

## LIQUOR LICENSING REGULATIONS

### *Grievance*

**MR F.A. ALBAN (Swan Hills)** [9.53 am]: My grievance to the Minister for Racing and Gaming is about an issue that has been a thorn in the side of many of my constituents who have restaurants or wineries and is impacting on their ability to service their customers. Some of these people are also members of the Australian Hotels Association. Some locals might have an understanding of the regulations, having been exposed to them, and happily accept them. However, the Swan Valley and the hills have well over two million visitors a year, which we are very grateful for, and many of these—at least a third, or some 700 000—are interstate or international visitors. It would be foolish to implement regulations that would embarrass our proprietors and perhaps insult our guests. Although the recent extended trading permit allowing restaurants restricted to 120 people or fewer to supply liquor without a meal has been welcomed within the food industry, there are anomalies that are not only onerous and embarrassing, but also of great concern to many within the industry, and there are unlikely consequences of these permits.

On request, I have visited several premises, and proprietors have asked for the following circumstances to be brought to the minister's attention, particularly in view of this act being reviewed shortly. I will set out the key concerns that have been raised as being potentially in violation of the previously mentioned extended trading permits. A group of people celebrating a birthday commonly wish to make a traditional toast. According to regulation, they are unable to consume liquor while standing and making a toast. If they wish to stand for a toast, they must stand, toast, and then sit down before consuming alcohol. That is funny in Australia. Can members imagine an international visitor laughing even more? In the case of a large group booking of a few tables for a corporate meal, or in any situation in which the booking is spread over separate tables, rather than being put together at one large table, guests are unable to move between tables with alcohol in hand as, once again, alcohol must be consumed while seated. Group cocktail events with finger food are not allowed in a restaurant with an extended trading permit. I understand that these events would be allowed under a special facility licence. Many venues similar to Swan Valley restaurants and wineries are located in the south west, more than 40 kilometres from the metropolitan area, and are available as regional venues. Unfortunately, the definition of "tourist" under regulation 9A(9)(a) of the Liquor Control Regulations 1989 is a person who is —

staying at a place that is at least 40 km from his or her usual place of residence ...

This means that the Swan Valley's close location to the city is a hindrance to venues operating under a special facility licence. If a group of guests wish to pay individually using the pay-as-you-go method, a regulation under the current applicable liquor licence does not permit guests to order at the till and pay at the same time. All orders must be taken at a table and the result is often as follows: guests are seated, orders are taken individually, and guests must then get up from the table at which they have just sat down to move to the till to pay for their order, and then return to the table and wait for the order. Although these are often viewed as restrictions, the policing of which is not of significant importance or concern, for the licensees it is something from which significant impacts can potentially arise, including not only the risk of violation of these restrictions, but also miscommunication and the customers lack of understanding of the restrictive nature of these regulations, which could leave a group of customers feeling slighted when a casual group may wish merely to move to the register and purchase as desired.

As the member for Swan Hills, which covers part of the Swan Valley, the hills wine region and the establishments based there, I have the responsibility to represent the tourism interests of these constituents. Our culture has changed. No longer do we stand like camels at a well for our weekly top-up. We have adopted the European approach of drinking alcohol with our food, sometimes at formal meals, and sometimes at less formal events at which we eat canapés and tapas. Yes, some bar regulars are still at large, but it is not necessary to penalise a few in smaller venues and more formal functions. It is easier to safely and effectively manage a room in which alcohol is being served. Generally, if someone chooses to go out on a bender, they will not go to a restaurant that has a more formal setting and, generally speaking, is better presented and serves higher-priced food. Once a patron has selected their venue, no amount of regulation will force them to go elsewhere for their drinks. However, many of the restrictions and experiences they encounter will remain. Although the onus is on the proprietor to provide the best service to meet the customer's needs in a responsible manner, the specific restrictions imposed on their clientele, which affect their celebrations, their dining experience or their family event, are out of the proprietor's hands, with little understanding of the clientele. These regulations are difficult to police, and it is certainly not customer friendly or acceptable to demand—no matter how politely—that these customers sit down if they want to sip their beverage. I thank the minister for his consideration of these points.

**MR T.K. WALDRON (Wagin — Minister for Racing and Gaming)** [10.00 am]: I thank the member for Swan Hills for the grievance and the way he presented it. This grievance is about the restrictions that apply to

restaurants supplying liquor to patrons who are not consuming a meal under a liquor-without-a-meal permit. The member raised a really fair and relevant grievance. It is a good grievance, and I recognise and understand the points the member made and some of the frustrations that occur within the industry. I want to acknowledge that. The member will know that the government has already made some changes in this area to make restaurants better places to visit, by relaxing some of the rules that can sometimes be seen to intrude on patrons or the licensee. This issue is part of the terms of reference of the liquor review, which will be in this place by November for members to look at, and I hope that some of the points the member for Swan Hills has made will be included in that.

I will give the member some background. In 2006, changes were introduced that, amongst other things, allowed licensed restaurants to serve liquor without a meal in any part of licensed premises. However, during debate on that legislation concerns were raised by the hotel industry and others in the community about restaurants becoming quasi-hotels, which is a fair concern, and increased problems from alcohol-related behaviour. The main concern was to retain the integrity of a restaurant. We wanted people to enjoy their visits to restaurants and to have a beer or a wine, perhaps without having a meal, but we needed to make sure that a restaurant was not like a mini-hotel and people would stop going to the restaurant for meals. A number of conditions were applied to restaurants that wanted to serve liquor without a meal. For example, the restaurant must always be set up and presented for dining; tables cannot be removed or shifted to create dance floors; the kitchen must be open and operating at all times that liquor is available; and the restaurant's full menu must be available at all times. In addition, liquor may be consumed only by patrons sitting at a dining table, table service must be provided by the restaurant staff, and there is to be no bar service. That reform became law in 2007. The requirement for patrons to be seated at a table is a fundamental requirement included in the Liquor Control Act. That may be looked at by the review committee.

However, the remainder of those conditions—some of which the member raised—are imposed through the permit conditions. Under the permit system, about 130 licensed restaurants received approval to serve liquor without a meal. When the sailing world championship came to Fremantle, the director of liquor licensing and I were approached to approve a dispensation for liquor without a meal permits, so that people did not have to be seated at tables. I declared the sailing world championship a special event under provisions in the act, and for the duration of that event those restrictions were eased so that patrons were able to consume liquor without a meal while standing in Fremantle restaurants. That was a good thing to do. However, there was no commitment for that to be a permanent relaxation of the rules. From speaking to people, restaurateurs and police, I found there were no reports of trouble from the changed arrangements; so, generally, it went pretty well. Members will remember that in the lead-up to the last election the Premier committed to more flexibility for restaurants to serve liquor without a meal. As the member for Swan Hills mentioned, that was designed to allow restaurants to accommodate no more than 120 patrons without going through the application process, which is in line with the small bar regulations to serve liquor without a meal. In addition to that, we have dispensed with the requirement to provide evidence of local government planning approval. Licensees must ensure that the relevant planning requirements are complied with, but they do not have to get approval from the council. We have streamlined the process, and that is being turned around in 10 days at a minimal cost of \$50. Those changes started in June this year and have speeded up the process. Since then, 104 restaurants have obtained liquor-without-a-meal permits under those modified rules. That is where we are at the moment. As I said, the Liquor Control Act is being reviewed, which is a really important part of this process. The review body will have a good look at what occurred at Fremantle and will come back to us with recommendations in November, when it is due to report.

The member raised some specific issues, and technically he could be right, but as an enforcement priority, it would have the lowest of the low priorities. Someone might have been chipped about those issues, but, generally, that is not the case. However, the member raised those points and I take them on board. I agree with the member that someone should be able to stand up and toast someone. That was ridiculous, and the conditions were read technically. I take the member's points on board; the conditions are technical but they have not been a priority for enforcement because we like to think that people apply commonsense. That may not always happen, but generally it does.

In conclusion, I accept the member's argument that visitors to Western Australia might be frustrated by some of our rules. That is a fair point. One thing I have learnt in my time as minister is that there is always a balance, and people have a wide selection of views. The last time changes to the Liquor Control Act came into this place we had 12 hours of debate, and no doubt when the recommendations arising from the review are brought into this place, it will be the same.

**Ms M.M. Quirk:** Who is doing it?

**Mr T.K. WALDRON:** I will tell the member later.

The member for Swan Hills said that if someone chooses to go out on a bender, they will not go to a restaurant that has a formal setting. I agree, but we have to have something in place to ensure that does not happen. We have to be a little careful in what we do. I take the member's point. The review will probably result in changes, but we must make sure we do not reach the stage at which people do not want to go to restaurants because they are no longer restaurants. I do not think we will get to that point. The review is headed by John Atkins, Nicole Rooke and Ian Stanley.