

LIQUOR LEGISLATION AMENDMENT BILL 2015

Second Reading

Resumed from an earlier stage of the sitting.

HON ALYSSA HAYDEN (East Metropolitan — Parliamentary Secretary) [5.09 pm]: I rise today to support the Liquor Legislation Amendment Bill 2015. I note that we want to get this bill through the house as quickly as possible. We have all been looking forward to the passage of this legislation because of the difference it will make to the industry, so I will not take up too much time of the house. However, I want to first of all put on the record that the most important and vital provisions of this legislation, which every member previously has spoken about, are the moves to strengthen and tighten up the measures that protect the children in our society by making it an offence to supply liquor to juveniles without their parents' or guardians' consent. I grew up in an era in which many parties were held at which the alcohol was supplied by parents. My parents did not know that alcohol was provided at those parties, and I can say that as an underage drinker I did not tell my parents that alcohol was being provided because, firstly, I did not want to be a party pooper and, secondly, to join in on the fun. I am not saying that I always participated—I was a Coca-Cola girl, to be honest. At that age I did not have an appreciation for fine wine and I was not partial to a lot of the alcohol that was provided and how it tasted. But these days, we have got a lot stricter. I suppose it is an era in which we are now parents. We remember what we were offered and we remember what was open to us as children and underage drinkers, so it is our generation in our society who is making the changes and the differences to ensure that alcohol is served more responsibly. I am delighted that this legislation will strengthen that and will go a step further to protect children.

I would like to touch briefly on the bill from a tourism perspective. I note that one of the speakers beforehand mentioned the value of our weekends, and that in his opinion the weekend is still the traditional Australian weekend. Let me tell members that this is about not only us and the community that lives here in Western Australia, but also our visitors. Tourism is a growing market. For so many years Western Australia has been known as Dullsville and that the doors shut at five o'clock and there is no point in hanging around, especially in the city. With previous laws that have opened up small bars and restaurants' licences, Perth has transformed into a vibrant city with a vibrant nightlife. As I indicated earlier, our drinking culture has changed. We have changed from simply drinking to get drunk; we now appreciate the alcohol that is out there and we understand what it takes to produce a spirit, beer or wine. Even the men and women behind the bars of small bars and restaurants take pride in being a barman or a cocktail maker and understand where the product and produce comes from. In my opinion, the drinking culture has changed completely and is moving towards a more sophisticated and appreciation-focused way of drinking. The changes to legislation will open up and allow that to take place in our city and in our busy tourism areas, because, let us face it, even though this legislation provides for hotels and nightclubs to open longer on a Sunday, that will occur only if they are located in areas where they can attract people. The changes to the law will allow areas such as Northbridge, North Perth, East Perth, Mt Lawley, the CBD and even Scarborough the opportunity to open up and be there for the tourism market to get out on a Sunday. When people are on holiday, it does not matter what day it is—every day is a Saturday or Sunday—therefore, to have our restaurants, hotels and bars open offering those services is vitally important.

Another provision of the legislation will allow liquor or alcohol to be carried between two different licensed areas. This provision is just commonsense. Often small bars or restaurants are located on the side of the street and people have to cross footpaths to get to a second licensed area to sit at a table outside. To remove the restriction and allow a person to carry a drink from the restaurant to the table by crossing a footpath is commonsense and long overdue.

One of the most important provisions of the bill for the East Metropolitan Region relates to the collective cellar door. With the passage of this legislation, it will be fantastic to see that wineries and breweries will be able to come together and open up a venue that is not on their property but within their region to showcase and sell their produce together to a local passing market. Often our wineries and breweries are off the beaten track and not in high-traffic areas, so the ability to get out from behind the scenes, so to speak, and be by the main road to showcase their produce to people driving past will be a great asset to our winemakers and brewers.

Reducing the volume of packaged liquor a wholesaler can sell is another excellent provision of this legislation. It will provide support for small business wineries and microbreweries. The day of the king brown is gone, and this is what this legislation is based on.

Hon Paul Brown: That's terrible.

Hon ALYSSA HAYDEN: Sorry, they are gone. Craft beers are now sold in stubbies of 330 millilitres up to around 600 millilitres. That will allow local producers to showcase and sell a pack of beer to a venue to trial, to see whether there is a want and a need and in the hope that they can pick up more business without being restricted to having to sell a massive amount. They can go to a venue and say, "Here's two packs of our six-pack beer. Try it out and see how it goes, and let's hope your customers enjoy our beer and we can sell more to you."

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Overall this legislation will support tourism and our small businesses in the tourism, hotel, restaurant, winery and microbrewery industries and that will also help to create jobs. That is what we are proud to be able to do as a government—that is, to take away the unnecessary restrictions and requirements on those people and to allow them to operate and to free up the industry. As I said, Perth is transforming, we are maturing and it is about time our legislation does as well.

Before I close, because I know another speaker wants to get up to speak before we run out of time, I want to make sure that the Minister for Racing and Gaming knows that we support the bill, but we also look forward to stage 2 of the amendments coming to this place as quickly as possible. Stage 1 took longer than we all would have liked and I know the minister feels the same, so I encourage him to ensure that stage 2 is quicker than stage 1, and I look forward to seeing stage 2 of the amendments in this house in the near future. I support the bill.

HON SALLY TALBOT (South West) [5.18 pm]: I point out to Hon Alyssa Hayden that this is not a time-limited debate. We are not making it that easy for the Minister for Racing and Gaming who is taking his first piece of legislation through Parliament. But the minister would be aware, of course, that the Liquor Legislation Amendment Bill 2015 has support from this side of the house, and he is not faced with a raft of amendments, so I hope it will not be too painful for him. I congratulate him on finally getting the government to the place that it is ready to come into Parliament with these well overdue changes.

I wondered about the comment made by Hon Alyssa Hayden about running out of time. That point has certainly been made by some of us on this side of this house, because we wish that we had been dealing with this legislation a couple of years ago. I point out to the minister that I would like to think—perhaps he can claim it, because we will never be able to prove otherwise—that if he had been the minister at the time that the private member's bill was introduced by the honourable Mick Murray in the other place, it might have received support, because my reading of that bill introduced by the member for Collie–Preston for secondary supply laws, which would have made it illegal under certain circumstances to provide alcohol to people who are underage, was an excellent piece of legislation.

I thought it was very well researched and put together in a very proficient way. It was not to the credit of this place that we were not able to proceed with that legislation because of the attitude of the government two years ago to that piece of legislation, when it essentially argued what is often argued in response to private members' bills. Hon Kate Doust currently has carriage of a private member's bill that is a similarly excellent piece of legislation and should have been given bipartisan support. One piece of legislation for which I think this Parliament will be rightly remembered is the Constitution Amendment (Recognition of Aboriginal People) Bill. That bill was introduced as a private member's bill. It is with considerable regret that we have to reflect on the demise of the bill that was introduced by the member for Collie–Preston. I would hate to have to try to quantify the damage that has occurred in the two years that we have let go by without having that secondary supply legislation in place—damage that might have been averted had it not been for the intransigence of this government. Therefore, we will not be doing anything to hold up the passage of this bill. We would like to see these laws in place in time for schoolies week this year. However, I suspect that opportunity has now passed us by, and that is a subject of considerable regret.

I am struck by the history of liquor licensing and control in this state. Recognising that we are living in the land of the Rum Rebellion and the six o'clock swill—neither of which I think are particularly auspicious parts of our social history—my heart went out to Scott Taylor, the small bar owner who supported the announcement by the Labor Party earlier this year that Labor in government will introduce a raft of regulatory reform to remove some of the archaic red tape that still engulfs the liquor industry. Mr Taylor was quoted in an article in *The West Australian* in January of this year as saying —

We're not enriching uranium. It's just gin and tonic and squid sliders ...

There are a lot of things in the area of liquor licensing and control that we should have done years ago, recognising the changing nature of Australian culture and the changing attitudes towards not just liquor but entertainment and leisure time in general. The reforms that we are talking about today are seen—I think quite justifiably—as a way of making the over-consumption of alcohol, and the antisocial behaviour that goes along with that over-consumption, an abnormal part of Australian life. We need to normalise the responsible consumption of alcohol, in an atmosphere in which the six o'clock swill would be as unthinkable as allowing full frontal nudity in those establishments. To that extent, Mr Taylor was quite right in saying that this is not to be compared with enriching uranium.

The DEPUTY PRESIDENT: Order, members! There are far too many private conversations taking place in the chamber that are audible and making it difficult for Hansard.

Hon SALLY TALBOT: Thank you, Madam Deputy President.

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We need to take very seriously, and we always have done in this state, the way in which regulations and statutes interact with community expectations, and the less than desirable results that interaction can have if we do not get it right.

I was struck by the fact that we have made some significant changes to the 1988 Liquor Control Act. I want to refer to a summary that is found at the beginning of the review of the Liquor Control Act, which was commissioned by this government in 2013 and is titled “Liquor Control Act 1988: Report of the Independent Review Committee”. I did not know that when the Liquor Control Act was brought in in 1988, it made specific recognition of the tourism industry. I say that in response to the comments made by Hon Alyssa Hayden, the Parliamentary Secretary to the Minister for Tourism. Section 5 of the original act set out the objects of the act as follows —

- (a) to regulate, and to contribute to the proper development of, the liquor, hospitality and related industries in the State;
- (b) to cater for the requirements of the tourism industry;
- (c) to facilitate the use and development of licensed facilities reflecting the diversity of consumer demand;
- (d) to provide adequate controls over, and over the persons directly or indirectly involved in, the sale, disposal and consumption of liquor; and
- (e) to provide a flexible system, with as little formality or technicality as may be practicable, for the administration of the Act.

The Liquor Control Act has been amended by this Parliament roughly every 10 years. Therefore, this is quite a timely amendment bill to bring into this place. The foreword to the review states that the principal changes to the act were made in 1988. I think that is a typo—it should refer to 1998. The changes that were made to the act in 1998 were the first time that we took a stance towards the regulation of liquor supply and started talking about the health effects of alcohol and preventive measures and the responsible use of alcohol. The review goes on to say that the changes —

Introduced reference to the minimisation of harm or ill-health due to the use of liquor as a primary object of the Act together with another primary object of ‘*to regulate the sale, supply and consumption of liquor*’.

That was the first time we started talking about harm minimisation.

I make these points because it is interesting to notice how relatively recently attitudes have started to change. Harm minimisation is now very much part of the lexicon when we talk about liquor regulations. However, it was only in 1998 that we introduced that specific provision into the legislation. We then come to the changes that were made to the act in 2007. That was when we first started to talk about the notion of public interest, which goes very much to the points made by Hon Sue Ellery and Hon Martin Pritchard about the number of liquor outlets and about how the availability of liquor through what are sometimes referred to as off-licence provisions can change the nature of a neighbourhood. In 2007, we introduced the provision that an applicant for a liquor licence must satisfy the licensing authority that granting the application is in the public interest. We have a lot more work to do in that area, and I would be interested to hear the minister, perhaps in his second reading summary, talk about what is projected by the government in addressing the public interest test and applying that to liquor licences. Some other changes to the act were introduced in 2007. The major point I want to make is that every 10 years, we have had another look at the Liquor Control Act, and our expectations of what the legislation should be achieving have certainly changed over those years.

We must also not forget the work that was done by the Education and Health Standing Committee of the other place in its report of June 2011 titled “Alcohol: Reducing the harm and curbing the culture of excess”. That was a very extensive report. The report contained some 60 recommendations, and it was quite controversial, to the extent that it looked specifically at the effects of the irresponsible use of alcohol. There are some graphic photos at the beginning of that report that I found quite interesting. There was a photo, presumably taken from local media in 2011, of some sort of drunken brawl in Northbridge. All that can be seen is a heap of bodies, and arms and legs protruding all over the place; it looks like a rugby scrum. There is also an old-fashioned *Punch*-style cartoon from the eighteenth century that shows essentially the same scene, but with small children also slumped over the ramparts. As I say, we come from the land of the Rum Rebellion. For those who have not recently brushed up on their history, I remind honourable members that the Rum Rebellion was the only military takeover of a government we have ever had in Australia, and it was provoked and, indeed, sustained by the fact that the military was actually paid in rum. We do indeed have a rich history in our attitudes towards alcohol. Dr H.V. “Doc” Evatt, who wrote a history of that period, was of the view that one of the drivers of the rebellion was that Governor Bligh—famous for the mutiny of HMS *Bounty* and the Governor who was deposed by the

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rebellion—was of the view that in order to regularise the economy of New South Wales, it was necessary to remove alcohol as a means of payment of wages in the military. That was not well received, particularly by those who were in receipt of rum as payment!

The Education and Health Standing Committee's 2011 report looked very specifically at the effects of, quite frankly, wanton drunkenness on the public health of this state, and its recommendations are very interesting; I did not find any amongst them to be particularly outrageous. One recommendation that particularly caught my eye was the same recommendation, as I read it, that was made in the 2014 review and rejected by the government. I would like to ask the minister whether he would be prepared to address this matter specifically in his comments later in the debate. I will read the words of the 2014 recommendation rather than the 2011 committee report. I refer to recommendation 141 of the 2014 review, which was to —

Amend the Act to establish a Liquor Industry Advisory Committee comprising a person nominated by the Minister as independent chairperson, the Director, the Commissioner of Police, the Executive Director Public Health, a representative each from the Australian Hotels Association (WA) and the Liquor Stores Association of WA and three experts in matters relating to liquor licensing who shall be nominated for appointment by the Minister after consultation with the bodies referred to above.

It may be that the recommendation of the standing committee was slightly different from that, but I think the general point is probably quite well made. The government has, of course, rejected that recommendation completely on the basis that advisory groups can be established as and when needed. I would have thought that the idea of having some kind of permanent oversight body that is able to respond to issues arising at particular times as well as maintaining an overview of liquor regulation in this state is not an idea to be dismissed and is, indeed, worthy of further comment.

I will be only a couple more minutes, but an aspect of the Liquor Legislation Amendment Bill that I particularly want to single out for comment is that of secondary supply. Hon Sue Ellery made the point very well that there is always a problem with educative laws. Governments are often, I think quite rightly, reluctant to take an approach to a legislative program that focuses on the educative nature of laws or the statutory regulation of behaviour. Hon Sue Ellery made a very telling point when she said that the point of secondary supply law is to empower parents and give them the authority that they are telling us, as legislators, they need to be able to say, particularly to older children, that they are simply not allowed to consume alcohol. The government has included the provision that the responsible service of alcohol, even to underage people, will not be illegal, provided permission is given by the child's parents; that is a controversial provision, but I am inclined to think that it is probably a sensible way to go if we are not going to get bogged down in a legislative quagmire, if something were ever to go to court. It is not an easy task to prosecute someone under this law, and it should not be easy to prosecute. The point is that, at the moment, there are parents who say that this bill would provide extra weight to their refusal to provide alcohol to underage children, and I think that is probably a sensible way to proceed.

The simple fact is that children and young people should probably not consume alcohol at all. That is borne out by the National Health and Medical Research Council's guidelines for drinking. Worryingly, one of the things pointed out in the report by the standing committee, if members care to look at it, is that although 84 per cent of Australians consume alcohol on a regular basis, only 12 per cent are able to give any sort of coherent account of the National Health and Medical Research Council guidelines. That is something of a worry and perhaps suggests that we should be seriously looking at the education campaigns run by the National Health and Medical Research Council, not that that is directly within our control; but we certainly should be lobbying our federal counterparts to make sure that the National Health and Medical Research Council can get its message out. I remind honourable members that the guidelines point out that children under 15 years are at the greatest risk of harm from drinking, and not drinking alcohol is especially important. The guidelines also state that the safest option for young people aged between 15 and 17 is to delay initiation to drinking for as long as possible. If we can empower parents to enforce that expectation in their own homes and to impart that information to their children, it will be a very good thing.

I point out in closing that part of the rich history of this kind of legislation in this state—I wonder how many honourable members realise this—is that we have, in fact, had four referenda on the prohibition of the sale of alcohol in Western Australia: in 1911, 1921, 1925 and, most recently, in 1950. That is even more referenda than we have had on daylight saving to date! It is certainly something about which the community cares very much.

I am happy to support this bill, and I am very much looking forward to seeing it go through both houses in a timely way so that we can get on with it.

HON ALANNA CLOHESY (East Metropolitan) [5.37 pm]: I am pleased to address a few points on the Liquor Legislation Amendment Bill 2015. The bill almost has two different aims: one is to address secondary supply laws in relation to young people and the other seems to be almost a modernisation of licensing. That is

the way I think about this bill, anyway. I will address the part about secondary supply laws first and then go on to some of the changes in the licensing of producers, and venues in particular.

As we know, this bill introduces an offence and penalties to people supplying alcohol to people who are underage, and that is welcomed. I would like to know from the minister whether the legislation will actually take effect by the time schoolies week comes around, because it will be a real shame if it does not. That is, in part, why I am keeping my comments brief, because I want to see the passage of this legislation. It is really urgent and about time we started to address some of those issues. In thinking through the implementation of this legislation, some questions arise around how it will work, particularly for parents who are either supplying young people with alcohol or trying to prevent young people from accessing alcohol. Although we have a law handy to assist us with talking to young people about it not being legal to buy or pass on alcohol to other young people, it is very difficult to negotiate with young people. Other than having this law in place I do not know how the government will assist parents to have the kinds of skills and information that is necessary to pass on the real impact of alcohol, especially excessive use of alcohol and the long-term impact of alcohol, and to also do that in a way that everyone is comfortable with. I would like to know from the minister what kind of community education will be undertaken to let parents know that they have this tool available to them now. Even though that tool will be in place, more needs to be done to assist parents to negotiate with young people. I would also like to know from the minister what is in the budget in relation to community education, letting parents know that this is available to them and in particular targeting young people and letting them know that it is illegal to seek alcohol from someone over the age of 18. What community education is targeted at informing young people about that as well? I would also like to know whether the community education will be ongoing; not just trumpeting the Liquor Legislation Amendment Bill 2015 and that it is here, but what sort of information will continue and what is in the budget for that? The complex relationship between parents or people over the age of 18 and younger people also means that it is difficult to talk about alcohol and other drugs per se. What we need is more support for parents, aunts and uncles and other family members and for them to understand the impact of alcohol misuse and other substance abuse as well.

One of the other things that this bill could have addressed but has not yet—I cannot remember it being in stage 2 of the recommendations from the government’s response to the review of the Liquor Control Act 1988—is about reducing young people’s access to the sale of alcohol. As I go around my electorate I see lots of large alcohol outlets and I also see a lot of young people gathering around those alcohol outlets. We are seeing an increase in the number of large-scale outlets for the sale of alcohol. Measures to reduce access to alcohol on the one hand through this bill needs to be complemented by reducing the point of sale access for young people in another way as well. This is one step but there are a number of steps that need to be taken.

The bill allows for an infringement notice to be replaced with alcohol intervention sessions so that when young people breach conditions around accessing alcohol this bill will allow for the attendance at alcohol intervention sessions under the alcohol intervention scheme. I would like to know how these sessions will work and where the evidence is, either nationally or internationally, that they do actually work. How will they run and where is the evidence that these kinds of intervention sessions work? I would also like to hear some more meat on the bone, if you like, about where they will be held and what sort of access young people will have to those sessions? Will they just be running at one or two places in the metropolitan region? How will all young people and those who live in semi-metropolitan areas be able to access them if they are given an order to attend them? What happens if they do not attend? If they are given an order to attend and they do not attend, what happens to them then? How will these sessions be run and by whom? How much funding has been applied for that? What are the agencies that have been selected to run them—those kinds of practical implementation questions? Those were a few comments in relation to the aspect of prohibition of the sale of alcohol to young people.

The other part of the bill that I wanted to address was around increasing access for producers to licences. There are a couple of new features to the bill that allow producers to sell wine under a producer’s licence at another premises by joining a collective—an earlier iteration of this bill called them “regional cooperatives”—cellar door operation between two or more producers in the wine region. I will talk about the wine region for a second and then I will talk about beer. The government says that this will remove some red tape and be a boost for the wine industry. It is very significant step, particularly for the Swan Valley and for the Perth Hills. It will have some really good benefits, particularly for smaller producers who do not have access to the market and do not have the infrastructure and resources to market and sell their wine. It will encourage smaller producers to participate more in marketing their wine. That can only be a good step. I have a couple of questions about it. Proposed section 61A(3) on page 7 states —

A cellar door permit may only be issued to a licensee for the purposes of the sale of wine if the licensee does not already hold a cellar door permit for the purposes of the sale of wine in the wine producing region for which the permit is sought.

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My question is whether this collective arrangement for the sale of wine is only available for those producers that do not already have a licence to sell wine. A smaller producer is unlikely to have a permit to sell wine because they do not have a cellar door. According to this proposed section it seems to me that it is only available to those who do not have a licence to sell wine. Maybe there is some context around that that I have not been able to understand in the bill. It is a really important one because although it is good news for smaller producers, the kinds of things that I can see that the Swan Valley and the Perth Hills could benefit from will not be there if my interpretation of what is in the bill occurs. I look forward to seeing sites in the valley and the hills that promote local produce, because there is some really exciting local produce being grown in those areas.

The Liquor Legislation Amendment Bill also allows producers to sell and supply alcohol other than their own as an ancillary to a meal and for wine tastings and I think that is welcomed as well. As we have been saying for a number of years, the liquor licensing laws needed to be modernised in order to support the industry to grow and develop, and to allow more mature and interesting venues to open up, not just in the Swan Valley and the Perth hills; I think it will provide an opportunity for a range of different venues to open up around Perth. Of course, Mark McGowan, the Leader of the Opposition, and Labor, have been strong advocates for that over a number of years.

Another innovation, I guess, is the ability to accept orders at places other than licensed premises and at places other than where the alcohol is being sold, for example, in an office; however, the sale can only be made online or by telephone. My question is about what happens with orders made via order forms and why the scope is so limited, basically. Again, I can see a range of opportunities for producers, but this provision seems to limit them to two styles of sale. I can certainly see events occurring that have the possibility of some promotion, but they will be limited to the promotion being only online and by telephone. I think there is room to move and I would like to know more about that.

The next thing I will discuss is the brewing of beer. Similarly, this bill allows for brewing cooperatives to occur and beer will be able to be consumed on the premises where it is brewed. My question is: why is that limited to one local government area? I can see that may have some negative effects for brewers in the Swan Valley and the Perth hills, where the City of Swan, for example, is a large local government area. It might be the case that this provision could work for brewers located in smaller local government areas, but I want to know why it is limited to one local government area.

My next question relates to ciders. As we know, ciders have grown and increased in size, particularly in the Perth hills, and there are now different methods of brewing cider as well. Cideries have become very popular in recent years, not only in Western Australia, but also globally.

Hon Sue Ellery: Because it's delicious.

Hon ALANNA CLOHESY: Because it is delicious, I thank Hon Sue Ellery.

A cidery is considered to be a wine producer, but cider is not wine. Under this legislation, will cideries be able to have some sort of collective arrangements similar to wineries? Will cideries be able to serve alcohol on their premises in the same way that wineries and breweries can under this legislation?

I think it is a mistake that this legislation does not include opportunities for producers, such as whiskey producers, to serve alcohol with mixers at a distillery—not everybody drinks their whiskey neat. In addition, adding mixers to liquor can reduce the alcohol content, so I would like to know why this bill does not include liquor distillers.

They are just some brief comments, and I would welcome a response from the minister regarding some of this. As I said, I welcome some of these features, but I think there is a significant way to go in being able to support the producers of wine, beer, cider and other alcohol in the East Metropolitan Region and I look forward to hearing from the minister on that. I also think that there is a way to go in supporting families and young people in understanding safe ways to access alcohol.

HON STEPHEN DAWSON (Mining and Pastoral) [5.56 pm]: I too rise to make some brief comments on the Liquor Legislation Amendment Bill 2015. I congratulate the minister on bringing the bill before us. It was a fair while coming, and the minister cannot be blamed for that, but since he has been minister—he has been minister for only a short time—he has delivered. As members on this side have said, we support this legislation and we are pleased it is before us. It seems to be a sensible piece of legislation. It deals with the very important issue of secondary supply, which I am pleased is addressed in this bill. There might have been some conversations about it being a bit too hard or that it might not happen now but in the future. Certainly, the McCusker Centre for Action on Alcohol and Youth was concerned at some stage that the commitment made might not be delivered; however, it has been delivered and it is a very important issue to address in this bill.

There are some other sensible recommendations or issues included in the bill. I am happy to say that I support extended trading hours for some licensees, such as clubs, on weekends, provided penalty rates are not being

taken away from the workers who have to stay for an extra hour late at night. It is a great idea to keep these clubs open, because people do shiftwork. Non-hospitality workers work all sorts of shifts these days and if there is a requirement or the patronage is there, and I hear from hotels and clubs that people are interested in going to these clubs, then absolutely, let us increase the hours, but do so while ensuring that the workers who are out to all hours of the day and night get paid appropriately. I make that point.

There are other sensible things addressed in the bill. It will enable police officers to issue alcohol intervention requirements to juveniles as an alternative to infringement notices for minor liquor-related offences. We cannot get too bogged down in charging and locking people up. If there is a way of engaging and educating people, and directing or steering them away from these activities, let us do it. I am all for early intervention and using different means of dealing with these issues. The “lock ’em up and throw away the key” mentality abounds and we have to look at sensible ways of stopping people drinking and educating them about the concerns related to drinking.

I briefly mentioned the McCusker Centre for Action on Alcohol and Youth earlier. Since I have had the shadow ministry for mental health, which includes the drug and alcohol portfolio, I have met with people from the centre and corresponded on numerous occasions. Late last year the centre wrote to me, and probably to other members, about the impact of alcohol in our community, and particularly alcohol and young people, which is obviously a big concern for the Western Australian community. The centre has undertaken a survey, some market research, on attitudes and policy options in relation to alcohol and young people. Over 1 000 Western Australians were surveyed by a research company called, I think, Painted Dog Research. I should point out that 1 000 Western Australian adults were asked these questions, so it was not people of all ages. The research that came back indicated that 94 per cent of people were concerned about alcohol use amongst young people and only five per cent were not concerned. The top five concerns about alcohol and young people are alcohol-related violence, with 90 per cent of people concerned about that; drink-driving and road crashes, with 89 per cent of people concerned about that; binge drinking, 68 per cent; damage to the developing brain, 64 per cent; and the fifth major issue was people doing things they later regret, with 60 per cent of people concerned.

Sitting suspended from 6.00 to 7.30 pm

HON STEPHEN DAWSON: Before we broke, I indicated that the opposition will support this bill and I congratulated the minister on the fact that the bill is before us. The bill has taken some time to get here, but under the minister’s stewardship, it got here quite quickly. I am very pleased that the bill is before us now, and we hope for its speedy passage.

I had just raised the issue of some correspondence I received from the McCusker Centre for Action on Alcohol and Youth. The centre did some research late last year; it surveyed over 1 000 Western Australian adults on their attitudes to policy options for alcohol and young people. I will not go over the five key points of the survey, but the top point is that 94 per cent of Western Australian adults are concerned about alcohol use among young people. Conversely, only five per cent are not concerned. I am surprised that even five per cent are not concerned about alcohol and young people. Nonetheless, that 94 per cent of Western Australian adults are concerned is pleasing. Other points to come out of the research are that only 25 per cent of Western Australian adults think that governments—that is probably federal and state—are doing enough to prevent alcohol-related harm among young people; 92 per cent support all school students having regular, well-resourced alcohol and drug education; 87 per cent support extensive education campaigns aimed at reducing alcohol harms; 83 per cent support laws to prevent the supply of alcohol to minors without parental permission; 78 per cent support additional police powers to ensure that liquor outlets do not sell to minors by allowing police to work with underage young people to attempt to purchase alcohol; and 70 per cent support legal controls to reduce young people’s exposure to alcohol advertising.

That last point, alcohol advertising, is a real concern. A few weeks ago in this place I asked the parliamentary secretary representing the Minister for Transport, who unfortunately is away from the chamber this evening on urgent parliamentary business, a question about the advertising of alcohol products on public transport vehicles and associated signage. I asked —

- (1) What is the state government’s position on the advertisement of alcohol, and will the minister table a copy of the policy?
- (2) Are any public transport vehicles or associated signage currently displaying alcoholic products; and, if so, which vehicles and where?
- (3) Are contracted service providers permitted to advertise alcohol products?
- (4) What revenue, if any, has been raised by the advertisement of alcohol on public transport vehicles and associated signage for each of the following periods —

That was for three years. Typical of the Parliamentary Secretary to the Minister for Transport, he was not able to give me that information on the day that I asked the question, and I am still waiting for that information to be

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provided. I think it will be provided. I was asked to put the question on notice; so I will eventually get an answer. I asked that question because I was concerned. Two concerned parents rang my office and told me about alcohol being advertised on two bus shelters—presumably Public Transport Authority or Department of Transport bus shelters—in the metropolitan area. I have heard fairly recently about an alleged case of advertising on a bus. I wait with interest to find out the answers to my questions, but it is a real concern that state government vehicles, bus shelters and bus stops are advertising alcohol. We should lead by example.

I know that in the report of the review of the Liquor Control Act which was undertaken a few years ago and which we waited so long for the government to respond to, there were recommendations relating to advertising. The government's response to that recommendation may well have been a note. Without being able to find the recommendation on the spot now, I think the reason that the government's response was note intent or that it did not support the recommendation or that it was not going to act was that these types of regulations tend to be made by the federal government. It is fine for us to say that the federal government has the leadership role and it will bring in laws.

Hon Col Holt: It's recommendation 11.

Hon STEPHEN DAWSON: Good on you, minister. I have said it before and I will say it again: the minister is always very helpful.

Hon Donna Faragher: He is on top of his portfolio.

Hon STEPHEN DAWSON: He is on top of his portfolio; hence, the bill we have before us. I appreciate the support from the chorus on the other side of the chamber.

Recommendation 11 states —

Amend section 65B of the Act to enable regulations to be made to prohibit or restrict:-

a) promotional activity which is likely to impact on children; and

b) activities such as promotions or discounting that could encourage the irresponsible consumption of liquor or is otherwise not in the public interest.

The government's response was note intent. The government supported the principle, but stated that advertising regulation sits appropriately within federal government responsibilities. It is fine to say that the federal government is responsible for this, but I think we can and we should lead by example. Although the government may decide not to bring in specific regulations on this issue, we should certainly insist that no alcohol is advertised on government buildings, government transport or government vehicles. We should lead by example; there is no doubt about that. It is a real concern that we are not practising what we are preaching, essentially.

There is all sorts of information about young people and drinking. I found a good report: the "Australia School Student Alcohol and Drug Survey: Alcohol Report 2011—Western Australian results". The report outlines the number of young people in Western Australia who drink. The survey lists those students who had never drunk, those who had drunk in the last year, those who had drunk in the last month, and those who had drunk in the last week. I have to say that the figures are still pretty high. I went back to the last ASSAD survey in 2008, and it was pleasing to see that the number of young people who had tasted alcohol had dropped, but it is still pretty high. I think 74 per cent of young people in years 7 to 12 had drunk alcohol in the last year. I do not have more recent figures than these. I think this survey used to be done every three or four years, but I do not think one has been done since 2011. It is disappointing, because I think it is important to track this stuff, and I might ask the Minister for Mental Health later this week or next week why the Drug and Alcohol Office does not do this survey anymore; or, if it does, where I can find it.

Hon Helen Morton: Which survey is it?

Hon STEPHEN DAWSON: This is the Australian school students alcohol and drug survey.

Hon Helen Morton: The household survey is the one they use now.

Hon STEPHEN DAWSON: This was done by the DAO in 2008 and 2011. There are earlier surveys, but I have not seen one since 2011, and I wonder why. It is good for us to know these things.

Hon Helen Morton interjected.

Hon STEPHEN DAWSON: I think it was every four years, and in 2008 and 2011; it might have been the beginning of 2008 and the end of 2011. I think the surveys used to happen every four years. We have not had one since 2011. I would encourage the government to do the surveys. We should know whether young people are undertaking risky behaviours, and whether they are drinking. If they are drinking, how are we going to combat it? Are we running appropriate education programs and lessons in schools? Are we running the right campaigns to keep young people away from drinking, or to make sure that young people understand the

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behaviour they are undertaking, and the fact that it is risky behaviour? This is a good report. These are old figures, but they indicate that each year alcohol use is responsible for around 450 deaths in this state. In 2010 in Western Australia, about 16 000 people were hospitalised for conditions related to alcohol, at a cost to the state of \$100 million. That is significant. We also know that the consumption of alcohol can lead to other risky behaviours, such as drink-driving, physical violence, unsafe sex and mental health issues. It is important that we lead the charge and that we are out there telling it like it is—explaining to young people that they are undertaking risky behaviour, and suggesting that they stay away from alcohol until at least the age of 18 years.

I touched briefly on the secondary supply issue earlier on. It is very sensible that we have acted on that issue. I am interested in the process that will be followed if a parent is found to have provided alcohol to a young person for whom they have no parental responsibility. I was not in the chamber this afternoon for the whole debate, but I heard one member ask how permission has to be given by one parent to another to allow a young person to drink. Does it need to be written or verbal? I am sorry if I am repeating a question that someone else has asked, but I would appreciate knowing how, in practical terms, that will actually work. I know that the minister's media release in August this year about the secondary supply law that will be going before Parliament mentioned the \$10 000 maximum penalty for supplying alcohol to a juvenile without parental consent. In which cases will the maximum penalty apply, and will guidance be given to the judiciary about what might happen in the case of a first offence? Have we thought that through or are we leaving it up to the judiciary?

Hon Phil Edman interjected.

Hon STEPHEN DAWSON: That is good. I was keen to know whether any guidance would be given, or are we simply saying that the maximum is there and leaving it up to the court to decide how serious an indiscretion is and how much somebody should be fined? I thank the member for that clarification.

I was going to mention the work done by the Commissioner for Children and Young People on reducing alcohol-related harm, but I will not do so tonight. All I will say is that the commissioner has done some very good work on this topic and I encourage members, if they have not read it previously, to have a look at it.

I want to quickly raise the subject of the Alcohol Advertising Review Board's work. This brings me back to a point I was making earlier, and I am trying to highlight the work that the board does. The Alcohol Advertising Review Board, which is chaired by Professor Fiona Stanley, AC, considers and reviews complaints from the Australian community about alcohol advertising. It was developed by the McCusker Centre for Action on Alcohol and Youth and the Cancer Council of Western Australia, and is supported by a range of other health organisations. It came about in response to the numerous weaknesses in the current self-regulatory system for alcohol advertising. The AARB reviews complaints on the basis of the Alcohol Advertising Review Board code, which sets criteria for acceptable alcohol advertising in Australia. The code aims to ensure that alcohol advertising is socially responsible, neither conflicts with nor detracts from the need for responsibility and moderation in liquor merchandising and consumption, and does not encourage young people to drink. The code is primarily constructed using provisions from existing codes established by alcohol industry bodies around the world.

This report is available in the Parliamentary Library for anyone who has not seen it before. The report highlights the number of complaints received about advertising, whether it be Facebook advertising, advertisements on bus shelters, television ads, radio ads, competitions or whatever. This is a voluntary code, so the companies do not have to sign up to it. The board makes recommendations and hopes that advertisers will act. It is disappointing that more companies do not actually respond when these complaints are made. The report lists the companies who respond to and act on its recommendations. It mentions organisations like Crown Perth, Asahi Premium Beverages and the Classroom small bar, which have all responded and have presumably acted on complaints that were received and the AARB process. It is disappointing to read the list of those companies that declined to participate in this process, including Wesfarmers, Woolworths, Coopers Brewery, Diageo Australia and Carlton United Breweries. None of those participate in the process. When companies do not participate in voluntary codes or voluntary schemes and act, it puts pressure on us as legislators to intervene and say that this voluntary code is in place, it is run by experts, and it has good guidelines and processes, but the company is not participating. It forces us, as legislators, to act and make regulations, and to say that if companies are not going to act voluntarily, we will make them do things. I will use this opportunity to appeal to those companies to act. The complaints are made by ordinary Western Australians: mothers, fathers, grandparents, teachers or whomever. In fact, ordinary Australians make complaints to this body. These companies should be listening. When a complaint is upheld, it is upheld for very valuable reasons so it is very disappointing if these companies do not respond.

I wanted to raise a few other points, but I will not this evening, other than to congratulate the Alcohol Advertising Review Board on the work that it does. It is pleasing that at least it is out there trying to put pressure on companies and also government to act to remove these advertisements from harm's way. One of its reports, I think from 2012–13, did an audit of bus stop advertising in Western Australia. At that stage, it found

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that 172 of the 744 advertisements were for alcohol products. That is significant; almost a quarter of the bus stop advertisements in Perth were for alcohol products. Again, I wait with interest for the answer from the parliamentary secretary representing the Minister for Transport's to my recent question to see whether we have made any improvements on that number. We should not be agents of misery and I think we are by allowing alcohol advertisements on bus shelters, which are used by schoolchildren. They are used by everybody, but schoolchildren sit at these stops every day and this advertising being hammered into them is last thing they need, showing smiling, happy people having a few bevvies. They do not need that; there will be plenty of time for them to learn to drink in moderation after they are 18 years old. We should not be shoving this stuff down their throats at a young age. I really hope that we start to lead by example and I really hope that the government gets more involved.

If we are not going to legislate as a state, I hope our responsible ministers—the Minister for Mental Health and the Minister for Racing and Gaming—will raise this case in any opportunity that they get to meet with their federal counterparts and counterparts from other states. I would like to think that we are pushing for more stringent rules nationally. I do not believe in red tape so I do not believe in making it harder for small businesses to operate. Since Mark McGowan's time as Minister for Tourism and in the last few years, red tape has been removed from small businesses—for example, small bars. Some of that red tape is removed in the Liquor Legislation Amendment Bill 2015 before us. I am not a wowser. I think that word has been used by other people in this place this evening—the Leader of the Opposition and I think Hon Ken Travers might have used it too. People should be able to have a quiet drink at a local bar, with or without a meal. That is preferable to the big beer barns in which hundreds of people get trashed, essentially. I like small bars and I think they make for a better society; we should be making it easier for them to operate. We can do more to lift red tape, but, at the same time, we have to be vigilant about alcohol and young people; we have to shield them. The McCusker Charitable Foundation has called publically for limitations on facilities around schools and particularly limitations on advertising around schools. I have to say that I support that. If a bus stop is in front of a school—in fact, we should not have this advertising on bus stops at all, or on any state government material—we should shield schools when we can and we should shield young people when we can keep them away from this stuff.

I did not intend to speak for this long. It is an important issue and there is more work to be done. This is a good bill; it is a good start. I look forward to the second stage of reforms, and I hope that with Hon Col Holt as the minister now, perhaps a few more of the recommendations that were made in the review of the Liquor Control Act might be looked at again and we might see them in future legislation.

HON ROBIN CHAPPLE (Mining and Pastoral) [7.55 pm]: We will support the Liquor Legislation Amendment Bill 2015; that is for sure. I have quite a few comments to make about this bill. I thank the minister's staff for giving us really good briefings on the bill. I asked a number of questions that I will deal with as I go through the legislation.

The Liquor Legislation Amendment Bill 2015 was introduced into the Legislative Council on Thursday, 13 August 2015 as a notice of motion by Hon Col Holt. It is part of the government's response to the report titled "Liquor Control Act 1988: Report of the Independent Review Committee", which was tabled in Parliament on 18 November 2014. As far as I understand it, the bill is the first stage in a number of the government's commitments to implement the review committee's recommendations, which attracted—I must say—considerable community interest. Work has commenced on the second stage amendments that address matters such as the public interest assessment process, restaurants being able to sell liquor without a meal, and Sunday trading for liquor stores in major regional centres. We will have some degree of concern on some of those matters when they come before us. The current status is a response to a broad community support to introduce tough penalties for a person who supplies liquor to a juvenile without the consent of the juvenile's parents or guardian. The bill makes it an offence for a person to supply liquor to a juvenile on unlicensed premises without the consent of the juvenile's parents or guardian. I will deal with two words in that comment I just made—juvenile and liquor—in a little bit as we move further forward. It is important to note that in acknowledging that the vast majority of adults have a responsible approach to the supply and consumption of liquor, the onus will be on the prosecution to prove that the consent was not obtained by the person who supplied the liquor.

I find Australia's love affair with liquor or alcohol quite interesting having grown up in England and gone to the local pubs there in my youth, and then having spent quite a bit of my younger youth in France and seeing how alcohol is dealt with there. Remember, people can drink at any age in France, but there is not the alcohol culture that we have here in Australia. I am mindful that about two years ago, I flew down from Port Hedland back to Perth on a plane carrying a large number of fairly young men.

The conversation between two young gentlemen in the seats in front of me was quite frightening because they were having bets on who could be pumped out first at Royal Perth Hospital. The consequence of the drinking

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was a badge of courage and it was an element of society that I had never experienced before. The way we have made binge drinking part of our manhood I find quite frightening.

Hon Col Holt: There is the other side to the coin as well. You have to admit there are responsible young people who have a different view of alcohol.

Hon ROBIN CHAPPLE: I agree with the minister that there is obviously a balance. But when I relate it to my own youth as a young person under 16 in France, going to wine bars et cetera, it was quite different. There was not the desire to get tanked up and plastered.

Hon Col Holt: Who has the greater love affair, Australia or the UK?

Hon ROBIN CHAPPLE: The UK is doing pretty well these days with its alcohol consumption; that is for sure. Mind you, I have a little tippie myself, but I have to moderate that. Having had hepatitis a number of times, I cannot absorb alcohol in the way I used to be able to when I was a lot younger.

Hon Col Holt: Maybe you do too well!

Hon ROBIN CHAPPLE: Yes. I suppose the issue comes down to the fact that, in my view, there is not a particularly good culture among a large percentage of our youth in how they deal with alcohol. Touching on the experience in Europe was very interesting. It comes back to the notion of liquor. I turn to “Terms used” in the Liquor Control Act, where it states —

liquor means —

- (a) a substance intended for human consumption which at 20° Celsius contains more than 1.15% ethanol by volume, or such other proportion as is prescribed; and
- (b) any other substance prescribed ...

Having grown up and spent quite a lot of my time in Europe, it was indeed very common to have a preserve for breakfast. The family would quite often have strawberries in alcohol, plums in alcohol or whatever for breakfast. It is interesting that that cultural pursuit, which still goes on in Australia, would be caught by this legislation if a young child went to someone else’s family and did not have the parents’ permission to have a conserve or a preserve for breakfast. I want to know how that will be dealt with. In most cases those brandied fruits that are used for breakfast contain incredible amounts of alcohol. They are taken in small doses and in moderation, but will those sorts of things be caught by this legislation? If a child went to the home of a friend who happened to be French or whatever else, and had some conserve—I would say, those pretty good little drops are usually homemade—for breakfast without parental permission, would those parents be prosecutable and subject to a fine? It would not have been an intended consequence to provide alcohol under this legislation as we understand it. I would like an idea of how we will deal with things like that.

It is quite clear that the government’s intent is not to reach inside people’s houses and be prescriptive at that level. I suppose the fact that some others have raised issues is how we will find out some of that information and how prosecutions will occur. What would happen if parents allowed their own child to have some alcohol and that juvenile subsequently went outside, without the knowledge of the primary caring parents, and provided that alcohol to another juvenile who might be visiting? Would the child who provided that alcohol be caught by this legislation or would it automatically go back to the parents who should be seen to have some control over their own child? I want to find out about that. The minister’s second reading speech states —

In this regard, the bill also provides that when a parent or guardian gives consent for their son or daughter to be supplied with liquor, the person supplying the liquor must do so in a responsible manner. The bill contains fines of \$10 000 for a person who supplies liquor to a juvenile on unlicensed premises without consent, or where consent has been obtained but liquor is not supplied in a responsible manner.

I suppose that might be where we could say, “Having provided my son or daughter with alcohol and they go on to provide it to someone else’s son or daughter, means I’m not doing that in a responsible manner.” I would like to know how the minister will deal with that sort of issue. A serious community concern is risky alcohol use among juveniles in uncontrolled environments. As a strategy for addressing this, the bill introduces an alcohol intervention scheme for juveniles, and that must be commended. I think that is a major step forward.

I have a message from God! I do not usually go that far, but there we go. Noting the time and the fact that we have some other matters before us, I seek leave to continue my remarks at a later stage of this day’s sitting.

[Leave granted for the member’s speech to be continued at a later stage of the sitting.]

Debate adjourned, on motion by **Hon Peter Collier (Leader of the House)**.