

**LIQUOR LICENSING AMENDMENT BILL 2001**

*Committee*

The Chairman of Committees (Hon George Cash) in the Chair; Hon N.D. Griffiths (Minister for Racing and Gaming) in charge of the Bill.

**Clauses 1 2, 3 and 5(1) put and passed.**

**Clause 6: Section 46 amended and transitional provision -**

Hon BARRY HOUSE: Proposed subsection (1) states -

The licensing authority shall not grant a special facility licence except for a prescribed purpose.

Yesterday, the minister listed the criteria that would make up “a prescribed purpose”. That was partly in response to a question I raised during the second reading debate about a hypothetical restaurant-bar on the waterfront in a country region. I am particularly interested in whether those criteria would be flexible enough to allow a special facility licence to be granted for what is, in my mind at least, a worthy facility of that nature.

Hon N.D. GRIFFITHS: Yesterday, I set out a number of areas or types of activities that are proposed to be the subject of the regulations - that is the prescription. I pointed out also that consultation is still occurring, although it is hoped to finalise that soon, subject to the will of the Committee and the House. Can the member be more precise about what he means by “worthy”?

Hon BARRY HOUSE: The scenario I am painting is premises which are on a promenade on the waterfront and which serve food and liquor, both in conjunction with food and separately, to the extent that people can access that al fresco-type setting and enjoy a glass of wine. I believe our liquor licensing laws must be flexible enough to allow for that type of scenario, and I am seeking confirmation that the tightening of the legislation will not preclude that from happening.

Hon N.D. GRIFFITHS: Yesterday I referred to a definition of “tourist” and how that relates to a tourist attraction. I note that when the question was put first, the word “worthy” was used -

Hon Barry House: That is my interpretation of that scenario.

Hon N.D. GRIFFITHS: That is a very proper word. If the activity the member has described comes under the banner of “tourist”, according to those matters that I read out yesterday, that will be fine. I also detailed a number of facilities that are intended to be in the regulations at this stage. They are not exclusive. Some facilities of the kind that the member mentioned may fall into those categories, and others may not; that has yet to be determined. I cannot give the member an open-ended assurance.

The reason we are proposing to go down the path of regulation at this stage is to have that degree of flexibility. There will be a bit of uncertainty about what is the best combination of activities for special facility licences. Over time, the regulations will move around a little, and when what is considered to be a workable arrangement has been achieved, I intend to bring a Bill before the Chamber so that the Chamber can determine whether that is the right way to go. It is difficult for me to be more precise than that.

Hon BARRY HOUSE: Proposed subsection (2) states -

The licensing authority shall not grant a special facility licence if granting or varying a licence of another class, or imposing, varying or cancelling a condition on a licence of another class, or issuing an extended trading permit in respect of another class of licence, would achieve the purpose for which the special facility licence is sought.

If a premises makes an application and that application does not exactly fit the criteria, will there be any mediation or dialogue between the licensing authority and the applicant to ensure that if the application is worded in a different way or is redirected to a minor extent, the applicant can achieve the outcome that it desires?

Hon N.D. GRIFFITHS: The short answer is yes. The provision that is being dealt with is really to amplify a provision already in the Act. The policy and activity of the department is to liaise with applicants and, if there is a difficulty, to assist them.

Hon BARRY HOUSE: Recent decisions have related to hotels, particularly in Northbridge. I refer specifically to the Brass Monkey Pub and Brasserie, which was referred to in an article in *The West Australian* of Saturday, 6 October with the headline “Hotels step up push for late trading”. The article detailed that several hotels in the

tourism precinct of Northbridge had been granted extended trading permits on some nights until 1.00 am and 2.00 am. In my comments during the debate on the Bill, I was seeking assurance that premises could apply through the existing provisions of the legislation to obtain an extended trading permit to achieve their ends. In other words, closing off the loophole, which had previously been used in some cases through special facility licences, would not preclude legitimate businesses from gaining access to the trading hours they want. Are the recent examples a reflection of that policy working?

Hon N.D. GRIFFITHS: The law on extended trading permits will not be changed by this legislation, which deals with special facility licences. Applicants who wish to apply for extended trading permits, if it is the right way to go, will be able to do that. The hope and expectation of the Government is that they will not be able to use the backdoor and get a special facility licence when the appropriate course of action is to go for an extended trading permit.

Hon BARRY HOUSE: According to an article in the newspaper, it appears to be working to protect the integrity of the system. If that is the case, that is fine. Proposed subsection (3) states that if a special facility licence is granted, it must be granted on such terms and conditions as are necessary to ensure that the licence is used only for the prescribed purpose for which it is granted. How is that provision policed; who is responsible for policing it; and what resources are devoted to the policing of it?

Hon N.D. GRIFFITHS: The Police Service and the Department of Racing, Gaming and Liquor police licences. It would be impossible for me to give an answer to the number of full-time equivalents at any particular location at any particular time. Police resources would be a matter for the operational requirements of the Police Service. Inspectors from the Department of Racing, Gaming and Liquor inspect as regularly as they can, given their resources. Of course, each of those bodies would be expected to act on complaints.

Hon BARRY HOUSE: Does the policing take place only in response to complaints or is there proactive policing, from not only the Police Force but also the Department of Racing, Gaming and Liquor?

Hon N.D. GRIFFITHS: Neither the police nor the department act only on complaints. Although I cannot speak for the police, if there are serious complaints, one would expect that they would be given an operational priority. My advice is that the police are proactive. We have read reports and seen police officers walking around locations in which there are licensed premises, and from time to time entering licensed premises. A number of members during the course of debate on this Bill have said that they go to licensed premises from time to time. I am sure they would have seen police officers there, and that would be part of the proactive police activity. Similarly, the department is proactive and conducts audits in addition to reacting to complaints.

**Clause put and passed.**

**Clause 7 put and passed.**

**Title put and passed.**

*Report*

Bill, as divided, reported, without amendment, and the report adopted.

*Third Reading*

Bill, as divided, read a third time, on motion by Hon N.D. Griffiths (Minister for Racing and Gaming), and returned to the Assembly.