

LIQUOR CONTROL AMENDMENT BILL 2010

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Norman Moore (Leader of the House)**, read a first time.

Second Reading

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [5.48 pm]: I move —

That the bill be now read a second time.

One of the key amendments of the Liquor Control Amendment Bill 2010 is the establishment of a new licensing regime for approved managers. The new system will provide far greater flexibility and will allow approved managers to move freely between licensed premises without seeking approval from the licensing authority. Two approval-of-manager licence categories will be available: an unrestricted category for commercial licence types such as hotels, taverns, nightclubs and restaurants; and a restricted category for club and club-restricted licences. Applicants will still be required to meet existing probity requirements and undertake the level of training appropriate to the desired category of licence.

The bill also contains a number of law and order amendments that are aimed at minimising the incidences of antisocial behaviour in and around licensed premises. The Commissioner of Police will be provided with the power to issue barring notices to patrons of licensed premises who engage in antisocial behaviour. Licensees will be encouraged to request the Commissioner of Police to issue barring notices to patrons engaging in antisocial behaviour on their premises. A person may be prohibited from entering licensed premises for a maximum period of 12 months. A person who has been barred for more than one month will be able to apply for a review of the decision by the Liquor Commission. It will be an offence for a barred person to enter licensed premises, and for licensees or employees to permit persons subject to a barring notice or a prohibition order to enter their licensed premises if they know that the person is a barred or prohibited person. The details of individuals barred by the Commissioner of Police or prohibited by the Director of Liquor Licensing will be published, including where possible a photograph of those persons. In regard to barring notices, details will be published on a restricted web page.

To address problems that licensees have in managing individuals bringing their own liquor into sports arenas, the bill establishes an offence if a person brings liquor into any prescribed licensed arena. The penalty for bringing liquor into an arena will be \$2 000 and the police will be authorised to seize and dispose of that liquor. The bill also enables the police to seize and dispose of unopened liquor when a person is consuming liquor without permission in a public place, such as a park or reserve, and if the police believe that the person has caused, or is likely to cause, undue offence, annoyance, disturbance or inconvenience to other persons.

The bill implements a major initiative of the government to assist owners or occupiers of private premises to prohibit the possession and consumption of liquor on those premises. Owners or occupiers will be able to apply to the Director of Liquor Licensing for their premises to be declared restricted premises so that it will be an offence for a person to bring into, consume or possess liquor on those premises.

Unfortunately, there are people in our community who choose to profit from the unlawful sale and supply of liquor—a practice commonly known as “sly grogging”. They will face tough new penalties. The existing penalty of \$20 000 will be expanded to include a term of imprisonment for two years. The same offence will also apply to a licensee or employee who sells liquor from licensed premises when they suspect, or should reasonably suspect, that the customer is intending to illegally re-sell the liquor.

The government also considers it appropriate to wind back the trading hours for nightclubs by one hour on Saturday and Sunday mornings. This means that on Friday and Saturday nights, nightclubs must close no later than 5.00 am on the following morning.

The final part of the bill addresses a number of operational and technical amendments, including providing the licensing authority with the discretion to rely on national police clearance certificates when determining whether a person is fit and proper, rather than burdening the police to provide a probity report for every application. It would allow juveniles aged 16 or 17 years who have the approval of the Director of Liquor Licensing and have graduated from a prescribed training course to serve liquor ancillary to a meal on licensed premises. It also provides for regulations to be made to allow BYO alcohol to be consumed in certain small charter vehicles, and updates penalties.

The bill also contains a number of amendments made as a consequence of its passage through the Legislative Assembly to reflect the ongoing consultation undertaken by the Minister for Racing and Gaming.

I commend the bill to the house.

Debate adjourned, pursuant to standing orders.