

LIQUOR AND GAMING LEGISLATION AMENDMENT BILL 2006

Second Reading

Resumed from an earlier stage of the sitting.

MR R.C. KUCERA (Yokine) [3.01 pm]: Before the debate was interrupted for questions without notice, I was referring to the four planks of this legislation. The fifth plank I will talk about, which has not been mentioned until now, is the power of the minister to declare special events. The days have long gone whereby an individual local government could undertake to manage a major international event and deal separately with the state government, the police and the Public Transport Authority etc. The fifth plank of this reform supports the notion that special events should be just that - special events. I am very pleased to see that notion put firmly within the ambit of this legislation.

I will address the main theme of this legislation. As I said, the bill has resulted from the recommendations of the report conducted by Jim Freemantle and his committee to change the culture of drinking in Western Australia. Frankly, a large hotel culture has persisted in WA since about the 1920s, and that has been perpetuated by the Australian Hotels Association, by the advertising of drinking and by the historical development in Western Australia whereby drinking is the primary recreation as opposed to being the secondary element of recreation. That culture has been long overdue for change, and this legislation takes enormous strides towards affecting that change. Again I make the point that all government agencies must support the industry. I am talking about not only the Gaming and Wagering Commission of Western Australia and the Director of Liquor Licensing, but also the police, the Public Transport Authority and the taxi service. All those bodies will assist in the proper delivery of affecting a cultural change. They must look at this legislation and understand what it means. I was very surprised to hear comments made by Peter Tagliaferri, the Mayor of Fremantle.

Mr J.E. McGrath: Does he own a hotel?

Mr R.C. KUCERA: He does not; he owns a small restaurant in Fremantle. The previous mayor of Fremantle was part and parcel of the development of the change of culture in Fremantle.

Mr J.E. McGrath: We are told Peter Tagliaferri owns a hotel.

Mr R.C. KUCERA: Perhaps he does. I understood that he was involved in a small restaurant. I think it was called Intercontinental Food at some stage. I do not know whether he still has an interest in it.

I will explain why I was surprised by his comments. When we set up the first of the accords at Fremantle in 1993 or 1994, we considered some of the issues that the member of Hillarys talked about. I refer to people leaving hotels and nightclubs at set times and causing trouble by urinating in shop doorways and smashing shop windows. The problem was not the availability of alcohol but the way in which the drinking was being conducted. Hotels encouraged people to drink by holding happy hours that lasted for eight hours. Pass-out systems allowed people to go from a nightclub to a hotel and then to another nightclub or another hotel. During happy hours the hotels would sell low-priced drinks or would offer free alcohol. The accord cut out those types of events that promoted a certain culture of drinking. During the development of this legislation, Barry Sergeant and his team have been made it clear that conditions have been put in place to counter that type of non-productive service of alcohol.

I have been passed a piece of information. Now it is clear why the Mayor of Fremantle made those comments. However, that is another matter.

A lot of damage was being done in Fremantle. We found that the entertainment area in Fremantle, which was concentrated in one street, was almost 1.5 kilometres away from the main taxi ranks. It was not the availability of alcohol that was causing the problem when patrons left the premises; the problem was caused by the young blokes, who were full of testosterone and booze and who had perhaps missed out on finding a girlfriend and had to walk 1.5 kilometres to the nearest taxi rank -

Mr J.E. McGrath: What about a boyfriend?

Mr R.C. KUCERA: Or a boyfriend. The only public toilet they could use was, of course, in the place where they had just left. Therefore, they would urinate in a shop doorway. They would get angry when they saw a mate drive past with the girl they had just tried to pull and they would kick in the shop doorway.

Ms S.M. McHale interjected.

Mr R.C. KUCERA: Things do not change, minister, believe you me: there are still blokes out there full of booze and testosterone, especially at three o'clock in the morning. After having urinated in a shop doorway and having kicked in the shop window because they had seen their mate drive off with the girl they had tried to pull, the angry blokes and would then fight with the taxi driver. All those issues had to be taken into account when we looked at how the culture could be changed. I am pleased that Barry Sergeant, his team and Jim Freemantle

recognised what we tried to do by instituting the accords in Perth and in Fremantle. They have encapsulated many of these types of ideas in the legislation.

I have not yet touched on the matter of public interest versus the application of the needs test. For far too long we have been using the wrong mechanism to try to stop competition in the tourism industry on which this state will rely in the future. People from overseas who visit Western Australia have a very different culture regarding restaurants and hotels. They will not tolerate the big drinking barns and the drinking culture that has existed in Western Australia since settlement. They do not want that experience because it does not appeal to them. I conducted a delegation to India some 18 months ago when I was the Minister for Tourism. Some 67 people attended the information session in Bombay on Western Australian tourism. All of them were quite clear on their needs. None of the cultural processes that we have by way of entertainment in this state at the moment appeals to them. For instance, the average Indian who wants to travel here rarely eats before 9.30 in the evening. Most of our restaurants are closed by 9.30. It is the same for many of our Asian visitors. This legislation recognises the need for flexibility and change in the system.

I touched earlier on the great difficulty faced by the liquor stores and those who have to contend with the issue of Sunday trading. I do not think this is a problem that we should try to encapsulate in trading laws or liquor licensing laws. This is much bigger than the licensing laws. The whole issue of competition in this country has, quite frankly, been sadly neglected. When I was Minister for Small Business some two and a half to three years ago, we took a delegation of all small business ministers to meet Joe Hockey, who was then the federal Minister for Small Business and Tourism. We asked him, in fact we begged him, to look at the whole issue of competition, antitrust laws and the takeover by the big multinationals of small business in this country. He kept saying time after time, "Give me a set of words. It is impossible to formulate this kind of legislation." We came back and met the Chamber of Commerce and Industry of Western Australia. In fact, I think I was chairman of the council of small business ministers at the time. We met the CCI's small business committee and people such as Peter Fitzpatrick. I must say that Peter Fitzpatrick, from the Motor Trade Association of Western Australia, was enormously helpful in framing words and legislation, which would interest in particular the members for South Perth and Leschenault. That was the type of legislation that I think Greg Craven talked about last week. It is impossible for states to legislate to deal with things such as competition unless there is complementary legislation and support from the federal government. Greg Craven and others are quite right about this. We went through this exercise two and a half to three years ago. We went through this whole debate with the grocers last year during the referendum on trading hours. That is why I was opposed to that view. That is why I supported the referendum. Again, we were trying to use a totally inappropriate mechanism to protect small business against the predatory large groups. Even given the result of that referendum, when I talk to people about the new licensing laws they are amazed it has taken us so long to start to make these changes.

I commented about the Charles Hotel. I used to drink there regularly when I was a young bloke, like the member for Mindarie. I still occasionally go down there on a hot day and have a quiet one. However, I will not go there on Friday nights when they have the skimpies because it is not my scene any more. I do love to go to Leederville and have a quiet coffee. I love to sit out in the sun and I would like to have a cold beer there. I was in Melbourne last week after the grand final. I have to say that nobody in this house has mentioned that magnificent victory since Parliament resumed. Nobody has mentioned that magnificent team of Eagles and the last five minutes of that game, which went down in history. I take my hat off to John Worsfold and the boys. They did us proud, every single one of them. The following day, on the Sunday, when I was sitting at Southbank with about 200 of our Eagles supporters and we were having a cold beer, all of them came up to me and said, "Why can't we do this in Perth? Why do we have to go down to the local pub and put up with all the mayhem? Why can't we sit there and have a quiet beer on a Sunday morning or afternoon and celebrate?" I have to say that the euphoria of that morning was amazing, particularly when I think of the disappointment of the previous year when my friend and I went to the Victoria Markets and sat in the sun at the pub with a T-shirt that simply said "Bugger" across the front of it. This year was fantastic.

I saw people at 7.30 in the morning sitting in those little laneways in Melbourne having breakfast with a bottle of champagne. There were no drunks rolling around the streets. There was none of the mayhem that had been forecast. There were people showing sensible, orderly approaches to drinking. However, 10 years ago, when I worked in the consorting squads in Melbourne and I walked around the city, it was just like Northbridge is today. Anybody who wants to see the change in culture should go and look at other Australian cities. They will see the changing culture that this kind of legislation can bring about.

I keep coming back to the point I made earlier. We took the first step when Mattingley started to do the reforms in the 1990s. I have to compliment the member for South Perth and his team on supporting this. This is a very important piece of legislation and I am very pleased to see the member's leader has seen sense and is supporting the minister in his push for this legislation. This will change the culture in this city. We will grow up. The kind of juvenile things that I did - and occasionally may still do, I suppose, if I have had a few too many at the pub at

Rottnest - when the big barns were all the go, no longer happen. We have all moved on and those times have moved on. Two years ago Susan and I went to Dublin, Ireland, which is the capital for drinkers, and to walk along the River Liffey on a Saturday evening -

Mr A.P. O'Gorman: Don't take my speech!

Mr R.C. KUCERA: I am sorry. I was not about to do that. I was about to say that Dublin was an absolute festival. There are hundreds of small bars and pubs there. I have never seen so many. It was like Kalgoorlie 50 years ago. All of them have their own cliques of people who drink in them. The other thing is that they are all viable. They all realise that unless they can make their small business work, they will not exist. I come back to the point that I talked about relating to country hotels. I think the country hotels themselves - I may be proven wrong but I do not think so after my experience in Tasmania last week - will grow from this. They will do so because they will have to follow the Tasmanian hotels' example and become bed and breakfast places and have little boutique restaurants and the weekend shows and all the other things they do that go with the business. Businesses move on and businesses change. Times change and people's cultures change.

I have to say that there is a legacy from the Australian Hotels Association. It has to bear a little of the blame. I have enormous respect for Bradley Woods and his people, and others such as my local licensee, Chris Angelikov. Of course Chris is worried. He has two big pubs, the Osborne Park Hotel and the Charles Hotel. I suppose at the end of the day Chris's business will have to change. Okay, he will still have the footy shows on Friday and all those things that we have come to expect from the big barn hotels, but times will have to change. I have to commend the minister, and the previous minister, Hon Nick Griffiths, for having the courage to start bringing in this change despite the enormous initial opposition, particularly from the AHA.

To sum up, I think the large hotels and the Australian Hotels Association have had a lot to do with the historical development of the culture of drinking as a recreation that we have in this state. That has to change. This is the first step towards our becoming like every other sensible country. Instead of drinking being a recreation it needs to become part of our recreation and our way of life, the same as it is in any other civilised nation. The hotels and the AHA have unfortunately created a culture in which drinking is the recreation, instead of being part of a recreation. This is the first step for many years towards changing our culture and becoming a more balanced and sensible society. I commend this piece of legislation and I congratulate all those who have worked so hard over three to five years to bring this to fruition. I fully support this bill.

MR M.J. BIRNEY (Kalgoorlie) [3.18 pm]: I am very pleased to rise and put forward my views on liquor licensing. I say at the outset that I do not think this is an all-or-nothing issue. For example, I find it difficult to understand how anybody can argue one extreme or the other with regard to liquor licensing. For a start, there are three separate issues and each of those contains two or three sub-issues. To say that we should be going for complete deregulation is possibly not the best approach and to say that we should stick with the current system is also not the best approach. With that in mind, I would like to go through the three issues and put my views on the public record, given that I have had a little to say about it over the last few days.

The first issue is that of small bars. I have to say that I was originally supportive of the concept of granting small-bar licences across the state. Having made those comments and having had an opportunity to reflect on them and speak to a number of country publicans, I have altered that view slightly. Given that the metropolitan area has the population to support the establishment of small bars, it would generally be a good thing for people in the metropolitan area. However, having had an opportunity to speak to a number of country publicans in the past couple of weeks and having been given an insight into the country pub industry, I am now firmly of the view that issuing small-bar licences in country areas may well be the death knock for country pubs, many of which have been institutions for many years and are part of the heritage of country Western Australia.

The reality is, sadly, that a state such as Western Australia, with a population of only a couple of million, does not have the luxury of espousing the virtues of absolute free trade. I am a free trader; I come from the small business community. When I started my first small business in the central business district, up the road another one popped, and another, and they just kept coming. Largely they saw how successful my business had been and they wanted a piece of the action. Although I did not like it, I certainly did not run to the lawmakers of the day with a view to imposing some kind of regulation upon that industry.

However, the hotel industry is different inasmuch as the government grants a licence to a hotel owner and in doing so a value is attached to that licence. The government has granted licences to country pub owners, and if it now intends to allow people to set up small bars without the onerous restrictions that apply to a pub licence, it is clear that those pub licences will be devalued. In addition, as WA does not have the population to support that competition, sadly some country pubs will ultimately go broke. As I said, I have spoken to a number of publicans, some of whom have indicated to me, and indeed proved, that based on the population their operations are barely marginal. There has been a shift over time with drink-driving laws, no smoking in pubs and all those

sorts of things, and people have basically deserted pubs. People are deserting country areas. Country towns do not have the populations to support a surge in small bars. Having said that, I do not believe small bars will pop up all over the place, as commercial considerations will still have to be taken into account. Nonetheless, I remain concerned that granting small-bar licences will ultimately put some pubs out of business.

I was told that in my electorate of Kalgoorlie there are about 30 pubs, about half of which are either breaking even or losing money. They survive only because the owners managed to pay off the cost of the pub during the 1970s and 1980s when times were good; however, now they are in all sorts of trouble. It is true that many country towns, particularly smaller ones, grew out of the corner pub. They became institutions. They are the organisations in the towns that sponsor sporting and community groups. They are, in fact, the linchpin of many towns. It will be a sad day indeed for Western Australia and the hotel industry if the government allows small bars to pop up in country areas to the detriment of those country pubs.

The city of Perth has the population to support more competition. I said previously that some people are not comfortable drinking in pubs, and they should be catered for. That remains my view, provided there is the population to support that level of competition. Clearly, that is the case in the CBD or metropolitan area. That is why I have argued very strongly in favour of small bars in the metropolitan area. Although I do not believe the proliferation of small bars would put pubs in the metropolitan area out of business, it is fair to say that there could be a negative impact on pubs in country areas.

I will return to an issue I touched on earlier. When a government grants a licence to an organisation, business or company that pays good money for that licence, and therefore the business, notwithstanding the operation of the business, they expect the value of the licence to remain constant. It is a slap in the face to those people for the government to now say that it will allow almost open slather for small bars, even though those people have paid \$400 000 or \$500 000 for their pub licence. The issue of compensation certainly should be explored. I am not sure whether I heard the minister correctly earlier, but he appeared to be mocking the concept of compensation. There is no doubt that metropolitan and country pubs will suffer somewhat; country pubs may well go out of business. I do not know whether metropolitan pubs will go out of business, but they will certainly suffer as a result of this legislation and I would like the government to consider the issue of compensation.

Mr R.C. Kucera: You are talking about a small-bar licence.

Mr M.J. BIRNEY: Yes.

Mr R.C. Kucera: The pubs in places like Tasmania have all adjusted. No additional small bars have opened up in country towns because there is still only so much alcohol they can sell in a town, and it would not be viable to open another bar.

Mr M.J. BIRNEY: The member should consider the example of a government that grants a licence to the operator of a taxi business. A taxi licence is worth between \$200 000 and \$260 000. People who have bought taxi licences, which are granted by the government, have paid money for the licence. If the government said tomorrow that anybody in Western Australia who owns a car can use it as a taxi, pick up people and make money out of it, it would effectively devalue taxi licences and ultimately put some people out of business. There must therefore be some level of compensation. I am a free marketeer. I do not believe a state with a population as small as that in Western Australia has the luxury of being a free marketeer. The same argument applies to the hotel industry.

Mr R.C. Kucera: Before you bought your business in Kalgoorlie - I am aware it is a successful business - you obviously gauged the market before you set yourself up. You did not decide off the top of your head all of a sudden to start selling car parts.

Mr M.J. BIRNEY: I will explain the difference to the member. I did not have to pay for a licence granted by the government. I was therefore left to fend for myself; sink or swim. However, people have paid between \$200 000 and \$400 000 for a country pub licence. I am not sure exactly of the going rate; it is certainly hundreds of thousands of dollars. The government is now saying in one fell swoop that it will allow people to set up small bars without the onerous requirement of paying hundreds of thousands of dollars for a liquor licence. That will devalue those businesses that have paid for a liquor licence. I like the idea of having choice. I like the idea of small bars in the metropolitan area where there is the population to support them and where they will not put hotels out of business. However, there is no doubt that small bars will have an impact on the value of the licence for an existing hotel operation.

Mr R.C. Kucera: But the licence does not protect them from competition. The licence is so that they operate properly. It is a bond for operating within the conditions of the licence. It is not something set up to stop competition.

Mr M.J. BIRNEY: Let us say, for instance, that six licences are granted in a country town. It is incumbent upon the government to grant a seventh licence when the population can support a seventh licence. The

government would not grant another six licences, because that would destroy the value of the six licences that had already been purchased. There is no doubt that the grant of small-bar licences will have an impact on, and will devalue, the existing hotel industry. Notwithstanding that argument, I am supportive of small bars in the metropolitan area. However, the government should consider the issue of compensation, in the same way as it would consider compensation if it allowed everybody in Western Australia to use their cars as taxis, despite the fact that taxi owners have paid a couple of hundred thousand dollars for their licences. The same argument would not apply in country areas because I do not believe the government could come up with enough compensation to compensate pubs that would close rather than withstand a downturn in their business. Therefore, I am not supportive of small bars in country areas.

The same could be said of crayfishermen. Crayfishermen pay good money for a pot licence. If the government said that it would allow everybody in Western Australia to pull in crays without a licence, it would automatically and immediately devalue an existing crayfishing licence. There would therefore have to be some kind of compensation. Sure, apply free market principles, but recognise that in doing so it will have an impact on people who have paid good money for those licences.

The second issue concerning liquor licensing is whether restaurants should be able to serve liquor to 100 per cent of their patrons as opposed to 20 per cent, which is currently the case. I must say that any restaurateur who has been feverishly fighting for the 100 per cent exemption runs the risk of turning his restaurant into a pub, albeit a slightly different pub. I know that patrons have to be seated at tables and those sorts of things. It is a fact that a person can have a drink in a restaurant in Western Australia today without ordering a meal under the 20 per cent rule. It might be argued that 20 per cent is not enough. People can argue for 30 per cent by all means if that is what they want to do. To argue for 100 per cent is to argue for restaurants to be turned into pubs or at least a quasi version of pubs. I am not sure whether that is in anyone's best interests. There are some wonderful little restaurants in small, quiet residential areas. The owners of those restaurants would never get a pub licence in a pink fit to set up a pub in some of those residential areas. People operate restaurants in those areas at the moment because it is generally recognised that restaurants are a quieter facility than a pub. If we allow restaurants to serve liquor to 100 per cent of their patrons, we certainly run the risk of turning those restaurants into pubs. In some of those quieter areas, people will be in all sorts of trouble. I am strongly in favour of the view that a person should be able to get a drink at a restaurant without ordering a meal on occasions. The overriding concern was that a restaurant should be a restaurant and not a pub. Therefore, I am concerned about going to 100 per cent of a restaurant's patronage being able to order a drink without a meal. Having said that, the idea of allowing 20 or 30 per cent of patrons to drink alcohol without a meal is fraught with danger from a policing point of view. Unless there is a designated area in a restaurant, it will be very difficult for an inspector to determine how many people are drinking and how many are eating in a restaurant at any given time. I have been a critic of the designated area policy for some time. I will give the house an example. A husband may happen to join his wife after lunch for a drink, and the wife may not be sitting in the designated area. That could cause some problems. We should possibly get rid of designated areas because they are almost impossible to police. Although I could be convinced by a better argument to go to 100 per cent, as I stand here today I remain of the view that a 30 per cent rule would probably be more appropriate and it would have to apply to a designated area unless somebody smarter than I am can come up with a way of policing it.

I would like to address a couple of issues about the way in which restaurants will be treated under this legislation. I must admit that I have not read the legislation in detail. The minister may take the opportunity of correcting me if I get something wrong. As I understand it, a chef will have to be employed for the entire time a restaurant is open. Have I misunderstood that, minister?

Mr M. McGowan: I will explain it more fully later but, in general, you are correct.

Mr M.J. BIRNEY: The minister has indicated that I am correct. As a former small business owner - albeit not in the restaurant industry - and someone who has a fair bit to do with small business people, that particular provision appears to be utterly and absolutely ridiculous. The fact of the matter is that the single most costly expense for a restaurant is the employment of a chef. Many restaurants are struggling to pay a chef, let alone make a profit. If we are to tell restaurants that they must keep a chef on duty all day and all night just in case anybody wants to order a proper meal, we run the risk of causing some very serious harm to those restaurants. It is just another level of regulation that is seriously unnecessary. A chef is the most highly-paid person in the business. To have him or her sitting around all day twiddling thumbs just in case anybody wants to order a substantial meal is utterly ridiculous, and could only have been dreamt up by a group of backroom bureaucrats. When the minister gets to his feet I hope that he proves me to be incorrect on that matter because there will be restaurateurs screaming once this provision is implemented. I am very keen to hear from the minister. I hope he can allay some of those fears.

The other issue I want to take up with members is that of the 60-40 rule. Once again, the minister might correct me if I happen to be wrong. As I understand it, under the new set of rules and regulations, a restaurant will have

to show that 60 per cent of its income comes from food and 40 per cent of its income comes from alcohol. Once again, that is ridiculous for a couple of reasons. Firstly, I do not think that I have been to a Friday lunch when the food bill has been more than the alcohol bill. I think it will be found that most people who have a drink when they go to lunch will say the same thing. A bottle of wine could cost \$20, \$30, \$40, \$50 or \$100 depending on a person's wine of choice although a meal may cost only \$22 or \$23. I believe that many restaurants will fall foul of that rule. It is stupid and ridiculous. It needs to be taken from the legislation. If it is not pulled out, I can almost guarantee that at some stage in the future people will realise that it will just not work. At what stage will a restaurateur - during the week, month, year or whatever the reporting period happens to be - say that the restaurant cannot sell any more alcohol because it is in breach of the 60-40 rule? It is just stupid. It has been dreamt up by somebody who has had no business experience whatsoever. It will not work; if it is applied, there will be a lot of unhappy patrons and restaurateurs. It is just silly. Restaurateurs cannot say to people that they cannot be served any more drinks because the restaurant is up to 41 per cent of turnover for alcohol for the week and 59 per cent for food. I urge the minister to have a good hard look at that.

The third and most contentious issue is that of liquor stores being able to trade on a Sunday. For what it is worth, my view is that liquor stores should be treated simply as another small business and they should be subject to the terms and conditions of the Retail Trading Hours Act. If a business has fewer than 10 employees - I think it will be increased to 13 in due course - and about six shareholders, it can open on Sundays. In my view that should apply also to liquor stores. The days of treating a liquor store differently from any other small business are well and truly gone. Liquor stores should be subjected to the terms and conditions of the Retail Trading Hours Act. That would obviously mean that Coles and Woolworths could not open their liquor stores on Sundays. I do not single out Coles and Woolworths and bigger businesses deliberately. I simply say that the Retail Trading Hours Act is a good act. It is certainly in line with my views and philosophies. It is the sort of thing we should be embracing with regard to liquor stores.

A lot of people have said that the Liberal Party does not support trading seven days a week, which makes it contrary to its pro-competition principles. That is simply not the case. In fact, the opposite is the case. If we allow the Coles and Woolworths of the world to trade for seven days a week - and therefore to open on Sundays - it will undoubtedly have the effect of quashing all the people who keep Coles and Woolworths honest: the Dewsons and IGAs of the world. They are small business people, many of whom make the majority of their money on Sundays. What will Coles and Woolworths do to their prices once they have stamped out their competition?

[Member's time extended.]

Mr M.J. BIRNEY: There will be no competition. The Liberal Party is very pro-competition. We will have a duopoly. Coles and Woolworths will be able to run rampant across the state, unchecked by the small business sector. The only reason Coles and Woolworths do not do that at the moment is that the small corner stores keep them honest. Those very same stores make the majority of their income from Sunday trading. Let us not be silly about this. Let us recognise that liquor stores are just another small business, and let us subject them to the terms and conditions of the Retail Trading Hours Act. That means that if they have fewer than 10 staff and six shareholders they can open on Sundays.

I read in a newspaper column that the Labor Party was effectively thumbing its nose at the referendum on retail trading hours. The referendum on retail trading hours was not about whether small businesses should be able to open on Sundays, because they currently can. The referendum on retail trading hours, which was roundly rejected by the public, was about whether big businesses should be able to open on Sundays, because currently they cannot. We would hardly have asked members of the public whether they thought small businesses should be able to open on Sundays when they currently can. The question was whether big businesses, such as Coles and Woolies, should be able to open on Sundays, and, to my surprise, the public thoroughly and absolutely rejected that concept. I think the vote was 60-40 and, in political terms, that is a pretty overwhelming vote. I was as surprised by that result as anybody, because I subscribe to the view that if somebody asked me whether I wanted a bus to stop just up the road from my house every hour on the hour just in case I wanted to use it, I would say yes. I might never use it, but I would say yes. Members of the Western Australian public thought about this issue. They thought about the question that was put to them and they rejected the question. They said, no, they did not want Coles and Woolies to be allowed to open on Sundays, yet many members in this place are saying exactly the opposite. Why on earth did we spend all that money on the referendum if that is to be the case? How can we argue that Coles and Woolies should be able to open their liquor stores on Sundays when they cannot open their grocery stores on Sundays? Does anybody have a really good argument for that, because, as I stand here, I cannot think of one?

This is not an all or nothing issue. It might be convenient to say that we are total deregulationists, but the legislation shows a lack of thought. There are some intricate issues involved in all three sub-issues of liquor licensing. They should be worked through and dealt with properly and appropriately. If we go halfway or three-

quarters of the way on all three issues or on two of the three issues, that would be an inappropriate outcome. To simply say that we are total deregulationists in a population of only two million people is convenient for the passage of the legislation, because we will not get bogged down in the detail. However, I do not think it is in the best interests of the industry, and it is certainly not in the best interests of some sections of the public.

MR A.P. O'GORMAN (Joondalup) [3.42 pm]: As an Irish bloke in this place, it probably comes as no surprise to hear that I will support this legislation, and that support is based on a number of factors. The first factor is where I come from in Ireland. As members will know, Ireland is famous for its pubs, the music in its pubs and the culture that develops around its pubs. Limerick, the town I come from, has a population of about 7 000 people. It is roughly the same size as Bunbury. The town has 365 pubs. We used to joke that there was one pub for every day of the year; we could drink in a different pub every day of the year and visit a pub only once a year. Maybe that was because we drank a bit too much and were thrown out, but that was the advantage. They were mostly small, family-run pubs. A culture of friendship built up around the pubs. People regularly visited the local pub. Everybody knew everybody and people looked after each other. When I left Ireland in 1981, there were not many large pubs. Not many pubs needed a large amount of security at the front door and throughout the premises to control the people who got a bit rowdy or had a couple too many to drink and wanted to punch the person next to them, because all the regulars were there and everybody knew each other. The people who got a bit rowdy were removed from the pub and were sometimes put into a car and taken home, or they just walked down the street to their home.

The Irish pub is an extension of our lounge room. In fact, it is a place where all the people from the local area can gather. People go to pubs to enjoy themselves; they do not go to pubs purely to drink alcohol. I have often visited pubs with my parents and family and people were not always drunk. They had a few drinks, had a chat, played games, did lots of other things and then went home. I recently went back to Ireland and I visited the White House pub, which, to my recollection, is about 300 years old. I had never been in the pub before, but during my visit my daughter and I were taken to the pub. Over the past 300 years it has developed a reputation as a poetry pub. A stage has been set up in the corner where people can recite their poetry. It also has a reputation as a pub for music and, similarly, people get up on stage and play their music. That is the culture that has developed in Ireland. The culture in Ireland has recently turned towards alfresco. A couple of years ago Ireland banned smoking in pubs. The smoking culture in Ireland is quite different from that in Western Australia. About 75 per cent of people in Ireland smoke, whereas about 25 or 30 per cent of people in Western Australia smoke. The government in Ireland took the very brave step of banning smoking in pubs. That caused a lot of people to move from inside the pub to the alfresco area, which has generated a lively streetscape in the cities and small country towns in Ireland. People go to pubs not only for the culture and to drink alcohol and catch up with friends. Food has been introduced in a large way, and that is similar to what has happened in Western Australia. The provision in this legislation to allow small pub licences to be granted will help develop a much healthier attitude towards alcohol consumption in this state. It will take us away from the idea that we are a bunch of guys who go to the pub, knock back a few, misbehave and do not do the appropriate thing. I welcome this legislation in that respect.

In the past five or six years that I have been the member for Joondalup, there have been a number of applications for pub licences in the Joondalup central business district. On a couple of occasions, the local hoteliers in Joondalup have banded together and successfully blocked those licence applications under the current liquor licensing regime. That has restricted the growth of not only entertainment venues, but also shops and restaurants in the Joondalup CBD. It has also prevented a bit of heart and soul being brought into the CBD. Many people have said to me - although they say it less often these days - that it is a bit like a film lot: there are frontages to all the buildings, but there is no depth to the place; there is no heart and soul. One of the applicants for a liquor licence was a pub licensee, so he knew how to operate a business. He applied for a licence for a small premises, which was originally a restaurant and would have held a maximum of about 120 or 150 people, but that licence application was blocked. The premises had been vacant for about two and half or three years. It took a lot of business from other restaurants and small business operators in the area. Since that restaurant has opened again, with a liquor licence, a bit of vibrancy has returned to the Joondalup CBD. The local council at the time wrote letters of support to the liquor licensing authority. I wrote letters of support. The Joondalup Business Association was very sportive of it. However, two local licensees banded together and blocked that licence application; they blocked the development of the Joondalup CBD. I support the legislation on that basis also, so that some smaller pubs can be allowed to open in the area and more people can visit the area.

Joondalup central business district has two pubs, the Old Bailey and the Grand Boulevard Tavern, which is known as the GBT. They are very nice pubs. I quite often go into them for a pint, but the problem I find with the Old Bailey and the GBT is that they are not catering for a person of my age and the way I like to enjoy myself. I am not hugely in favour of having loud music blaring in my ear. If I go to the Old Bailey on a Friday night or a Saturday night, I can have a meal but by eight o'clock or 8.30 I must leave because the pub will have a rock group on its stage. Although I like rock music -

Mr J.E. McGrath: You might get a gig.

Mr A.P. O'GORMAN: I will never get a gig because I cannot play music and I cannot sing. When I leave the pub at 8.30, I must go home, because there is nowhere for me to decamp to from places like the Old Bailey or the GBT. They are very well run pubs.

Mr J.B. D'Orazio: I go into the pub when the music starts.

Mr A.P. O'GORMAN: I am sure that is right, but there are those of us, and others in the community who are older than I, who would like the opportunity of going to pubs where the ambience is different, where there is quiet music or maybe no music, or where there may be poetry readings, if that is what people decide to do in that area. Western Australia has a whole culture that it has not yet developed. We have locked ourselves into larger pubs, which is a shame.

I have canvassed the liquor stores in my electorate. I think I may have missed one because I thought it was a Coles or Woolworths store, but I have been informed it is an independent operator. One of the liquor store owners is of the view that he would not open; another is of the view that he does not really want to open but he would like the opportunity to do so, and if he needed some extra money he would be quite happy to open on a Sunday; and all the other liquor store owners were of the view that they wanted Sunday trading. They would ideally like it without Coles or Woolworths being able to open, but they also recognise the fact that that will be impossible to deliver. They accept that increased licensing hours for liquor stores would extend to Coles and Woolworths in that area.

Another reason I am supporting the extended opening of liquor stores is that people are not serviced in the Joondalup area. North of Ocean Reef Road is not serviced by a bottle shop that is open on a Sunday. No bottle shop is attached to the Old Bailey Tavern or the GBT. The closest bottle shops are attached to the Craigie Tavern and the Beldon Tavern, and the Mullaloo Beach Hotel is about to open a bottle shop. That lack of service extends right to the northern boundary of my electorate at Burns Beach Road. I think it also extends to the electorate of the member for Mindarie and your electorate, Madam Deputy Speaker, all the way to Two Rocks, if I am not mistaken. I think that for most of us it is north of Ocean Reef Road. The problem is that when barbecues happen on a Sunday afternoon, a couple of guests may drop in and people may want to get an extra bottle of wine. If they have already had one or two drinks, they are facing a 15 or 16-kilometre round trip to the Craigie Tavern, Beldon Tavern or Mullaloo Beach Hotel to get a bottle of wine or an extra few beers. That encourages people to drive when they have had a few drinks. I do not agree with that at all, so I am fully supportive of having local bottle shops in the suburbs open.

I believe that small bars will also promote some extra tourism. I fully support the idea of 100 per cent of a restaurant area being able to be used for those who want a drink without having a meal. On a Friday, about two weeks ago, I was sitting in the Trendi Cafe in Joondalup, which I visit fairly frequently on a Friday. A number of people walked in who were obviously not locals but tourists. They said that they had had a barbecue at home and would like to have a drink. They had been down the road to the Old Bailey and the GBT where music was playing but they wanted a drink and a chat. The restaurateur unfortunately had to say that he was sorry he could not serve them alcohol, so they moved on out of the area. That meant an economic loss to the area and to that restaurant.

I believe that people should be able to buy drinks in restaurants. After all, hotels and tavern owners are quite happy to serve food. If we stick by the philosophy that they are espousing, should we stop all hotels and taverns from serving food and just have food in restaurants and drinks in pubs? I do not think that would be a very sensible way to go; in fact, it is not something that we would support at all. I am very happy with the minister. I have been lobbying him and the previous Minister for Racing and Gaming, Hon Nick Griffiths, to get this legislation in place. I am very pleased that the minister has been brave enough to introduce it, and I hope that it gets a fast passage through not only this place but also the other place. I fully support the bill.

MR J.B. D'ORAZIO (Ballajura) [3.57 pm]: It gives me pleasure to stand in support of the Liquor and Gaming Legislation Amendment Bill 2006. I congratulate the minister for having the courage to bring a bill of this type into Parliament, knowing that there would be some controversy but that it was something that needed to occur. Members have already made comments about the effect of small bar licences. It is a very good innovation. I travelled to the eastern states during the past couple of weeks for some football events. It clearly showed to me that liquor licensing in this state needed reform, and I believe that this bill will do that.

The deregulation required to allow liquor stores to open on Sundays has been one of my interests. It is awful driving to a drive-in bottle shop to buy a bottle of wine and ending up paying \$5, \$6 and sometimes \$10 more than one would pay if one were to purchase it at a local bottle shop. Competition is important. The member for Kalgoorlie said that compensation will need to be provided for some of those people who have had a protected industry. I know from my background as a small business person that the pharmacy industry was protected but parts were deregulated. Coles, Woolworths and others were able to sell aspirin, Nurofen and some of the other

analgesics. My business colleagues were saying that the sky would fall in, but it did not. The marketplace established itself. Good operators were able to compete on price and service. The service that chemist shops provided in the smaller locations meant that they got the business. That would obviously apply to liquor stores as well, especially with the sale of speciality items involving knowledge of wine. I would go an extra few kilometres to get a better selection of wine. Making it possible to do that on a Sunday would be a step in the right direction, so I strongly support the recommended changes that the minister is putting forward. I believe that they will change for the better how business is done in Western Australia.

At the same time, we need to go one step further. I gave notice today that I would introduce a bill for daylight saving, because I think it will have an enormous effect on the way in which we enjoy our leisure time. It is important that we address that issue. I will introduce a bill that will provide for daylight saving from 1 December of this year. The issue has become a political football. Nobody wants to address it. I hope that by bringing the bill into the Parliament, the political parties will allow their members to have a free vote. I believe that on that basis a true indication of the support for the proposition will be seen. From my private discussions with members from both sides of the political fence, I estimate that somewhere between 60 and 70 per cent of members would support such a proposition.

Ms A.J.G. MacTiernan: Maybe you should move an amendment to this bill.

Mr J.B. D'ORAZIO: The minister should not tempt me; I might try it. We need to consider it. I believe it goes hand in hand with this legislation, which is about change and how we enjoy our leisure time and access different types of entertainment. I believe that introducing daylight saving would also support it. Having been a small business person, I know that every time daylight saving comes into effect in the eastern states it is a nightmare, especially when ordering goods. By the time small business people open their businesses in Perth, it is lunchtime in the eastern states. By the time those in the eastern states come back from lunch and small business people in Perth have organised their lunch, it is time for those in the eastern states to close. It causes great difficulty for businesses in this state, especially when most of the distribution networks, particularly for cosmetics and pharmaceuticals, are in the eastern states. It will be of great benefit to small business, especially the hospitality industry, retail outlets, the hotel industry as well as the tourism industry. We need to address it. I will not make a long speech. I strongly support what is happening. The government needs to also tackle other issues.

Debate adjourned, pursuant to standing orders.