

LIQUOR LEGISLATION AMENDMENT BILL 2015

Introduction and First Reading

Bill introduced, on motion by **Hon Col Holt (Minister for Racing and Gaming)**, and read a first time.

Second Reading

HON COL HOLT (South West — Minister for Racing and Gaming) [2.11 pm]: I move —

That the bill be now read a second time.

The government's response to the independent review committee's report on the Liquor Control Act 1988 was tabled in the Parliament on 18 November 2014. The Liquor Control Amendment Bill 2015 is the first stage of the government's commitment to implement the review committee's recommendations, which attracted considerable community interest. Work has commenced on the second stage amendments, which 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.

The issue of secondary supply of liquor to juveniles attracted significant comment, and there is broad community support for the government to introduce tough penalties for a person who supplies liquor to a juvenile without the consent of the juvenile's parent or guardian. In this regard, the bill introduces an offence for a person who supplies liquor to a juvenile on unlicensed premises without the consent of the juvenile's parent or guardian.

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 consent was not obtained by the person supplying the liquor. It is not the government's intention to reach inside the private homes of families, but to tackle those people who disregard another parent's wishes or who do not place any importance on responsible supervision practices. 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.

Risky alcohol use amongst juveniles in uncontrolled environments is a concern for any government. As a strategy for addressing this, the bill introduces an alcohol intervention scheme for juveniles as a diversionary option for minor liquor-related offences. Police officers will be able to issue juveniles with an alcohol intervention requirement instead of an infringement notice. Juveniles who attend alcohol intervention sessions will be informed about the risks and adverse consequences of alcohol consumption and abuse.

To enable the concurrent assessment of applications by the licensing authority and planning authority, the bill will facilitate the director of Liquor Licensing accepting the lodgement of applications without planning approval. However, to ensure that objectors, interveners and the director of Liquor Licensing do not expend resources in unsuccessful or delayed planning applications, the setting of advertising dates for applications will be subject to the director's assessment of the status of a planning application.

The bill also removes the offence for a person traversing an unlicensed area while carrying liquor between licensed areas of premises—for example, moving between the main area of a licensed cafe and the licensed al fresco area, where a footpath or public thoroughfare separates the two licensed areas. In acknowledging the expectations of a modern society, the trading hours on Sundays for hotels and nightclubs will be extended. The trading hours for hotels will be extended to 12 midnight, and nightclubs will be permitted to trade through to 2.00 am the following Monday morning.

The bill makes a number of positive amendments for producers of beer, wine and spirits. For example, producers will be able to sell liquor other than their own product ancillary to a meal or for comparative tasting purposes. For beer producers, the bill allows for the consumption between 10.00 am and 10.00 pm of products brewed on the licensed premises. A key amendment is for beer and wine producers to have the ability to establish a cellar door operation or enter into a collective cellar door arrangement with other wine or beer producers within the same wine region or local government district. This will allow those producers to sell their products from a retail outlet that is not situated on, for example, licensed premises at a winery. This opportunity will be restricted to one outlet per producer, per wine region, or local government district in the case of beer producers, where their respective production facilities exist.

Finally, the bill addresses minor and operational technical amendments that include reducing from nine litres to four litres the amount of packaged liquor a wholesaler can sell via a retail sale to a person for consumption off the licensed premises; specifying four years as the time for which a licensee is required to retain training and incident registers; and removing passports as a class of document that can be confiscated by an authorised officer.

Pursuant to Legislative Council standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party, nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth. I commend the bill to the house and table the explanatory memorandum.

[See paper 3179.]

Debate adjourned, pursuant to standing orders.