

LIQUOR CONTROL AMENDMENT (BANNED DRINKERS REGISTER) BILL 2023

Second Reading

Resumed from 18 May.

MRS L.M. O'MALLEY (Bicton) [5.51 pm]: The Liquor Control Amendment (Banned Drinkers Register) Bill 2023 will introduce amendments to the Liquor Control Act 1988 to establish a legislative framework in relation to the operation of the banned drinkers register in Western Australia. This bill seeks to provide expedited, prioritised and targeted legislation aimed at reducing the harm caused by excessive alcohol consumption in specific communities and more broadly across WA.

I begin with some background on the bill. Before I do so, I would like to highlight some data relating to alcohol and the harm it causes. I refer to a 2015 report titled *Interventions for reducing alcohol supply, alcohol demand and alcohol-related harm: Final report*. It was funded by the national drug law enforcement research fund, an initiative of the National Drug Strategy by Acting Professor Peter Miller, Ashlee Curtis, Professor Tanya Chikritzhs and Professor John Toumbourou. The introduction states —

Alcohol accounts for about four percent of deaths worldwide and 4.65 percent of the global burden of injury and disease. This places it alongside tobacco as one of the leading preventable causes of death and disability ... Four out of five Australians aged over 14 years report being recent drinkers and one in five report drinking seven or more drinks on a single occasion at least monthly ... The annual cost of alcohol-related harm in Australia is estimated to be between \$15.6 ... and \$36 billion ... depending on the model used and whether harm to others is included in the model. The personal cost of alcohol-related trauma to many individuals is overwhelming ... Virtually every type of alcohol-related harm is on the rise in Australia ...

Many interventions currently exist which attempt to reduce the supply, demand and harm associated with alcohol. In Australia, alcohol is related to around 3,000 deaths and 65,000 hospitalisations every year ... During an average week, four people under the age of 25 die as a direct result of alcohol-related harm, and 70 Australians under 25 are hospitalised due to injury associated with alcohol consumption ...

I think that just sets out a bit of context. Obviously, we are looking at the issue in the context of WA but those broader statistics across Australia certainly help to give weight to the importance of the bill before us.

I will provide a bit of background. The bill follows on from the implementation of BDR trials and is consistent with the objects of the Liquor Control Act 1988 relating to regulating the sale, supply and consumption of liquor and minimising harm or ill-health caused to people due to the use of alcohol. In an effort to improve harm minimisation outcomes, in early 2022 a BDR working group was established as an advisory body to consult on the operation and improvements to the BDR. The BDR working group comprise state government agencies that have a role in supporting the minimisation of alcohol-related harm and includes the Department of Local Government, Sport and Cultural Industries as well as the Departments of the Premier and Cabinet, Communities, Justice and Health; the Western Australia Police Force; the WA Country Health Service; and the Mental Health Commission.

A media statement released by the Minister for Racing and Gaming on Saturday, 1 May 2021 provides further background. It stated —

- Banned Drinkers Register trial begins in Broome and Derby
- Technology provides real-time tool for staff to identify banned drinkers
- Initiative part of ... Government's efforts to tackle alcohol-related harm

The State Government's trial of a Banned Drinkers Register (BDR) will commence in the Kimberley this week, following a successful rollout in the Pilbara.

The initiative aims to reduce antisocial behaviour in Broome and Derby by restricting banned drinkers' access to takeaway alcohol.

The two-year trial will investigate whether the measure can add to the Government's wider efforts to tackle alcohol-related harm in Western Australia.

The BDR technology is supplied by Western Australian company Scantek. It allows businesses to scan customers' identification, giving them a real-time tool to identify those who cannot legally be sold alcohol.

I was in Broome in the beautiful Kimberley recently. As a southerner, it was quite a surprise to be asked for ID when purchasing alcohol. I have to admit that I was slightly flattered initially. It has been a long time since I have presented my ID. Although it seems very small and insignificant to me, I took it quite lightly, as I just said, but I understand the absolutely important role it plays. For all of us southerners and others who come to that beautiful

part of Western Australia to really participate without question and wholeheartedly be involved in this activity is really important.

The media statement continued —

The trial will combine the BDR with a Takeaway Alcohol Management System (TAMS), which limits the volume of alcohol a customer can purchase in a day.

Customer information will remain confidential and no records will be kept about the purchaser, what they purchase, or if they are refused.

...

Initially, customers will be able to make purchases without presenting scannable identification, to allow licensees and customers time to become familiar with the new requirements.

The trial will be rolled out in the broader Kimberley region in the next phase, with a mobile app to support the system also in development.

On Thursday, 29 September 2022, plans to strengthen the banned drinkers register were announced, with a proposal for new legislation being put out for consultation, along with the extension of trials in the Kimberley, Pilbara and goldfields, with the option to include additional locations. The proposal sought to create additional pathways to the BDR through police and the courts. In areas where the BDR was trialled, anyone buying takeaway packaged liquor must present an eligible form of identification to be scanned at the point of sale. Scanners then notify the seller if the customer is on the BDR.

Further to that, from the personal experience that I have of travelling through that beautiful part of WA—I understand it has been at a distance, as I have not had the opportunity to travel more broadly through the Kimberley—I strongly believe that tourism and controls can coexist quite comfortably side by side. Anyone who enters those amazing spaces should do so with the appropriate level of respect not just for the beautiful place but also the people.

From the very brief opportunity that I have had there, it certainly seems to be more broadly embraced, which is incredibly important. The legislation will expand pathways for problem drinkers to be put on the register, such as further options for police referral or court-ordered pathways, which is another important component. It will make the BDR mandatory for all licensed takeaway alcohol premises in areas where the BDR operates to minimise secondary supply by creating an offence for knowingly supplying liquor to a person on the BDR.

In researching to speak on the bill tonight, I have seen the time, effort, consultation and communication that has gone into the preparation of the bill to this point. This bill has obviously been developed over a period of time, which is another important reflection of the sensible and responsible approach of the government to these matters.

Under the proposed changes, police will have the ability to apply for someone to be placed on the BDR for alcohol-related offending that occurs outside the licensed premises, including all related violence and drink-driving. Courts and WA police will also be able to include placement on the BDR as part of bail or parole conditions. The Department of Local Government, Sport and Cultural Industries also consulted on the inclusion of additional locations in the trials.

Following this period of further trial and investigation, the Minister for Racing and Gaming announced on Thursday, 2 March 2023 the legislation that comes before us to strengthen WA's banned drinkers register. The BDR will be strengthened to improve effectiveness through legislation to optimise the register, along with laws to create additional pathways. Once the legislation is in place, immediate steps will be taken to expand the trial to Carnarvon to strengthen the banned drinkers register, as I have already stated.

I would definitely like to acknowledge the minister's efforts in this space, particularly in ensuring a rapid as possible response to issues that arise. I think it is expected by people who live in these places, and more broadly across the state, that this government continues to be responsive and looks to import preventive measures, and when a matter needs to be dealt with, it is dealt with as quickly as possible. When issues with legislation hamper those efforts, the delivery effort is brought forward, as the minister has done here, to ensure that legislation is changed and modernised where needed.

As highlighted earlier, proposals to strengthen and potentially expand the banned drinkers register were released for consultation in September last year. After consideration and feedback, new laws were drafted to improve its effectiveness. As previously noted, this will include expansion to Carnarvon, and will incorporate other activities such as the newly formed liquor accord. Health professionals and specialist frontline staff will also be able to refer individuals, which, again, is a really important component. It is about ensuring that not only those who are doing the wrong thing are dealt with, but also that those who may be diverted from the banned drinkers register have the opportunity to make important changes to their behaviours.

The changes will also require online liquor retailers to check the register before going ahead with any sale. It will also be an offence to knowingly supply liquor to banned individuals. Further, police will have the power to seize or dispose of liquor in the possession of someone on the register.

This brings us up to date on this issue and the Liquor Control Amendment (Banned Drinkers Register) Bill 2023 before us today, and continues to answer the question: why is it very important? In doing so, I highlight the impacts of excessive alcohol consumption and the vital role of community leadership in conjunction with the state government and relevant agencies in solving these issues. As I do this, it is important to acknowledge the incredible work of the member for Kimberley. I refer to the exceptional work she has done in her community not just since she has been in this house, but before that time as well.

I now quickly refer to a couple of articles. I hesitate to do so because it does not always help the situation to point out where things are not going that well; however, I think it does provide important context to why these changes are vital. I refer to an ABC news article from 4 January 2022 entitled “Police overwhelmed by booze-fuelled brawling and crime spike”; it states —

A surge in alcohol-fuelled crime across the Kimberley during the New Year’s Eve long weekend has pushed frontline workers to the brink and angered residents who woke up to violence outside their homes.

A steady stream of injuries and arrests from a night of relentless brawling in Kununurra overwhelmed paramedics, hospital staff and police officers for hours on New Year’s Eve.

These sorts of stories highlight again why it is so incredibly important to make these big changes. These are not easy changes to make. What difference will turning off the tap make in a community? There is strong evidence, as we have seen, of the benefit of controlling access to alcohol to communities; it has made some very important changes.

I also highlight the aspect of leadership and the benefit of collaboration between strong community leaders like the member for Kimberley and other leaders within her community to identify where change needs to occur, and then pushing through the obstacles. There are always challenges with change. This ensures that the key benefit of greater safety for the community continues to be the number one priority, regardless of how difficult that may be to see through to conclusion. Again, I want to make sure that the member for Kimberley understands how very important she is in the role that she plays in bringing together all those sometimes quite divergent voices. She cuts through the noise and gets the job done.

In conclusion, there is no doubt that this legislation is needed; it is welcomed and will make an important difference in the community. The main changes within the legislation include the establishment of the BDR in law to create a legal register of people prohibited from purchasing packaged alcohol. It will also establish the head of power, the minister, as having the authority to determine banned drinker areas, and new pathways onto the BDR with the establishment of a banned drinkers order that can be made on application to the director of Liquor Licensing by a medical practitioner, a social worker or other prescribed persons.

[Member’s time extended.]

Mrs L.M. O’MALLEY: The police will be able to issue a BDO for any alcohol-related offence, including driving under the influence or family violence. Police BDOs will be an automatic three, six or 12-month ban escalating based on the number of offences. The bill will also combat secondary supply by making it an offence to supply packaged liquor to someone known to be on the BDR, and the supplier can be subject to a fine or a BDO that will limit their ability to further supply alcohol. It will require that licensees in BDR areas will be required to check every purchaser’s ID against the register. It will be an offence for licensees to sell or supply to a known banned drinker. It will be an offence for licensees to deliver to a banned drinker inside a banned drinker area. The implication of a BDO is that a banned drinker cannot purchase, possess, or consume packaged liquor in a banned drinker area. Police will have powers to seize and destroy alcohol found in possession of a banned drinker, and breaching a BDO can result in longer consecutive penalties. This is a really important bill. It is an incredibly important piece of work, and I commend it to the house.

MR K.J.J. MICHEL (Pilbara) [6.10 pm]: I commend the Minister for Racing and Gaming for introducing the Liquor Control Amendment (Banned Drinkers Register) Bill 2023. I am pleased to discuss the liquor control amendment bill and its significant impact for the people of the Pilbara. In 2016, while I was campaigning, I noticed a lot of alcohol abuse in my region. The Martu community in Newman already had its own banned drinkers register. It was a register of names of people who were banned from buying alcohol at liquor outlets in Newman, and it was brought on by the elders of the Martu community. In 2017, I made an election commitment to bring the banned drinkers register to the Pilbara. It was a hard decision because at that time the Commissioner of Police wanted more liquor restrictions in the Pilbara. I found that the restrictions already in Port Hedland were not doing much, and I was very confident that a banned drinkers register would do a lot. When people drink and drive, they lose demerit points or their licence, and I thought the banned drinkers register could work in the same fashion. The previous Minister for Racing and Gaming and I consulted with a lot of liquor outlets and the public. We then started off the banned drinkers register, with the University of Western Australia bringing a trial into force. We then tried to

implement it across the whole Pilbara region. It is evident that a lot of effort and consultation went into the amendments to develop a liquor control act that suited the needs of Western Australia back in 2018. But in 2023, it is vital now to reassess and readjust it to suit the current needs of Western Australians.

The banned drinkers register has been trialled in the Kimberley, goldfields and Pilbara regions since early 2021. During this trial, liquor retailers throughout these regions participated on a voluntary basis, providing important data and information to ID scanners, with the purpose of stopping banned drinkers on the list from purchasing alcohol. From research on the BDR and the trial data, it was evident that there were problems with the system. Evaluations of the BDR in the Pilbara showed insufficient pathways to the BDR. It was administratively difficult. It did not capture family and domestic violence, health damage or other alcohol-related harm outside of licensed venues. Licensed premises could opt out of the BDR because it was not mandatory and was enforced voluntarily. Secondary supply—when someone supplies alcohol to someone who is on the BDR—can undermine its effectiveness and defeats the purpose of a person being on the BDR. These issues will carry on within communities because there are no restrictions at home. These examples are just some of the problems with the BDR in the Pilbara.

The main changes to the BDR in 2023 include the fact that the BDR will create a legal register of people prohibited from purchasing packaged liquor, and will establish a head of power, which will be the minister, as having the authority to determine a banned drinkers area within the state, including in the Pilbara region.

The implementation of a BDR in the Pilbara can empower the community to take control of alcohol-related problems by actively participating in the identification and management of people on the banned drinkers register. It will allow community members to report incidents, contribute to the development of future restrictions and collaborate with authorities to address issues collectively.

There have been further adjustments to the process of getting onto the banned drinkers register, including a new pathway with the establishment of a banned drinkers order, which can be made on application to the director of Liquor Licensing by a medical professional, social worker or other prescribed persons who have the authority. The involvement of medical professionals and social workers in the BDR application process recognises that alcohol-related issues often have underlying causes such as mental health problems, substance abuse disorders or socio-economic challenges. The establishment of a BDR can act as a trigger for individuals to seek assistance and address these underlying issues through appropriate interventions and support services.

A banned drinker order can be issued by police for any alcohol-related offence, including driving under the influence or family violence. Police BDOs automatically impose a three, six or 12-month ban, escalating based on the number of offences. By restricting the access to alcohol for individuals with a history of alcohol-related offences, BDOs contribute to creating safer communities. They reduce the chances of intoxicated individuals causing harm to themselves or others and help to maintain public order and safety.

Within the Pilbara region, secondary supply of alcohol was a leading problem during the initial trial. I heard rumours that people were driving into the communities bringing alcohol from different places, and police were stopping those cars and tipping out bottles in front of the people. Bootlegging was also mentioned to me a lot by the community. They are the problems we found during the trial. It now will become an offence to supply packaged liquor to someone known to be on the BDR. By targeting those who supply alcohol to banned individuals, this bill aims to disrupt the alcohol supply chain to banned drinkers. This can help in cutting off their access to alcohol, limiting their ability to continue problematic drinking behaviours. By breaking this cycle, this bill seeks to mitigate the adverse effects associated with excessive alcohol consumption. The supplier can also be subject to a fine or a BDO, limiting their ability to further supply alcohol. By addressing secondary supply and limiting the availability of alcohol to banned individuals, the changes in the legislation aim to create safer and healthier communities. Restricting access to alcohol for banned drinkers reduces the likelihood of alcohol-related offenses, violence and associated harms. This in turn will contribute to an improved quality of life for individuals in the Pilbara region.

Further adjustments and changes for licensed venues now include that licensees in BDR areas, including the Pilbara, will be required to check every purchaser's ID against the register. It will be an offence for licensees to sell or supply to a known banned drinker. During the trial, I visited a lot of alcohol outlets. I used to watch the people who came in have their driver's licence checked. I have also been asked to do so many times. Some outlets did not bother to scan them because it was not compulsory. That is why this bill is very important. We can make changes so that it becomes compulsory that everyone is scanned, and thus the banned drinkers register can work.

It will be an offence for licensees to deliver to a banned drinker inside a banned drinker area. By having strict laws in place, consumers can enjoy going to licensed venues without the possible danger of dangerous drinkers around. By imposing strict checks on purchasers' IDs and prohibiting sales and deliveries to banned drinkers, this bill aims to reduce the availability of alcohol to individuals with a history of alcohol-related offences. This, in turn, could contribute to a decrease in alcohol-related incidents, violence, and associated social issues, fostering a safer and more cohesive community environment.

Implications of the BDO for individuals on the BDR include that a banned drinker cannot purchase, possess or consume packaged liquor in a banned drinker area. This restriction aims to prevent banned individuals from accessing alcohol in specific geographic areas, reducing the likelihood of alcohol-related incidents and associated harm in those areas. It will contribute to creating safer and more controlled environments within the community.

Police will have powers to seize and destroy alcohol found in the possession of a banned drinker. By removing alcohol from the possession of banned drinkers, the police will be able to contribute to the overall goal of reducing alcohol-related issues, and promote community safety within the region. Breaching a BDO could result in longer, consecutive penalties. This means that if a banned drinker violates a BDO, they may face extended periods of prohibition from purchasing, possessing or consuming alcohol. The consecutive penalties aim to deter individuals from disregarding the BDO and reinforce compliance with the order. By imposing stricter penalties for violations, the legislation seeks to discourage banned individuals from engaging in alcohol-related activities and promote behaviour change.

Overall, the Liquor Control Amendment (Banned Drinkers Register) Bill 2023 demonstrates a commitment to addressing alcohol-related issues in the Pilbara region. These measures aim to create safer environments, reduce harm and improve the overall wellbeing of the community by controlling alcohol supply and restricting access for banned drinkers.

When I talk to police and other local other agencies, they very often tell me about alcohol-related issues at home. When they go to pick up a kid to take them to school, they find that the parents are either intoxicated or not in a state of mind to get the child ready and prepared for school. I wholeheartedly support this bill to make sure that there is change in families. The government is doing a lot in this aspect of early intervention programs, including programs with families such as Target 120. We are running a lot of programs to make sure that we have a more respectable and safer community.

I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.