be assessed on a periodic basis. That need is not being met already. The unintended consequence of this bill is that potentially there will be more demand for those services. The government is already failing to meet that demand at the moment. That is my number one concern in this area and I have not yet heard how the government will solve this problem. It will fall on us, as members of this place, to keep an eye on the intended consequences of this bill and to ensure that the government will—not through this legislation—rise to the occasion and make sure that those support services are in place and the needs of the community are met.

With that, I reiterate my support for this legislation. It has been a long time coming. Hopefully once it has been given assent and is out there, we can keep an eye on how it is going. The bill contains a review clause but it will be up to all members of this place to keep an eye on how the government is rising to the occasion and meeting the demand that hopefully will result as a consequence of the Liquor Control Amendment (Banned Drinkers Register) Bill 2023.

**HON DARREN WEST (Agricultural — Parliamentary Secretary)** [2.13 pm] — in reply: I would like to thank the many people who have been involved in the formulation of the extensive Liquor Control Amendment (Banned Drinkers Register) Bill 2023. I acknowledge the advisers who were so helpful in its passage, and I acknowledge Premier Cook and Minister Whitby for their leadership on this very difficult issue. I also thank the opposition and those members of the crossbench who chose to support the bill.

Question put and passed.

Bill read a third time and passed.