

LIQUOR CONTROL AMENDMENT (BANNED DRINKERS REGISTER) BILL 2023

Second Reading

Resumed from 22 June 2023.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [12.29 pm]: The opposition will support the Liquor Control Amendment (Banned Drinkers Register) Bill 2023. Hopefully we will do so in a timely and efficient manner. We never know how these debates might go, but we will spend a bit of time in the committee stage running through some of the key questions.

As I say, we will support the bill, but I will run through what the bill is about. The bill will effectively extend the existing operation of a banned drinkers register. It will amend the Liquor Control Act to extend what already exists, particularly in the north west. I imagine that some members of the Mining and Pastoral Region might have a contribution to make on that particular component, because that is the focus of the bill. In January 2021, a two-year trial of a banned drinkers register commenced in the Pilbara. It extended to the Kimberley in July 2021 and the goldfields in March 2022, and another trial was put in place in the Carnarvon and Gascoyne Junction regions in May 2023. Obviously, there is a feeling in the government that a banned drinkers register is a useful tool.

I guess the question is: exactly what is the bill aimed at? Although it is aimed at the banned drinkers register, I suspect that the outcomes are as much aimed at other things than specifically alcohol consumption, because often it is not the alcohol consumption itself that causes the greatest impact in the community. The greatest impact is often a secondary impact in relation to behaviour, particularly around family and domestic violence, violence in the community more generally and a range of other outcomes that I think are effectively the primary target of this bill—and there is no reason why that should not be the case. We are focused on getting the best outcomes for the community. I suspect that it is going to be very hard to debate this bill without dealing with the focus on this area, which lends itself to a focus on Aboriginal people in Western Australia. We need to do that in as sensitive and sensible a manner as we possibly can. I want to try, if I can, to address that elephant in the room at the start of the debate, because I think we need to put it into context.

Interestingly, I tried to find some quite up-to-date figures on both alcohol consumption and the impacts of alcohol consumption, particularly in Aboriginal and non-Aboriginal communities, to work out what we are targeting here and what the respective impacts will be. Members might be surprised to learn that surveys that have occurred over a long period indicate that there are generally more non-drinking Aboriginal Australians than non-drinking non-Aboriginal Australians proportionally. People sometimes find that a little surprising. I am going to provide members with some figures from the Australian government's Australian Institute of Health and Welfare. They are a little bit out of date; I am going back to 2011. However, I thought it was quite important to put this in context. In 2008, nearly three in 10 Indigenous Australians did not drink in the previous 12 months, almost double the rate of non-Indigenous Australians. Basically, that survey pointed out that 29 per cent of Indigenous Australians did not drink compared with 15 per cent of non-Indigenous Australians. We need to let that stereotype drift away for a little while.

I will discuss a bit of my history growing up. I grew up on the border of central and south east Queensland. I have been over here for 30 something years now, so I consider myself a Western Australian.

Hon Sue Ellery: Nearly!

Hon Dr STEVE THOMAS: In a lot of country towns, Leader of the House, you are not a local until you are a third generation. Country towns are probably worse than metropolitan areas for that. There is a bit of bigotry and bias about incomers, which reminds me of a joke on that particular point that I will not tell now but I might do if we have a drink at the end of the day's proceedings.

I went to a little school call Goomeri State High School, which had a very low rate of Indigenous students. It was a little farming town that had this tiny school. I went to Murgon State High School for the senior years of school, which has Cherbourg Aboriginal community nearby. I was one of two white kids in Murgon State High School's rugby league football team in—it was a long time ago—the early 1980s. Obviously, a lot of Aboriginal kids played in the South Burnett football league. In that community, everybody who went to Murgon knew an Aboriginal person. The thing that people who visited found most confronting was not that Aboriginal people drank or that Aboriginal people drank horribly differently from non-Aboriginal people, which I will come to in a moment, but that they tended to do it in a more social manner and publicly.

There was a park on the way into Murgon, between the turn-off to Cherbourg and Murgon, and because it was between the two towns, it was a place of meeting. It was a congregation point at which alcohol was not uncommonly consumed. The issue was that people with no understanding of the community would drive past and go "Look, they're drinking alcohol in the park." They did not understand that that was a completely normal part of social life and did

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not necessarily mean anything. The consumption of alcohol in itself was not the problem there. It is a problem for all of us, Aboriginal or non-Aboriginal, if we start consuming alcohol at six o'clock in the morning. Visitors would find it confronting because it was happening in a public area, but for the locals, it was a completely normal process.

To some degree, the different approach to the consumption of alcohol where I grew up made a significant difference to how it was seen and reflected upon. That is a completely separate part of the debate to the one that we need to have and that we need to take into the community when we talk about the impact of this bill on Aboriginal communities in particular. One of the things we will ask the parliamentary secretary about—he may want to do it in his second reading reply, but we might potentially ask it during the debate on clause 1—is the relative impact of this legislation on Aboriginal people versus non-Aboriginal people. I am prepared to accept absolutely that the government will treat all groups and all people on an even keel under this legislation. However, the impacts are sometimes different, and I will come to some of the reasons for that in a bit. I do not know the north west as well as I know the area I grew up in to know whether the public consumption of alcohol is as obvious or as much a part of the debate as it was for the Murray people. Certainly, there is a view that this legislation will have a much greater impact on Aboriginal people than it will on non-Aboriginal people. I take the view that there is not such a dramatic difference in consumption rates that would deliver that particular outcome. There are some varied reports on that. A report from the Australian Bureau of Statistics dated 2013—it is a little older than I would have liked—refers to a survey undertaken at that time. I will quote the section relating to the risks related to the excessive consumption of alcohol. Under the headings “How do these rates compare with the rates for non-Indigenous people?” and “Lifetime risk”, the survey found that after adjusting for differences in age structure between the two populations, the proportions of Aboriginal and Torres Strait Islander people aged 15 and over, and non-Indigenous people aged 15 and over, who were exceeding the lifetime risk guidelines were similar. This was true for both males and females. Similar proportions of Aboriginal and Torres Strait Islander people and non-Indigenous people of the same age and sex exceeded lifetime risk guidelines, apart from women aged 55 years and over. Aboriginal and Torres Strait Islander women in that age group were significantly less likely than non-Indigenous women to exceed the lifetime risk guidelines for alcohol consumption. I suspect that those numbers have not changed dramatically over a long period.

When I look at the areas where I grew up, which I probably know best—I have some knowledge of the Noongar community in the south west—women aged over 55 years were the most likely group in Aboriginal communities to be focused on welfare and not overconsume alcohol. I do not know whether the same can be said for non-Aboriginal women over the age of 55 but I do not propose to survey the house to work that out because I am not sure that we necessarily have a representative group before us when it comes to alcohol consumption, so we would not have any baseline figures to use. The message I take out of that is that perhaps more authority needs to be vested in Aboriginal and Torres Strait Islander women over the age of 55 when developing policies and procedures around this issue because that seems to be the group that deals with it best. I thought that was an interesting baseline to put in place. We will be asking the parliamentary secretary whether he has some numbers on these issues.

In my view, in a completely anecdotal sense, the consumption of alcohol by Indigenous and non-Indigenous people is not significantly different. Many of both groups of people overconsume. Again, I do not think we should survey either the men or the women in this chamber for levels. We did find a difference in the outcome. I think the government's legislation is focused on the secondary impacts of alcohol, no more so than the issue of violence, particularly family and domestic violence. There is a significant difference between the rates of violence experienced by Aboriginal Australians and non-Aboriginal Australians. The rates for Aboriginal women are massively higher than the rates for non-Aboriginal women. This has been measured in a number of ways over time. For example, Indigenous females were 27 times as likely to be hospitalised for assault as non-Indigenous females between July 2017 and June 2019. Between July 2017 and June 2019, the rate of non-fatal family violence-related hospitalisations for Indigenous Australians was 30 times that of non-Indigenous Australians.

If the argument is that the location of consumption is potentially a big part of the consumption component, the impacts are dramatically different when we are talking about Aboriginal and non-Aboriginal communities. If the parliamentary secretary responds by telling us that this legislation will have a greater impact on Aboriginal community members and the restrictive impacts are on individuals but the positive impacts are more widely felt in Aboriginal communities, that is a reasonable outcome. I think we have to accept that that is what the numbers indicate and that is the intent of the government. It will be interesting if the parliamentary secretary says that that is not the case. It will not change the intent of the government and I do not think it will change the opposition's support for the bill. It is simply the case that the intent is the same. We will get to those numbers during the debate on clause 1.

From the outset, I wanted to address some of the sensitivities around the legislation. I move to the legislation itself. What is the legislation aiming to do? It will establish a banned drinkers register for people who are prohibited from purchasing packaged liquor. That prohibition of purchasing, possessing or consuming packaged liquor can be applied for three, six or 12 months. It will also change who can put that ban in place. The Western Australia Police

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Force will be able to impose a banned drinker order for any of those amounts of time depending on the circumstances and any previous orders. The parliamentary secretary's second reading speech states —

The criteria for the making of a banned drinker order by WA Police will include alcohol-related offending or offending that occurs while an individual is affected by liquor, including family violence that results in the issue of a restraining order and driving under the influence that results in a licence disqualification.

That tells us that this legislation is very much based on mitigating the secondary impacts of alcohol, which is quite a reasonable aim and a reasonable goal. A person can also be put on the banned drinkers register and issued with a banned drinker order if they are taken into alcohol-related protective custody on more on one occasion. I would imagine that one occasion is not uncommon. More than one occasion is a fairly broad field. When we consider clause 1, I will be interested to know whether the government has given some thought to applying a more accurate threshold or whether it will simply be judged concurrently with other actions and behaviours that occurred at the time—perhaps if a person commits a second offence, plus a multiple drink driving offence or multiple domestic violence offence. When we consider the appropriate clause, we might talk about the other thresholds that might be applied.

Under the legislation, a banned drinker order made by a police officer must be authorised by an officer at the rank of sergeant or above. I presume—again, the parliamentary secretary might respond to this in his reply—an officer can put in place a fairly immediate banned drinker order but has to have it ratified. Is there a time gap by which it must be ratified or does the officer have to go to the sergeant or higher to effectively enforce the order? The time frames on that might be useful if the parliamentary secretary could provide them. The second reading speech states —

The director of Liquor Licensing will be able to make a banned drinker order ... on an application by a medical practitioner, social worker or other prescribed person.

We will obviously want to run through the list of all the prescribed people at some point to work out who can make that application. The criteria here is again very broad but probably needs to remain so. It continues —

The criteria for the making of a banned drinker order by the director of Liquor Licensing will include whether the person is misusing or has misused liquor and that misuse is a serious risk to the health, safety or wellbeing of the person or another person. The director must also be satisfied that it is in the public interest to make the order.

That is all something of a minefield, unfortunately, in a piece of legislation that we actually support. It will get interesting as those thresholds and qualifications are applied. The advantage that the government has is that something similar has been in place for a couple of years. There is history here that the government can work on. It can put in place a system that is effectively reflective of what is already happening in the Kimberley, the Pilbara, the midwest and the Gascoyne. It is interesting to note that I think this is the only place that describes the health, safety or wellbeing of the person themselves. That is a really hard argument to put into place. I do not propose to argue that the government has to be prescriptive or quantify exactly what that looks like. I fully expect at some point in this debate for Hon Dr Brian Walker to come in and tell us that all alcohol is evil and we should all be on marijuana instead. The self-damaging impacts of alcohol have been a part of advertising campaigns for some time. It is interesting that nearly 20 years ago, I think—my memory is not what it used to be—at one point the definition of “dangerous alcohol consumption” was four standard drinks a day, which was also at that point the recommended intake by the British Medical Association. It gets a little bit confusing as to exactly what represents a dangerous level of alcoholic intake. There are health risks involved. The problem with medical research in health areas is that it is trying to link things that have a small link. For example, the link between alcohol and cancer. The consumption of alcohol increases the risk of a number of cancers. It does not increase the risk from zero to one—so a person will not get cancer versus they will get cancer. It is not an absolute. In some cases, those risks are fairly small percentages, and in other cases the research does not take in concurrent risk factors. I have no doubt that drinkers have a higher level of lung cancer than non-drinkers, but drinkers are more likely to smoke than non-drinkers. I suspect that the links are there, but they are at the lower end of the consumption scale, which is a little more difficult to put specifically in place.

It is dramatically different when we get to very high levels of consumption that pose a significant risk to the consumer's health, making them a greater significant risk to the people around them. Someone who is significantly impaired is obviously a greater risk on the road. It is interesting to see whether someone who is significantly impaired is a greater risk particularly when it comes to issues like family and domestic violence. I should do a survey of members' opinions around this. The question I have always had is whether alcohol is a trigger for violent behaviour or whether it removes the inhibitors of violence. I know that is probably a fine line, but the consumption of alcohol tends to remove inhibitors of behaviour, generally. If someone who has consumed a reasonable amount of alcohol is more likely to engage in risky sexual behaviour—not violence—and is more likely to be loud and to have less

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control over their inhibitions et cetera, does that also apply to violence? To some degree, it kind of means that if that is the case, alcohol is not the trigger and the capacity for violence is already within, hopefully restrained by the community and social mores, and, unfortunately, alcohol reduces the inhibitions or the restraint over that behaviour. We have always said that there are some people whose behaviour under the influence of alcohol means that they should not drink. Everybody is a slightly different drunk. I do not imagine there are too many people in the room who have never experienced it. If somebody is holier than that and can throw the first stone in that particular glasshouse, by all means. Everybody tends to love a happy, friendly drunk and there are a group with subliminal violence who should never get drunk. We all become a slightly different part of that range as we drink. I know where I am on the range but I was not planning on telling Parliament that in particular, but there is this range in which we release those particular inhibitions. To some degree, that means we should treat alcohol differently if it is not a trigger and it simply removes the inhibitors to violence. The government has to attempt to do what it is doing and we have to support the government in that.

Banned drinkers who have had a banned drinker order placed upon them have avenues of appeal. In the first instance, they can appeal to whoever issued the order—a police officer or the director of Liquor Licensing. I presume that is currently in place. I do not think it is different from the trials already in place in those various areas up north. During committee on clause 1 or in the parliamentary secretary's reply, I would be interested to know: How often does that occur? How many appeals have been put in place? How many appeals have been successful? I do not mind when I get that information, but I would be interested to know that at some point. I suspect that banned drinker orders are not put in place lightly; therefore, I suspect that the appeals process is not all that common, but I would be interested to know the numbers when the parliamentary secretary responds at some point.

The Liquor Control Amendment (Banned Drinkers Register) Bill will put in place a mandatory participation process. It will no longer be a voluntary participation process for liquor outlets. An identification system will be established that will allow for the identification of those who have received a banned drinker order. I am interested to know whether the set-up costs of that system will be prohibitive for outlets. I imagine that perhaps not, but let us see. I am also interested to know whether there will be an ongoing operational cost for that system. That is also important to know.

The second reading speech has a section on penalties. The bill will identify penalties in particular for somebody who tries to get around the banned drinker order or somebody who makes a purchase for a banned drinker, which is an obvious thing that we all know about. I suspect there would not be too many people in the chamber who at some point when they were between 16 and 18 years of age, did not think to ask somebody else to buy alcohol for them. Again, I am not telling members my history on that either. Those penalties will apply as well.

One of the interesting things the bill will do is to provide a head of power for banned drinker areas to be prescribed in the regulations. The government has a history of adding in regulation-making powers without being too open with the details of exactly what they will look like. I think we need to explore that a little further as well to work out precisely where these areas are likely to go and their size. Banned drinker areas currently exist in the state.

The ACTING PRESIDENT (Hon Dr Sally Talbot): Noting the time, I was going to let you come to a graceful conclusion or pause.

Hon Dr STEVE THOMAS: I do not have a lot left to say, but I will come to a graceful conclusion after the break.

The ACTING PRESIDENT: Noting the time, I will leave the chair until the ringing of the bells.

Sitting suspended from 1.00 to 2.00 pm

The ACTING PRESIDENT (Hon Sandra Carr): Welcome back, members. Before we continue the second reading debate, I would like to acknowledge the St Mark's Anglican Community School students up in the gallery today.

Hon Dr STEVE THOMAS: I do not have a long way to go in my contribution on this particular bill. There are only a couple of issues that I would like to finish up on. I will just address a couple more bits. Before we stopped for the lunch break, we were going through the second reading speech and dealing with a number of issues. We got to the component of the bill that allows for a head of power for banned drinker areas. This obviously relates to other bills that we have dealt with, particularly in Northbridge, so it is not a new concept. In fact, it is probably a very sensible component. When we get to clause 1 we might have some discussion about where these areas currently exist and where the government intends to expand them.

I indicate that it is probably the case that there are hotspot areas that the government is targeting. We have conducted the debate so far with some sensitivities. Some areas will be specifically targeted. The parliamentary secretary might be in a position to outline a little bit more of that either in the second reading debate or the clause 1 debate. This bill will effectively put in place another trial. There is a sunset clause at the end of the bill that says that this will be done over a two-year period and will be looked at and researched. I think the banned drinkers registers that

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were put in place also had a set time frame. Does the government intend to extend the time frames of those original registers to make it a wider trial? The Pilbara one is probably over a couple years down the track. What is going to happen around the time frame? I think that is also important.

I will come to what is largely the end of my contribution. I want to finish with the one component that I guess makes me a bit uncomfortable. Although offences will be put in place for liquor outlets that supply to someone on the banned drinkers register or to someone who purchases alcohol for and on behalf of someone on the banned drinkers register, there will be no penalty for someone on the banned drinkers register for purchasing and consuming alcohol. On one level, I understand that we do not necessarily want to punish the person who has a problem.

However, there is one thing that I do not like about this legislation. If I had an obvious solution to it I would perhaps suggest an amendment, but I do not because I am not quite sure how it would be done. The one thing I do not like is that punishment can potentially be applied to an outlet or business that supplies alcohol or to someone who purchases alcohol on the person's behalf, but the person who is actually the core root of the problem as it were will not be punished, apart from being on the banned drinkers register. I think that the government unfortunately has a bit of a habit of punishing the people who are not necessarily the cause of, but could potentially enable, the problem. I have never really liked that; that is why I am out here on the far-right wing of the conservative side. My end of politics is all about personal responsibility, not collective responsibility. That is for the communists on the far left, perhaps the Greens in particular. I always take the position that personal responsibility is —sorry, parliamentary secretary. Do you not think that the Greens are far left and it might be the Labor Party? The honourable member just had a bemused expression.

Hon Matthew Swinbourn: I think we should sit down and have a lesson about the political ideology between you and me in the members' bar at some stage just so you understand what a communist is as opposed to a socialist or social democrat, all those sorts of things.

Hon Dr STEVE THOMAS: I think I understand that, we might have a slight difference —

Hon Matthew Swinbourn: If we keep going down the spectrum there is fascism on the right and communism on the left. We all sit on that spectrum. It might be good to have a discussion about that.

Hon Dr STEVE THOMAS: That is why I did not call the Labor Party the communists, I called the Greens the communists. The Greens are —

Hon Matthew Swinbourn: Yes. That is right. We should also have a debate about what hyperbole is and those sorts of things as well.

Hon Dr STEVE THOMAS: The parliamentary secretary's responses would have nothing left if we defined that too clearly.

Once again, I have been dragged off topic by those dastardly devils on the other side. We will get back to the core part of it. That is the one part of it I do not like. As I said at the start, the opposition is supporting the bill. I think there are lots of good things in the bill. I think we would do this in a fairly sensitive way all the way through. I think it is going to be a fairly positive debate.

The one thing I do not like is that punishments are applied to those in the supply chain but not the person who is actually driving the offences. I do not have an obvious solution to that. I think if the government thought I had the right answer, it would still oppose it on the basis of principle. I do not have the correct answer or an obvious solution to that because the person who drives the criminal behaviour is already on a banned drinkers register and might be described as having already been punished enough. Having been through the bill in some detail, that is the only component of the bill that I am not overly fond of. I do not even expect the parliamentary secretary to respond to that, to be honest. I think it is an ideological difference that we will just put on the table and move forward from.

That is the outline of the bill and the position that the opposition is taking. Those are the concerns and I have raised a number of issues that I will seek answers to with questions. I am more than happy to do that in the clause 1 debate, but the parliamentary secretary might divert that and reduce it by having some of the answers in his reply speech. As I said, the opposition is supporting the bill. We, like the government, commend the bill to the house.

HON NEIL THOMSON (Mining and Pastoral) [2.08 pm]: I also rise in support of this bill. All I can say is that we finally have something here that has been called for for many years by people in the community in my part of the world, particularly in the north of the state. In that sense, it is good that we are now introducing this. There is a lot more that we could be doing and there needs to be an ongoing effort by the government. I would be delighted if a new Liberal–National government took this further in 2025. It was something that was expressed with a great deal of passion and commitment by the soon to be former—I believe as of next weekend—President of the Shire of Derby–West Kimberley, Councillor Geoff Haerewa. He also happened to be a candidate for the Liberal Party in the Kimberley. I note that Councillor Geoff Haerewa did an extraordinary job, gaining a three and a half per cent

swing to the Liberal Party with his primary vote in the face of what I would say was the most difficult election in history. He was very strong on this. He has always been committed to the cause of alcohol management in the north, as are many people in local government, the Kimberley Regional Group—I acknowledge the amazing work that the Kimberley Regional Group has done to drive this—and many of the liquor store owners in the north, all the way through the accords that have been run in collaboration with the police and other agencies across our state. They have been calling for an approach that will target people who have a problem with alcohol. Those people often cause great pain in our community because of their excessive use of alcohol and the challenges that it brings. The principle around this is really to target people who need therapeutic support—who need to be forced off alcohol—because they have a problem; it is not to target the whole community with one broad sweep.

Section 64 notices apply in varying ways. There is a quite complex tapestry of these arrangements across the north. In the Kimberley, there is a complete restriction on the sale of takeaway alcohol over a certain amount of a certain percentage. Different rules apply in Broome to places like Halls Creek and Fitzroy Crossing, and then there are different rules again in Kununurra. Apart from the restrictions in the two communities of Fitzroy Crossing and Halls Creek and other remote communities that have completely banned alcohol, I think through the Aboriginal Affairs Planning Authority Act arrangements—that is a whole other version of control—there are incredibly strenuous controls on the purchase of takeaway alcohol. This has a positive effect on problem drinkers insofar as it reduces the amount of alcohol they can purchase on a given day, but it has unintended consequences for tourism and the cost of living for retired people in those communities who, for example, end up paying \$15 or \$20 for a bottle of wine, whereas a similar bottle of cheap wine in Perth would cost \$10 or, if it is on the discount shelf, \$6 or \$8 a bottle. These are real impacts. Although none of us in this place support the idea of drinking to excess, I think the aim is to have regulatory arrangements that target problem drinkers and enable the state to provide a therapeutic response to them, but not to target everybody, because we want to make sure that people can get on with their business. We certainly do not want to have a negative impact on our tourism industry.

The government has tried to address some of those elements in some of the arrangements in some of those towns. If someone has a driver's licence from another part of the state and is travelling through one of those areas, they can fill in a form and are then able to purchase more alcohol to take with them on the road. I have seen the frustration of some grey nomads who could not believe that they could not buy a box of cheap wine to take in their caravan. It is surprising to many people in Perth, who can walk into a bottle shop in Perth and buy any number of boxes of wines—litres and litres of it—that that cannot be done in the north.

I think this is a very good measure. In some ways, it does not go far enough. As I said, it has also come far too late. It has come about only because of the activism of local governments. The police certainly have been broadly supportive of it. It will enable a targeted response.

Alcohol management in the Kimberley is a significant issue. Rolling bans often happen with sporting events. We know that excessive alcohol consumption at sporting events can cause great disruption to business and our social fabric. The Kimberley Regional Group has been seeking to reduce antisocial behaviour caused by excessive alcohol consumption and has been pushing for this for a very long time. Recent changes mean that the police now have greater powers to seize suspiciously high volumes of alcohol—it is that issue around the transport or movement of alcohol. There is a real problem with any form of prohibition, whether it be partial or the patchwork of different rules, in that it ultimately results in a black market for alcohol. That is a major problem. It also has an impact to some extent on groups of people within our community who choose to move to other locations as they cannot get alcohol in their communities. Having a banned drinkers register will start to eat away at the ability of those people to move from town to town and will start to reduce the impact of antisocial behaviour.

A range of restrictions can be imposed by the director of Liquor Licensing in the Kimberley. Restrictions under section 64 of the Liquor Control Act, on the purchase of alcohol, and section 175, on the possession of alcohol, are the most common. Sections 64 and 175 can be imposed only after a lengthy process of inquiry and consultation. Section 31 of the act allows short-term temporary restrictions to be put in place, such as the restrictions imposed during the COVID-19 pandemic. Restrictions imposed by the police from time to time significantly reduce the quantity of alcohol that a person can purchase. As I said, it is a patchwork of arrangements. The express purpose of the targeted arrangements is to target individuals rather than the whole community. I think that is the way to go. In the future, if we are able to use technology to target people who have a problem with alcohol, it would be great if we could actually start lifting the section 31, 64 or 175 restrictions over time. The restrictions in place in towns like Fitzroy Crossing could be lifted slowly. This is not an issue facing just Aboriginal or non-Aboriginal people; it does not matter which side of the community people are from. Many people find it quite frustrating when they want to purchase a slab of beer to take home and have a quiet drink with their family from time to time. Those people are restricted. That is unfair. Many of them have expressed to me that they find it racist, because it targets the whole community and not the individual. Our whole emphasis should be focused on the individual who has a problem with drinking, regardless of their background.

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The takeaway alcohol management system has facilitated this process. This excellent work was started by the Shire of Wyndham–East Kimberley. Despite the state government’s reluctance to move on this, that shire introduced the TAMS. It bought scanners at its own expense and introduced them to the bottle shops up there. That has worked over time. A trial happened in the Pilbara. Of course, the government eventually got behind it. TAMS works quite well. It seems to work really well. I live in a community that uses it, and I go down and use it without any problem. I just got used to always carrying my ID with me.

The broader community does not mind some restrictions if they are reasonable. What the broader community finds frustrating is when people have friends over and want to have a bottle of wine at home, they pop down to the store and find that it is closed and they cannot get a single thing. That becomes frustrating. People could say that it is a minor frustration, but it is not the same here in Perth. People in Perth have no idea that this is the issue.

It affects everything. It affects people in industry who have to go on site; they have to do paperwork to take alcohol if they are going away for a while. People in the maritime industry have challenges. Maybe their company structure has an allowance to have a beer after hours, when they are not working and are away in a remote location. These are all challenges. Paperwork has to be filled in, and it always happens. The pastoral industry also has to go through this.

The TAMS operates very well. For people in Perth who have never seen it before, if people go up north, they should always carry their licence with them. People walk into a bottle shop, pick up two bottles of wine or whatever they are allowed—in Broome it is six bottles of wine, and it varies everywhere people go—and they have to get their licence scanned. The system puts a limit on the purchase. That will be able to interface with the banned drinkers register so someone can come up as a banned drinker. I have seen this in action in the Shire of Wyndham–East Kimberley, in one of the bottle shops in Kununurra. I watched how it works. It comes up with a big red flag on the screen, and the person cannot purchase alcohol. That is really powerful and a very good process.

On 1 December 2020, the state government announced that the Kimberley was allowed to participate in the trial. That trial was underway. UWA did some work and was looking at that, and I assume some of the results of that are available. The TAMS allowed for greater compliance, including the rapid identification of banned drinkers, and it has had a very powerful effect. One liquor store licensee said, “It is a very powerful tool”. If people misbehave or the community has a level of concern, the licensee actually has the power to ban somebody. That is a different process. If there is antisocial behaviour in the licensee’s bar, a licensee is more than entitled under the law to say that person should exit and not come back. Now, this system will effectively be applied statewide. People not behaving will be able to be banned, which is fantastic. I do not think it goes far enough, and we will talk about that in detail when we get to it.

There are issues about how we treat people who have been banned. Police have been able to temporarily put someone on the banned drinkers register if they have concerns about assault or some other behaviour that suggests they should go on it. It then goes through, of course, to the courts, and the courts will have the power. That is essentially what will happen. We will get into the detail when we go through it and unpack it clause by clause; maybe the minister will explain all that detail.

It is important to see because in some of our remote areas and in my area there is probably an overuse of alcohol. That is probably a function of history and how people live in the north and in the goldfields, for example. The National Drug Research Institute in 2016 outlined that the state average for the number of standard drinks a day was 2.6. In the Kimberley, it is 3.5; in the Gascoyne, 3.3; in the goldfields, 3.3; in Esperance, 3.2; in Augusta–Margaret River, 3.1; and in the Pilbara, 2.7. In the Pilbara, in a 12-month period ending on 30 June 2016, half of 1 666 domestic violence incidents, or 49 per cent, were associated with alcohol; 33 per cent of those were estimated to involve children. What we are doing here today is very important because it will have an impact on children. We see the serious crime issue in our communities affecting children. We see kids not turning up to school. We can almost always trace it back to the abuse of alcohol or domestic violence in the home. It is an absolute scourge. I keep saying it. People should understand the terrible and dirty secret of the state: the Kimberley has a domestic violence rate that is 17 times Western Australia’s average. That is a scourge that needs to be addressed, and the only way to address it is to start targeting these things. Drugs and alcohol form a major part of that.

I want to comment a little bit about this because I think that some of the broader section 64 restrictions have unintended consequences. I do not have any research on this, but I believe that there will be a transfer across to other forms of drug use. Ice is a scourge that seems to be increasing in our regions. It is probably worse in places like Carnarvon than it is further north, but the problem is that if these things are not addressed in the short term, in the long term we will end up with bikie gang networks and the gangs then connect with disaffected youth in our community. The youth get cash in their pockets and become distributors. A lot of work needs to be done, and I am sure that police are looking at this because the generic section 64 prohibition bans encourage sly grogging—the trafficking of alcohol—which I think is a gateway to drug trafficking and distribution. The same people involved in that illegal activity are involved in illegal drug activity. We all know that the scourge of ice has been a problem

Extract from Hansard

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in Perth. The last thing we need is it becoming a full-on scourge in places like the Kimberley because that would have such a huge, negative impact on a certain proportion of the population.

We have already had the impact of fetal alcohol spectrum disorder. FASD has cut a swathe through our youth in the Kimberley. We know that some strong leaders in towns like Fitzroy Crossing stood up against it in the 2000s and brought about the movement to move to section 64s. I commend their work and courage, particularly the work of the Aboriginal women and leadership who really pushed for that. It took great courage to bring that on. Notwithstanding some of the frustrations and concerns that followed, something had to be done; it was such a scourge. Now that we are finally here, we need to start looking at targeted responses that start to reduce the impact, so it is safely used and people are properly educated and understand the impact.

We know that the use of alcohol by pregnant women will increase exposure to the risk of FASD. That is something that a lot of work has been done on by some of the not-for-profit groups, particularly in our communities in the north. They have been sending a message about how to drink safely and making sure that once people are pregnant they get the message to not drink, because any amount of alcohol during pregnancy has the potential to have a serious health effect on the unborn child.

We know that there are massive domestic violence challenges, as I have mentioned. Alcohol was recorded as a factor in 39 per cent of family and domestic violence incidents attended by the police between 2009 and 2014. In 2019–20, police responded to an estimated 8 345 cases of family assault incidents involving alcohol. That is a lot; that is a very big number. This means that more than 22 alcohol-related family assault incidents were attended by police each day. This is a serious issue across our whole community. My view is that whatever restrictions we impose we should consider them statewide. Here we are: the banned drinkers register will be a statewide arrangement, but I think we could be doing a whole range of things. This is not an issue just for the Kimberley; it is right across our state. In the Kimberley region in 2016–17, 75 per cent of assaults in families involved alcohol use, and in 2016, 66 per cent of all violent incidents involved alcohol. This is a serious issue. In 2006, 19.8 per cent of the police budget was spent responding to alcohol-related matters. It cost \$303 million in 2019. That is definitely a higher rate today. That is a massive cost.

There is of course also the impact on our straining health system. I quote statistics from the Australian Institute of Health and Welfare. If Hansard wants the references, I can table them. There is a lot of documentation and I will rattle through some of it so people can see the data on the terrible impact alcohol is having on our children and our families. There are 10 deaths each week, 315 hospitalisations and 160 family violence assaults. A 2.00 am snapshot survey in 2018 showed that one in six presentations to emergency departments in WA were related to alcohol. These are very serious numbers. WA has the highest alcohol-related presentations in the country. There were 33 people hospitalised each week in WA due to alcohol-related assaults. Alcohol-related presentations to Royal Perth Hospital emergency department cost an estimated \$7.5 million, and I am sure the number is much higher when ongoing treatment costs and issues that flow onto our health system and hospitals are included. They were just figures for the emergency department. In 2012–13, an estimated 16 387 hospitalisations WA were due to alcohol. I could go on. The Cancer Council put out a document about drinking matters and harms related to alcohol use in WA, which stated that 193 people died from alcohol-related cancer. There is so much data out there; there are so many research papers that show the harm of excessive alcohol use. There were 131 alcohol-related injuries and 88 alcohol-related cardiovascular disease presentations. That data might be per day; I might have to get those for Hansard. Anyhow, it is a very serious issue.

I look at the legal instruments and the evolution of these regulations. This legislation did not come out of a vacuum. It came out of extensive lobbying by some of our senior people in our communities. I am talking about the amazing work that was done in Fitzroy Crossing, for example, that led to some of the changes that happened. In 1992, voluntary restrictions began to happen. In 2007, no takeaway alcohol above a content of 3.4 per cent was permitted in Fitzroy Crossing. In 2009, no takeaway alcohol was permitted in Halls Creek above 3.4 per cent. There were Kimberley-wide restrictions in 2009. There was a ban on individual containers greater than one litre and on beer in glass bottles of 400 millilitres or more. In 2017, Kununurra and Wyndham introduced restrictions based on alcohol content. One of the impacts of that was that people started to move, which was a challenge. People started parking at Male Oval, and things were coming out of some of the communities. That has been ongoing challenge in Broome. There were voluntary restrictions from 2019 in the West Kimberley and then there was a takeaway alcohol management system. After some arm-twisting by local governments, we managed to get a commitment out of the Labor government to put in some funding along with local governments. That was through the Kimberley Regional Group's work. Hon Dr Steve Thomas mentioned some other challenges.

I note that there are some challenges around our Aboriginal communities. On average, Aboriginal people drink less than non-Aboriginal communities. That is a fact. That comes from Conigrave et al, 2020. There is a lower consumption on average. It is just a group of people, probably the most marginalised people, in that community, at 34 per cent, who drink at higher risk of harm levels, and 19.3 per cent who drink are at risk over the long term.

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That is part of the challenge. This is not Aboriginal people; this is about the whole community. The more our laws apply to the whole community, people cannot say we are targeting a particular group on the basis of race. I think that is very important because laws have to be seen to be fair and they have to be right. There are huge issues in the non-Aboriginal community, and sometimes those presentations are often —

Hon Rosie Sahanna: You just based your stats on one group of people, you did not say everyone. You just specifically said Aboriginal people, and the stats were only about that, so do not sit there and talk crap.

Hon NEIL THOMSON: I was referring to the outcome of the report. I was putting to bed this issue that it is just one problem. It is a small group, I was saying. So, I am doing quite the opposite to what Hon Rosie Sahanna might be suggesting. It is important to show that this is an issue that we must address for our community as a whole. This is the report from Conigrave et al, 2020. The report is there.

It is very important that we have these rules. As I said earlier in the presentation, there is this desire for more consistency across our whole state. That is certainly my view. That is very important. I want to make sure I am represented in that way. It is all about targeting the challenges that we have.

I will make an interesting point about some of this. The Northern Territory has had these arrangements in place for some time, and we have always been arguing in the north about applying the Northern Territory model more consistently in Western Australia. The interesting thing is that there is a great deal of reporting done in the Northern Territory model. There is a very strong reporting model, and I would like to see that added to our laws today. We do not see that amount of reporting here. There is a very transparent process. For example, when someone comes up on the banned drinkers register, when something happens and they are put on the register, there is a requirement to follow up with therapeutic support arrangements. That data is available through the Northern Territory. One of my staff sent me it. I think the Northern Territory Civil and Administrative Tribunal is the body that has the data. The data comes from Northern Territory Health and Northern Territory Civil and Administrative Tribunal. The administrative tribunal is where appeals go, so that has the data about appeals. Northern Territory Health is the agency that takes care of the mental health and alcohol and other drugs branch of the data. That is the Northern Territory's Department of Health. There is a lot of data provided. They also provide regular feedback. The need for feedback is also important so we can get this right.

People have been dealing with this issue firsthand. The former Commissioner of Police, Karl O'Callaghan, wrote an opinion piece in *The West Australian* on 5 October 2022. He wrote —

Former police commissioner Chris Dawson blasted the scheme in January this year pointing to the fact that of all the people residing in a trial area only 48 had been placed on the register. In effect he said it was worthless legislation.

At that stage it was voluntary; at that stage it was a trial. I hope it can improve —

A recent review of the register by the University of Western Australia found that after nearly two years, there were less than 200 banned drinkers on the register, recommending sweeping changes to the way the legislation operates.

Further, Karl O'Callaghan, former police commissioner, states —

Lazy quick fixes rarely make a difference to the occurrence of crime. They generally cost little and avoid government having to invest money in the complex drivers of crime. Worse, they load police up with more work without reducing the demand load. Just ask the victims. They will probably cry you a river.

Now we have this bill and the opposition supports it because this is the first serious attempt by this government to start to address the problem of banned drinkers.

I think there are going to be issues that we need to look at as we move forward. It is important we assess the detail of this bill—I have a number of questions. I commend the government for eventually taking this on. I am sorry it has taken so long. I note the time—I am not going to spend more time on this, but I want to acknowledge the hard work of our local governments that have stood up for their communities. They have stood up for their communities and have torn their hair out in trying to work out how to solve this problem. We can be critical of each other, but at the end of the day this is a problem that we all have to wear. This is a problem that the whole community wears and we need solutions.

I commend the Department of Local Government, Sport and Cultural Industries for being part of the solution. It is important that whatever we do going forward, we must keep monitoring and assessing and making sure there is progress in addressing those terrible statistics that I read out—the terrible impacts of alcohol abuse. If we can address it, that is how we will improve. I would like to see more data transparency and more assessment of our progress moving forward, and how we make those necessary adjustments.

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The key message is “broadening our pathways”. At the moment, I think the pathways are still too narrow in a general sense. There should be more pathways for people to be put on the register. Of course there needs to be protections so people cannot be put on the register arbitrarily. If there is a situation where, for example, kids are not attending school and there is seen to be alcohol abuse, that might be a good reason for social workers to have power—maybe they do. That might be something that could be answered by the parliamentary secretary as we address this. I think there needs to be far more pathways and more ability for people to be put on the register at least for a short time, when it might be subject to judicial review, so we can resolve the challenges raised by Karl O’Callaghan. We can make sure that it reflects the significant number of people who abuse alcohol on a regular basis, and that there are significant penalties for those who supply alcohol to those people who are on the banned drinkers register. We can make sure there are significant penalties for people who illegally move alcohol into section 64 zones where alcohol should not be sold.

I commend the Western Australia Police Force because I think there has been a shift of attitude in recent times, which is a good thing, in the treatment of and collaboration with liquor store owners. Do not treat the liquor store owners as the enemy. They are not. I am sure that the compliance unit of the department will look at where things are done illegally. In my vast experience of talking to liquor store owners—I take my time to discuss the issues in my region—their hearts are in the right place. Yes, they are running a business and have to make an income, but there is nothing wrong with that. It is a lawful thing and we should not be targeting for the sake of it. That is my counsel to the government. I think there is a level of cooperation, which has been improving over time. That is a good thing. Thank you for the opportunity to speak today.

HON PETER FOSTER (Mining and Pastoral) [2.43 pm]: I rise to make some brief comments in support of the Liquor Control Amendment (Banned Drinkers Register) Bill 2023 before us. I represent the north west, and as somebody who lives and breathes liquor restrictions every day, I have listened quite patiently to the contributions of Hon Dr Steve Thomas and Hon Neil Thomson and I am going to take a different approach. I worked for child protection for a number of years prior to my election to Parliament. I responded to and worked with families who have experienced family and domestic violence. I worked with families both in our First Nations community and members in other parts of our community. I think it is more of a community issue, rather than a particular group issue.

The bill proposes four main changes to the act. It establishes the banned drinkers register in law—I think that is a great thing. It introduces new pathways on to the banned drinkers register—I think that is also a great thing. If there are people in our community who cannot handle alcohol, then they should absolutely be on this banned drinkers register. It combats secondary supply and, as we have seen, when liquor restrictions are introduced into one town, people hop over to the next, purchase alcohol and bring it back. There is quite a distance to travel between a lot of towns in the north west, and people would be surprised how many people travel between Geraldton and Carnarvon to get around the liquor restrictions. I acknowledge and thank the Western Australia Police Force for its fantastic work, particularly in Carnarvon, in tackling the issues we have there with alcohol-related incidents.

Hon Dr Steve Thomas spoke about drugs in his contribution and I know the Western Australia Police Force is doing fantastic work in intercepting drugs as well. I acknowledge St John Ambulance, both paid staff and volunteers, and Department of Health workers, because at the end of the day when there is alcohol-related violence in the home or out in the community, it is our St John’s volunteers or health staff who provide assistance. Carnarvon has been mentioned a lot today. I have spoken to liquor venues in Carnarvon; I have spoken to the Shire of Carnarvon and a number of community organisations in Carnarvon. They have welcomed the liquor restrictions that have been introduced. Are they hard? Absolutely, but people know I am from Tom Price and we have had liquor restrictions ever since I have been there.

Hon Neil Thomson: By interjection, I think you are probably stretching it a little bit to say that they’ve gone along with it. The bottom line is, I think, they are quite severe in Carnarvon and I think—let’s apply them to Perth and then I think you would probably be able to see if people actually really accept —

Hon PETER FOSTER: Is that an official party policy?

Hon Neil Thomson: No, I am just saying —

Hon PETER FOSTER: Thank you. I will not be taking any more interjections because I know we are keen to get into committee and I want to keep my contribution brief.

Combating secondary supply is important and I support the bill on that basis. It puts requirements on licensees, and jumping back to the issue of Carnarvon, there has been a liquor accord in place in Carnarvon for a number of years and it was the community of Carnarvon that asked the state government to intervene and assist. We need to keep that in mind. I was with the Premier when he travelled to Carnarvon and met with a number of groups. He

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met with the police; he met with child protection agencies and with health workers, and the community asked us to act. That is what we did.

I have spoken to the principal at Carnarvon Community College; they have children returning to school who they have not seen for some time. In my opinion, that is a direct result of the liquor restrictions. I have spoken to the team at Carnarvon Family Support Services. On Monday mornings it used to have a line out the door of people asking for financial assistance because they had spent all of their money on alcohol on the weekend. Now it does not have a long line on Monday mornings. It is grateful for the liquor restrictions. I visited the sobering-up shelter in Carnarvon. The staff commented that there are fewer presentations to the sobering-up shelter as the result of liquor restrictions. I am sorry that a few of the liquor venues in Carnarvon are disappointed, but I am looking at the issue from a community-wide perspective. We have less demand on our health system, more kids returning to school and less demand on the sobering-up shelter and other assistance. I think it is a great thing.

Hon Neil Thomson spoke about liquor restrictions in the north west and how difficult they may be to navigate— all of the restrictions are on the Department of Local Government, Sport and Cultural Industries website. People only need to carry a driver's licence. They go to the venue, get their licence scanned, and off they go. Before the banned drinkers register, it was an ad hoc approach. In Tom Price for example, if the police got a heads up that there was going to be antisocial behaviour, our takeaway alcohol was heavily restricted. We were allowed one bottle of wine or a carton of mid-strength beer or a sixpack of full-strength beer. Alcohol could still be purchased, but not a lot. If someone was having a sports event, or an eighteenth or twenty-first birthday party, all they needed to do was pop down to the police station and have a chat, and they could navigate those restrictions. Personally, I did not mind being able to purchase only one bottle of wine a day; I was quite fine with that. I take the member's point about tourists. Tourist numbers certainly have not decreased in the north west. Just look at the crowds that were in Exmouth for the total solar eclipse. We are still getting a substantial number of tourists in the north west. Onslow and Shark Bay were booked out this year. The tourist numbers were down in Carnarvon, but there was still pretty big demand there. Kalbarri was also busy. People are still visiting the north west, whether there are liquor restrictions in place or not.

Some members today have talked about consultation with stakeholders. I can attest that one of the local governments was consulted and it agreed with what the government is trying to achieve here today. It also sees the harm in its community and wants to look at targeted measures that are applied across the community to tackle alcohol-related violence.

Also discussed today has been the issue of government dragging its feet. I am not sure that that is the case. With all things that get introduced, there needs to be assessments and consultation, and this bill has been sitting on the notice paper for some time. It was a priority of the McGowan government and now the Cook government to tackle alcohol-related violence in the community. Minister Sabine Winton, in her prevention of family and domestic violence portfolio, is doing a lot of work in that space. I have been with her on a few trips to meet people on the front line to thank them for all the work that they do to tackle family and domestic violence. It is not always alcohol related. When we talk about domestic violence, we talk about power and control. It is not always alcohol. Alcohol is absolutely one factor, but it is not the only factor. There are situations like economic domestic violence, whereby one partner in the house does not want the other person in the house to spend money. There are a lot of other factors, not just alcohol.

It was also talked about today that alcohol is a main factor of children not attending school. As someone who has worked for the Department of Communities in child protection, I know that there are many reasons why children are not attending school. It is not as simple as alcohol and drugs. There is a lot of trauma and other issues such as separation anxiety, mental health issues, and a lot of other issues in addition to drugs and alcohol that are stopping children being sent to school.

I leave my remarks there, because I know at least one other member wants to make a few comments today. I wholeheartedly support this bill. It is fantastic and will go a great way to addressing the issues we have in the north west.

HON WILSON TUCKER (Mining and Pastoral) [2.52 pm]: I rise to support the Liquor Control Amendment (Banned Drinkers Register) Bill 2023. I do not think I have uttered those words in this place for a little while now. This bill is eminently sensible, given the corrosive effects of alcohol that are being experienced in particular in the northern part of WA and certainly in the Kimberley. Any member who has spent a significant or even a short amount of time in some of these communities in the Kimberley, whether they have stepped off a plane or out of a car, has certainly been exposed to a lot of the antisocial issues and problems that come with the excessive use of alcohol in those areas.

I will share a recent trip that I took up to Kununurra, which is a town certainly grappling with some of the issues attributed to excessive alcohol consumption. I also took a trip to Halls Creek. Members would certainly be familiar

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with a lot of the media reports around Halls Creek. Being on the ground and experiencing it firsthand is a different situation. I will share some facts and figures around Halls Creek. I am not here to pick on the town; it has a strong community theme with a lot of support and a lot of good people doing good things, but it exemplifies a lot of the issues being experienced in the Kimberley. There are 21 ratepayers on the books in Halls Creek. Recent census data has the population sitting at around 5 000. I think in reality that number is closer to 7 000, potentially 10 000. It rates as the poorest town in WA and in the top 10 poorest towns in Australia. It has some of the highest rates of truancy, suicide and domestic violence. The list goes on. There is a smattering of Government Regional Officers' Housing properties, and a small number of government workers there. Aside from those 21 ratepayers, it fits in between 5 000 to 10 000 people into public housing. There is a severe amount of overcrowding and it has some of the highest rates of homelessness in WA. I think it actually has the highest rate of homelessness in WA. The youth crime issues have got a little better. There are a lot of Aboriginal liaison officers on the ground, having a presence on the street trying to engage with hundreds of kids out on the streets at night time. The one constant that this town and a lot of towns in the Kimberley deal with is the excessive use and consumption of alcohol.

The overwhelming feedback I have received from police, community leaders and government workers during this trip and other trips is that this banned drinkers register is something they have been calling for for a long time. I do not think I heard a single voice in opposition to it. They really think it could be another tool in the toolkit. When the government puts a law in place, people will try to find ways around it. Although this is seen as a good step, there are concerns and reservations about how effective this legislation would be on the ground. Some of these concerns will be best fleshed out during the Committee of the Whole House stage. I will share a few now and when we get to committee we can flesh these out a little further.

A few members spoke around the uniformity of the section 64 restrictions across the Kimberley. There is a feeling of some towns being more restrictive and marginalised than other towns. We heard from Hon Peter Foster that some people will go to great lengths to get past these restrictions. In Halls Creek, they are allowed to buy only light beer and no wine, which is a concern for some people who, for the most part, are doing the right thing and do not have a problem with alcohol. Even if they are alcoholics, they are not out on the streets causing antisocial behaviour. For those people who want to buy a bottle of wine and have a glass of wine at the end of the day, they cannot. People who are taking alcohol to an excessive level, becoming an issue in the community and causing disruption, as we heard, go to great lengths to travel hundreds of kilometres across a very large area to go to other towns. Broome is one place where a lot of problem drinkers have set up. That is a concern.

There have been calls for some uniformity in the section 64s across the Kimberley, given that we see a lot of transients, with people going to different areas. That is obviously an issue in the Kimberley. We need some cohesion around these laws to prevent that concept of sly grogging, when people pick up alcohol in one part of the Kimberley and drive across to another, getting around these minimum provisions, which, in reality, are not really a huge restriction on the amount of alcohol that an individual can buy. Even in Halls Creek, if someone wants to get drunk, they can get drunk on 30 cans of light strength beer. There is a need to control the ingress points, but the reality is that there is a lot of alcohol in the Kimberley. Having some uniformity in the section 64s is something that the community has been asking for and it is something we can certainly prosecute further in committee.

I spoke about sly grogging. There is concern about people going across the border to the Northern Territory. What information is being shared about people who have ended up on the banned drinkers register who are just going across the border and coming back with a large quantity of alcohol? Certainly, the police in Kununurra have experienced that issue. I think that in Committee of the Whole we can further prosecute the information exchange between the Northern Territory and Western Australia.

More social services are needed. This is a massive issue. Certainly, in Halls Creek, there is open headcount for wraparound support services in those areas. The reality is that a town like Halls Creek really chews people up and spits them out at the other end. People who work there are at the coalface, dealing with a complexity of antisocial issues. It is a burden, and it takes a special individual—someone with more empathy and compassion than myself—to go into those communities and try to untangle generations of trauma and deal with some of the issues that are facing those towns. I compare that with Kununurra. The regional police officer placement is an example of this. It is much easier to attract people from Perth to go to a place like Kununurra. They are certainly at the coalface dealing with a lot of complexity and a lot of antisocial behaviour attributed to alcohol, but at the weekend they can go barramundi fishing and explore the gorges. It is a good town in which to raise a family. Halls Creek is a different scenario and a different environment. It is in the middle of a desert. It is a harsh area. It is hard right now for the government to attract people to that area. If the aim of this banned drinking register is to put on the register that small percentage of people in the community who have an issue, then we really need wraparound services to support those people on that journey. Some of those people are alcoholics and have been alcoholics for years—potentially decades. What support is the government offering them as they continue along their journey? Right now, those

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services are not adequate, and in some places they are non-existent. What is the government going to do to make sure that there is more support for those people on the ground?

Those are the main points I wanted to make. Overwhelmingly, the community is asking for this legislation and supports it. There are some concerns that I have echoed that I think are probably worth prosecuting, but it is a massive issue. Those towns desperately need another arrow in their quiver to deal with this issue of excessive drinking. For those reasons, I support this bill.

HON DR BRIAN WALKER (East Metropolitan) [3.02 pm]: I rise to contribute to the debate on the Liquor Control Amendment (Banned Drinkers Register) Bill 2023. It has to be said at the very outset that any action taken to reduce the damage caused by alcohol will find favour with me. I will support this. The question is really: Are we going far enough? Are we managing the real problem or are we simply putting a plaster on a symptom?

I was out of the Parliament on urgent parliamentary business for the first part of this debate, so I may have missed some salient points made by my colleagues in this chamber, but none of them will be surprised to know that I have personal experience of the clinical side of alcohol in remote and rural communities, so the words I say are tinged with a practical knowledge of some of the difficulties on the ground—not all the difficulties. As my honourable colleague Hon Wilson Tucker pointed out, the complexities here are quite huge, and anyone who claims to understand them all is obviously not experienced enough. But the very fundamental problem with alcohol is that it is, as a substance—ethanol or ethyl alcohol—toxic in every shape and form and every dose. It is toxic. It is tolerable in the human metabolism to a certain extent, but when I am discussing alcohol with my patients, wherever I am and whichever clinic I happen to find myself in, I always say that it is the third drink that gets them into trouble. The first drink is fine. The second is probably enough; one should not drive with any more in one's system. The third drink is when things happen. Sometimes they can be funny and laughable; sometimes they can be catastrophic.

With alcohol, we always get a measure of central nervous system damage. Alcohol is a central nervous system suppressant. Any one of us will have experienced that. If a person drinks enough alcohol, their protective measures are going to be reduced so much that they will do things that they would never have wanted to do in a sober state of mind. If someone's existence is predicated upon the fact that they are continually under the influence of alcohol to some degree or other, they are never going to experience a normal response to conditions. For someone who has grown up in an area where they are one of the majority having suffered major trauma in childhood—transcultural and intergenerational trauma—and who has a central nervous system suppression, alcohol will always make things worse—always.

It strikes me as rather strange that we have such a toxic substance circulating freely in our community and we are debating: how can we mitigate some of the problems in some of the areas for some of the people? We really ought to be asking: how is this benefiting all of us? For example, I could point out the dangers of taking alcohol while pregnant. Even a glass of wine during pregnancy is associated with a certain risk of fetal damage. It has to be pointed out that my mother was of a generation in which alcohol and tobacco was fairly normal during pregnancy. I am a baby boomer. Someone in this chamber might criticise that and say that I have suffered, and quite rightly, too. It has not done me too much damage, but when we look at the larger picture of what happens in society when alcohol is consumed during pregnancy, there is damage. The larger the amount of alcohol, the more the damage.

Another interesting fact about alcohol is that it is actually carcinogenic, so there is an increased risk of cancer, even with small amounts of alcohol. Are we really debating the right debate? The answer is yes and no; yes, we need to do something now, but no, we ought to look at this much more closely. In Australia, we have 6 500 deaths a year due to alcohol alone. I am not sure whether that includes the road toll deaths in which alcohol has played a significant role. I do not have those figures; I should maybe check them. It might be worthwhile having a look-see. But certainly, of those 3 500 annual road deaths, we might ask: How many of those had alcohol in their system? How many had other drugs in their system? It might be that we have 9 000 annual deaths due to alcohol; I do not know. It is certainly a large number and we ought to be taking note of this in all areas of society.

Moving on, when I look at alcohol and the role it plays in the remote and rural communities in which I have worked, I can absolutely say that it is one of the biggest problems that we face in such societies—not for everyone, it must be said, but for those people for whom alcohol is a problem, the problems that are caused are inordinately greater than the number of people who have the problem. I can testify to that from any night in emergency departments in any hospital in remote and rural Australia. People come in who are, first of all, just drunk. Secondly, people come in who are drunk and aggressive. Thirdly, people come in who are drunk and aggressive and have injured themselves or others. Then we have problems of chronic ill health due to alcohol. I vividly remember sitting with a patient in the emergency department in Newman Hospital. After 30 years of doing everything wrong, including taking alcohol in large amounts, his health was at an end. I remember he was sitting there on his gurney, looking me in the eyes, and he said, "Doc, help me." There was nothing I could do. Had he listened 25 years ago, I could have done something, but now, nothing could be done.

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I vividly recall another patient who had liver failure. It is really quite fun to be a doctor dealing with this, because when there are oesophageal varices and they burst, the blood volume being spilled by vomit and through the gut is huge. The doctor has to put a tube down and blow up a balloon on that side of the stomach and a balloon this side of the oesophagus and pull it up to stop the bleeding. It is a messy procedure, but it will save the patient's life for a while, until the next time. I have to say that doctors who are involved in emergency departments actually make a lot of fun of these things. We talk about them over a cup of coffee with our mates. But for the patients involved, it really is life or death. We managed to successfully bring this patient back from the brink of liver failure. We set up a liver transplant for him, only for him then to go back on the alcohol and die of the consequences.

These are the headline grabbing, beautiful, fun things to do as a doctor, but they do not look at the depth of social disturbance throughout all society. I will underline this by looking at a family in which alcohol is in the game, perhaps being used by both the mother and father who have battles or fights when they are alcoholised. The children are absorbing this behaviour and living in fear for the life of their mother or the safety of their father, who is again unconscious. Over not just months, but years, maybe a decade, the children grow up with this happening in front of them. Once they have come out of that situation, will they have a happy and healthy adult life? It will be hard. Will it mark them for life? It will. Will some of them succumb to that? Yes. Will some of them grow above that, outgrow it and become wonderful paragons of society? Yes, but it will be a burden on all areas of society. It does not matter whether a person is in Noonkanbah or Nedlands, the same problems are there, just to different degrees. The end result is human suffering that would be avoidable if we were to take measures to curb the use of alcohol at all levels.

The idea of a banned drinkers register is a fine idea, but the implication is that once employed, we need to find ways of stopping people from getting around it. It is very much like prohibition in the United States. When alcohol was banned there, it was absolutely available. Prohibition just encouraged the criminals to engage in that activity and the problems occurred. I recall in the 1960s in Australia when bars closed at six in the afternoon. What happened? People rocked up from work, they downed as many schooners as they could, they went home drunk and they did the same thing again the next day because the supply of alcohol was limited, rather than drinking in a civil manner. It is a bit difficult to define "civil manner", but I mean that by drinking in a civil manner, drunkenness is reduced. We need to think outside the box. This legislation is in-the-box thinking. I approve of it, but it is still in-the-box thinking. We need an out-of-the-box solution. I will give an example. Members will know where I am going to go with this.

When Portugal decriminalised all drugs, including the ones I detest with a passion, alcoholism reduced. I would not have thought that possible but that was the case. It seems to be the case that when access to all drugs is decriminalised—I would not say legalised—the need to get smashed on alcohol seems to decrease because there are other ways of people managing themselves. If drug use is decriminalised, we can get the services involved that will help people to recover from what are obviously physical or mental problems that require them to use drugs and alcohol in an aberrant fashion. The management of mental health would be a fantastic area to work in. Rather than banning drinking, let us get the mental health services in there and provide the social circumstances required to smooth out the problems that result in people having mental health problems and needing alcohol to manage their nerves, which can lead to a very nasty downward spiral into destruction, certainly, and early death, probably.

I could go on for a long time. Anyone involved in this sphere will point out, from a medical point of view, what is going on with the abuse of a commonly used drug. I think we all know it, so I am not going to labour the point. Although the Liquor Control Amendment (Banned Drinkers Register) Bill 2023 will have my support, I will certainly be asking questions in the committee stage about the practicalities of it. If we are going to pass this bill, the questions will be: Is this really all we can do? Should we not be doing more? Should we not be thinking outside the box? I ask both sides of Parliament to take this, to move on and to let us have an open series of questions among ourselves. Are we really serving those in need with this law alone, or should we be looking at an out-of-the-box solution that covers the true underlying causes of the problem and manages that, rather than putting a plaster on a symptom, well-meaning and well-intended as it is? Will it achieve what we want it to achieve or will it simply encourage people to bypass the law in ways that we have not yet thought of? With these few words, I support the Liquor Control Amendment (Banned Drinkers Register) Bill 2023 and I look forward to seeing it in further detail.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [3.14 pm] — in reply: From the outset, I thank everybody who has made a contribution to the debate on the Liquor Control Amendment (Banned Drinkers Register) Bill 2023. We think it is an important bill and we are confident it will have the desired effect on what has generally been acknowledged as a challenge for us as not only a state government, but also a society. Alcohol has often been described as a good friend but a bad master. We all know of people who have succumbed to its effects. I thank the opposition for its support of the bill. It makes it a lot easier having that support, so thank you very much.

The Leader of the Opposition asked a couple of questions and he is correct; this is an extension of the banned drinkers register trial, and he is quite right in that the legislation will be subject to a sunset period. We think that

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this is a moving feast and we are confident that it will work, but we are open to the suggestion that we can always make this better and all good ideas are welcome. The bill is aimed at people who cause harm to not just themselves, but also other members of the community. We are trying to have a targeted approach rather than a blanket approach. It was borne out by many of the speeches today that a blanket approach affects everybody, many of whom have done nothing wrong. They just want to enjoy a drink and there is nothing wrong with that. We are trying to target those who have a problem and provide them with support services to reduce all the things talked about, including harm to their health, harm to the community, harm to their families and the like. The focus is definitely on the outcome. That is what we want to achieve. We want to identify the people who are problem drinkers and attempt to help them to reduce their consumption of alcohol. It is an addiction in many cases.

The Leader of the Opposition asked some questions about the elephant in the room, as it was called: that is, the focus on Aboriginal people. This bill targets individuals who have a problem with drinking. It does not matter what a person's background is. I know of some non-Aboriginal people who are quite affluent and addicted to alcohol. It affects people right across the community, including those whom we may not realise. The Leader of the Opposition pointed out earlier that Aboriginal people are quite social in their drinking culture and that it is on display for people to see, but many non-Aboriginal people are not social with their drinking culture and drink in private. In both situations, those people are causing harm to themselves, to their families and to the community. We need to be more individualised about this, acknowledging that that is what a lot of people think and that Aboriginal and non-Aboriginal people will end up on the banned drinkers register for a variety of reasons. If we were to target a group of people, this legislation would not work. It needs to target individuals who have a problem with alcohol and who need services, support and, probably most of all, less alcohol.

The bill will mitigate secondary impacts, and that is a reasonable goal, as the Leader of the Opposition said. I agree with him on that. Preventive measures have been taken before, but there will be impacts further down the line. The member asked some questions around time frames. It might be better if we deal with those in committee, if that is all right with the member. He had a couple of questions about the criteria around misuse and the public interest. I think we have been pretty open about that. We think this bill is in the public interest because we all know a nuisance drinker. Everybody will be better off if we can rehabilitate that person and limit their access to alcohol. The member talked about the risks and effects of alcohol. We might deal with the avenue of appeal in more detail in committee as well because there will be questions about that.

I thank the Leader of the Opposition for his contribution and for his support on behalf of the opposition. He also talked about banned drinker areas. This bill targets individuals who have a problem. We want to limit their intake of alcohol. There are banned drinker areas. I am not sure how the member thinks the two are linked, but we can talk about this in more detail later. The member touched on the two-year sunset period, which we acknowledge, and penalties for outlets and persons who supply banned drinkers with alcohol. There is often no penalty for people on the register. I take the member's point about personal responsibility, but we are often talking about people who have gone past that point and have an addiction. We are trying to help and rehabilitate them. They often have no capacity to pay fines and the like anyway. We think we are better off trying to help them move forward to manage the problem they have. We see this as a way to do that.

Hon Dr Steve Thomas: I didn't have a better solution.

Hon DARREN WEST: Yes. I acknowledge that. I am also pleased that the member mentioned this. It is a particularly challenging area. We heard that from every speaker here. I would like to acknowledge all the people who work in this area, because it is particularly challenging. The member is right: nobody has all the answers. What works in one area may not work in another, but we have tried this for two years and are happy with the way it has gone and want to roll it out more broadly. We think it will be a better way forward and so do organisations like the Australian Hotels Association. Blanket drinking restrictions have a lot of unintended consequences. I think they are easier to get around than what we are proposing here.

Hon Neil Thomson supports the bill. He gave us some detailed observations and mentioned that it is good we are taking action on this. We are actually very proud of the work that we have done in this space. We think that the department and everyone involved have done a great job in getting the bill to this point. As I acknowledged before, it is a particularly challenging area to work in. We have to strike up a very delicate balance on access to alcohol by the general public, particularly by those for whom it is a problem. He acknowledged that the restrictions that will be put in place by the bill are better than widespread restrictions, and gave us some insight into Carnarvon. I think the member was a bit critical of what we have done in Carnarvon, but I think the community was screaming out for action. We have delivered that and I think the outcomes have been positive so far. I said earlier that I do not think blanket restrictions are always the answer, but I think the minister and department did a particularly good job when facing the situation in Carnarvon to try to manage that area when we did not have this legislation.

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We talked about the rolling bans in the Kimberley and that the focus should be on individuals with problem drinking. That is exactly what this bill will do, member. That is what we are trying to achieve here. I think the core question of every piece of legislation is: what are we trying to achieve? We are trying to help people who have a problem with alcohol by restricting their access to alcohol and rehabilitating them to make society stronger as a whole.

Hon Peter Foster lives in the north west and has experience in child protection. I thank him for his background in that very challenging area. I am sure that he and the people working in that difficult area of government service have challenges every day and every week. I know some wonderful people who work in the areas of child protection, domestic violence, family protection and family services. I thank them all for their work. It is challenging and it is not an easy job to get people involved in. I give special thanks to everyone and I thank the member for his background and efforts in this difficult area and for the perspective that he brings to this Parliament. I think the strength of this group in Parliament is that we have strong representation across a lot of areas. His acknowledgement and understanding of this area is very valuable to us. I thank him for that. I also thank him for his very sensible and committed advocacy on behalf of the Carnarvon community about the challenges that have been there and for his role in helping us reach an outcome—solution is probably not the right word—that I think has been generally accepted as positive. We look forward to further improvement there.

I thank Hon Wilson Tucker for his support. He said that the bill is sensible and mentioned the effects of alcohol in the north west. We are all aware of those issues. I thank him for bringing them to us and for his advocacy on behalf of his electorate on some of these difficult issues. He had some questions about what the effect of this bill will be on the ground. As I said earlier, this is not going to work 100 per cent everywhere, but we think it is the best set of circumstances that we can come up with as a government. That is why we think this legislation will be helpful.

He mentioned the uniformity of section 64 liquor restrictions in the Kimberley. I would like to think that some of those may be able to change once we have access to this legislation. The member is right: people who are addicted to alcohol will go to great lengths to get their hands on it. I think it would be naive to suggest that putting someone on the banned drinkers register will mean that they will never drink again. However, I think by limiting access and making it more difficult, we might just reduce that alcohol consumption to a point that we are then able to work with those individuals and help them with support services. They are difficult to deliver, especially in remote areas. The member knows that, because he represents that area. It is a difficult labour market and it is hard to get people to work in rural and remote areas, especially in such challenging vocations such as child protection and family and domestic violence.

I thank Hon Dr Brian Walker for his service to remote and rural Western Australia and Australia. It is no doubt heartbreaking for people in his profession to see the physiological effects of alcohol and the harm that it does to communities and families. We may ask why people cannot just reduce their own access to alcohol, but the reality is that it is an addiction. We think this will help with managing that. We believe that just restricting alcohol intake will make patients easier to rehabilitate and will prevent a lot of the horror that the member has seen in his line of work. That is the goal here—so that people in his profession do not have to see as much of that. There are obviously great benefits for society as a whole, as well. I appreciate his work on that.

Are we going far enough? Let us pass the legislation and give it a go. As Hon Dr Steve Thomas said, no-one has got the complete answer to this. We think that this legislation will be as close as we can get. I am very interested in how it will go over the two years. People such as Hon Dr Brian Walker and his colleagues will be able to give us feedback on that and tell us how we can tweak it to make it even better.

That sort of covers off most of the items raised in the second reading debate contributions. We are going into Committee of the Whole, so we will provide more detailed answers, with the benefit of having advisers at the table. I thank everyone for their contributions and I commend the bill to the house.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Martin Aldridge) in the chair; Hon Darren West (Parliamentary Secretary) in charge of the bill.

Clause 1: Short title —

Hon Dr STEVE THOMAS: I will just let the parliamentary secretary know that I have a little bit on clause 1. From my perspective, the only bits I will be playing with are largely in clauses 15 and 16. As we start on clause 1, I will say that I accept the parliamentary secretary's second reading reply speech and that it is not specifically an Aboriginal bill. It is absolutely the case that it happens everywhere. In the old days, probably when the parliamentary secretary and I were first here, excessive drinking used to happen in Parliament House. There was a different culture

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back then. Other members might remember some of the things that went on, but what went on in history shall remain there for the time being.

Trials of the banned drinker order and the banned drinkers register are currently in place in a number of areas. What is the total number of banned drinker orders that have been applied since the first one was put in place in, I think, 2021—I had the date in my notes—and what percentage of those have been applied to Aboriginal people, if the parliamentary secretary has that information?

Hon DARREN WEST: We do not have a breakdown by Aboriginal or non-Aboriginal person; we have not kept that. We also do not have banned drinker orders. That is new; it is part of the bill. What we have so far are barring notices, prohibition orders and voluntary referrals, and I can give the number of those by region. In total, there have been 92 in the Pilbara, 98 in the Kimberley, 73 in the goldfields and six in Carnarvon–Gascoyne Junction. The other information I have that might pre-empt the member’s next question is the number of scanners as at 16 October. There are 87 in the Kimberley, 84 in the Pilbara, 81 in the goldfields and 18 in the Carnarvon–Gascoyne Junction region. In total, there are 270 scanners and 269 barring notices, prohibition orders and voluntary referrals.

Hon Dr STEVE THOMAS: I thank the parliamentary secretary for that. It is interesting that we do not have a breakdown. The only reason I raise it is that the parliamentary secretary might remember the debate on the protected entertainment precincts, which are in a very similar mould. Largely, they provide protection for the community and not the people themselves; it is about the people around them. That became a really significant issue and an issue of public debate. In fact, I think the public debated it far more than the Parliament did. If that information becomes available at some point in the future, the parliamentary secretary might perhaps be in a position to give it to us. If not, I guess I can always put a question on notice at some point. It is not a big number of people, as we largely expected. How does the government measure the effectiveness of that trial, and is the parliamentary secretary in a position to give us any quantitative measure of that outcome, such as a reduction in antisocial behaviour? I have heard, anecdotally, that it is a success, but does the government measure it; and, if so, how does it measure it?

Hon DARREN WEST: Some further evaluation will be done. I take the member’s point about categorising it into Aboriginal and non-Aboriginal people; that could perhaps be useful information.

Hon Dr Steve Thomas: It might be useful for it not to be part of the public debate but to be part of a conversation at another time, if the parliamentary secretary can find that information.

Hon DARREN WEST: Sure. Obviously, there is not always a lot of science around this. It is about the welfare of the community. We can look at things like how many times the police are called and hospitalisations. There are various measures, such as crime statistics, that we can use to help with the evaluation. One of the big benefits will be what the community on the ground is noticing, feeling and reporting back.

Hon Dr STEVE THOMAS: At this point, the answer is that the government does not really have quantitative data, and we may or may not have quantitative data in the future. I hear similar anecdotal things to what other members do. Perhaps other members of the Mining and Pastoral Region, where these trials are in place, might be in a position to provide us greater feedback. The government will review what is being done. Can the parliamentary secretary tell us how much of that information will be made public? We might get a media release that says that the government thinks it is successful, but how much actual data will end up in the public sphere?

Hon DARREN WEST: Obviously, what we are trying to do here is to rehabilitate people who have a problem with alcohol. A lot of their personal health data will not be available, but there are a few indicators that we can perhaps point to. One is family violence data. We also think that school attendance data is an important touchpoint, because we know there is a connection between problems with alcohol in a family and school attendance, as well as juvenile offending data. By being able to limit the supply of alcohol to people who have a problem, we are quite confident that we will see positive trends in this data. However, private health data will not be available.

Hon Dr STEVE THOMAS: That is fine. My question is not really around private health data, which is collected in bulk form by the Department of Health. That is a separate area of study and some of those things may well come out. I think that is fine. I think the education component is very important, so I am pleased the parliamentary secretary raised that. If there are two issues in terms of bridging the difference between the disadvantaged in our society and, I guess, the advantaged—whatever the word is for the more mainstream group—they are very much around education and economic engagement, so employment would be the other one. I will make this a suggestion rather than a demand. I think the parliamentary secretary is right and that education is critically important. Health data is picked up in a nameless way by the system currently. The government might also measure employment as a component of that. It is a very difficult group. Employment is a problematic exercise for the long-term unemployed. My ideal outcome would be a big increase in education outcomes and a slightly modest increase in employment outcomes. That would be good. I throw that out as a possibility.

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I will get to a question, now that I have got off my soapbox! People can ultimately go to the Commissioner of Police or director of Liquor Licensing for a review. Will a judicial review exist outside that for someone who is aggrieved? I presume that someone could go to the Supreme Court if they believed that there had been a misapplication of the law. I presume there would be that level of judicial review if someone felt aggrieved that the law had not been applied correctly, because there generally is.

Hon DARREN WEST: I am not sure whether Hon Dr Steve Thomas means someone who has been put on the register and is not happy or someone who thinks someone should be put on the register.

Hon Dr STEVE THOMAS: If someone is put on the register and is just not happy, they may not necessarily have an avenue to appeal, but if they are put on the register and believe that the law has been misapplied and they should not be on the register, for some of the reasons that we might get to in clauses 15 and 16—I give the hint to other members that I am about to finish on clause 1—will there be a judicial review of the application of the law, but not necessarily the outcome they got under it?

Hon DARREN WEST: The process would be to appeal to whoever put them on the register—that is, the Commissioner of Police or the director of Liquor Licensing. There would then be an opportunity to appeal to the Liquor Commission. Should someone not be happy with that outcome, there would be the option to state a case on the question of law to the Supreme Court.

Hon NEIL THOMSON: In clause 1, we have a lot of questions that probably relate to clause 15, so I will go into the detail then. I want to pause to consider the broader approaches taken by the Northern Territory jurisdiction. As I mentioned in my second reading contribution, as far as I can tell, it has more pathways for people to go on the banned drinkers register. It also seems to have hardwired into its legislation a requirement to provide regular reports and de-identified data into the public domain. Basically, it seems to have more pathways for different classes of officers or persons to apply names to the register, and NT Health up there takes a very transparent approach to review that.

Did the minister engage with the Northern Territory to make an assessment of the effectiveness of the Northern Territory scheme?

Hon DARREN WEST: I am not sure whether the minister did that, but we certainly reviewed what they are doing in the Northern Territory and used it as the basis for our bill.

Hon NEIL THOMSON: Did the review demonstrate a level of effectiveness that might be considered an aspiration for Western Australia?

Hon DARREN WEST: I am not sure whether we can answer that. It is quite a different environment. We have used that as a basis for what we want to trial here. We are still in the trial phase and learning what we can. We need a starting point, and I think it is fair to say that the Northern Territory's experience has been our starting point, but we will not do exactly what they do in the Northern Territory for obvious reasons.

Hon NEIL THOMSON: I note that in some ways the Kimberley has more of a relationship with the Northern Territory than it does with Perth. I suggest that, particularly for the East Kimberley, it is just a legacy of our colonisation—dare I say it—and the line that was put through the centre of Australia. Looking at the comparison of communities, they are quite similar. I suppose my point in saying that is: has the department undertaken any exception analysis of the differences between the Northern Territory scheme and the scheme that is presented here today?

Hon DARREN WEST: That would be the purpose of the trial.

Hon NEIL THOMSON: Is the parliamentary secretary giving an undertaking that there will be an assessment or comparison of the measures that exist in the Northern Territory and do not exist in the Western Australian scheme?

Hon DARREN WEST: That could form part of the scope of the final evaluation. That is possible. I make the point that this will be a statewide scheme. Although the member makes a point about the East Kimberley and the Northern Territory having some similarities, it is not true that the whole state has those similarities with the Northern Territory. We are coming up with a Western Australian scheme.

Hon NEIL THOMSON: I continue the point about the Northern Territory scheme. It seems to have a big emphasis on the reporting process and the connection between therapeutic actions. We will pick it up in clause 15, proposed division 7, proposed section 152ZC; there is a bit of an issue when we get to the disclosure of information.

In clause 1, could the parliamentary secretary give me, in broad terms, the policy approach to ensuring that agencies that are involved in child protection and health, such as the Department of Communities, will be able to be advised about or even consulted in the process of putting persons on the register? Has a policy approach been developed to ensure that there will be strong collaboration across various agencies in Western Australia?

Hon DARREN WEST: We will be changing the provisions so that data can be shared. When people are on the banned drinkers register, that data can be shared with affected government agencies.

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Hon NEIL THOMSON: Has the Department of Local Government, Sport and Cultural Industries got support from the director general of Health and the director general of Communities for the measures that are in place, and is the government confident there will be a very strong level of collaboration across agencies in the implementation of this?

Hon DARREN WEST: A banned drinkers register working group was formed in early 2022. Stakeholders include the Western Australia Police Force, the Department of the Premier and Cabinet, the Department of Communities, the Department of Justice, the Mental Health Commission, the WA Country Health Service and key stakeholders, including community organisations, government agencies, industry peak bodies, licensees, liquor accords, local governments and members of the public.

Hon NEIL THOMSON: Do senior police see this as an effective tool?

Hon DARREN WEST: Yes, and they have conveyed that as part of the banned drinkers register working group.

Hon WILSON TUCKER: Apologies if this line of questioning has already been asked. I am curious about how the government will gauge the effectiveness of this legislation. I believe there is a provision for reviewing the legislation in two years.

Hon Darren West: That's correct.

Hon WILSON TUCKER: I am curious about the metrics. What does the definition of success look like after two years?

Hon DARREN WEST: I can quote this from my notes: a full evaluation will be undertaken during the two-year period to determine the most appropriate use of the BDR as a policy intervention to reduce alcohol-related harm. The legislation will remain in place during this time to ensure an adequate time frame so data can be collected and assessed.

The member is correct that there was a line of questioning about this just before he returned from urgent parliamentary business. I will give him a couple of touchpoints against which we will measure data. They include family violence data, school attendance data and juvenile offending data. We think these will be useful touchpoints to evaluate the scheme.

Hon WILSON TUCKER: Can the parliamentary secretary elaborate further about the specific metrics, or is it a little bit too early to get into that level of detail?

Hon DARREN WEST: We cannot give the member the full detail. I think that has given a broad outline. The final scope is still to be determined.

Hon WILSON TUCKER: That is fine. A few things have been said about Carnarvon. I think the restrictions Carnarvon has in place have been largely seen as successful. It is fair to say that there was a lack of data prior to the further increases in restrictions. Then, the government gave an undertaking to start measuring more effectively some of the indicators that would gauge how effective the further restrictions have been. I am curious whether the data collection and the metrics used in Carnarvon will be similar, or can we expect a more comprehensive view and collection of data as part of the two-year review of the banned drinkers register legislation?

Hon DARREN WEST: Carnarvon has probably come to this a little bit later than other areas. I can tell the member that we will be looking at data from police, health and education. We see those as the first three datasets that we would go to. I can tell the member that six people have had barring notices in Carnarvon and the Gascoyne, and that is the total number; there have been no prohibition orders and no voluntary referrals. I can also tell the member that we now have 18 scanners in the Carnarvon and Gascoyne area. Work is progressing but is perhaps not as advanced as it is in some of the other regions.

Hon NEIL THOMSON: Just on the scanner technology, will it just be rolled out to those areas under those notices? Although this is a statewide scheme, I think the notices apply—that is my understanding—so there has to be a decision. I am not sure who makes a decision, but we will probably get to that. It will not be applied across the state straightaway; it will just be applied to areas where a decision is made. Once this legislation comes into effect, will there be areas where takeaway alcohol management systems have not currently been rolled out that will need to apply for them? How will it be dealt with?

Hon DARREN WEST: I am advised that additional scanners will be needed in the current areas, with 32 in the Kimberley, 21 in the Pilbara, 31 in the goldfields and no new scanners in the Carnarvon–Gascoyne area. That is because some types of licence that were not captured in the voluntary scheme will be captured in the mandatory scheme.

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Hon NEIL THOMSON: What will be the time frames for the rollout and for the compliance of liquor stores? How will that occur? If the legislation gets passed today, it will be promulgated and I assume at some point it will become law. What is the time frame for the rollout? I did not get the total number.

Hon Darren West: It is 84.

Hon NEIL THOMSON: A total of 84 scanners have to be rolled out. Who will pay for them?

Hon DARREN WEST: All costs will be borne by the department, and the scanners will be rolled out before the legislation comes into effect.

Hon NEIL THOMSON: When will that be?

Hon DARREN WEST: We would really like to have this rolled out by the end of this year.

Hon NEIL THOMSON: What is the total budget for that?

Hon DARREN WEST: Was the member referring to the new extra machines or the total?

Hon Neil Thomson interjected.

Hon DARREN WEST: The member is referring to the new extra machines. We do not have the breakdown for just the new machines, but we have the costs allocated to the department and they are \$1 155 000 per annum.

Hon NEIL THOMSON: Some liquor outlets have scanners. The parliamentary secretary said that quite a few of them have them in place. How many of those have been deployed through different funding arrangements? I think some of them were partly funded by the shires under the trials. Will they all be fit for purpose to manage? I am thinking of whether the software and the platform will be consistent and there will not be any additional cost to stores that already have hardware and software in place.

Hon DARREN WEST: The member is correct. There are 186 of them and all costs will be borne by the department.

Hon WILSON TUCKER: In my second reading contribution, I mentioned there were concerns in the community about sly grogging and people bringing alcohol across the border from the Northern Territory. There was a particular concern in Kununurra, and the police force there has experienced that. As part of this legislation, will there be any communication with the Northern Territory government and the police force to try to prevent the border being an ingress point for alcohol coming to WA?

Hon DARREN WEST: There are already alcohol carriage limits per vehicle for movement in the Kimberley. We are not naive enough to suggest that sly grogging will not go on. It has been going on since the temperance movement—and probably before that. However, there are limits on how much alcohol can be carried in a vehicle, so there are carriage limits already in place. There will no doubt be some reach out from our agency across the border into the Northern Territory.

Hon WILSON TUCKER: Regarding that reach out, will there be sharing of information about people on the banned drinkers register to the Northern Territory government?

Hon DARREN WEST: There are no plans for that at this stage.

Hon NEIL THOMSON: I have been reminded of another matter, thanks to Hon Wilson Tucker, who triggered my thoughts. I turn to the issue of identification. I am talking about the East Kimberley in particular where a number of people come across the border. What will be the allowable forms of identification once the scheme is in place? Will they be restricted to a Western Australian national system of identification? There are certain identity cards with photos that come out of the Northern Territory, and there were some challenges when I was visiting Kununurra with assessing the validity of that identification against the BDR, given its unique nature.

Hon DARREN WEST: The director of Liquor Licensing gets to approve the forms of identification. The current approved forms are Australian proof-of-age cards, including the WA Photo Card and Australia Post Keypass; all Australian drivers' licences; or an international driver's licence in English showing name, date of birth and photo.

Hon NEIL THOMSON: If anyone with any other form of identification goes to a liquor outlet and puts the ID through the TAMS, it will be declined; is that correct?

Hon DARREN WEST: Yes, if it is not one of those forms of identification, that is the case.

Hon WILSON TUCKER: In my second reading contribution, I mentioned support services and some of the challenges the state government already faces in attracting people and filling the headcount for existing support services in some of these remote towns. In his contribution, the parliamentary secretary mentioned the government's commitment to rehabilitate people and taking them on a journey of fighting addiction. As part of this legislation, will there be an increase in funding of support services?

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Hon DARREN WEST: It is not really a legislative requirement or part of this legislative process; however, the BDR working group works closely with the WA Country Health Service and the Mental Health Commission, so we are confident there will be a pollination of ideas, data and ways we can support those who need it.

Hon WILSON TUCKER: Is it fair to say that there is no current commitment to increased funding or support services for those areas—I guess, a methodology that would allocate additional funding?

Hon DARREN WEST: That is more of a whole-of-government question, and those things are often not determined by budget. As the member would know, it is difficult to attract professionals to work in all kinds of areas in all kinds of parts of the state. It is fair to say that the government has a strong commitment to carry out what the member is talking about, but it is not always easy, for the reasons we have discussed earlier.

Hon WILSON TUCKER: Is the parliamentary secretary saying that no date is set in stone on which a review could take place and additional funding made available? Is it a case of hope and see?

Hon DARREN WEST: There will be a full review of the first two-year trial, with the bill providing for a full review of the next two-year trial. We will re-evaluate, again, and presumably—hopefully—the banned drinkers register will continue. There will be constant evaluation of outcomes and data and what we learn along the way, and that will no doubt link back to policy and budgetary funding decisions about what may or may not be required as a consequence of what we learn through the trial.

Hon WILSON TUCKER: Two years is a long way away. To provide a scenario, if a lot of people in a small town are put on the banned drinkers register and the town's rehabilitation support services are under-resourced, the system could be completely overwhelmed. I understand that there are a lot of difficulties in attracting people to small towns; it comes down to throwing dollars at them to get them there. The government may find out very quickly that the system is already overwhelmed. Rehabilitating people requires an interventionist approach, a lot of resourcing and the headcount to do that. Two years is wholly inadequate. Is the parliamentary secretary saying that there is no date between the implementation of the legislation and the end of the two-year trial on which additional funding could be allocated based on the number of people who have been placed on the register and need additional services?

Hon DARREN WEST: As part of the debate on this bill, we are drifting into areas that are related to but not particularly part of the bill. The department has been working closely with the Mental Health Commission as part of the BDR working group to promote services available in the areas in which trials are underway. The provision of wraparound services is the responsibility of the Department of Health and the Mental Health Commission. The government will work with them on that. Hon Wilson Tucker's point is valid; the more work we do in this space, the more work we create and that will throw up challenges, but if we are able to restrict people who have an alcohol problem from accessing alcohol and provide more wraparound services, everyone will benefit.

Clause put and passed.

Clauses 2 to 9 put and passed.

Clause 10: Section 115ACA inserted —

Hon NEIL THOMSON: This proposed section is headed "Barring notice must be registered in banned drinkers register". Why is no time frame included in the barring notice being added to the banned drinkers register?

Hon DARREN WEST: Can the member repeat that question, please?

Hon NEIL THOMSON: The words "as soon as is practicable" are contained throughout the bill. Why is no time frame included for the barring notice to be added to the banned drinkers register? The bill does not provide a time frame when a barring notice is in place.

Hon DARREN WEST: This is currently done as an administrative function. Arrangements are in place between the Western Australia Police Force and the department to facilitate this process. We have not put a time frame on it because, presumably, this will be done as soon as is practicable.

Clause put and passed.

Clauses 11 to 14 put and passed.

Clause 15: Part 5C inserted —

Hon Dr STEVE THOMAS: We had an interesting debate about whether additional services will be needed when people are put on the banned drinkers register, ostensibly reducing their alcohol consumption. I had a bit of sympathy for the parliamentary secretary because he probably does not have Department of Communities staff assisting him here. I make the point, which I nearly jumped up and said before—I am sorry that I am answering the question for the parliamentary secretary—that if we get people off alcohol, that will not put additional demand on the services

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that are required. It might even provide a little bit of relief, particularly because we are looking at antisocial behaviour. If we reduce the incidence of antisocial behaviour, there will be a reasonable amount of relief in the services required. Apologies, but that is how I would have answered that question. We are here to help!

I refer to proposed section 152YG, “Period of banned drinker order” on page 17. A first banned drinker order will remain in force for three months. The second BDO will remain in place for six months and the third one will remain in place for a year. These time frames are set in stone. Later in the clause, there is provision for doubling those time frames in certain circumstances. There are two parts to this question. First, is there a period in which the time will be reset because no BDOs have been applied? If someone has a BDO applied in 2023 and their next one is in 2043, is it automatic that the second one will be in place for six months because they have already had one BDO? Is there a reset like there is with a person’s driver’s licence? The second part of the question is: once a person goes beyond their third BDO and receives their fourth, fifth, sixth and seventh BDO, what will happen in terms of escalation?

Hon DARREN WEST: If a person gets a banned drinkers order for three months and they comply with that order for three months and that order expires, the time resets and their next one would be three months. If a person does not comply, the second one will be a more severe penalty.

Hon Dr STEVE THOMAS: In the extreme case of a person who has no control and does not comply for the fourth time, what will be the escalation?

Hon DARREN WEST: It will be another 12 months.

Hon NEIL THOMSON: I refer to proposed section 152Y, “Terms used”. Proposed paragraph (a) states —
an offence under any written law that has a maximum penalty that includes a term of imprisonment, if a police officer believes on reasonable grounds that the alleged offender was affected by liquor when committing the offence;

Will this apply to all offences that involve a term of imprisonment?

Hon DARREN WEST: That is correct.

Hon NEIL THOMSON: Was advice provided about any of the offences that might not attract a term of imprisonment, other than those in the next section, which come under the Road Traffic Act 1974 for which a disqualification notice would be given? I am making sure that there has been a thorough assessment of any potential type of offences that might otherwise have been alcohol-related, which may cause harm but are not subject to imprisonment. What sort of assessment was done by the department on those offence categories?

Hon DARREN WEST: There is a bit of proportionality about this. If someone is under the influence and commits an offence of littering, they would not be treated the same way as someone who commits a major crime. There is already a series of offences under other laws.

Hon NEIL THOMSON: I think it is picked up here under paragraph (d) —
another offence under any written law that involves liquor;

I am asking because I see there is specific mention of the Road Traffic Act. We passed the Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023 yesterday, which I led on. I give the example of a mariner or someone with a recreational skipper’s ticket who commits an offence that involves liquor. I assume that can still be captured if the offence was deemed to be serious enough to be under the BDR as well. Is that possible?

Hon DARREN WEST: That would be an assessment made by the police. To answer the question, it is possible, but unlikely.

Hon NEIL THOMSON: I will keep going through these proposed sections, if anyone wants to jump up. I am up to proposed section 152YB. It speaks about the definition of a “banned drinker order”. Is the intent to have a region rather than a precinct a banned drinkers area? I know we have precinct areas here in Perth, but would there be regional bans as well?

Hon DARREN WEST: A banned drinker order will apply everywhere.

Hon NEIL THOMSON: For clarification, will the banned drinkers order apply statewide regardless, even though there would not necessarily be the means for liquor outlets in those other areas to assess whether or not that person was on a banned drinkers register—where liquor outlets do not have the takeaway alcohol management system deployed?

Hon DARREN WEST: To clarify, it only applies in a prescribed banned drinker area.

Hon NEIL THOMSON: That is important. The banned drinker could purchase alcohol from a liquor outlet outside of a banned drinkers’ area. That is interesting to know, because that is the issue about those itinerants that we

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mentioned and the problem with people who then seek alcohol elsewhere because they cannot access alcohol. I think that is something the government is going to have to look at. My worry is that we are going to end up with a lot more people who normally reside in regional parts of Western Australia where those orders are in place relocating to Perth. That will have potential challenges. Will the department, in collaboration with Department of Health and the Department of Communities, assess the impact of people moving as a result of the implementation of the changes?

Hon DARREN WEST: That would be a subject for the banned drinkers register working group, which, as I mentioned, will have cross-agency groups, and of course part of the review.

Hon WILSON TUCKER: On the topic of banned drinking areas—a little bit off script—and section 64 restrictions, the parliamentary secretary mentioned there could be scope in the future to revisit those different sections that apply in areas, in particular across the Kimberley, where a number of towns face a number of different restrictions in terms of the maximum amount of alcohol that can be bought. Is there any plan to review the section 64s and have some level of uniformity of restrictions across WA?

Hon DARREN WEST: That is not really part of this clause or part of this bill, so not really at this stage. It is not part of this legislation.

Hon Dr STEVE THOMAS: If I could take the parliamentary secretary to page 24, clause 15. At the bottom of that, in division 4, about who can make a banned drinking order, proposed section 152YQ(2)(c) refers to “another person prescribed as a person who can make an application under this section.” Who is intended to be caught up as a prescribed person in those circumstances?

Hon DARREN WEST: There is no intention to prescribe any other person at this stage, but as is often the case, should the need arise it is in the legislation.

Hon Dr STEVE THOMAS: So this is a bit of a catch-all and it is a bit of a trend: powers to make regulations are a bit unlimited. There is a bit of a catch-all in legislation like this. It is sometimes put to me as not ideal. In theory, a future government could prescribe that almost anybody could be able to put in this application—assaulted spouses, for example. I do not need an answer for this. I am less comfortable with the fact that we leave these things open-ended in legislation. I think there are potentially better ways to do it. That largely brings me to the end of my questions on clause 15.

Hon DARREN WEST: The member is right. Of course, a future government might do what a future government does, but regulations are always subject to disallowance.

Hon NEIL THOMSON: I refer to proposed section 152YJ(3), to do with the revocation of a banned drinker order. The explanatory memorandum states —

- (a) for a banned drinker order made for a person who is charged with an alcohol-related offence, if satisfied that:
 - (i) the charge was withdrawn, dismissed or not proceeded with; or
 - (ii) the banned drinker was found not guilty of the offence; or
 - (iii) the banned drinker was convicted of the offence and the court sentencing the banned drinker imposed no sentence or made a spent conviction order (as defined in the *Sentencing Act* ...

That comes under proposed section 152YJ(3), which states —

The ... Police must revoke the banned drinker order.

There is concern in the community about the sometimes light handedness of certain elements in the judiciary, without being critical of the judiciary specifically; I am just expressing a concern. Sometimes these things find their way into court after fairly obvious abuse in a family. Now we have a situation in which a spent conviction order might be applied. Why is it “must revoke”? We would hope there might have been some sort of discretion for the police to impose the ongoing banned drinker order for a short time. Did the government consider that for a conviction of, say, assault, the test of that might be a spent conviction for one reason or another, but there still could be the potential of some form of assault occurring in that case? I wonder whether there was any discussion within government as we consider this. Why is it “must revoke the banned drink order”? That is the one I assume the police would have issued as an interim order, because I would have thought that at a certain level, protection could still be provided by the police making an assessment for at least a time that a very minimal restraint of banned drinking might be applied, notwithstanding the broadest decision related to the offence being spent. What is the logic in that?

Hon DARREN WEST: I am not going to make judgement on judiciary; I will let it be the judiciary. To answer the second part of the member’s question, it is the natural justice principle. If an order was placed on an individual

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and the reasons for that turned out to be unfounded, the police must remove that order and the list that the member read out would apply.

Hon NEIL THOMSON: I think of the example of a couple who are involved in an altercation. I am talking about a family situation in which a male and female are in partnership and the woman is assaulted. After the judge weighs their decision as to the history of the person who made the assault, the police are confident that there is some influence of alcohol. In that case, what mechanism would be available to the hypothetical woman who is seeking protection? Would the only option at that point be for that woman to take out a violence restraining order on her partner and would that be the only mechanism by which a banned drinker order could be applied?

Hon DARREN WEST: The example the member has quoted is outside the scope of the bill.

Hon NEIL THOMSON: Was no consideration given during the development of this bill to the very ongoing and real problem of domestic violence, which sometimes does not pass the threshold test of a conviction that is not spent? These are the sorts of reports that I have received. In this particular instance, women can be reluctant to take action because of the relationship that they are in. Did the department receive any advice from any government agency such as the Departments of the Attorney General or Communities on when there is an alcohol problem that has not met the threshold sufficient for a conviction, but meets those terms that I outlined earlier in respect of needing imprisonment and some other identified offences? I would go so far as to say that when we put those things together, it seems that the threshold test is too high for the banned drinkers register to work effectively. It is a very light-handed approach to apply a banning order on a person when they clearly have a problem with alcohol. I would have thought that some sort of mechanism would have been put in place for those circumstances that do not meet that threshold test of conviction that is not spent. We know that, in practice, this happens all the time because a whole range of factors are considered. It is one thing to convict somebody, and a magistrate will be in the process of assessing that matter, yet it is another thing to apply a minimal constraint on that person such as the banned drinker order. Did the Departments of the Attorney General or Communities have any input on this particular provision?

Hon DARREN WEST: Again, the natural justice approach will apply here and it will be at the discretion of police as to whether to issue a banned drinker order.

Hon NEIL THOMSON: The police will be able to make an assessment. That does not make sense because it says that they must revoke the banned drinker order. Is the parliamentary secretary saying that the police will be able to make that assessment and reapply the banned drinker order?

Hon DARREN WEST: If they reoffend, yes.

Committee interrupted, pursuant to standing orders.

[Continued on page 5742.]