

**LIQUOR CONTROL AMENDMENT (PROTECTED ENTERTAINMENT PRECINCTS) BILL 2022**

*Second Reading*

Resumed from 23 November.

**HON DR BRIAN WALKER (East Metropolitan)** [12.33 pm]: As a slight recap, I will say a number of things in advance. The first is that I find the intent of the bill admirable. I think all of us do. However, I am looking at how to deal with the fundamental causes that required this legislation to be put in place, and that, of course, is alcohol. That is a problem because we permit double the rate of car accidents caused by people who have a .05 blood alcohol level rather than legislate to save lives and property. Why? Because we tolerate alcohol as a normal social depressant. People might think that perhaps Dr Walker is suggesting we ought to ban alcohol. Absolutely not, because we know with absolute confidence that prohibition simply does not work. It never has and never will. On a recent journey I took through Europe on parliamentary business, I was surprised at how much smoking is still a part of normal life. That is not so in Australia. Have we banned tobacco? No. We have simply worked to make people understand that smoking is not a good choice. If it is a choice people want to make, go for it. If we can discourage the use of tobacco, can we not also discourage the use of alcohol? Why are we not going down that path? Maybe we are. Has that been as effective as we would like it to be? I hope we can work on that.

At the same time as we have permitted the use of a substance that has devastating effects on our community we have banned a substance that has the very opposite effect and is recreationally acceptable but with a much safer profile. I refer, of course, to cannabis. That approach is stymied by prejudice borne from 85 years of negative propaganda, ignorance and a refusal to follow the science. I find that a problem. Where is the logic in that? We permit alcohol to be used freely and for people to decide how much of it they can consume but we will not permit the use of a safe, alternative recreational drug like cannabis. Where is the logic in that? It is illogical and unscientific. As a consequence of the illogical, unscientific approach, society faces a financial loss, a loss of lives, a loss in quality of life and the loss of a peaceful society. It is entirely negative.

The legislation before us is excellent in its intent, but it will produce negative effects. It will not provide the safety and security we demand and expect. Hon Dr Brad Pettitt outlined some very good reasons why that will be the case. I have made the point that by allowing this legislation to continue, we will simply enshrine in law inefficient and ineffective legislation that will be more expensive and less effective than dealing with the underlying causes. We, as legislators, should not tolerate that. The legislation we bring into force has to be effective and worthy of the money that is spent. It has to be something we can stand and say is good for our society. Although the intent is entirely admirable—I give the government credit for that—the unintended consequences will prove to not be as effective as we hoped. There is the serious potential for people to suffer, as has been pointed out so admirably by my honourable colleague.

As someone who has dealt with this at the sharp end in my professional clinical life, I am particularly bothered that the underlying cause is not being addressed in any way, shape or form. We are continuing to allow the causes to be perpetuated. By doing that, we are making it much more difficult for ourselves. We are planning for a more expensive and less effective response with the potential to cause harm. This is unacceptable. This means we must reconsider the legislation, but we know that will not happen, which I greatly regret. I do not look forward to saying in this chamber, “I told you so”, but I expect that will happen.

Yesterday I spoke about the police, bearing in mind that apart from the legislation, we are depending on the enshrined police regulations to ensure that the intent of the bill will be achieved. We heard that the regulations are not subject to scrutiny and that we do not have access to them. We have to trust the police to do their job and hope that they do it to maximum good effect in our society. The question has to be asked: how can we know that that will be done? We have seen people brutalised by police officers who then lied about it. We have seen nasty things happen. We all agree that although we can honour the vast majority of our police force, there will be those for whom honour and integrity are foreign words.

We need the regulations to be enshrined in law so that the magistrates, the courts, can decide what will happen. The police can manage and monitor, by all means, but the courts are the ones that decide upon penalties, not the police. If we are going to go the other way, is this something that we as a society are prepared to tolerate? Will we tolerate a loss of legislative power, giving it to the unelected officials of the Western Australia Police Force, who could do as they wish and say they are following the will of Parliament? There is nothing we can do about that; there is no recourse.

Following on, are we actually going to stop violence with this bill? No, we are not. This is an essential point to make; the bill will stop those who have already committed a crime from re-entering the precinct, but what about the vast majority of cases when people have taken alcohol or other drugs, if you like, and caused chaos, a loss of life or wellness and destroyed people’s lives? Only then will they be excluded; only then will they have a punishment

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applied—not before. This will be retrospective punishment of those who should have been avoided in the first place. We are going to enshrine in law, “You get one chance and we will ban you the next time.” Will we protect and keep safe the precinct? Will we allow families to go in and enjoy a nice evening of entertainment in the precinct without being put at risk of being abused or hurt by people who have abused alcohol or other substances? I do not think we will do that.

We could look at transitioning away from alcohol as a normal societal drug and consider a much safer alternative. Members know where I am going with this! We choose not to do that. I think that reflects badly on us. The science is certain that cannabis is much safer. Can members imagine a precinct where, rather than having people take vast amounts of alcohol, they take edibles? I am not personally supportive of using mind-altering substances. I will take a glass of wine or a gin and tonic but I will not take a bottle in one go; that is not what I intend to do. The same thing can be said of cannabis. Let us consider Northbridge. Can members imagine a precinct where the people who are going out have taken a cannabis edible or—as a less healthy way of taking cannabis—are smoking it? What would be the result? Would we have violence on the streets; would we have people brawling and assaulting other people? Will people be put at risk by aggression? We know the answer: absolutely not; it will be transformed into a peaceful precinct. It will be a place where people can walk safely without being assaulted by drunken yobs.

We tolerate a precinct where alcohol is acceptable and I think that is a problem. Can we reverse that and choose different forms of safe substances that will allow us to enjoy life without putting other people at risk? Can we extend this to all of society? Would permitting a safe alternative to alcohol benefit us? Think of the Kimberley, where 60 per cent of children are destroyed by foetal alcohol syndrome. There is a knock-on trans-generational effect because we allow alcohol but we ban cannabis. Think of the damage we are permitting because we support one very toxic substance and ban another that is much safer. This affects the lives of the people I see. It affects the lives of people living in remote communities. It affects all of us. We have a solution but we are not taking it.

This bill will pass because we do not have the numbers to oppose it and we accept the bill’s intent, but the implementation leaves a lot to be desired. I will put out a plea here. We need to legislate or regulate alcohol better and free up cannabis to allow for a society that is less violent, in which the death and destruction caused by alcohol is reduced; that is our job. Also importantly, we need a society in which the police are not subjected to assaults and dangers, and fear they could be assaulted by someone who is under the influence of a substance every moment that they are out on the street. That is unacceptable. Look at the effects of post-traumatic stress disorder in not only the armed forces, but also our police force, which is suffering to a high degree because we permit alcohol to be used in ways that are unhelpful to all society.

By thinking differently, we could have less costs to our community. The money that we are losing due to the fact that we allow people to abuse a substance that is detrimental in every aspect costs every single one of us financially—our whole society. If we measured that, it would be not just hundreds of millions but billions of dollars, but we allow that to happen freely. We could ensure that our entertainment precincts, plural, can be enjoyed by families as places where people can go out with their partner or their children and enjoy life without being subject to harassment of the most horrible form. The costs of implementing the idea of moving away from alcohol and into using safer forms of recreational substances would be a lot less than trying to put a fix upon a fix while the underlying problem of alcohol is not being addressed. It would also reduce our legislative burden. Our society would be far better off if we simply allowed the use of a safe alternative recreational drug and took more action to reduce the insidious effects of alcohol—a substance that is commonly tolerated and results in so much death, destruction and distress.

**HON TJORN SIBMA (North Metropolitan)** [12.45 pm]: The minister’s second reading speech contains some passages that I want to read in for a particular purpose. The minister stated —

Western Australia is home to some fantastic entertainment precincts. The McGowan government believes that everyone should be able to enjoy going out in our entertainment precincts and get home safely. Families should be able to go out to enjoy dinner at a restaurant without being threatened. Women should be able to go out to a nightclub and not be assaulted. Someone working in a venue, like Mr Raco was on the night of his assault, should be able to do a day’s or night’s work and return home to their loved ones unharmed.

This bill is all about protecting people, who just want to go out and have a good time and do the right thing, from those who do the wrong thing. The bill will send a clear message to those who come into our entertainment precincts and behave in an unlawful, violent, disorderly, antisocial way and impact on the safety and wellbeing of others: you are not welcome here.

I think that is an absolutely laudable and compelling principle to adopt. I associate myself, as the opposition has, with that purpose. When we are dealing with this bill, the question is whether the bill is properly structured and properly targeted, and can be implemented in the way that it promises. I acknowledge the contributions of previous speakers on the bill—certainly the very erudite contribution of the last speaker, Hon Dr Brian Walker. However,

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there is something that I think needs to be said. We cannot remediate socially wide, culturally embedded practices in this bill. We cannot unpick the cultural bias and preference we have for widespread alcohol use. It is something beyond being a social lubricant and de facto socialising mechanism. We will not be able to unpick that here. We have at least 200 years of embedded, consistent social practice and I think it occurs at great harm. We also have an absolutely prevailing problem with violence and the glorification of violence. Again, that is something that this bill cannot tackle.

The bill deals with an acute situation in the here and now. My personal view is that it does it in an appropriate way. On this side of the chamber, we have been consistent about putting a priority on protecting the safety and welfare of law-abiding citizens from those who would do them harm. Over the course of many years, we have been unapologetic about the priority that we place on that principle, and I suppose that we have in a way been exploratory in the ways that we might deliver that, particularly in areas such as Northbridge, which is contemplated in this bill as one of the five protected entertainment precincts.

I refer to Hon Dr Brad Pettitt's contribution. I take him as an absolutely genuine and articulate advocate for his cause. I was struck by some of the evidence that he read in, and I think that those issues need examination throughout this bill and at the committee stage. However, I did detect an underlying sentiment, which others might not have detected and might disagree with—that is, that we are too readily disposed to excuse away bad behaviour or to expect it. The first principle of any responsible government is to protect its citizens from harm. There is the protection of rights. The counterbalance to rights are responsibilities and expectations of behaviour. I do not see anything in this bill that is prejudiced or that expects more from citizens than we should expect. I think it is a fundamental line in the sand about what is right and what is wrong. Nevertheless, I am probably less optimistic than those on the government benches that this bill will have the desired effect. I hope that it does, but I am reluctant to believe that will be the case.

I want to concentrate on at least three of the areas that have been or are likely to be defined as protected entertainment precincts. I speak from longstanding personal experience as a frequent visitor to Hillarys, Scarborough and Northbridge over the course of the last 25 years. I am not alone in this chamber in that over the course of that time, I have witnessed probably dozens of violent assaults, fracas and arrests in those precincts. As a young man, I have occasionally been tied up in melees, not through active participation, but just as a consequence of being where I was at the time. That is something that has to drive action. It has to drive a response. It may be impolitic to say, and I am trying to pace this contribution in light of our imminent adjournment. I have seen, witnessed and been adjacent to more acts of violence than I ever want to see again, frankly. I do not necessarily think that this bill will prevent those, but if it makes even a marginal contribution to protecting the life and welfare of somebody who is going out and enjoying their time then, frankly, more power to the government. That is exactly what it should be doing.

We need to understand something about the underlying reputation of those precincts. I will start with Hillarys. I think that Hillarys is probably the second-most frequented tourist destination in Western Australia. We have a reputation to uphold, as much as we have a compelling need to protect those people who are going about their lawful recreation, and, indeed, those people who are attempting to protect us. I highlight a recent savage assault on a police officer at the Hillarys precinct in the last month or so as underscoring the fact that we still have some very serious and entrenched problems there.

Many of the acts of violence that I have witnessed as a young man occurred in Scarborough, particularly in the place between Peters By The Sea and The Lookout. That was a notoriously dangerous place to be, particularly, it must be said, as a young man. If we add testosterone, alcohol and other substances into a mix and have different groups of young men commingling, that is a recipe for seriously negative outcomes. I do not think I need to elaborate.

I think that Northbridge has been a perennial issue that various governments have attempted to ameliorate or fix, particularly the Barnett government, which put a lot of effort into cleaning up Northbridge and making it a safer destination. It has not been entirely successful, because if it had been, we probably would not be here debating this bill. I suppose the fact is that a fundamental focus on the basics of law and order and the protection of life in public precincts like this is something that requires consistent attention and, frankly, a lot of bipartisan goodwill. That has not always been evidenced. But I will focus on Northbridge, because I think, frankly, the situation there even during the day is the elephant in the room that needs to be named. It is, regrettably, from my perspective, an unpleasant place. I actually think it has deteriorated in the last three or four years particularly abjectly, and I am making no partisan point there; that is just how I feel when I am there. It is a place that I am reluctant to take my wife or children to, even in the middle of the day. That is not to say that I avoid it; I do go there, but I go there with a serious measure of reluctance.

I will cite an example. About four or five weekends ago, I took my children to see an afternoon matinee at the State Theatre Centre of WA. We had probably a 600-metre walk along James Street between the car park and the centre; we were going somewhere else afterwards. It was actually a very intimidating experience for young children, particularly the level of obvious drunkenness and the number of drug-affected people. I am not necessarily talking

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about homeless people, who were not bothering anyone other than just frankly being there, but there was a seedy underbelly even that early in the day. I contrast that experience to one I had maybe five years ago, the last time I was in Singapore. I went there to see a Formula One race in 2017–18. Aside from the fact that a nation-state or city-state like Singapore can host an international sporting event in effectively its CBD and not disrupt the operations of the entire city, which was a thing to behold—I do not think we could do that in Perth, frankly—the abiding memory I have is of walking around after the race. This was up to about two in the morning, through what I would call party districts or entertainment districts, where I saw families with young children walking quite happily, taking in the sights, eating and enjoying each other’s company. I remember being astonished that infants were being taken around in carriers. There was absolutely no threat of violence or intimidation, or any sort of unseemly threat that something abhorrent might occur. I was astonished by that and I am still astonished now. I and families felt safer in Singapore at one-thirty in the morning in a place adjacent to bars than I felt with my family and my small kids in Northbridge at 12 o’clock in the afternoon. I actually think that reflects very, very poorly on us as a society, the standards that we expect and the standards that we enforce.

That is my opening gambit. I want to focus next on perhaps some of the dynamics of this bill, effectively the two main dimensions. It is not my exclusive focus, but I think they are the pertinent ones. First of all, I am interested in the process by which the entertainment precincts were established. I am not going to get into the gnarly issue of who the government consulted on this bill; for me, in a way, that is beside the point. However, I am very interested to know why some of the areas very close to what I imagine will be the proposed Perth and Northbridge protected entertainment precincts may not be included.

*Sitting suspended from 1.00 to 2.00 pm*

**Hon TJORN SIBMA:** Sometimes it is a little unfortunate to commence a contribution to a second reading debate or make any contribution to the chamber in line of sight of an adjournment, but I will try to recover where I was previously. Obviously, the operative part of this bill, or at least the implementation of the intent behind this bill, is the declaration of five protected entertainment precincts.

**Hon Stephen Dawson:** I remind you that the last four words I wrote down were “why some areas were”.

**Hon TJORN SIBMA:** I thank the minister. That is very sporting behaviour, particularly for a Thursday, in this chamber.

I have an interest, from the perspective of the North Metropolitan Region but also more broadly, in where the demarcation of the boundaries might be set. Potentially, I am very curious to know whether a set of criteria will be applied to the setting of the boundaries. I do not expect this to be a precise scientific kind of instrument. I assume that it will largely be informed by policing experience. That said—I think other members have spoken to this—if this bill is successful in effectively preventing or removing the class of people identified in other parts of this bill from attending the areas and they have the motivation to go elsewhere for their entertainment, where are they likely to go? Insofar as the protected entertainment precincts of Perth and North Perth are concerned, it would be very easy to get on a train and go up to Leederville. If there is a concentration of venues and a likely gathering of many people, I would have thought that strip from Newcastle Street, the car park that backs onto the old Hip-E Club—it is still going; I am showing my age!

**Hon Stephen Dawson:** You are showing your age.

**Hon TJORN SIBMA:** I will really show it later.

That strip up through Oxford Street would also be a highly visited, high concentration kind of precinct. I will take somewhat of a goading there. When I was at university, Leederville was our Wednesday night location. I do not know whether that is still the case for students. It has been a long time since I have had occasion to go out drinking on a Wednesday night.

**Hon Darren West:** They are nowhere near as raucous as they used to be.

**Hon TJORN SIBMA:** I do not know about that. They are bigger and they are pre-loaded more extensively. I think that is a problematic dimension. There has been trouble in Subiaco, particularly on Friday and Saturday nights, for a number of years. It is not as extensive but there is still a concentration of venues in that area.

The process by which the precinct could be added to, in that a sixth or seventh precinct is created, or effectively the boundaries of one of these precincts is expanded as they are created, is something that I have an interest in. This bill will pass with the support of the opposition, free from any anxieties as to whether its provisions are too tough. We want to make sure it works. Obviously, in understanding the dynamics of the decision-making and the declaration of these zones, we also want to understand how the new class of prescribed people—prescribed people maybe; I do not know what we call them—or banned people will be policed. For example, how do we convey intelligence about particular individuals to police officers who are rostered on to that precinct at any one time? Maybe not during this debate but maybe during debate in the other place—I will get to that in a second—and in public commentary, I think there has been this potentially reasonable starting point that the police in those districts

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know the troublemakers, so they will be able to identify them. That obviously falls down with changes to rosters, incoming officers and movement of officers between different zones. It was certainly referred to in some of the addresses made by members in the other place—that there is an assumption that the policing, execution or delivery of this policy will be technologically enabled to some degree through CCTV cameras and body-worn cameras back to a command centre. That may just be an assumption. I want to know whether that is plausible or possible.

I return to the two dimensions—the actual boundaries of the zones. Is there anything so operationally sensitive that it could not be disclosed in this chamber? I kind of potentially anticipate a reservation about doing this in that it would compromise operational security. Harking back to a contribution I made earlier this week on the Auditor General Amendment Bill 2022, I said sometimes we become overly security conscious about these issues.

**Hon Stephen Dawson:** Were you asking if there was anything operationally sensitive that would preclude us from releasing the boundaries?

**Hon TJORN SIBMA:** That is a genuine question. If it can be furnished, I think that information would be important. I want to firstly determine how those boundaries have been arrived at.

I will make a point about the two types of exclusion orders that are relevant. I will address the blunter one, which is more circumscribed—that is, the division 3 changes for extended exclusion orders to be issued by the director of Liquor Licensing on application by the Commissioner of Police. I think the serious specified offences listed are completely reasonable. I want to make this point because other speakers have inferred potentially a dimension of unwarranted exclusion or discrimination. I think their fine attributes and sensitivities are completely misplaced in respect of the kinds of individuals who have been convicted of offences listed here. I need not go into that other than to inquire potentially whether that is a full list or whether there might be another range of offences, particularly those involving person-on-person violence. The minister probably has the full list but perhaps something is hanging outside of it that should also be picked up. I am keen to understand what the decision-making framework is for the shorter term exclusion order. To be charitable to the argument, I gather this is where a number of the fears or concerns expressed by the Aboriginal Legal Service of Western Australia and others are probably picked up.

I will make this point insofar as this relates to juvenile people. Call me old-fashioned, but I do not think juveniles should be frequenting those districts. I thank Hon Matthew Swinbourn, who is of a similar vintage.

**Hon Dan Caddy:** I am often referred to as vintage.

**Hon TJORN SIBMA:** I am often referred to as that as well. Let us not out ourselves on this.

I make the serious point that if there is a genuine concern about juveniles being unfairly targeted by police for short-term exclusion offences, I make the obvious point that the juveniles should not be there. I see no reason for a person under 18 years of age to be unaccompanied by an adult guardian and milling around in Northbridge, Scarborough or Hillarys in the midnight hours. Absolutely not. I am sympathetic, to a point, to the principle that underpins it; it demands a reasonable explanation, but my capacity for sympathy beyond that is exceptionally limited.

I turn to the legislative instrument that the government has determined will be the best mechanism to furnish greater protection for the law-abiding as they go about enjoying themselves in the precincts. I first heard it when I was in my car listening to an hourly news update and there was an audio grab from Hon Tony Buti. Initially, I found it curious that the Attorney General and the Minister for Police did not talk about it. After further research, it became clear to me that, over time, governments of different hues have used different legislative instruments and had differing ministers responsible for implementing protection, particularly in Northbridge.

Earlier, I remarked that we need to foment a large degree of bipartisan support when dealing with violence—particularly alcohol-fuelled violence—and trying to curtail the regularity of these egregious, unprovoked and unjustifiable assaults against people that lead to serious harm, impairment and death. Bipartisan support is necessary to make laws like this work. We can all agree on the principle; we might inquire into the mechanism so we can understand the details. Frankly, it is the opposition's job to identify potential flaws. Yes, there will be some potential for political mileage, but over time the two major parties have taken a reasonably responsible attitude to these things and have attempted to improve the system.

I refer to debate in the other place, not to impugn or reflect unfairly on any individual but to underscore a point. We probably have an elevated view of ourselves and this chamber, but I was disappointed in the quality of the debate in the other place, particularly in the time the debate took. It was dealt with in about three and a half hours last Wednesday. This is a far more significant issue that warrants more attention, and it did not get the attention it deserved in the other place. I would have expected more speakers, including from the government side. The members for Hillarys and Scarborough made some pretty solid contributions. Obviously, this bill directly identifies and affects precincts in their electorates. Notwithstanding our conventions about ministers standing up and talking about other ministers' bills, this bill is something that is absolutely germane to the interests and calling of the member for Perth. I would have hoped to see contributions from the member for Mount Lawley, too, because the issue around

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Beaufort Street—through Highgate and Mount Lawley—is probably another area that has been excluded from this. This is not to criticise those members—indeed, the opposite. I like reading their contributions. It is important for us as legislators to follow the debate and the time it takes. Following the debate informs the questions we ask in this place, if only so we do not have to ask the same questions again.

I want to contrast the treatment of this bill with a historical example. Some members of the chamber here today were also present for the 2009 debate of the Criminal Investigation Amendment Bill. From memory, that bill was eventually referred to committee, as well. Hon Dr Brad Pettitt put a motion yesterday, and there seems to be an undeclared sense of urgency underlining all this, although I might have misread that. This bill is urgent to the degree that it needs to be passed by the end of Thursday next sitting week so these powers can be in place for the silly season. I presume we are focusing on providing protection to people this summer. That did not happen in 2009 because very late in the parliamentary sitting year the government, led in this place by Hon Norman Moore, eventually relented due to a pretty ferocious attack—a colloquial expression—by the then opposition. Abrasive speakers spoke against the Criminal Investigation Amendment Bill, which was colloquially categorised as a stop-and-search powers bill.

History is interesting. The adage that a week is a long time in politics takes on a completely new dimension if we talk about a decade or more; that is an absolute eternity.

It is so long that people can remodel their own political foundations, to rethink their own platforms, to put priority on other dimensions of some gnarly social issues.

**Hon Dr Steve Thomas:** I think that might happen in a week sometimes, too.

**Hon TJORN SIBMA:** It can happen. Some unfortunate assertions were made in the course of that debate about the character of serving members, particularly in the other place, which was absolutely unedifying. Comments were made about family members and historical family members of members of the then government. I want to identify some contributions made by the now Attorney General, the then member for Mindarie, John Quigley. Themes ran through his argument on the stop-and-search powers bill that to some degree were picked up by Hon Dr Brad Pettitt in his contribution to debate on this bill, although it must be said that Hon Dr Brad Pettitt has conducted himself with far more grace. I think this historical record needs to be remembered. On 11 November 2009, Mr Quigley said —

I rise to speak against this bill. In doing so, I realise that I attracted a bit of controversy in the media in the lead-up to this debate by referring to the provisions of this bill as suitable for a fascist regime. After I made that comment—as the Leader of the House has pointed out—it was pointed out to me that I was not the shadow spokesperson for this legislation and that my comments should be reserved for the chamber.

Which indeed he did. I will not read out the whole speech, but I will identify what I think are important passages. Hon John Quigley went on to say —

... sitting behind the power of a basic search is a provision for the use of force against the citizen. I will not engage the government on its hollow tin-man chant of “law and order”. I do not know what law and order means. It is just a political chant.

I hope and expect that the Attorney General’s views have matured somewhat in the past 13 years, because I do not consider law and order to be a mere political chant and empty phrase. I do not; I think it is a guiding principle. It is the guiding principle at work here in this bill and is one that I think reflects positively on the present government.

The current Attorney General also made a reflection against the then Attorney General. He said —

The Attorney General has not uttered a breath in support of this law; not a breath. I suggest that the Attorney General for Western Australia does not want to touch this law with a barge pole.

I note that to the best of my knowledge the present Attorney General has not uttered a breath of support for this bill either. I wonder very seriously whether he supports the bill.

I also reflect on the contribution made to debate on that bill by the now Minister for Police, Hon Paul Papalia. This was a bill that was designed to stop people bringing weapons into Northbridge. If it is draconian, it is my form of draconianism; I certainly endorse it. He said —

In rising to oppose these draconian laws, I respond to and acknowledge the comments made by our lead speaker on this legislation last night when she said that it was unhelpful to raise the spectre of fascism and totalitarianism in relation to this legislation.

Unfortunately, that is what Hon Paul Papalia did for almost the entirety of his contribution—it was fascist, it was totalitarian. There was a dimension of theatre there, but it was an unhelpful contribution. I am not necessarily sure what motivated the then opposition to oppose what was a sensible, although blunt, I concede, law. The fantasising about this being a slippery slope to fascism at that point did not materialise. Most sensible people in this chamber

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realise that police play an exceptionally difficult and dangerous role that most of us to some degree have realised that we are not cut out for personally, morally or professionally. But as we rely on them to provide us with our safety, we should give them the tools they need to do their job. One of the ways we undermine police and undermine lawful governance is to gratuitously throw at them allusions to fascism and totalitarianism. It has been a bit more moderated this time, thankfully, but we need to bear in mind the long, long journey the government has taken to get to this point. I think COVID-19 has changed a lot of things, but I am still staggered by the lack of government member contributions to what I think is a signal bill and not a bad one, and also use this opportunity to reinforce that there is one political force in this state that has remained consistent on this issue; that is, the members sitting on this side of the house.

I commend the bill and the intent behind it. We should inquire into it, we should understand how it will operate, and we should understand how it might be improved later. However, we must do so in full recognition—I think members of this chamber understand, if not personally, they are not prepared to say politically in the government—that police are not adequately resourced presently to undertake the roles for which they have self-selected, let alone this new responsibility. If there are no further speakers, I look forward to the minister’s response and to looking a lot more closely at this bill in the committee stage.

**HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services)** [2.28 pm] — in reply:

I thank all members who have made a contribution to the debate thus far, starting with Hon Dr Steve Thomas. I thank him for his indication that the opposition will support the legislation before us. I thank the other members for making a contribution: Hon Tjorn Sibma, Hon Dr Brad Pettitt, Hon Wilson Tucker, Hon Dr Brian Walker and Hon Neil Thomson. I think that is everybody.

**Hon Dr Steve Thomas:** And Hon Peter Collier.

**Hon STEPHEN DAWSON:** Of course, and Hon Peter Collier, who is away from the chamber on urgent parliamentary business. I thank them for their contributions. I perhaps did not agree with all the contributions but I certainly acknowledge their rights as members of this place to have a view on legislation that is before us. It is my intention to try to answer now as many of those questions that have been asked of me, noting that we will need to go into committee when I finish. Hon Dr Steve Thomas mentioned that the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022 is only for nightclub areas. It is actually broader than that. The precincts have been selected because of a concentration of licensed premises. That is not only pubs and nightclubs, but includes small bars, restaurants and small licensed events that are all family-friendly. Many of these premises are open during the day and into the evening. During summer we see a significant increase in the number of families visiting and enjoying our entertainment precincts and we want those precincts to be a safe place for the community to enjoy at all times of the day and night.

The member asked whether this would make a significant difference to the violence and whether other measures could be used. The protected entertainment precincts exclusion orders are a protective measure and offer a deterrent. It is a government priority to reduce unacceptable levels of harm and help to make it safer for Western Australians to enjoy a safe night out. The government will continue to monitor the effectiveness of the legislation and the number and severity of violent incidents in a PEP. In addition, the parliamentary commissioner will undertake a review three years after operation commences to ensure effectiveness, make recommendations and ensure that there is not an impact on a particular group in the community.

A number of people made general comments about maps. The five initial precincts have been selected as they have the highest rates of alcohol-related behaviour and offending. An area must have a concentration of licensed premises to be classified as a PEP. The minister is required to consult with local governments, the Commissioner of Police and any other person the commissioner considers appropriate to consult. Hon Tjorn Sibma asked me whether I was in a position to provide or table maps. I am not. They are indicative at this stage. The commitment is to consult local governments and, in fact, those consultations have commenced. I am not in a position to provide maps because they are early drafts and consultation is happening on where they might land.

A number of honourable members spoke about people migrating to other areas that are not protected entertainment precincts. Hon Dr Steve Thomas and Hon Tjorn Sibma made a comment on this issue. The five initial precincts have been selected as areas with the highest rates of alcohol-related behaviour and offending. The government will continue to monitor the rates of offending in other areas and the legislation, as has been pointed out, will allow for additional precincts to be added in the future. Obviously, that will be through regulations. There are also other orders in the Liquor Control Act 1988 to exclude someone from a particular licensed premises. These are barring notices and prohibition orders.

I think the member might have said something about driving violent activity back into people’s homes.

**Hon Dr Steve Thomas:** I made a comment that we need to be aware of it, basically.

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**Hon STEPHEN DAWSON:** We are certainly aware of it but this legislation can deal only with violence and behaviours in a PEP, which has to have a concentration of licensed premises.

Hon Dr Steve Thomas commented on the types of behaviour or offending that would constitute an order. Orders can be sought when a person behaves in an unlawful, antisocial, disorderly, offensive, indecent and threatening way in a precinct and the person being in the precinct could cause violence or public disorder or impact the safety of others. That “and” is important. The types of offences and behaviours might include drink spiking, assaults, sexual assaults, indecent behaviour, glassings et cetera. That could be an issue.

**Hon Dr Steve Thomas:** I suspect we will get to some of those things in more detail at the committee stage.

**Hon STEPHEN DAWSON:** We can tease them out later; that is fine. It is also important to note that the offending behaviour must have occurred within a precinct. It has to have happened in there. I think the member asked me a question about murder in someone’s home or whatever, but it has to be in a precinct.

I turn to the review provisions. For short-term exclusion orders, a person can seek a variation or revocation from the Commissioner of Police. If the order has a term of more than one month, it can also be appealed to the Liquor Commission. For extended exclusion orders, the person can seek a variation or a revocation of the order by the director of Liquor Licensing or apply to the Liquor Commission for a review and, of course, the person can seek a Supreme Court review on a question of law—whether the law has been adhered to.

Hon Dr Brad Pettitt in his contribution spoke about his concerns about what I think he said might be the disproportionate impact on vulnerable or disadvantaged Western Australians. The PEP orders are not intended to be used like move-on notices. These orders are for the protection of the families and people visiting the protected entertainment precinct to enjoy a day or night out. It is not intended to target homeless or rough sleepers. The focus is on people behaving in an unlawful, antisocial, disorderly, offensive, indecent and threatening way in a precinct and the person being in the precinct could cause violence, public disorder or impact the safety of others—meaning those individuals need to behave in those ways and cause risk to the public. I will touch on that later.

I think Hon Dr Brad Pettitt might have said orders should be issued by the judiciary. Similar orders are issued under the Liquor Control Act 1988 by the Commissioner of Police and the director of Liquor Licensing. There are existing orders—barring orders and prohibition orders, which I mentioned—that have a procedural fairness process. People who are potentially subject to an order currently have the ability to respond to the allegations made against them; the same will occur with exclusion orders. They will have the same access to a review as under the prohibition and barring notice regimes; they can appeal to the Liquor Commission. The Liquor Commission consists of a number of sessional members and is formally constituted as an independent commission under the Liquor Control Act 1988.

The honourable member also spoke about defences, not exemptions. Exemptions would need to be sought. Making them defences reduces the onus on individuals to apply for exemptions. It is unlikely the police will proceed to prosecute someone if they provide a valid defence. There is an ability to vary an order to allow a person who works in a precinct to enter that precinct during work hours. Hon Peter Collier asked whether regional areas were considered. Maybe others did too but certainly he did. The five precincts have been determined based on the rates of offending and the concentration of licensed premises. At this stage, other than the Peel region—because, of course, if we talk to the member for Mandurah, he tells us the Peel region is a regional area of Western Australia—no PEP in regional areas, other than the one in Mandurah, has been considered. The government will continue to monitor rates of offending in other areas and, if needed, they will be prescribed by regulation.

Hon Peter Collier asked about a question about why there is a defence for attending union activities. The circumstances in proposed section 152NK(3) provide an acceptable range of most day-to-day law-abiding activities for which it might be necessary for someone to enter a protected entertainment precinct. The defence for a member of an organisation of employees registered under the Industrial Relations Act 1979 or the commonwealth’s Fair Work (Registered Organisations) Act 2009 to be in a precinct to undertake activities for the purposes of the business of the organisation is consistent with the Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021. Like several of the other listed offences, the excluded person must prove that it is necessary for them to be in a precinct for the described activity. Someone will not be given unrestricted access to a precinct just because they are a member of one of those organisations.

Hon Peter Collier also asked why Burswood was not added as a precinct. The five initial precincts have been selected as the areas with the highest rates of alcohol-related behaviour and offending. The government will monitor the rates of offending in other areas and the legislation will allow for additional precincts to be added. Burswood is unique in that, with the exception of the Camfield and Optus Stadium, all the licensed premises are within the Crown Resorts complex. Under the Casino Control Act 1984, the Crown casino can issue a prohibition order to exclude someone. It can also issue a notice revoking a licence to prevent people entering or remaining on the property; and, if somebody breaches the order, it is an offence under the Criminal Code and that is trespass.



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I think the member also spoke about independent commentators outside the Parliament in relation to the legislation. The intent of the legislation is to exclude violent and predatory offenders. Police will use a number of techniques to monitor people in entertainment precincts—for example, high-profile offenders will be generally known to police or will attract attention due to behaviour. Excluded persons will be flagged in the police incident management system. Many licensees in entertainment precincts use ID scanners that will identify excluded persons. Additional resources are not required. Exclusion orders are but another tool for police to use as part of normal operational duties.

There was a question on how police will identify excluded offenders. As I said, excluded persons will be flagged in the police incident management system. This also applies to sex offenders, suspended drivers' licences and other warnings and alerts. Officers will get daily intelligence briefings. Excluded offenders will be identified to officers. There will be twice-daily briefings for operation NightSafe. This operates in both Perth and Northbridge. A question was asked about the regional operations groups. They can be used as a surge capacity and can be deployed where needed, which may be within a protected entertainment precinct. As I said, licensees using ID scanning equipment will be able to identify excluded offenders. If someone is issued with an exclusion order, they will be flagged in the incident management system. If they come to the attention of a police officer somewhere else, they will be identified as an excluded offender. The penalty for breaching an exclusion order is also a deterrent, as I think Hon Tjorn Sibma pointed out, to excluded offenders entering a precinct. That penalty is a \$12 000 fine and a two-year imprisonment.

Hon Neil Thomson made a comment about the banned drinkers register, and asked why it was not included in the amendments. I will advise the house that the Minister for Racing and Gaming announced plans to strengthen the banned drinkers register in the Pilbara, Kimberley and goldfields. The minister announced a consultation process on the proposals, which closed a couple of weeks ago on 7 November. Hon Dr Brad Pettitt, and I think others, may have expressed a concern that they were only briefed yesterday. The bill passed in the Legislative Assembly with no amendments on 16 November at roughly 3.40 pm. Minister Buti's office received a call from Hon Dr Brad Pettitt's office at 4.15 pm that afternoon and left a message. The call was returned at 4.30 pm where discussion was had regarding organising a briefing for Hon Dr Brad Pettitt. The honourable member's staff said Hon Dr Brad Pettitt was only available the Tuesday morning of 22 November for a briefing. As I understood, the briefing took place on that date at 11.00 am.

Other members were reached out to, to ask them about coming along to a briefing. This was the first that I had heard about people not being happy with the briefing that was offered to them. I acknowledge the contribution from Hon Peter Collier who actually thanked the advisers who were involved in the briefing for him.

**Hon Dr Brad Pettitt:** By way of interjection, it was about the timing—30 minutes for a whole crossbench was not enough.

**Hon STEPHEN DAWSON:** Honourable member, we could have provided it a week earlier, I guess it did not suit him —

**Hon Dr Brad Pettitt:** I am saying I think that 30 minutes in length was inappropriate for four people on the crossbench.

**Hon STEPHEN DAWSON:** We could have provided it for an hour last Thursday. The member is not happy with that. I take his point, but I have checked. I have checked that other members were happy with the briefings.

**Hon Dr Brad Pettitt:** I do not think any of the crossbench was happy; no-one on the crossbench was happy.

**Hon STEPHEN DAWSON:** It was offered at a time the honourable member wanted.

**Hon Dr Steve Thomas:** I might note that the opposition had two briefings. We asked for a second one.

**Hon STEPHEN DAWSON:** And the opposition got a second one. The member has said his piece, and I am saying mine now. With bills that I deal with, I try to always make sure that briefings happen and they are offered early, and that if members want extra briefings, they too are offered. Most ministers do that, too. I will note the member's concern this time, and I will raise it. However, I note that it was provided at the time that was requested—albeit, the member says that it was not long enough.

I bring to the attention of the house an article in *The West Australian* from yesterday. It advised that around 600 foreign police officers have now applied to join the Western Australia Police Force. They are from the UK, Ireland and New Zealand. Those applications have been received over the past—I want to say six weeks, but certainly over the past few weeks. That is exciting. Our intention is to recruit some of those police officers to join the wonderful police officers that we have in Western Australia already.

I think that hopefully answers the vast majority of the questions that have been asked of me. Of course, I understand that there will be many more, and I am very happy to provide more fulsome answers at the table in committee. With that, I commend the bill to the house.

Hon Dr Brian Walker; Hon Tjorn Sibma; Hon Stephen Dawson; Hon Dr Steve Thomas; Hon Dr Brad Pettitt;  
Hon Peter Collier; Hon Wilson Tucker

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Question put and passed.

Bill read a second time.

*Committee*

The Deputy Chair of Committees (Hon Peter Foster) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

**Clause 1: Short title —**

**Hon Dr STEVE THOMAS:** I will just say from the outset that I think there will be a fair bit of interest in the clause 1 debate, amongst other debates here. It is not my intention to be dominating. I will start the process, but by all means, honourable members can jump in, particularly if it is an issue they also want to ask about. I am not going to be pretentious about monopolising the time, as it were.

One of the things, I think, that I did reference in my second reading contribution, and the minister may or may not be in a position to answer, is that the indication we got during the briefings was that the bill, which is named after “Pep” Raco, is a bill that would not have necessarily related to the outcome of that particular case. That is because the perpetrator in that case was not someone who was known to police or who was a regular issue. As I said, I do not actually think that precludes the legislation being framed around the person or his memory. I think virtually everybody has expressed sympathy for the family and indicated support. However, is it the case that this legislation would not have impacted on that particular case?

**Hon STEPHEN DAWSON:** Police have reviewed the sentencing remarks by the justice in Dimer’s case and have taken those circumstances into account. It is always difficult to answer hypothetical questions in these situations. Dimer had been consuming alcohol for an extensive period during the day, the night and into the morning of the unfortunate incident. Some of this drinking was conducted in a park within the Northbridge precinct, which would constitute an offence. Dimer did have a record of some recent offending in Northbridge or Perth prior to his assault on Mr Raco, but potentially not to a level that would constitute him being classified as a habitual or recidivist offender to warrant targeting for an exclusion order.

Within the current policy framework that WA police have on exclusion orders, it is unlikely that he would have received an order if he had come to the attention of police prior to the assault on Mr Raco. If he had come to the attention of police prior to the assault, there is the possibility that he may have received a move-on order for park reserve drinking and/or a liquor infringement.

**Hon Dr STEVE THOMAS:** I think that is a pretty fulsome answer to be honest. It is obviously difficult. As I said, the indication in the briefing was that it was unlikely that this particular individual would have been prevented from access in advance. However, that does not preclude all the work that has been done by the family in support of the action before the house today. It is an interesting point to note.

Despite the fact that the opposition and government agree on this bill, it is somewhat contentious out in the community. I am interested in the consultation process, because the second reading speech did not really outline that in great detail. Without trying to bog down the debate, is the minister in a position to break down the level of consultation and where it was applied?

**Hon STEPHEN DAWSON:** The Department of Local Government, Sport and Cultural Industries has consulted with numerous government agencies and organisations during the drafting of the legislation. This includes the State Solicitor’s Office, the Western Australia Police Force, the Department of Justice, the Department of the Premier and Cabinet, which included the Aboriginal engagement and community policy units, and the Parliamentary Service Commissioner—I presume that is the Ombudsman. After the announcement of the proposed legislation, briefings were and continue to be held with the relevant local governments as well as non-government organisations such as the Aboriginal Legal Service and the Law Society of Western Australia. Industry groups such as the Australian Hotels Association Western Australia and the WA Nightclubs Association were also briefed. I am told that further consultation with relevant community groups and industry will be undertaken during the development of the required regulations.

**Hon Dr STEVE THOMAS:** It might be useful for completeness of debate at some point if the minister could provide a comprehensive consultation list. I note that the list started with the government departments et cetera, and it is good to hear that the department consulted with impacted local governments. Did any consultation happen with local governments that are not included in the five proposed precincts? I suspect that if this is a relatively successful and popular process, the minister in charge of the bill might find that other local governments will come knocking on his door asking to do the same in their area.

**Hon STEPHEN DAWSON:** The answer is no, because we are relying on the statistics. The statistics show that those five areas have the highest concentration of offences. In saying that, it does not preclude us from having conversations with other local governments as we move down the track.

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**Hon Dr STEVE THOMAS:** When we have the corrected *Hansard*, I might highlight that bit and keep it in my back pocket because I suspect that a few other local governments will be knocking on the door of the Minister for Racing and Gaming about this legislation and he might find that he is more popular than first thought. The legislation is framed in such a way that, by regulation, alternative precincts can be added and precinct boundaries amended. I simply make the point that the minister might find himself more popular than first thought once this is tested.

**Hon Stephen Dawson:** By way of interjection, that may well happen, but I guess any decision that will be made will be evidence based.

**Hon Dr STEVE THOMAS:** Yes, okay. That was more of a comment than a question, deputy chair. The AHA publicly gave a positive view of the legislation. Can the minister tell us what the Law Society's view was? Did it provide a written submission on the bill or was its view sought through an interview? Firstly, did the Law Society express a view; and, secondly, did it have any concerns about the legislation?

**Hon STEPHEN DAWSON:** I am told that the department met with and provided a briefing to the Law Society. As far as I am aware, no submission was provided by the Western Australian Law Society. However, it may well have issued a press release.

**Hon Dr STEVE THOMAS:** I am unaware of a media release. I am not sure whether that is the case. The Aboriginal Legal Service indicated a much lower level of support for the legislation by raising greater concerns. In terms of consultation with the ALS, was that done by way of a written submission to the government or did it take the form of a meeting or meetings?

**Hon STEPHEN DAWSON:** The department met with the ALS. I am aware that the minister also met with the ALS separately. I am not aware of what was said, nor are we aware of any written submission from the ALS to the department. Yesterday, Hon Dr Brad Pettitt tabled a letter that the ALS wrote to him, so I am aware of that letter to, at least, a member of Parliament.

**Hon Dr Steve Thomas:** By interjection, there was some media coverage as well, but no formal submission that you are aware of.

**Hon STEPHEN DAWSON:** Not that I am aware of.

**Hon Dr BRAD PETTITT:** Just for the record, there was concern around how close Tuesday's briefing was to our consideration of the bill in the chamber. The bigger concern was that it was allocated only 30 minutes. Although that might be appropriate for a briefing of one member who has questions, it is clearly an inadequate amount of time in which to deal with four members and their questions on an important piece of legislation. As feedback for the minister, the process probably should not require a staff member from my office to reach out and ask for a briefing on the legislation, particularly when the time frame for the bill to pass from the lower house to this house is tight. The minister's office should proactively arrange the briefing so that diaries are made adequately free in advance. I put that on the record so that the minister can see what I would like to see happen as best practice. It is not really a question but rather a comment, and hopefully a constructive one. During that period, my office asked who had been consulted and was simply told that "other government agencies, service providers and legal groups" had been consulted, but those government agencies and service providers were not specified. Shortly after the briefing, my office followed up and requested a list of the organisations that had been consulted. As far as I am aware, we are yet to get a response. Will we receive a response to that question or can that list be tabled?

**Hon STEPHEN DAWSON:** I placed on record yesterday a list of the agencies we consulted. That can be found in the uncorrected *Hansard*. In the last few minutes, in response to Hon Dr Steve Thomas' question, I also listed the agencies that have been consulted. I do not want to get into a "he says, she says" situation. The member obviously feels aggrieved about the briefing. His office reached out just over half an hour after the legislation passed through the other place. The advisers had not had a chance to take a breath. In terms of the briefing, a 30-minute briefing was offered, but it went for 45 minutes. The advisers let it go on so that honourable members at the briefing and, in fact, the member's electorate officer could ask questions. That is the fact of the matter. The Minister for Racing and Gaming, who is responsible for the bill, will read *Hansard* and know of the member's concern for the future.

**Hon Dr BRAD PETTITT:** We will put that to one side because we are going to and fro here. I am hopeful that *Hansard* will be read constructively and a better practice normalised. It is important that we all feel like we have been adequately briefed on legislation so that we can enter a debate on it having had our questions—the ones that can be dealt with outside this chamber—adequately answered.

My office and I have had numerous conversations with stakeholders, service providers and peak bodies that tell us that they were not consulted on the bill either during the drafting process or following its public release. We also heard from many groups that they requested a meeting with Minister Buti to express their serious concerns about the bill and received no response. Why were those key groups not responded to or consulted with in this process?

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**Hon STEPHEN DAWSON:** I do not know who the member is talking about. He refers to “key groups”; name them. Name who they are, and I can answer, but I cannot —

**Hon Dr Brad Pettitt:** The Aboriginal Legal Service of WA —

**Hon STEPHEN DAWSON:** Sorry, I am still on my feet. The member gets to answer when I sit down. I have already said that the Aboriginal Legal Service of WA was briefed on the legislation after it was drafted. We have dealt with that, but who else is saying that they were not consulted either before or after the legislation was drafted?

**Hon Dr BRAD PETTITT:** My understanding is that the ALS asked for further briefings; that is what I have in front of me here. In the letter sent to me from the Aboriginal Legal Service of WA on 26 October, it was stated that no attempt had been made to consult with the ALS in relation to the impacts of laws on Aboriginal people. The minister might want to respond to that, because that is certainly different from what he is telling the Parliament.

**Hon STEPHEN DAWSON:** It is not different from what I have told the member. I have told the member that the department briefed the ALS on the legislation, and the minister met with the ALS on the legislation. What the member is reading is that no attempt was made in relation to the impact of the laws; he is reading a specific line in a letter. I have told the member, as the advisers have told me, that the minister and the department met with the ALS. If the ALS is not happy, fine; that is its right as an organisation, but the meetings took place.

**Hon Dr BRAD PETTITT:** Just to make things clear, perhaps the difference is that the ALS was briefed but not consulted. Am I to understand from the minister that the Aboriginal Legal Service’s feedback was not sought; it was merely informed of what the legislation would be, rather than having its input sought?

**Hon STEPHEN DAWSON:** It was briefed on the legislation. The line the member read out was that no attempt had been made to consult with the ALS in relation to the impacts of laws on Aboriginal people. That is the line in the letter; it does not say that the ALS was not consulted or briefed on the legislation.

**Hon Dr BRAD PETTITT:** I will try to get some clarity here. Was the Aboriginal Legal Service consulted in relation to the impacts of laws on Aboriginal people?

**Hon STEPHEN DAWSON:** I am advised that it was briefed on the legislation and it shared its views. I am further advised that it shared its views with the minister also.

**Hon PETER COLLIER:** I will confine most of my comments to clause 1 and some of the issues that I have dealt with. Obviously, as we progress through the bill, I might find some other areas to address, but fundamentally I have outlined what my concerns are with regard to the implementation of the bill. I will deal with one matter now, if Hon Dr Steve Thomas is comfortable with that, and then we can move on and I will come back to another one in a moment.

There is an area that I think is probably a missed opportunity with regard to this legislation. At the moment, one of the matters that I get the most feedback on in terms of law and order is that things are simply out of control in the regions, particularly in the Kimberley, but also very prominently in the goldfields. I understand that there is an issue with staffing in both those areas, but there is also an issue with juvenile and youth crime. There is a real issue across the board in the regions. In this instance, the government has missed an opportunity. I am supportive of this legislation and I will keep on saying that all the way through Committee of the Whole House, but Western Australia is the biggest state in the nation, and people in the regions, particularly in the north of the state, are crying out because they feel that crime is out of control. Symbolically, but also practically, it could have been a wonderful opportunity on the part of the government to include one of those regional centres. The government could have said, “Yes, we feel so seriously about this that we’re going to harness crime through a precinct in Broome.” Can the minister explain to me once again why one of the regions was not chosen amongst the initial five precincts, or why the government did not make it six precincts—five in the city and one in the regions?

**Hon STEPHEN DAWSON:** As I have indicated, at this stage the five precincts have been determined based on the level of offending and the concentration of licensed premises. Other than Mandurah in the Peel region, no other regional precincts have been considered. However, the government will continue to monitor rates of offending in other areas and, if needed, additional precincts will be prescribed. We are open to having conversations with regional councils as we move forward, but again, it has to be based on evidence. I live in Port Hedland and I spend a lot of time in Broome as a regional MP, and there are kids out late at night, causing all sorts of social issues at the moment. But based on the evidence, the five areas before us are the ones that most need a solution such that this bill will bring forward. That does not preclude us from going further and opening two other areas in the future; it will just need to be based on evidence.

**Hon PETER COLLIER:** I thank the minister. I guess we are not going to be able to come to a conclusion, but I will just ask the minister to respond to my questions with the advice he receives. If we look at the crime statistics across the state over the last two years, we see that they provide quite a stark image of crime in the regions. I will go through them. In respect of offences across the state, in 2020 there were 230 872; in 2021, there were 244 628. That is an

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increase of 14 056 offences. However, if we break those statistics down between metropolitan and regional, in the metropolitan area in 2020 there were 174 904 offences, and that increased to —

**Hon Stephen Dawson:** Did you say these were alcohol-related crimes? Did you say these were linked to alcohol, or just general?

**Hon PETER COLLIER:** No, these are offences across the board, but as I said, I will come back to that in a moment.

The number of metro area offences increased to 180 895 in 2021; that is an increase of 5 991. In regional Western Australia, however, in 2020 there were 55 968 offences, which increased to 63 733 offences in 2021—an increase of 7 765 offences. That is a lot of figures to consider, but I say to the minister that there was an increase in offences in the metropolitan area of 5 991, and an increase of 7 765 in regional Western Australia. I know that when the minister gives his response he will talk about alcohol-related offences—I am sure he will—but he cannot dismiss this increase in crime in the regions. The fact is that the number of offences increased in the regions by 1 774 more than the increase in offences in metropolitan Western Australia over a 12-month period. That is extraordinary. Even more compelling in this instance is the statistics for Hillarys over the same period; Hillarys is one of the precincts. Hillarys recorded 793 offences in 2020 and 706 in 2021, a decline over that period. Scarborough had 1 330 offences in 2020 and 1 326 in 2021, a decrease of four, and that is another one of the precincts. Armadale had 3 698 offences in 2020, which declined to 3 408 in 2021, a decline of 290. In three of the five precincts there has been a decline in offences between 2020 and 2021. There were increases in Fremantle and Northbridge. In Broome there were 2 826 offences in 2020, which increased to 3 738 in 2021, an increase of 912 offences over a 12-month period. No wonder people in Broome are crying out for help. In Kalgoorlie, there were 1 309 offences in 2020 and 1 571 in 2021, an increase of 262. The increase in offences in those two regional towns is in excess of 1 100, whereas there was a decrease of 403 in the metropolitan precincts.

I get why these are proposed to be the initial precincts, but I would like the minister to comment on those figures. If the state government is serious about this issue and wants to be seen to be doing something very proactive in the regions, particularly in the Kimberley, I implore it to consider Broome and Kalgoorlie in particular, but not exclusively, in the time ahead. Those figures come straight from the Western Australia Police Force website. They are not the most up-to-date figures. The most up-to-date figures, which come from the last quarter, in September, are even worse in those towns. My point is that it would be good for people in those regional towns to be given some comfort that they have not been forgotten. This is a significant piece of legislation, and it would be good to know that regional towns will be considered in the future.

**Hon STEPHEN DAWSON:** The people in the regions have certainly not been forgotten. We have the banned drinkers register in operation in the Kimberley, Pilbara and goldfields regions at the moment. That is in operation only in those regions. We have gone out for consultation over the past few months; as I indicated earlier, that consultation closed recently, on 7 November. We are talking about expanding the pathways for getting people on the banned drinkers register. We have certainly not forgotten people in the regions.

As I indicated, these precincts will be the first five. There may well be other places brought into the scheme under regulation in the future. I cannot comment on the general statistics the member cited. I am here representing the Minister for Racing and Gaming today, not the Minister for Police. The member has taken figures off the website, but I cannot delve into them, because I am not representing that minister today.

Operation Regional Shield is operating in the Kimberley, dealing with youth crime. A lot of that stuff in the Kimberley is youth crime. That operation started earlier this year, targeting young people who have been offending in that region. Although I am not representing the Minister for Police, I can say that the Minister for Police continues to monitor what is going on in the regions and, in conjunction with the Commissioner of Police, will make sure that the regions have an appropriate number of police officers who can deal with the various crimes that are happening in those regions.

**Hon Dr STEVE THOMAS:** I would be interested to know about the origins. Was the idea of specific precincts something that the Western Australia Police Force had come up with previously? Is there a history prior to this event? Where has the model come from? I would have thought, if it had come from anywhere, it would have come from WAPOL, but perhaps it has been floating around in the ether in some other department. Is there a further history that the minister is aware of?

**Hon STEPHEN DAWSON:** The genesis of this model was the campaign by Mrs Enza Raco. We were also aware that there was a similar scheme in operation in Queensland. It was called something different, but it was similar. We learnt from that. I guess it also builds on the prohibition and barring notices that are already in operation under the existing Liquor Control Act 1988. This model builds on that, taking it a step further. Rather than relating only to a facility, it will now be able to encompass a precinct.

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**Hon Dr STEVE THOMAS:** It is interesting to know that this was not something that had been floating around in another form. At some point in the debate on clause 1, I was going to ask about its equivalency in other jurisdictions. In my speech on the second reading debate of the bill, I said that I had had only a little experience of Perth nightclubs. I have been known, on occasion, to buy a pizza in Lygon Street in Melbourne. I have been to South Bank in Brisbane, and in my early days I visited Sydney's Kings Cross, though I never stopped for any length of time. I have seen a little bit of the world, including Soho in London. How are other jurisdictions dealing with this? I was aware that Queensland had something similar, and I think I read that the New South Wales lockout laws are similar. Are we in a position to compare whether our model is better or worse than any other models?

**Hon STEPHEN DAWSON:** No, we are not. As I indicated, Queensland has a similar scheme, called the Safe Night Out precincts. I think Hon Wilson Tucker spoke about the Sydney lockouts in his contribution. The Sydney lockouts were very different. If people left a licensed premises before a certain time—it might have been 2.00 am; I cannot remember—they could not get back in. It was not based on bad behaviour; it was simply a case of: "If you're out, you're out." People could not go to a licensed premises after a certain time. I think that lockout has been lifted now, though. I do not think it exists anymore. Certainly, the Queensland model is the one we learnt from, and that is the one that we are aware of at the table.

**Hon Dr BRAD PETTITT:** I want to follow up on that. As the minister says, the Queensland model is the basis for this proposed model, but my understanding is that those exclusions are largely only for 10 days. What we are talking about here—six months—is of a very different magnitude. What was the reason for deciding to extend it well beyond the Queensland experience?

**Hon STEPHEN DAWSON:** I think the member is right about what occurs in Queensland. I think there is a 10-day period, although the government is looking to extend that.

I return to what I said earlier; that is, the WA scheme was based on existing barring prohibition orders. At the moment, under the Liquor Control Act 1988, a barring notice can be in place for 12 months. The legislation before us refers to a period of six months. Under the current act in Western Australia, a prohibition order can remain in place for up to five years. We are mirroring that term in the legislation before us.

**Hon WILSON TUCKER:** I am going to take a different tack. I have some specific questions but before I ask them, I will share my general train of thought. As I mentioned during the second reading debate, I support the intention of the bill, but right now I am not confident about how this bill will perform once it is working on the ground.

Obviously, the second reading speech and the explanatory memorandum tended to be fairly hand-wavy, setting out ideas around why this bill was introduced, but we have not seen much of what happened behind the scenes that led to the government arriving at this piece of legislation. How confident is the government that this legislation will work as intended, and how did it arrive at that level of confidence? What evidence did the government use or what decisions were made to support the case that this legislation will reduce crime in these entertainment precincts?

**Hon STEPHEN DAWSON:** Like any other legislation that comes before us in this place, we have to suck it and see. There is a problem in Northbridge and other areas at the moment. We want to put a protective measure in place to help create a vibrant atmosphere and enable families to frequent these areas. As I indicated previously, to make sure it works, an evaluation will take place every three years. If there are problems, we need to find a solution. This is the course of action that was taken. We will have to monitor it and see whether it works. If it does not work, a decision could be made in the future to stop it.

**Hon WILSON TUCKER:** I thank the minister. I believe in trying something and not letting the perfect get in the way of the good. I agree that we should put this measure in place and monitor it. I think the three-year review provision is a good one. The minister mentioned that it will be monitored and reviewed. When the government goes through this review period, how will it determine how effective the legislation is in reducing crime? What metrics will the WA Police be looking at?

**Hon STEPHEN DAWSON:** Going back to the earlier question, I am further advised that academics undertook a study of Queensland's Safe Night Out strategy. They found that crime reduced in certain precincts and that there was a correlation between the Safe Night Out strategy and the reduction in crime in these areas.

We will monitor crime statistics. We will get the appropriate people to evaluate the data and see whether violent crime has reduced in the protected entertainment precincts. More importantly, we will monitor how many people received an exclusion notice, and we will take that evaluation on board.

**Hon WILSON TUCKER:** The minister mentioned Queensland's Safe Night Out strategy. In his second reading speech and as he alluded to earlier, he mentioned the Sydney lockout. I was using that example as not necessarily a one-to-one comparison with what WA is putting in place, but more along the lines that these rules are trying to curb antisocial behaviour in another jurisdiction, and that is why I raised it. As I mentioned in my contribution to the second reading debate, after Sydney's lockout laws were introduced, the evidence showed that there was a reduction

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in crime in the entertainment precincts but the antisocial behaviour spread to other areas. There was a fairly drastic reduction in crime in some areas, but there was also an increase in crime in other areas. The minister mentioned monitoring and looking at crime rates in PEPs. When the review is carried out in three years, will the government monitor crime overall in the metropolitan area to gauge that it is not just a case of whack-a-mole and moving people out to different areas, but that there is an overall reduction in crime in Western Australia?

**Hon STEPHEN DAWSON:** It is intended that we will monitor the effectiveness of the laws, not only by keeping people out of the five areas, but also to see whether the law might have an impact on other areas around the state. If it is a case of shifting the problem, that will also be evaluated at the time.

For the three schemes that we are aware of—the Sydney lockdown laws, Safe Night Out in Queensland and ours—it is really apples, oranges and bananas. They are not the same. What happened in New South Wales was probably as the member said, but it also disproportionately affected those people who wanted to go out at 2.00 am after finishing their shift in a restaurant, cafe or whatever and could not go out for a beer anymore. It affected those people in a significant way. Our bill includes barring notices and prohibition orders, and the provisions are limited to certain areas. The whole thing will certainly be evaluated. It is not about shifting the problem; we would like the problem to go away.

**Hon PETER COLLIER:** I was not going to comment on this but I will. It relates to something about numbers that I did not raise during my second reading contribution. I know that the minister would have zero idea of the accurate numbers but it is anticipated that the number of offences committed in the precincts that will be affected will be small. Are we talking about a handful in each precinct?

**Hon STEPHEN DAWSON:** I do not have a number. I am told that it will be very few. The commissioner is very keen to ensure that the legislation is targeted at the very high-risk offenders. I think the minister in the other place might have used words like “they will not be thrown around like confetti”. The Commissioner of Police anticipates that it will be very few.

**Hon Dr STEVE THOMAS:** We will have to get this roster going a bit better, chair; we are unsure where we are going sometimes.

**Hon Jackie Jarvis:** Sometimes!

**Hon Stephen Dawson:** The offending in this case has to occur in a precinct.

**Hon Dr STEVE THOMAS:** I think we were a little haphazard. We had an unruly interjection from Hon Jackie Jarvis. We expect a lifted standard of behaviour from Hon Jackie Jarvis.

Sorry, minister; we have digressed.

I will make a comment before I get to my question. I thought the discussion around the New South Wales lockdown laws was interesting. I understand—minister, feel free to correct me—that if someone was not in a nightclub by X hour, they could not get in, and that applied to all nightclubs within the district. I get the argument around someone finishing their shift at 3.00 am. In my years working in nightclubs, when we finished working, we were allowed one staffy—that is what we told people—and we could not go out to another nightclub afterwards because we could not get in on time. I think that is how they worked. That is very different from the situation we posed today. I looked at the situation in Queensland because I thought that was a closer comparison. Sorry, that is more a comment than a question.

I am interested in the identification of the precincts. It was explained during the briefing, and the minister explained in both his original speech and also in his second reading reply speech, that it was very much based on precincts within which a large amount of liquor is sold. Is a formula applied? Is it a certain number of liquor outlets? Is it a certain number of liquor outlets that are not takeaway? Do takeaway liquor outlets count in either the calculation or, if it is a qualified assessment, the thinking of the person who is going to put this in place? Can the minister explain how that selection process will work? That might help us when we have an argument about other places in which people might want it to apply.

**Hon STEPHEN DAWSON:** It really is about areas where there is concentration of licensed premises. As I indicated earlier, it does not have to be nightclubs or pubs; it can be bottle shops or restaurants. It is also where the crime statistics show or lead us to believe that there is alcohol-related offending. It is those two things together and these five areas that we have indicated are the priorities. In all of those areas, both of those things happen.

**Hon Dr STEVE THOMAS:** I am trying to work out whether it is more of a qualitative or quantitative examination. I accept it is something of a matrix where we are applying liquor outlets and antisocial behaviour. I think we will have a debate down the track over what the definition of antisocial behaviour is. I understand that. I am interested in whether definitive parameters might be provided or whether it is effectively a qualitative rather than a quantitative measure. It has bearing for those other areas that might want to join in. As members have said, this is specific to

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the metropolitan area at the moment, but there might be concentrations of hotels, restaurants and takeaway liquor outlets. For example, it might be suggested that there is an opportunity in the main street of Kalgoorlie. There is probably a greater concentration there than a lot of other places. York Street in Albany is perhaps another. How will the argument be measured? If the City of Albany suddenly said that there had been antisocial behaviour there, there is no definitive measure to be used to argue that it should be in, as it were. If the local government said that it had an issue, would it lobby the local police superintendent or the minister and government to try to get in?

**Hon STEPHEN DAWSON:** The member uses the words qualitative and quantitative. I do not think we can say that it is either qualitative or quantitative.

**Hon Dr Steve Thomas:** It is a black and white world. Everything is one or the other, minister.

**Hon STEPHEN DAWSON:** We have talked about the concentration, so that could be a high number—it could be quantity. However, in terms of who the council would lobby, obviously local governments monitor these issues. They could talk to the department.

**Hon Dr Steve Thomas:** The liquor department?

**Hon STEPHEN DAWSON:** Yes, the Department of Racing, Gaming and Liquor and the Department of Local Government, Sport and Cultural Industries. They could lobby local members of Parliament or the minister. It is certainly the minister who will have the power to make the regulations, so I suggest that is where the effort should be focused.

A number of honourable members in this place represent the South West Region and one of these protected entertainment precincts will be in the Peel region. That is the one that will be in Mandurah. That is regional Western Australia according to our laws. However, this legislation could benefit other areas around the state. I will again draw the member's attention to the banned drinkers register that operates in the Kimberley, Pilbara and goldfields. There is work happening at the moment to expand that register. I think the view is that we will try to get that right for those regions. It will be up to the minister to add further exclusion areas—PEPs—in the future, and when that happens, it will be based on evidence.

**Hon Dr STEVE THOMAS:** As a scientist, I always get nervous when we do not have either qualitative or quantitative data because it means we are winging it a bit. I am okay if the government is winging it a bit —

**Hon Stephen Dawson:** We're not winging it in the sense that we know the statistics are higher for these for five areas in relation to alcohol-related harm.

**Hon Dr STEVE THOMAS:** I will come back to that in a minute because I think we are on the same page. Before I do that, I will make a note about my question.

Much has been said about alternatives in regional areas and particularly about the north west. I understand people's frustration about the sorts of behaviours that seem to be concentrated in specific areas. That is immensely problematic. I do not think anybody on either side of politics would disagree that people are behaving in ways that are becoming difficult to control to the point of being out of control. It demonstrates that people will latch on to almost anything when they are in a situation in which there are those sorts of concerns. I accept the government's proposition that this legislation will not necessarily fix the issues that, for example, Hon Neil Thomson talked about in his contribution to the debate. I do not know that the banned drinkers register does either, mind you. I think the solution to that problem is far more complex. As I said in my contribution to the second reading debate, I probably take a far tougher approach on these things, but I can understand members' concern that there will be another tool out there that will be applied in one area and not in others. It will incumbent on the government to at some point explain and demonstrate why that tool cannot necessarily be transferred. I do not have a problem with that.

That brings me to my question, now that I have finished pontificating. I am interested to know how the government will set its baselines because they are useful for identifying where precincts will go. This might have to be provided as further information because I doubt the minister's advisers at the table will have all the information we might want. Surely there are some baseline numbers for incidents of antisocial behaviour within the precincts we are looking at currently compared with the wider community. If we are going to measure the effectiveness of the legislation that we are debating—as a scientist, I always like to see quantitative measures if I can—can the minister provide the Parliament with information on baselines, whether that is charges or something else, so that we can know and be assured that we agree with the measures used to select these precincts?

**Hon STEPHEN DAWSON:** I am told that the Western Australia Police Force was able to use heat maps at a point in time, and that those heat maps were used by the government to work out areas in which there is not only a high rate of offending, but also a concentration of liquor outlets and licensed premises. As I said, that was at a point in time. Those maps no longer exist to be able to be provided.



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I am further advised that this is just one tool in the Liquor Control Act that will now be available. Other tools that are available in the Liquor Control Act are prohibition, barring and the banned drinkers register et cetera. This is another tool that will be available to government to help deal with the issue of a high rate of offending and also the element of having a high concentration of liquor outlets and licensed premises in the one area.

**Hon Dr STEVE THOMAS:** This is an important point. We need to have some tool by which we can measure the success of the legislation that we implement. We do not always put it into the legislation, but it is useful to have such a tool. This has been set up based on the argument that some areas have not only a high concentration of antisocial behaviour, but also a high concentration of liquor outlets, and we want to try to minimise the impact on people who make use of those areas. I think we all agree on that. If the argument is that there was previously a certain level of antisocial behaviour in a district that had 38 liquor outlets, and we have some tool by which we can measure the change in behaviour in that district, we will know whether the legislation has been successful. I am interested in how we will be able to measure that so that we can be reassured that this has been successful. Beyond that, there will be a question about how we can make sure that we do not shift the problem somewhere else, which will probably be impossible to do, but we will come to that a bit later.

The heat maps are probably a good example. I do not know how widely used they are, and how public they are. I do not imagine they are particularly public. We might find that if those maps were put on the police website and became publicly known, there would be a congregation in that area of people we do not want. I suspect that would not be a good outcome. It will be difficult for an opposition, whomever that opposition might be, to measure the success or failure of this measure. I throw this to the government as a proposition for it to consider and perhaps take on board.

Perhaps at some time, as an annual event, not in a sitting week when we are considering legislation, but at a more relaxed time, members of Parliament might be briefed by the Western Australia Police Force, with ministerial staff around, on what the heat maps look like. That would reassure members of Parliament that we are getting some result for our efforts on this legislation. The minister might like to think about that and take it back to the responsible minister for discussion so that even if we cannot give the general public confidence that this legislation is working, we can at least give their representatives confidence that it is working. The government will get complaints about this legislation. There will be accusations of misuse and all those sorts of things. We will also come to that later. It would be nice to get some sort of—dare I say the word—quantifiable data about the outcome so that we will be able to reassure people that this is a successful program.

**Hon STEPHEN DAWSON:** The crime statistics will be available. In the future, we will be able to look back at the crime statistics from the passage or implementation of this legislation and work out how and whether the numbers have changed over time and whether they have moved elsewhere.

The minister's office is watching, and the member has planted the seed of that request and whether annual or other updates could be provided in the future. The member has requested it, and that will be considered in due course.

There is also the evaluation element of the legislation. It needs to be reviewed in three years, and the review will take into consideration how effective the legislation has been and whether it has moved the problem elsewhere or got rid of the problem. We will not know that until some time in the future. It is undeniable that the problem exists. One needs only to go out in Northbridge, Perth, Scarborough, Fremantle, Hillarys or Mandurah on a Friday or Saturday night to see antisocial behaviour of this nature. The problem exists. This is an extra tool that police will have to try to deal with it.

**Hon Dr STEVE THOMAS:** I am not arguing in the slightest that the problem does not exist; otherwise, I do not think we would be here. Hon Tjorn Sibma recognised that in his contribution. He is in nightclub areas much more frequently than I am, so I will rely on his expertise in this area. In his second reading presentation, he highlighted some issues in several of those precincts. I do not think the debate is about whether there is a problem; the debate is about how we quantify whether the action is successful.

The minister referenced the crime data, and that is true. Does the crime data go down to geographical locations small enough that we will be able to measure it within the precincts the bill is proposing?

**Hon STEPHEN DAWSON:** I am told it is geocoded to an offence located to an area, so that data is available.

**Hon Dr STEVE THOMAS:** Although we obviously would not have the data with us, if I put a question on notice to the Minister for Police to get the geocoded crime data for those precincts—once we know what the precincts will be—would that, in theory, give me a baseline starting point that the government might be looking at and working with or would that likely be unanswerable?

**Hon STEPHEN DAWSON:** The honourable member is able to ask questions of any minister.

**Hon Dr Steve Thomas:** It does not mean I always get an answer. You are very good, but I do not always get an answer.

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**Hon STEPHEN DAWSON:** The member should ask the question. I am not sure, and my advisers cannot tell me. From time to time the member asks questions and the breakdown is not always available for operational reasons. I am not sure. We cannot tell the member, but he should ask the question.

**Hon Dr Steve Thomas:** We could test the waters one day at some point. Once we get past the bill and are into normal operations, we might see what will be available.

**Hon STEPHEN DAWSON:** Yes, the member can see what will be provided.

**Hon PETER COLLIER:** I am a little bit confused here. We are talking about crime figures for the five precincts, are we not?

**Hon Stephen Dawson:** Geocoded.

**Hon PETER COLLIER:** Okay. I am sorry; I apologise. I was a little confused because the actual crime figures for the areas are readily available. I will shut up.

**Hon WILSON TUCKER:** To change tack slightly, I go back to the data and the approach the minister took to form his opinion about crime reduction. The minister mentioned that the Queensland model was the basis for this Western Australian legislation. Did the government look more widely? In my second reading contribution, I spoke about Denmark, which has similar rules. Denmark trialled a couple of different regimes and had a stop-and-search power, which gives a little bit more police discretion about who gets targeted.

**Hon Dan Caddy** interjected.

**Hon WILSON TUCKER:** Yes, Sweden based its model on the Danish experience, but a level of bias was contained in that. More police discretion was available. The point I am getting at is that I think we can cherry-pick data from other jurisdictions to suit our narrative, but I am curious about whether the WA government has looked more widely outside Australia when drafting this legislation.

**Hon STEPHEN DAWSON:** I make the point that although we were cognisant of what is going on in Queensland, that has not been the basis for it because the Queensland scheme is very different. I quote from the Queensland government website —

SNPs are managed by local boards operating as incorporated associations ...

It is very different from what we will have here should this legislation pass. I remind people about my earlier comments on the Liquor Control Act 1988. Under the existing act, we have the ability to issue barring notices and prohibition orders. We wanted to use that architecture that we have currently. What we have before us now mirrors that, albeit, as I pointed out earlier, for the shorter exclusion period there is a difference between six months in this bill and the 12 months in the current act for barring notices. We are using the current architecture. I guess we have learned from Queensland, but we have not looked as far as Denmark or Sweden or anywhere else. We wanted to try to use what we have locally.

**Hon Dr BRAD PETTITT:** Are barring notices able to bar people only from a licensed premises or is it precinct-wide?

**Hon STEPHEN DAWSON:** It is only a particular licensed premises. The bill before us now will expand it to the licensed area or the precinct area that we will land on eventually.

**Hon Dr BRAD PETTITT:** Was thought given to only making the area cover multiple venues that had liquor licences, rather than public spaces? This is the fundamental shift in this bill under which we will go from barring people from licensed premises to barring people from public spaces. This gets to the heart of the issue I raised in my contribution to the second reading debate. People who are homeless, often First Nations people who may be street present and others, will get caught up in this because it will not be contained within licensed premises. It will be contained within broader public streets where many of our most vulnerable and disadvantaged people spend their lives.

**Hon STEPHEN DAWSON:** This is not about attacking those people who are living rough on the streets. People are attracted to these entertainment precincts. We are advised that people loiter and commit crimes in these precincts, and that is what we are trying to deal with. A barring notice can keep somebody out of a licensed premise, but what we saw with the tragic death of Mr Raco was that it happened on the street outside a licensed premises. We will certainly work with affected local government areas on the maps to make sure that we are excluding residential areas, when appropriate, and other areas that they think should not be included. We will listen to them and consult with them. But as to where we end up with the maps, that will be a decision for government at the end of the day.

**Hon WILSON TUCKER:** Just following on from that line of questioning, is there going to be any public awareness campaign around the entertainment precincts? Will people be informed when they enter the precincts? To put it another way, is the government's response to this bill designed to be proactive and will it inform people when they go into the precincts so that they can be a little more conscious of their behaviour and potentially not commit serious

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offences, or will it be more reactionary in that people who commit certain crimes will no longer be allowed in? Is it supposed to be proactive or reactive? Based on that, will there be a public awareness campaign about the precincts?

**Hon STEPHEN DAWSON:** That was a very good question, honourable member. Yes, I am advised that there will be an advertising campaign. It will be available on the website. The intention is to place flyers or information material in licensed premises. I daresay there will be a lot of media done about it. It will be broadcast. The intention is not to keep the areas secret; the intention is to let everybody know about them and the risks associated with behaving in certain ways that could mean a person would fall foul of the exclusion orders.

**Hon Dr BRAD PETTITT:** The minister said in answer to my previous question, and has reiterated many times, that it is not intended that this legislation will target marginalised or disadvantaged people, and I believe that. However, where does the legislation provide those safeguards to ensure that that will not happen?

**Hon STEPHEN DAWSON:** To reaffirm, police will be able to seek orders when a person behaves in a particular way in a precinct and the person being in the precinct could cause violence or public disorder, or impact the safety of others. That “and” is really important. It is the intention of police to target —

**Hon Dr Brad Pettitt:** Do you mind just repeating that bit at the end?

**Hon STEPHEN DAWSON:** Orders will be sought when a person behaves in an unlawful, antisocial, disorderly, offensive, indecent or threatening way in a precinct and—that “and” is really important—the person being in the precinct could cause violence or public disorder or impact the safety of others. The intention will be that police will target high-harm recidivist offenders—those who habitually offend within entertainment precincts and affect the safety and amenity of the precinct. Officers policing the areas will know who those people are, and if they offend, they will be arrested and issued with an exclusion order. I understand the honourable member’s concern, but this bill is not about targeting people who are asleep on a park bench—it is not about those people at all. It will target high-risk recidivist offenders who carry out that behaviour in those areas, and when the person could cause violence or impact the safety of others.

**Hon Dr BRAD PETTITT:** I come at this as someone who was a mayor of a city for more than a decade and, interestingly, lobbied very hard for stronger abilities to exclude people who were regularly violent. Fremantle is an interesting case, because it has the Alma Street Centre—the mental hospital—and there are a lot of outpatients just up the road who could at times behave in a threatening manner if they were not given the right kind of treatment. This is where my nervousness arises. How do we ensure that an individual police officer, who will take it to an inspector, does not start just excluding those people? What will be the safeguard in that regard? It feels to me like there will be a very low bar. To finish off where I started about being Mayor of the City of Fremantle, what I was seeking to do then was to get a better process. We had talks with the judiciary on this. The current ways of banning people have been very cumbersome and rarely used. We wanted to know whether there was a way in which we could work with the judiciary and the police to see some of these things happen. That never landed or was resolved. I never imagined a law that would go so far in the other direction, where I feel like there will be insufficient checks and balances. As I said in my contribution to the second reading debate, it feels like there is a real danger of a reliance upon the professionalism, goodwill and good training of individual police officers to make sure that this power is not misused. I want some reassurance that that will not happen.

**Hon STEPHEN DAWSON:** On a daily basis, police deal with people who are vulnerable or who have mental health issues. I know this because I was the Minister for Mental Health and I am aware of the co-response teams under the Mental Health Commission and the Western Australia Police Force. Those teams deal with these people sensitively. This is not about locking up, arresting or excluding people who have only mental health issues. Those situations can be dealt with under the Mental Health Act and other avenues. The Western Australia police policy position is that for a person to be subject to an order, they will have to commit a substantive offence. The supporting guidelines, as found in proposed section 152NI, will provide a framework for officers dealing with Aboriginal or other vulnerable people, including people with mental health issues, people who are street present or juveniles. These extra instructions within the guidelines will also reference current police manual practices for dealing with Aboriginal and vulnerable persons. It will reference for officers to consider alternative diversionary options prior to an exclusion order application. The guidelines will be shared with WA police Aboriginal affairs division for review and assurance of equity and fairness, and officers will be encouraged in the first instance to consider alternative sanctions or options when dealing with Aboriginal or vulnerable persons. This is in line with other current policing functions. As the member indicated, an inspector or commissioned officer or above will have oversight of the approvals process for a short-term exclusion order and, in accordance with the guidelines, will consider any vulnerabilities of a named person in any application for an order and the appropriateness of it in the circumstances.

**Hon Dr STEVE THOMAS:** Like with every good clause 1 debate, I have ended up more confused than when I started after a couple of questions. I refer to the comment of my good friend and colleague Hon Peter Collier before

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he called himself to order. It was probably lucky that he did not name himself and have to move a motion to have himself expelled for next week.

A member interjected.

**Hon Dr STEVE THOMAS:** Let us not get enthusiastic about testing the waters, people. I am interested in setting a baseline for success, if you will. I think what the minister said when we were discussing the crime statistics was that he did not have them at the moment, but he would potentially put them on notice.

**Hon Stephen Dawson:** No.

**Hon Dr STEVE THOMAS:** Okay. I suggest that if those crime statistics are freely available and part of the reporting process, it might be useful if the government, once it decides the genuine parameters of the precincts, provides a baseline at the start of the process to measure its success. That might be a really useful tool. If that data is publicly available, that is pretty easy. If we are required to get a good handle on whether we are succeeding or failing, perhaps private briefings on hotspots using Hotmaps or whatever might be an option. If that information is available, is there a reason that could not be put into this process—I do not know whether it goes by postcode or whatever? The only time that I have looked at that information was when it involved regional towns, and, as the minister would be aware, they have more distinctive boundaries. Is there a possibility that that police or whichever department's data could be used to define a baseline that would allow us on an annual basis to measure the change? That sounds like a beautifully useful tool. I just need to check whether that is actually possible.

**Hon STEPHEN DAWSON:** It is not an exact science, honourable member. Broad crime statistics data is available, and it goes on the website quarterly. This is broad data. The heat maps showed where crimes were happening, generally in the police district, but then overlaid with where the licensed premises were. Where we will land with the boundaries makes it kind of difficult, because there might be half or one-third or a quarter of a police district in a protected entertainment precinct, so it is not an exact science. Certainly, the crime statistics are available, but it is hard to drill down and line it up exactly with the precincts and the map of the precincts at the end of the day.

**Hon PETER COLLIER:** I have more of a comment than anything. I know where Hon Dr Steve Thomas is coming from; I think we all do. The crime statistics are very comprehensive. They drill right down into all the offences and go right through from very generic overall statistics to homicide, domestic violence, crimes against a person and stealing cars—a whole raft of areas. This is what I want to spend most of my time on with clause 1. We will get through that probably not today, but Thursday night I would imagine, minister.

**Hon Stephen Dawson:** Honourable member, you take as long as you need to!

**Hon PETER COLLIER:** The minister missed the tongue firmly in my cheek.

**Hon Stephen Dawson:** You missed my sarcasm.

**Hon PETER COLLIER:** No, I did not. I can tell members he got me right in the heart.

Several members interjected.

**The DEPUTY CHAIR:** Members! Hon Peter Collier has the call.

**Hon PETER COLLIER:** Thank you, deputy chair.

I want to be quite clear: I am very supportive of the intent of the legislation, but I think its implementation will be problematic. If we will be looking at raw data to determine the success or otherwise of this legislation, I think we will be creating a rod for our own back, and I mean collectively, because this chamber will make a determination on this legislation and the opposition will definitely support it. But if we are talking about a handful of individuals who will be impacted by this legislation, and we have been told that, and that we will see any significant change or shift in statistics, I think we will all be let down. My point is that I hope that is not the criteria we will use for the success or otherwise of this legislation. This legislation will ensure that people who have the potential to harm, like the thug who took the life of “Pep” Raco, is no longer in that precinct, as I understand it. That is what we are doing with this legislation and that is why I am personally supporting it, so that we can prevent a situation, again, in which a 40-year-old man does not get a kebab because he gets hit from behind and killed. That is what we would like to prevent. That will happen, because in the precincts that we will ideally have—I would like to think there would be additional precincts, particularly in the regions—that will be prevented. I would be interested in the minister's comments on that, because surely we are not basing the success or otherwise of this legislation on a significant shift in crime statistics.

**Hon STEPHEN DAWSON:** It will not be based on raw data alone. The three-yearly reviews will be undertaken by the Ombudsman, the parliamentary commissioner. As part of their analysis, the evaluation could take into consideration a range of things. I also note that recently the Ombudsman appointed a deputy or assistant Ombudsman for Aboriginal affairs, and that is an Aboriginal person there. It will be open to the Ombudsman to include that person in an evaluation of the legislation to see whether there are any unintended consequences or unintended effects for Aboriginal people in particular.

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We are hopeful that this legislation will become a deterrent and that it will stop people from going into Northbridge and doing these things. It has been mentioned a few times that this is impulsive behaviour on the part of some people; hopefully, people will now know that there are strong laws in place with strong penalties that will stop them from going into Northbridge, Fremantle, Scarborough or Hillarys. The member quite rightly mentioned the tragedy of Mr Raco's death. Any death that is prevented as a result of having this legislation in place will mean that it is worthwhile legislation. It means another family will not have to deal with the tragic circumstances, pain and grief that Enza Raco's family has dealt with over the past few months. That is what we are trying to do; we are trying to ensure that other families in this state will not have to go through what Mr and Mrs Raco went through. We hope it will be a deterrent; we will have to wait and see. There will be analysis and evaluation at the other end.

**Hon Dr BRAD PETTITT:** To follow up on that line of questioning, I will start by making the comment that I think we all agree that entertainment areas should be safer; that is certainly something that I fully support. My question is about what evidence this kind of approach is based upon. I mentioned this in my contribution to the second reading debate: the only research that I am aware of was by Dr Nicholas Taylor from Deakin University, who found that —

In terms of reducing overall violence in a nightlife precinct, there's very little evidence out there currently, but none of it shows that ... banning of individuals from nightlife areas reduces the overall level of violence within them ...

The minister mentioned earlier that he had seen some academic evidence to support the contention that this approach will actually have an impact. I raise this because the only academic evidence I have seen is what I have just cited, which contends that there is not much evidence to support this approach. If the minister has that evidence, is he able to table it?

**Hon STEPHEN DAWSON:** I am told that the Queensland government engaged academics to look into its legislation; they came back and found that crime was reduced. I cannot comment on the member's friend, the professor or whoever from Deakin University, or what he spoke about. I will say, though, that the tools we have in the toolbox at the moment to deal with these issues are not enough, so we are trying to come up with another tool that will hopefully help by deterring crime and keeping people alive. I do not have the material here, but in one of the notes we have there is reference to the Queensland government research. However, the academics who looked at the Queensland legislation looked only at the Queensland legislation; they did not look at our legislation, the evidence that the academic from Deakin looked at, or evidence from Sweden or anywhere else. They were engaged to look at the benefits of the Queensland legislation. As I said, we have looked at that and learnt from it, but the legislation before us is based on the architecture we have and the recognition that we do not currently have the right tools in the toolbox, or not all the tools we need, and we are hopeful that the legislation we are proposing will keep people alive at the end of the day.

**Hon Dr BRAD PETTITT:** Just to follow up on that, I should have been clear that Dr Nicholas Taylor actually looked at similar laws, including the ones in Queensland, so that is what he was responding to as well. It would be really useful to have that information tabled. I appreciate that we will not finish this today, but when we return on Tuesday, I would appreciate it if that evidence could either be tabled or a reference could be provided to Parliament so we can see whether that was effective, because I think that at the heart of the debate is whether this will work. That is one key part of it. I actually agree that the government needs more tools in the toolbox. I have been asking how we can make sure the legislation will not unintentionally impact on some of the most marginal and vulnerable members of our community, and I would be interested to know whether there is an answer to that. If other members do not mind, I will go down a different line of questioning.

**Hon Stephen Dawson:** If you have questions, just ask them.

**Hon Dr BRAD PETTITT:** My sense is that this legislation is being treated urgently. Some of my misgivings about it are the rushed nature of the briefing and how the bill was dealt with in the other place and the like. Is there a sense that the regulations will be in place for summer and the holiday period? When does the government expect they will come into force?

**Hon STEPHEN DAWSON:** It is our intention to have the laws in place by Christmas. We will be working incredibly hard to make that happen. I am advised that early work has started on the regulations. Honourable members know that regulations are normally drafted by Parliamentary Counsel's Office only once the legislation has passed. However, approval has been given to start the drafting process already and it will be concluded upon the passage of the bill. Certainly the intention is to have the laws in place by Christmas.

Getting back to the member's comment about the analysis of Queensland's safe night precincts regime, I am told that a 2019 independent report was done by a number of universities, including Queensland University, Curtin University, Deakin University and others. That report showed modest but promising reductions in some indicators of alcohol-related harm in the three years following the 2016 introduction of a range of things that included the safe night precincts scheme. That is the study I referred to earlier.

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**Hon Dr Brad Pettitt:** Do you have the title of that study so that I can find it?

**Hon STEPHEN DAWSON:** No, we do not have it, but we will track it down for the honourable member and provide it at a later stage. However, I again make the point that it is comparing apples with oranges. This bill is not the same. Queensland introduced a suite of laws that were brought into place in 2016 that included a reduction in times when alcohol was sold, ID scanners and a range of other things. The legislation before us is not solely based on what happened in Queensland. Certainly, we will have to wait and see what effect ours has. A review will take place and the Ombudsman will be involved in that.

**Hon PETER COLLIER:** I picked up on the minister's comment that the government would like this implemented for summer, and I get that. That is the time when these idiots are most prevalent. Having said that, the maps for the precincts themselves have not been finalised. We have not got long. It is only a week until summer. After the bill receives royal assent, it will become law. How close is the government to establishing the finite precincts, because that is a pretty important part of the legislation and the regulations?

**Hon STEPHEN DAWSON:** I am told that we are very close, honourable member. The consultation with the various local governments is happening now. Those conversations have been happening for a little while, but that is happening now. My advisers tell me they are confident that the regulations will be signed off and in place to allow this scheme to operate before Christmas.

**Hon WILSON TUCKER:** The minister previously mentioned that there was not a complete level of confidence that this legislation would work and he admitted that it is not 100 per cent certain it will reduce crime, which is fine, and I appreciate the minister's honesty. The minister also mentioned that the government had run out of tools in the toolbox and that is why we are seeing the introduction of this legislation. In three years' time, once this is reviewed, if it is found not to be working as intended and we are still seeing serious offences happening in these areas, what will be the next step? Will we potentially see a tightening of the regulations? I think a lot of the concern that has been shared over the past few days is about Parliament not having that oversight. It is the possibility that, rather than a change to the act, we might see a tightening of these regulations and Parliament would not be able to scrutinise them. Is there any forethought about what the next step might be if there is no reduction in crime?

**Hon STEPHEN DAWSON:** The member is asking me to look into the future, and I cannot do that. What I said was that we do not currently have the tools in the toolbox to do what we propose to do here. We are hopeful that having the extra tool will save lives at the end of the day. I cannot speculate on where it might go in the future. I am only a minister representing and the advisers here are not the decision-makers in government. It will be for the government of the day to decide what to do next. We are certainly hopeful that the legislation before us will be a deterrent, but we will await an evaluation and analysis, and that will be considered at the appropriate time. I did not say this would work. I cannot stand here, hand on heart, and say, "This is absolutely the saviour", but I can say that the people who are advising me in government believe this is a worthy piece of legislation that, if it works, will help save lives. I am not sure whether the member was saying that I flap my hands because I am gay. Was the member talking about me being flappy?

**Hon WILSON TUCKER:** No. I meant that there was not complete certainty that this would work—a bias reaction, if you will, in this legislation. I am concerned about whether there is any thought about what happens if it does not work. Is there any proposed reform or other tools that have been considered? Another method to sharpen this tool might be tightening those regulations and giving police more enforcement powers over different offences in these areas. That is different from what we are discussing today, and three years down the line, Parliament will not have the opportunity to discuss any strengthening of the police armament. Is there anything else that could potentially be considered if this is not working in three years' time?

**Hon STEPHEN DAWSON:** No, not that I am aware of. The Ombudsman may well make recommendations in three years' time. I am not going to speculate. If the Ombudsman suggests this legislation needs tweaking, that will be considered at the time.

**Hon Dr BRAD PETTITT:** Three years is a fair way out. What kinds of reviews and checks and balances will take place in the interim, before the Ombudsman does that first review?

**Hon STEPHEN DAWSON:** As I have said previously, it will require an inspector, or above, to allow a short-term exclusion order to be put in place. We have about 80 to 100 inspectors in Western Australia, and then whatever is above that, but it would not be a huge number. Serious consideration will be made by an inspector or above, and the actions of police officers are already scrutinised by the Corruption and Crime Commission in Western Australia. Those who have the pleasure of sitting here on a Wednesday, as I do, for the consideration of committee reports will know that we have CCC reports in here from time to time.

**Hon Dr Steve Thomas:** It is an excellent committee.

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**Hon STEPHEN DAWSON:** Absolutely! In the past, we have had CCC reports on the actions of police officers, so there is an oversight process. There is the internal process that the police have with inspectors. I imagine the Commissioner of Police will want to monitor the number of people who are affected by this legislation. There is also the strong power of the CCC to look over police officers.

**Hon Dr BRAD PETTITT:** I understand what the minister said there. I was getting at, in many ways, the strategic benefit and impacts. Obviously, inspectors will look at it on a case-by-case basis. Will anything look across the effectiveness of the scheme and the legislation more broadly over the first three years? If not, I am trying to understand why three years was chosen. It seems to be a long lead time for a pretty radical piece of legislation. This is probably some of the most radical and far-reaching of its kind in this country. To wait three years to look at it from a more holistic perspective seems like a long time. I wonder why such a long period was chosen.

**Hon STEPHEN DAWSON:** There is a five-year statutory review on this legislation. We did not want to wait five years; we thought three years was an appropriate amount of time. As to the radical—your word, not mine—nature of the bill, those of us who have been in this place for the last two years in particular will know that we have dealt with many radical pieces of legislation in relation to COVID-19, by which we had to do extraordinary things to help keep people alive. That three-year time frame is quite simply a time frame that was landed on so that we do not need to wait until the five-year statutory review. It will give the scheme some time to be in place to allow for a proper analysis and evaluation of the legislation and how it may work or otherwise.

**Hon Dr STEVE THOMAS:** I think the minister underestimates himself. He said in an earlier debate that he cannot see into the future, but I remember a debate when he predicted a Docker's premiership, so I think he can see far, far into the future!

**Hon Stephen Dawson:** That was wishful thinking.

**Hon Dr STEVE THOMAS:** Wishful thinking—perhaps.

**Hon Stephen Dawson:** That was a personal view, not a government view.

**Hon Dr STEVE THOMAS:** Okay, well.

Far from disagreeing with my good friend Hon Peter Collier, I am reminded of when I went to the Waroona Show earlier this year and I saw this great T-shirt—I took a picture of it—that read: “I’m Not Arguing: I’m Simply Explaining Why I’m Right.” I should have bought one.

**Hon Stephen Dawson:** You could have given us all one.

**Hon Dr STEVE THOMAS:** We could have all taken one.

Perhaps this is a matter that the minister’s advisers could think about, because we are about to go into question time. My understanding of the legislation is that it is focused on a small number of individuals who are probably high-level recidivists. This is interesting because I think that potentially, hopefully, their exclusion will make a difference to the crime numbers that might be measurable. I quietly and politely disagree with Hon Peter Collier on that. I think we might find a measurable change. However, even if we do not, I think they are still figures worthy of looking at. Perhaps the government might think about the level of measure it can put in place.

I was more interested, though, in the same issue that Hon Wilson Tucker referenced in his comments; that is, will the government need an advertising campaign to let people know what is happening? As I understand the legislation, a first-time offender who goes in and misbehaves will not be targeted by the legislation until after they have offended. I am interested to see whether the government will have an advertising campaign. I would be very interested to know how much it intends to spend. If it is a spend on an advertising campaign on how the government is keeping people safe is, in my view, it will be more political advertising than advertising of the legislation. If the legislation is targeting a small number of high-level recidivist individuals, surely the government would be advertising to only a very small group; we have thrown around numbers like a handful. I do not think the government would need a particularly big advertising campaign. As individuals leave the courts, they could probably be given a piece of paper that outlines their obligations under the new act. I am really interested to hear that legislation that will target a very small number—a handful—of high-level recidivists and potentially hit them with exclusion notices will require an advertising campaign to let them know that they have been targeted. Far be it for me, as it might surprise members to know that I am a little cynical, but I would be interested to know whether it will be an advertising campaign promoting what the government is doing.

**The DEPUTY CHAIR (Hon Jackie Jarvis):** Noting the time—there was a lot of leeway there and there did not seem to be a clear question coming—I will leave the chair for the taking of questions.

**Committee interrupted, pursuant to standing orders.**

[Continued on page 5893.]