

Mr John McGrath; Mr Terry Redman; Mr John Carey; Dr Mike Nahan; Mr Reece Whitby; Ms Lisa Baker; Mr Zak Kirkup; Mr Terry Healy; Ms Libby Mettam; Mr Simon Millman; Mr Peter Rundle; Mr Mark Folkard; Mr Ian Blayney; Mr Donald Punch

LIQUOR CONTROL AMENDMENT BILL 2018

Second Reading

Resumed from 20 February.

MR J.E. McGRATH (South Perth) [4.13 pm]: I rise to address the Liquor Control Amendment Bill 2018. I am the lead speaker for the opposition. The Liberal Party will not be opposing this bill. We support a lot of the provisions in the bill. Why would we not support it? A review that we commissioned back in 2012 led to a lot of changes in liquor legislation in Western Australia. It has been done in two stages. Our government did the first stage and now the McGowan government is bringing in the second stage.

I refer to the impacts of this legislation. We think that there is a lot of good material in the legislation and it will lead to a much better system for consumers and industry stakeholders. However, as a Liberal opposition, we have problems with some areas. One area is the government bringing in the needs test in stage 2. History has shown that the needs test is an inhibitor to competition. It was such an inhibitor that when the now Premier, the member for Rockingham, was Minister for Racing and Gaming, he brought in some very important liquor reforms, one of which was to get rid of the needs test. I think members will find that following South Australia's decision to get rid of the needs test, if this goes through, we will be the only state in Australia that has a needs test.

Another area of concern for us is the restrictions on the size and location of liquor stores. We have looked at this very closely and we will be speaking to the minister about what he has planned in this area, because we are concerned that it could be anti-competitive legislation and it will be anti-choice for consumers. The one thing that we have learned as members of Parliament is that in modern society, members of the public want choices. They want choices about a range of things. I am on a committee now that is looking at end-of-life choices and the community says to us, "We want to have choices. Do not stop us having choices."

The third matter is restrictions on the delivery of liquor so that underage people cannot take delivery of packaged liquor bought online or through an order from a liquor store. I can see what the government is trying to achieve here. However, the worry for us in this area is that online purchasing in this industry is a new phenomenon. Around the world, online purchasing is growing in a lot of areas and we can see the percentage of online purchasing only increasing. Therefore, we will need to flesh that out with the minister. There will be some issues. No-one wants to see juveniles or people under the age of 18 years having access to alcohol or takeaway liquor. We want to work with the government to see whether the system that has been mooted will work.

Let us go back to the history. The Barnett government commissioned an independent review into the liquor industry. That review was given to the minister in 2014 and in 2015 changes were made, resulting in increased flexibility for the operation of beer and wine producers; wine and beer producers being allowed to sell liquor other than their own product served ancillary to a meal or for tasting purposes; and beer producers being allowed to sell beer produced on their premises for consumption on those premises between 10.00 am and 10.00 pm. We also extended Sunday trading by two hours for hotels and nightclubs, so hotels can now trade to midnight on Sunday and nightclubs can trade to two o'clock on Monday mornings. We removed the requirement for hotels and nightclubs to apply for extended trading permits on long weekends. We also removed the offence of carrying drinks across an unlicensed area between licensed areas in the same premises. If someone carried a drink from one bar across an unlicensed area into another licensed area, that was illegal. It was ridiculous. We removed that offence. We also made it an offence to supply liquor to juveniles on unlicensed premises without the consent of the juvenile's parent or guardian. That was about young kids going to parties and being supplied with alcohol when their parents were not aware of it. We did all those things and now, under Minister Papalia, the McGowan government is bringing in what we call stage 2 of these reforms to the very important liquor industry.

I refer to some of the good points about the bill. We support the bill's increased focus on a tourism-friendly hospitality culture that will allow the licensing authority to consider tourism, community and cultural matters when determining whether the grant of an application is in the public's interest. We have all been to other parts of the world. I was in Hong Kong once; I think the member for Collie–Preston was with me. We were going out on a boat and we thought: would it not be nice if we could get a beer somewhere? We were just on a pier and we asked a lady where we could get a beer. She pointed to a little 7-Eleven. We walked into the 7-Eleven, opened the fridge and bought a couple of beers. The system is completely different from the restrictions here. The Liquor Control Amendment Bill 2018 also introduces carriage limits, making it an offence for a person to carry an amount of liquor above prescribed quantities in prescribed areas of the state. Of course, we support that; it is to protect against sly grogging into Aboriginal communities and the like.

We are not against the new regulations to prescribe criteria for licensees that deliver liquor, which, as I said, will prevent juveniles from receiving or accessing liquor, but we do have some reservations about how this will work

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given the changes in demographics. It has been pointed out to us that some people buy liquor online from Dan Murphy's or a provider like that and when they get home at night, it is at their front door.

Mr P. Papalia: Does it not worry you that it might be at the front door in that case and the person might be over 18 years old, but someone under 18 could have done exactly the same thing?

Mr J.E. McGRATH: Yes. Someone —

Mr P. Papalia: At the moment, there is no compulsion on the deliverer to confirm that the person is aged over 18 years.

Mr J.E. McGRATH: There will be issues with that, which we will flesh out a bit later in the debate. People are currently able to buy packaged liquor that is on their doorstep or in their garage when they get home.

Mr P. Papalia: This is a harm-reduction measure, though. We are concerned about juveniles having access to alcohol.

Mr J.E. McGRATH: It is like juveniles who find out where the wine bar —

Mr P. Papalia: I am sure you will be happy with it.

Mr J.E. McGRATH: I am always happy!

Mr P. Papalia: I am sure you care about people under 18 years old.

Mr J.E. McGRATH: I am always happy; the minister knows that. I also know that juveniles can find alcohol. We had a wine rack and we locked the front, but we did not realise that our daughter could pull the wine rack out and get the wine out from behind!

Mr P. Papalia: Stop! You're giving advice on *Hansard*. Someone might read this!

Mr J.E. McGRATH: It is not illegal.

Mr P. Papalia: I know, but you are advising youngsters how to get around the system.

Mr J.E. McGRATH: She was over age I think, but she just wanted to get cheap alcohol. She did not want to pay for it!

We also support the bill's intent to provide safe, licensed venues in communities that are free from drunken and antisocial behaviour by including a number of provisions relating to compliance and enforcement. This was recommendation 31 of the 2014 review of the act, which was brought in by the Barnett government. It recommended to amend the act so that a person exhibiting the prescribed behaviour in the vicinity of a licensed premises could be issued with a barring notice and to provide a definition of "vicinity of a licensed premises". We understand that if someone is cutting up rough or playing up inside the pub, of course they will get a barring notice but if they continue it outside, the licensee should have the power to take action against that person too. When in government, we supported this recommendation and I am pleased to support it now. We also support the amendments relating to the operation of various licenses, including making it easier for small restaurants that cater for up to 120 patrons to sell liquor without a meal. This was a big issue when I was shadow minister back in the days when the member for Rockingham was the minister. The hotels were totally against this but now the Australian Hotels Association has softened its line on it. I think the AHA understands that if members of the public want to go into a little restaurant with a friend and have a glass of wine, why should they have to walk up the road and find a pub?

Mr P. Papalia: The AHA has a few small bars as members now, too.

Mr J.E. McGRATH: Yes.

We also support the general intent of the bill to streamline processes and reduce regulatory burden on licensees. The problem is that the McGowan government does not seem to know whether it wants to liberalise or restrict the laws governing liquor licensing. On 14 February, the Premier said that the proposed reforms would turn Perth into a hipster capital of Australia. On that note, it is interesting that the Premier chose to use the term "hipster". Some quick research into the meaning of the word "hipster" indicated that someone who is labelled a hipster tends to project a number of inconsistencies. In 2011, *The Conversation* online journal mused, and I quote —

For some critics, hipsters are all about the latest trend, whereas others argue vintage and kitsch are more highly valued. Some say hipsters wear their jeans around their knees, —

That was more in my generation —

yet others claim high-waisted pants to be the preferred style. Hipsters are simultaneously mocked for both insisting on individualism and adhering to conventions.

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Even if the Premier really wanted to turn Perth into a hipster capital, he would not need to do much. We have hipsters here already. In February 2014, *The New York Times* gushed that Perth was “hipster heaven”.

Mr J.N. Carey: The member for Dawesville wants to be a hipster!

Mr J.E. McGRATH: He is a hipster; the youngest hipster as well.

Mr J.N. Carey: He tries very hard.

Mr J.E. McGRATH: He is also Harry-high-pants. In the article in *The New York Times*, the author stated —

Welcome to Perth.

The capital of Western Australia, where some 1.8 of the state’s two million residents live, left this New Yorker mesmerized: Could a city really be so easy, breezy, green and pristine—so positively livable? I’d thought Williamsburg was hipster heaven; it pales beside Perth.

We can tell the Premier that we are already “hipsterville”.

Mr P. Papalia: Do you know what it was in relation to?

Mr J.E. McGRATH: Yes, I understand that.

Mr P. Papalia: It was the clause about pop-ups.

Mr J.E. McGRATH: Yes. We will talk about pop-ups a bit later.

Some of the Premier’s MPs might disagree with this, like the member for Maylands for example, who is not here. In the same week that the Premier extolled the virtues of further relaxation of drinking laws, saying he was not concerned with increased alcohol-fuelled violence, the member for Maylands appeared on 7.30 with the opposite message. Just like the definition of the word “hipster” itself and what it means to be one—I do not think I have ever been a hipster; I would like to be a hipster, but I think I have lost it now—the McGowan government is a mixed bag of confusion and inconsistencies.

Let us start with the public needs test. In 2006, the member for Rockingham—now Premier—labelled the public needs test anti-competitive. He said that he wanted consumers to have the choice about where they could buy their liquor. On 20 September 2006, the member for Victoria Park presented a petition in Parliament supporting the Carpenter government’s plans to replace the public needs test with a public interest test. The petition stated that the undersigned, I quote —

... believe these changes—proposed under the reforms to the Liquor Licensing Act—will improve Western Australia’s attraction as a tourism destination, provide the community with more choice and help combat alcohol related antisocial behaviour. Now we ask the Legislative Assembly to support the proposed reforms

In introducing these reforms in 2006, Premier McGowan said the following at the time as the minister for liquor —

The development of the liquor industry in Western Australia has long laboured under an anticompetitive public needs test; in fact, this state is one of the last jurisdictions in the nation to still maintain a needs test.

Mr P. Papalia: Member —

Mr J.E. McGRATH: This is a bit of a history lesson for the minister.

Mr P. Papalia: No, so I can help you, because you are going down a rabbit hole —

Mr J.E. McGRATH: I do not need help.

Mr P. Papalia: No; can I help you?

Mr J.E. McGRATH: No, I do not need help! I am very —

Mr P. Papalia: This thing that you are talking about, this public needs test —

Mr J.E. McGRATH: I understand!

Mr P. Papalia: The public needs test you are referring to applied to all alcohol licences; right?

Mr J.E. McGRATH: Yes.

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Mr P. Papalia: I think you are suggesting that the clause relating to whether there is adequate supply of alcohol—that is only for packaged liquor, for takeaway liquor sales.

Mr J.E. McGRATH: Is the same thing though —

Mr P. Papalia: No, it's not.

Mr J.E. McGRATH: A needs test is a needs test.

Mr P. Papalia: No, because the context within which the Premier was referring —

Mr J.E. McGRATH: Minister, we will talk about it later. This is going to go for days!

I like quoting the Premier when he was the minister because I was the shadow minister. The then minister, now Premier stated —

A key reform is the creation of a public interest test for new licences to replace the current needs test. Under the public interest test, all applicants will be required to demonstrate that the application is in the public interest, and the licensing authority will be required to consider the application based on the positive and negative social, economic and health impacts on the community.

Why do we need a needs test? He continues —

Although the public interest test will involve consideration of the amenity of a locality in the context of the facilities and services provided for consumers, the competitive impacts on other liquor businesses will not be considered.

I will repeat that for the minister: “the competitive impacts on other liquor businesses will not be considered.” A liquor business is a liquor business. It sells liquor over the bar, in a pack, or whatever. The then minister continues —

It should be noted, however, that the government does not consider proliferation of liquor outlets to be in the public interest and proliferation is not an outcome that would be supported by the public interest test.

So the then minister and now Premier said that —

Mr P. Papalia: It must be looked at in context. He was talking about small bars. You're talking about a completely different category.

Point of Order

Mr D.T. REDMAN: Mr Acting Speaker, the member is trying to get on with his speech. He has a certain amount of time available. He is continually being interjected upon by the minister, against his wishes.

The ACTING SPEAKER (Mr S.J. Price): Yes. Minister, thank you.

Debate Resumed

Mr P. Papalia interjected.

Mr J.E. McGRATH: There will be plenty of time for discussion. We will be talking a lot on this.

The ACTING SPEAKER: Minister, the member does not want to take interjections.

Mr J.E. McGRATH: There is probably a reason why the words “public needs test” are not used anywhere in this bill or the explanatory memorandum. That is despite the proposed amendments that seek to bring back those words. The move to reinstate a public needs test reverses the national competition policy reforms that were made in Western Australia in the late 1990s and early 2000s. This also takes us in the opposite direction from the more recent national “Competition Policy Review” of 2015, chaired by Professor Ian Harper, which recommended, among other things, a review of regulations that restrict competition. The review assessed Australia's competition policy to determine its fitness for purpose by asking the following questions: Does it focus on making markets work in the long-term interest of consumers? Does it encourage innovation, entrepreneurship and the entry of new players? Does it establish laws and regulations that are clear, predictable and reliable? The opposition would argue that bringing back the public needs test means answering no to these questions. I am sure the now Premier would have been in agreement with me, at least in 2006. Up until recently, South Australia was the only state in Australia to have a public needs test. South Australia has now reformed its liquor licensing system and that test has been removed.

I would now like to talk about consumer behaviour and consumer choice, which the Premier has mentioned, and about how consumers have exercised that choice in recent times. According to the Australian Liquor Stores Association, between 2008 and 2016 there was a 22 per cent increase in the number of packaged liquor licensing

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outlets nationally. However, according to the Australian Bureau of Statistics, in that same period—between 2011 and 2015—the per capita consumption of alcohol decreased at an average rate of two per cent. So, the number of liquor stores went up by 22 per cent, but the amount of alcohol consumed went down by two per cent. If we go back even further to 1975, the per capita consumption of alcohol was 13.1 litres, and in 2016 it was 9.7 litres. That is a 26 per cent decrease. That means that the baby boomers in 1975 drank a lot more than the generation in 2016.

The behaviour, education and preferences of drinkers also paint an interesting picture. Liquor stores are increasingly catering for consumers who are better educated and more health conscious. Consumers have increasingly demonstrated a preference for existing or new premium brands. This shows that consumers nowadays are making different, if not better, choices than previous generations. IBISWorld, which has been providing world research and reliable business information for almost 50 years, has noted and affirmed this trend. Increased spending on alcohol does not automatically mean increased consumption. There has been a growing preference in recent years for premium, more expensive and boutique beer and wine, as well as a boom in cider consumption. In other words, we cannot conclude that an increase in the number of liquor store licences, which includes the liquor barns that we will be talking about during this debate, will automatically lead to an increase in alcohol consumption. As the now Premier said 12 years ago, consumers have a choice about where they buy their liquor. Additionally, consumers also have a choice about what type of liquor they buy. The McGowan government has said that the needs test is a strategy to minimise the adverse impact that packaged liquor outlets can have on the community. If that is the intent, that strategy is already covered under the existing public interest test. The explanatory memorandum for the Liquor and Gaming Legislation Amendment Bill 2006 states that under the new public interest test, which will replace the needs test —

... all applicants will be required to demonstrate that the legislation is in the public interest, and the licensing authority will be required to consider the application on the basis of its social, community, economic and health implications and/or benefits.

Under this bill, in determining whether an application should be granted, the licensing authority is required to take into consideration the harm or ill-health that might be caused to people, or any group of people, due to the use of liquor; the impact on the amenity of the locality in which the licensed premises, or proposed licensed premises, are, or are to be, situated; whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises; and any other prescribed matter. The current legislation already provides a very tough test for applicants for a liquor licence. Therefore, why are we changing to a needs test? Applicants for a liquor licence also need to abide by local town planning schemes.

Another factor that underlies the needs test provision is the need to prevent liquor store retailers from selling cheap alcohol. That is part of the debate about big liquor barns and big liquor stores like Dan Murphy's. I have done a bit of an investigation into whether people do buy cheap alcohol. I have people in my electorate who are pensioners and on low incomes and who buy cheap alcohol. I would not like to see them prevented from buying a bottle of wine for \$7 or \$8 and having to pay \$20. The data I have cited indicates that consumers are moving away from cheap alcohol. The range of products on offer at many liquor stores, including liquor barns, tends to be weighted towards premium products. From the statistics that I have been able to obtain from Dan Murphy's, wines that cost \$5 comprise three per cent of total sales, wines that cost \$5 to \$10 comprise 16 per cent, wines that cost \$10 to \$15 comprise 22 per cent, and wines that cost \$20 and above comprise 50 per cent. The majority of the wine sold at Dan Murphy's costs \$20 or more. It is certainly not the case that people are filling their trolleys with cheap alcohol, because wines priced at under \$10 make up the smallest percentage of total sales.

I turn now to underage or juvenile drinking. We are having this debate at a time when recent research by the Foundation for Alcohol Research and Education shows that teenagers are drinking less alcohol. The study noted that between 2001 and 2013, the largest shift in drinking behaviour was among teenagers. Abstinence among 14 to 17-year-olds increased from 28 per cent in 2001 to 57.3 per cent in 2013. Young kids are not drinking as much now as they were between 2001 and 2013. When we were in government, we undertook a survey to assess underage alcohol consumption as part of the Alcohol.Think Again campaign, which was launched in 2012. I remember that campaign. That survey showed that the proportion of Western Australian students who choose not to drink alcohol more than doubled from 12.3 per cent in 2005 to 31.5 per cent in 2014. That was a massive increase. The survey showed also that between 2005 and 2014, the proportion of young people who said that they had drunk alcohol in the past month reduced from 43.5 per cent to 23.9 per cent. When they were asked whether they had drunk in the past week, it halved from 28.9 per cent to 13.9 per cent. They also surveyed parents, and 96 per cent of those surveyed said that they were now aware that no alcohol was the safest choice for under 18s, which was up from 68 per cent in 2012. More than 60 per cent of parents now denied their children access to alcohol, compared with 56 per cent in 2012. These statistics are no doubt the result of several factors, including

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liquor policy and legislation reforms, which the government is doing now and which we will work on and look at with the government; education about drinking alcohol and its effects; peer influence; changing approaches; and preferences to drinking et cetera.

I will now talk about the liquor barns, which have been an issue in my electorate because Dan Murphy's has applied to convert a bottle shop at the Como Hotel into a Dan Murphy's liquor barn. Members of the South Perth community are not happy with it and I have raised opposition to it. My opposition is not based on the supply of alcohol or prevalence of alcohol outlets; rather, that the site has some traffic problems. The site is on the intersection of South Terrace and Canning Highway, and how people get in and out of the car park will be very problematic. The big liquor barns are a destination shopping point and attract people from other areas; nevertheless, BWS is going through the process. The application has not been decided. These big companies have a lot of hoops to jump through.

Another reason given to me for this amendment bill is that it will prevent predatory behaviour by the larger retailers that disadvantages smaller retailers. In other words, there are those in the community who seek protection from the government when it comes to their commercial interests. These are the smaller liquor stores. I support the smaller liquor stores in my area. I buy liquor at my small local store. I do not shop at Dan Murphy's. I might have been to Dan Murphy's half a dozen times in the last three or four years. I support my local stores and I think there is an opportunity for local stores to create a niche market, because the South Perth community supports local small businesses. I will not criticise the position of small operators worried about bigger operators coming in and cannibalising the market. Ironically, the needs test was abolished in 2006, because, overall, it became a source of protection for existing businesses that were not necessarily family-owned small businesses and created a regulatory barrier for others. If someone wanted to open a liquor store or a tavern back in the days of the needs test and a local pub could prove that it was satisfying the needs of the community, they would not get the licence. It was very difficult to get a licence. At the time, the member for Rockingham understood that and got rid of the needs test because he wanted to create small bars. If there had been a needs test when the member for Rockingham, as the minister, wanted to bring in legislation to allow for small bars, it would not have happened. I was the shadow minister at that time and the Australian Hotels Association was totally opposed to small bars. The AHA said that small bars would destroy hotels and all the pubs would go broke and shut down. It has not happened, but the needs test needed to be done away with to get the small bars. On this side of the chamber, we all agree that small bars have been fantastic for our city. Back then, the current Premier said that the needs test was anti-competitive.

I looked for information that would demonstrate the impact on a smaller independent liquor store of a large-format liquor store opening not far from it. What did we do when Bunnings opened and forced small hardware shops to shut down? I used to shop at a bloke down the road on Angelo Street and pay probably five times more than I would pay for something if I had gone to Bunnings, but I supported him because he had a small business. But he is not there anymore. This is what happens: the bigger operators move in. We saw it happen with petrol stations. They used to be family-owned businesses, but now they are all owned by the big operators. This is the way the world is going, but we have to encourage the smaller businesses and sometimes, as I said, they have to look for niche markets.

At a hearing in October last year, information about the application for a Dan Murphy's store at the Como Hotel was requested by the Liquor Commission, and I am informed that at the time the objectors could not satisfactorily provide a response that showed a direct correlation between the opening of a large-format liquor store and the closing of a smaller one nearby. However, I have come across information that shows that over the last six years or so more than 100 liquor stores opened in Western Australia and approximately 70 of them opened within five kilometres of a large-format liquor store. Within the same period, about 20 liquor stores closed and six closed within three years of a large-format liquor store opening nearby. Only six stores shut down because a large store opened. That is in reference to the minister's plan that through the regulations he will bring in a provision that a new liquor store will not be able to open within five kilometres of an existing liquor store, or a big liquor store of 400 square metres or above. That creates a bit of a problem that I will discuss a bit later. I am not sure whether the minister has decided on it being five kilometres because I think it will be done through regulation, but we will discuss that at the consideration in detail stage of the bill.

The review of the act undertaken by the former government, which I have spoken about, at no stage recommended bringing back the needs test—for obvious reasons. The government needs to explain the factors and evidence that will be taken into consideration by a licensing authority when it makes an application determination under the proposed legislation. For example, will it take into consideration population growth and increasing density or will it stick to the five kilometre limit when it looks at an application for a bigger liquor store? If the proposed amendments are to prevent, say, a Dan Murphy's store from opening within close proximity of a First Choice Liquor store, would it also potentially impact a larger independent liquor store wishing to relocate or expand?

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A larger family-owned store may want to increase to over 400 square metres as the population grows—we have seen how much Perth’s population will grow in the next 15 or 20 years or longer—but a Dan Murphy’s store is within two or three kilometres. The family-owned store does not mind because it wants to get bigger so it can compete, but it will not be able to expand. We will raise this with the minister.

In early 2017, the Northern Territory Labor government initiated a review of its alcohol policy and legislative framework. The review was to analyse and assess the Northern Territory’s alcohol policies, their implementation and effectiveness; consider best practice alcohol policies for other places and how they would translate to the Northern Territory; and advise the government on the development of an evidence-based alcohol harm reduction framework for the Northern Territory. The review committee report was presented to the government in October 2017. The report addresses the factor of density of liquor outlets and the size of liquor outlets as part of its discussions on regulatory framework. The report states —

In relation to the size of off premises venues (ie takeaway), the relationship between the size of the outlet and any increase in harms is less clear.

So it is not the bigger the barn, the more harm. The committee was of the view that the size of an outlet alone is not the primary factor in alcohol harms. The report continues —

If it be accepted that larger outlets are likely to be able to buy larger quantities of alcohol at more competitive prices than other retailers, and therefore are able to sell alcohol at lower prices, it does not necessarily follow that limiting the size of an outlet to any particular maximum will necessarily reduce harms.

The business model associated with larger sized takeaway liquor outlets is linked to the purchasing power that results in a capacity to retail low cost alcohol ... Therefore, the issue of large floor space venues ceases to have the same importance.

The Northern Territory considered the alcohol price factor to be more important. It has taken some action on that and considered the floor price of alcohol. I mentioned previously that, overall, consumers do not seem to visit larger takeaway liquor stores or barns to purchase cheap alcohol. I do not think they do. On the few occasions I have been to Dan Murphy’s, I have seen people buying a better range of wines. Following the release of the review report, Northern Territory Chief Minister, Michael Gunner, conceded that he made an error in previously pushing for a 400-square metre size limit leading up to the Northern Territory’s 2016 election. He subsequently introduced a regulation to restrict liquor store sizes to 400 square metres. Following the conclusions and recommendations of the review report, the Gunner government agreed to repeal the size regulation.

I raise the retrospective nature of the proposed reforms. Proposed schedule 1C, “Transitional provisions relating to the Liquor Control Amendment Act 2018”, states that proposed sections 36B and 77A will apply to an application made but not determined under these sections before the day on which the act comes into operation. It seems that the new restrictions may, in effect, be retrospective. In other words, if someone submits an application before the amended act takes effect and the assessment and determination take place after the act takes effect, the legislative framework under which the application was originally submitted will have changed. Effectively, the Liquor Control Amendment Bill 2018 will move the goalposts. That seems unfair to the applicant.

The requirement for a needs test means a business owner submitting an application for a hotel or retail liquor licence will need to demonstrate why the licence is necessary or why other licensed venues in the area do not adequately cater to the needs of the public. If the applicant submits the application before the amended act takes effect, the applicant will not have had to address the requirement or provide evidence for a needs test, only for the applicant to be assessed under a different set of criteria under the amended act. It is a different ballgame.

I return to the subject of the delivery of liquor. A recommendation was made to the previous government to address the potential delivery of liquor to juveniles. This bill will amend the act to allow regulations to prescribe the criteria for licensees when delivering liquor. Recommendation 31 of the 2014 review of the act states —

Amend the Act to make it a criminal offence for any person to deliver liquor to a juvenile in Western Australia. The offence provision should apply to both the person delivering the liquor and the licensee who sold the liquor.

The then government indicated support for this recommendation, so it was earmarked to come in under stage 2 of the reform. Despite all that good intent, I think the world has changed a little in the last few years. The online liquor sales industry has gained significant momentum over the past five years, and we ask the government to have a closer look at that area. If this becomes law, there will be serious penalties and so many people now buy liquor online. Someone said to me today, “I order my alcohol online, and when I get home at night it’s in a package at

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the front door.” Lucky he does not live in my street because it might not be there when he gets home! I am sure the minister is happy I have raised this, and the minister might have some very good responses to it.

Mr P. Papalia: I wanted to talk but you don’t want to take interjections.

Mr J.E. McGRATH: I have only 18 minutes, and this is the longest speech I have given in 13 years.

Mr P. Papalia: Keep going.

Mr J.E. McGRATH: The intent is good because we do not want kids ordering booze on their phones, waiting, and when the guy arrives, “Fantastic. You’ve arrived. Give us the booze”, and then they go. For a start, to buy online, a person has to provide identification with their age and everything, otherwise they will not be accepted as a client. I am pretty sure that is the case. The Leader of the Opposition does not think it is.

Dr M.D. Nahan: No. You have to give it, but you do not have to have any proof that it is right.

Mr P. Papalia interjected.

Mr J.E. McGRATH: We are happy to flesh this out with the minister.

Mr P. Papalia: They could pinch it from mum and dad—the number.

Mr J.E. McGRATH: We do not want that to happen.

Mr P. Papalia: I hope not. You seem to be saying you’re okay with selling it to under-18s as long as it’s not online —

Mr J.E. McGRATH: No, I am not okay with that. But what happens to the person doing the delivery when he gets to the place and there is no adult there?

Mr P. Papalia: He doesn’t give it to them.

Mr J.E. McGRATH: So he takes it back to the —

Mr P. Papalia: Do you think it’s okay to leave alcohol with under-18s just because they order it online? That’s bizarre.

Mr J.E. McGRATH: No, I do not. I do not think it is okay to leave it at all, but we are asking whether it will be practical to do it. Apparently, some of the bigger operators do not even do —

Mr P. Papalia: Responsible service of alcohol.

Mr J.E. McGRATH: Yes, that is fine. I am with you. We are not arguing that case. All we are saying is that there will be some grey areas. I was of the opinion that if someone is buying liquor online, they really should be over 18. Someone cannot just put in an online order for booze at 15 years of age. They should not be able —

Dr M.D. Nahan: As long as you have a credit card.

Mr P. Papalia: That’s why we are changing the law.

Mr J.E. McGRATH: Those penalties are fine, but we cannot have people doing that. So that is fine.

Mr P. Papalia: Have you been outsourced by Uber or something?

Mr J.E. McGRATH: No. We are saying this is an ever-changing area. People are buying so many things online now, and maybe we should be bringing in some law for the providers of alcohol to handle it a bit better when they accept an online order.

Mr P. Papalia: That’s what we’re doing. We’re compelling them to be responsible in the service of alcohol.

Mr J.E. McGRATH: So if they arrive there and there is no adult, it goes back?

Mr P. Papalia: Yes.

Mr J.E. McGRATH: That is fair enough.

Mr Z.R.F. Kirkup: Even for Australia Post, if it is packaged wine, will they not leave it at the door?

Mr P. Papalia: The member for Uber speaks up.

Mr Z.R.F. Kirkup: Mate, your legislation is inept, much like you —

Mr J.E. McGRATH: But anyway we will flesh these things out with the minister as we go forward. I will look for the minister to explain how he will do this. That is the process in this place.

Extract from Hansard

[ASSEMBLY — Tuesday, 13 March 2018]

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Mr John McGrath; Mr Terry Redman; Mr John Carey; Dr Mike Nahan; Mr Reece Whitby; Ms Lisa Baker; Mr Zak Kirkup; Mr Terry Healy; Ms Libby Mettam; Mr Simon Millman; Mr Peter Rundle; Mr Mark Folkard; Mr Ian Blayney; Mr Donald Punch

I have said that industry sales of online liquor have increased very much in recent years. It is a growing area. Online liquor industry revenue is expected to grow at an annualised 11.1 per cent over the five years through 2017–18, with steady demand growth each year. Consumers' continued uptake of online liquor purchases is expected to drive industry revenue up by 10.5 per cent in the current year to \$446.4 million annually. That is a pretty significant industry, and that is good. If this legislation will make sure that it is pretty watertight, we will be asking about the guarantees parents will have that their teenagers will not be able to buy online and somehow find a way to take delivery.

In conclusion, minister, we are saying that we appreciate that the McGowan government is implementing stage 2 of the recommendations of the study that was done by the Barnett government into changes that were needed in the liquor industry. I remember that Hon Terry Waldron was the minister at the time this was first introduced, and I think the most contentious issue was the supply of alcohol to minors at parties when they went to someone else's house. This is important.

This is a very important industry. It is an industry that has to be regulated and have proper oversight. People today want choice. We believe that most people are very responsible when it comes to consumption of alcohol. With packaged takeaway alcohol, we believe people should have choice. There are a lot of small liquor stores that meet the needs of most people in the community. I would think a very small percentage of the community would go to the bigger barns, but some do and some like to. Small liquor stores in my electorate of South Perth do pretty well. They are pretty well run businesses and they get good support.

We intend to move some amendments, minister, on a couple of the issues I have raised today. As I said before, we cannot accept the needs test coming back. If we do, we will be the only state in Australia. The minister will recall, and I am sure he will be reminded by other speakers of, the words of the now Premier when, in getting rid of the needs test in 2006, he said, "We're the only state in Australia that still has a needs test. We have got to get rid of it; it is anti-competitive." All we are saying now is that we do not believe a needs test is the answer. We think the community interest test is sufficient. We think there are big enough hoops for any applicants to jump through when they want to get a licence. It is not easy to get a liquor licence. The police and the health groups oppose it straightaway. I have supported applicants for liquor licences for small bars and liquor stores and it is difficult.

Mr P. Papalia: Do you know what we are doing in that regard?

Mr J.E. McGRATH: Yes.

Mr P. Papalia: We are removing the public interest assessment for small bars; do you understand that?

Mr J.E. McGRATH: That is small bars. We are talking here about the overall.

Mr P. Papalia: We are making it easier.

Mr J.E. McGRATH: The minister can explain that when he responds to our speeches.

The other thing is that we are not sure that the five-kilometre rule will work. Of course, it cannot be five kilometres in country areas, so in country towns or cities, it will obviously be more than five kilometres and things will be spread out over much more area. We do not think that will work. We think people should be allowed to choose where they want to purchase their alcohol. We think local government planning bylaws and town planning schemes will make it significantly difficult for some of these big operators just to move in. The City of South Perth has just changed its town planning scheme to restrict the big barn liquor stores to a small section over the Karawara side of the electorate. Therefore, it will be very difficult for any new operators to get on the Canning Highway strip anyway, because it does not fit into the town planning scheme. These are the hoops that these operators will have to jump through.

In closing, we support a lot of what the government is bringing into this Parliament today. We support the fact that a person will not have to leave half a bottle of wine at a restaurant. If they want to leave the restaurant, they can take it away with them. All those things are good. We support the tourism aspect because we need it in Perth. A lot more visitors will hopefully be coming to our city and we need them to be able to relax and enjoy the hospitality of our city in a very convivial atmosphere that does not have huge restrictions. If they want a beer, they can have them only in a certain place, but they cannot go into a restaurant and just have a glass of beer or wine. All those things are good. We think that is a step in the right direction. I look forward to consideration in detail when we will move a couple of amendments. I look forward to the minister coming up with the reasons that he thinks, if he does, our amendments are unreasonable.

MR J.N. CAREY (Perth — Parliamentary Secretary) [5.06 pm]: It is my pleasure to speak to this Liquor Control Amendment Bill 2018. It is a critical issue for my electorate of Perth.

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[Interruption.]

Mr J.N. CAREY: Someone's phone is going.

My electorate has been transformed over the past decade and there is no doubt that part of that transformation has been due to some of the big infrastructure projects. I congratulate the former government on Yagan Square. I was at the opening. It is great to see an Aboriginal heart culture recognised in our city, and it is great for tourists. I also want to say that transforming our city is not just about those big projects—I have been on the record saying this before—but it is also about the street experience. It is critically important in a number of factors. It is important when tourists go walking through our city that they feel it is vibrant, lively and interesting. It is critical for people who work in our city to decide to linger longer after work and that there is more activity at night. It is also critical because we want more residents to live in the city; we need more density, so we need the city to be vibrant. Lots of cities around the world do this extraordinarily well. Barcelona is a great example of a culture on the streets that includes liquor. I was in Singapore on the weekend for a very short trip. Again, that is a great city that has embraced this type of culture on the streets. Yes, I saw them spilling out onto the streets. There was not anyone dobbing them in, and I will get to that in a moment. I have to say that this was also recognised in the Perth City Summit that I organised last year. I note that one journalist called it a “so-called summit”, but there were 350 delegates there, including the opposition spokesperson for tourism, the member for Vasse, and it was the largest face-to-face engagement for the city in the last decade. I put that on the record. One of the things that people stressed as the number one change they wanted in the city was exactly about the street experience. They wanted to see more life and street activation. When we look back at the reforms that have helped with that, there is no doubt in my mind that the Gallop government's decision to pursue liquor reform and the mass jump in small bars—particularly in the city as I believe there are more small bars in the city than anywhere else—has been a significant achievement of creating more life, particularly at night.

But I still think we have a long way to go in terms of reform and that is why I strongly back these reforms. I was four years as the Mayor of Vincent and I did all I could to help champion small business as the only council—this is on the record—at the time to abolish alfresco fees and simplifying processes. I did my bit to champion small bars and assisted them in the process of liquor applications.

I still see, and have seen in the last year as the member for Perth, a real culture of nannyism and bureaucracy that still persists and resists a developing small bar scene. This was shown to be most relevant only in January this year, and I took it to the media's attention. There was a small bar proposal. I find it quite extraordinary that it was a Perth doctor who was putting forward the bar application as, generally, the health lobby can come in and oppose small bars. He launched a liquor application in June last year whereby he hoped to create Perth's first natural wine bar. That sounds very hipster to me; we had definitions of hipsters' natural wine bars, but that was what he had lodged at 485 William Street, in the heart of my electorate. This was only a 50-seat small bar. It is very small in comparison with many other small bars. It was only going to sell relatively expensive natural wine. In fact, the cheapest bottle that anyone could get at this natural wine bar would be \$20. It is not selling the cheapies; people are not going to be rocking in there. It is extraordinary that there was only one application against the proposal and it was not the health lobby. I should say the application was not against the proposal, but it had serious concerns and proposed a number of conditions. It was the WA Police Force. What it was proposing was extraordinary for a small business that was adding to our tourism field. WA police was suggesting two security guards on the entrance on a Friday and Saturday night. I can imagine all the—excuse the language—bogans lining up, or drunken hipsters running to this bar, probably having a rave, drinking away their \$20 minimum price natural wine! The small bar was also not to have any takeaway liquor and staff had to carry clicker count devices to ensure the exact number of 50 patrons. As a result of these conditions the proponent estimated they spent \$12 000 in legal fees and consultancies. This is an extraordinary story. I have to say that what is also funny about this was, and I will read directly from *The West Australian*, which states —

Dr Winfield—who last week won the Wine and Spirit Education Trust's Laithwaite's Prize in London for his essay on natural wines ...

He had done his extraordinary research and found out that the process was lengthened because the police had objected to his natural wine bar. I am on the record but again, I find it extraordinarily embarrassing.

Dr M.D. Nahan: What was the justification for the police's proposal?

Mr J.N. CAREY: My understanding was there was a fear about the accumulation effect of bars in the Northbridge precinct. I understand that was the main fear. I just want to say this and I will say it: it is nannyism at the worst. I also find it extraordinary that the police service in Western Australia would dedicate resources, time and energy to put an application towards this. In 2011—I am sorry, I will use *Hansard*—there was a question to the minister

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about how many people were employed by the WA police. There were five people to object or ask for conditions. What a waste of resources. What a level of nannyism in our state that the WA police believed it was necessary to put an application in to a natural wine bar of 50 patrons. No wonder small business is struggling. This story, unfortunately, is not alone. I have heard this time and again.

Mr P. Papalia: Finish that story!

Mr J.N. CAREY: There is good news. It was approved and he is now setting it up. I certainly lobbied hard on his behalf and I am very pleased that we were able to defeat that nannyism.

Mr J.E. McGrath: Who approved it?

Mr J.N. CAREY: The director.

Mr Z.R.F. Kirkup: Any input from the minister?

Mr P. Papalia: Oh, you know. It is an independent process.

Mr J.N. CAREY: But we got a good outcome. I still worry for that 50-seat bar with \$20 natural wine. I still worry for their proposal. To try to get its application passed and because the police had asked for conditions, they had to put a \$20 cap on natural wine. I worry and hope that they will come back and seek further changes. If we look at previous positions that the WA Police Force have taken when it put its review of the Liquor Control Act, it has a very clear position that is generally against small bars. It argues against them and states —

The maximum occupancy for a small bar is 120 persons, which is not exactly a small gathering when persons are consuming alcohol.

This is a direct quote —

A number of small bars in Perth are achieving maximum numbers and when they are clustered in close proximity to each other they have the capacity to have the same or greater impact as a tavern licence.

Yes, clustering of small bars can create more vibrancy and activity, but it is a jump to say that those small bars then create the impact of a tavern. There may be three or four small bars together, as we have seen on Beaufort Street, but they can cater to different niches with the result of different clientele. To claim that it is just one hotbed of criminal activity is ridiculous. I am calling on the WA Police Force to change its attitude to small bars. I am calling it to stop the waste of resources, focus on fighting crime and before it puts an objection or asks for conditions, really consider what it is seeking to achieve and what red tape and costs it is imposing on small business. It has become the WA nanny police and we do not need it.

When I look at the proposed reforms, I see many that I am sure and hope we all agree on. Obviously, giving equal weight to tourism as a factor would have been beneficial to the natural wine bar. Small bars, like the natural wine bar, add to the ambience, flavour and vibrancy of our city. We want more of them. In fact, it would be great to see them in the dead or quieter parts of East Perth and West Perth, though it is natural to be all around Northbridge. The second reform that I see as its signature and perhaps the most important and welcomed by the small bar scene is the provision to prescribe a head of power to remove the need to submit a public interest test when a licence application will be deemed a low risk. This is the most exciting reform. For example, there could have been discretion given to the former Department of Racing, Gaming and Liquor not to have any public interest test for a 50-seat natural wine bar. If I were in that position and considering it, I would argue that a natural wine bar at 50 seats would be a perfect example of being given that discretion. I note that restaurants and producers are also being considered.

I want to put something else and I know the minister may disagree. We have been having a discussion about liquor outlets. Very small liquor outlets, say, existing ones, should be given some discretion. I would like to give an example of a small business, not in my electorate, but in the member for Scarborough's seat—WA Cleanskin Cellars of Doubleview. It is owned by Scott Yelland, who has a connection to my electorate; he is a Mt Hawthorn resident and is a rocking parents and citizens association president for Mount Hawthorn Primary School. He does a brilliant job. I am giving him a shout-out there. It is also a great small business that is only 40 square metres in size and sells only specialist wines. It is tough out there and the advice that I have been given is that if he wished to provide some specialist beers, at the moment he would have to go through another public interest test.

I would be interested if small liquor outlets that are not expanding their floor size, such as this WA Cleanskin Cellars, which is only 40 square metres—I am just putting this forward, but there could be a formal size limit—could be given that same discretion. If they are not going to do a massive expansion of their operation with a bigger floor space and so forth, but were looking at a small addition, they could be given consideration or discretion like a small bar. I do not think that is a long bow, but I think it would show that we can help small business. A lot of

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these liquor outlets are not the big boys in town; they are family-owned small businesses that may only have a floor size of less than 90 square metres. They have been doing it tough in the current conditions. Like the member for South Perth, I too have been buying my rosé—I am sounding very hipster —

Mr Z.R.F. Kirkup: Frosé?

Mr J.N. CAREY: Frosé!

I too have been buying my rosé with special Star Wars Lego labels. By the way, if anyone wants to buy their wine from WA Cleanskin Cellars in Doubleview, it will make their own labels for them. I had ones with Chewie on for Christmas. It is a great small business and we should be supporting more like it.

Mr D.T. Redman: I hope it is Western Australian rosé!

Mr J.N. CAREY: It is. It is from down south. I am ticking all the boxes.

The other thing is restaurant reform. Cutting red tape for established venues to participate in festivals does not seem like a big reform, but it is quite important. I founded the Beaufort Street Network and co-founded the Beaufort Street Festival. One of the most difficult things for small businesses that wanted to participate in that festival was the application process to extend their area to use a laneway, a car park or something else. I know that some people have asked why this matters and why it is important. It can be quite a costly process. I have often found, particularly with festivals, that established venues could not compete; the bureaucracy was too much.

[Member's time extended.]

Mr J.N. CAREY: The cost was too much or it felt too bureaucratic. The irony was that for festivals and other events, pop-ups maximised their revenue and opportunities, yet small businesses that were existing bricks and mortar did not get the same benefit. I appreciate that it might seem like only a small change, but as someone who organised the Beaufort Street Festival and dealt with this and wrote letters of support, cutting this red tape and knocking out local government—I am sure some local governments may not like it—will make it easier.

The other area of reform is restaurants. Again, we are just making it simpler. I recognise the work of the previous government in allowing alcohol to be served at restaurants. This bill goes one step further in abolishing the requirement for a permit. It is just a simple change but, like alfresco fees and all those things, cutting this red tape will mean a lot for small businesses.

I hope that we get full support for these changes in the upper house and from the opposition. I note that the last time liquor reform was proposed the then opposition begrudgingly supported those changes. I looked at some quotes from Liberal upper house members who talked about being fearful of small bars proliferating. One member said that they felt that 120 people was too big for a small bar and that it would lead to more harm. I appreciate that we have settled on 120. My personal view is that it could go a little higher, but I accept that this is where there seems to be general consensus in the community about what a small bar means.

The last issue I want to touch on is about Dan Murphy's and the big end of town versus small liquor outlets. I support having a prescription on the big Dan Murphy's stores and so forth. From my own experience, I believe that smaller outlets go out of their way and are more conscientious about who they serve. They often have an established rapport with their client base. I have a couple of Dan Murphy's stores in my electorate. It is an inner-city area and I see backpackers or other people who are piled up with booze walking directly past my house. At a Dan Murphy's store I have seen someone who was intoxicated served and not questioned at all. From my experience in my electorate, Dan Murphy's does not have a great reputation. That is my own personal assessment. I appreciate that the opposition disagrees with this, but I think that we need to provide a fair playing field for small businesses. When I look at my electorate I see small liquor outlets that add vibrancy and life to the city. Dan Murphy's and those other big boys do not. No-one says, "Wow! There's a big Dan Murphy's there. It is adding so much life and vibrancy to my neighbourhood! It's brilliant. I love it! We'll all go down to Dan Murphy's." It is different for small liquor outlets. They understand that they have to create a niche and that it has to be about customer service. They understand that they have to offer something different. I often find that small liquor outlets go out of their way to become connected with the local neighbourhood and they offer something that is distinct from the big franchises. They make a main street—whether it is in Mt Lawley or Oxford Street in my electorate—different, unique and they add to the community feeling. They are just one of many. That is what our independent small liquor outlets do. I do not think we should paint a broad brushstroke that compares a Dan Murphy's store with a small liquor outlet or what they offer the community. Therefore, I believe that the proposition that a packaged-liquor premises, when located within a prescribed distance of an existing packaged-liquor premises and is larger than a prescribed size is a reasonable and fair ground for prescription. Otherwise we face a future scenario in which all that will be left in our neighbourhoods will be

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Dan Murphy's stores. I do not think that is a good thing for the community or for small business. I think we have to champion small liquor outlets.

Overall, I congratulate the minister on the reforms. I am excited by them because, as both a former mayor and as the member for Perth, I have to say it has been a thorn for a constant and regular number of small businesses that are trying to do the right thing and want to ensure that the community will be safe when they propose a small bar. They are not reckless in their approach, but they end up in this scenario and are burdened with significant legal costs or planning costs.

I will end on this. It is not just the Department of Racing, Gaming and Liquor that has been at fault. It is not just the WA nanny police that have been at fault. It is also those local governments that go out of their way to make life difficult for some of these aspiring small businesses because one or two residents believe that they will cause major antisocial behaviour and they are reactive to it. Local governments overburden the process. They are not supportive and do not facilitate small bars and everything they mean for a main street. Some local governments go out of their way to make life hell for these small businesses. I am sure that many members in this Parliament, particularly metropolitan members, will have heard of people who have made small bar applications, given up, and said that it is just too hard. When processing these applications, local governments and the Western Australia Police Force forget that many small businesses have to lease the property while they wait for their licence to be approved, so they are paying those costs for the whole time. If it takes 12 months because there has been an objection by WA Police, that is a significant cost that may kill the business. Every month they are hit by a leasing fee and have no income in return because there have been unnecessary objections in the process.

I look forward to these reforms. I hope that we get the support to drive them through and I look forward to a more vibrant and better Perth.

DR M.D. NAHAN (Riverton — Leader of the Opposition) [5.31 pm]: I am not the main speaker on the Liquor Control Amendment Bill 2018; the member for South Perth is, but I would like to make some comments about this bill. I do not represent a hipster electorate. It is a very suburban electorate, so I would like to come from that perspective. I first state that I strongly welcome the general tenor of the reforms. I approach it from a slightly different perspective because there are no wine bars in my electorate. I wish there were.

Mr J.N. Carey interjected.

Dr M.D. NAHAN: I do not think so. It would be nice if there were one, but I am not in the business of investing. I will invite the member for Perth if one opens.

I have quite a few restaurants, particularly Asian restaurants, in my electorate and I have helped many struggle through the gauntlet of trying to get a liquor licence. It is difficult, excessive and costly and inhibits suburban enlivenment. The member for Perth mentioned the Western Australia Police Force. They are the major culprits. They clearly have a policy of restricting any additional capacity in the sale of alcohol, irrespective of where the outlet is located. My electorate is not a hotbed of crime. I think Willetton has the lowest crime rate of any suburb in Western Australia. It has a large number of restaurants; most of the restaurants are Asian and the drinks are very much secondary to the major issue. However, trying to get a liquor outlet licence is exceedingly difficult.

My electorate also had the High Road Hotel owned by Coles. It closed the hotel and built a new large Coles grocery store. We had to have a campaign to get someone else to set up a new tavern. It was the only one remaining in the area because the other three within five kilometres had shut down. It was people's local. It has been exceedingly difficult to get someone to take the risk of investing in a new facility and run the yearlong gauntlet of getting a liquor licence for it. It is ridiculous. I think it goes back to the old prohibition days when most of this legislation was introduced and the belief that alcohol is bad and should be banned. The reality is that most people manage their alcohol consumption reasonably. Many of these regulations that we set up inhibit that.

I remember when my son was young, not too long ago; he would go out to pubs and he and his mates would come over to the house and pre-load—drink. I had to monitor them and the best way I could do that was to drink with them. I was slower than any of them; I can guarantee members that. The reason they did that was twofold. One was that the prices at the pubs were very high. I understand that in the boom a beer cost \$12. Also, they were developing a culture of excessive drinking. The way to overcome that is to allow liquor and alcohol consumption be normalised in our families and our community. We have had a culture of prohibition, rather than normalisation.

I am not one to argue that excessive alcohol is not addictive and dangerous. My father was an alcoholic; I understand it thoroughly. Those of us from that part of the world and background have to control it all our life, but most of us can manage and enjoy, with some concern, our alcohol consumption. It adds spice to life. We have to change the mentality away from prohibition restrictions to normalisation and allow people to consume alcohol reasonably. At the same time, we need to reinvest and focus on the people who, unfortunately, have become addicted to the stuff. It is a small minority, but an important minority that we have to help. Alcohol addiction is

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terrible, but we cannot allow our policies to be driven by that. We cannot allow policies on access to liquor and alcohol to be driven by the addicted, rather than the vast majority of people, who are not addicted. That is a change of policy. The government has come through with a range of policy initiatives in that direction and I support those.

I have some suggestions. I agree wholeheartedly with the member for Perth's statement on the police and perhaps we should have some codification of the police's ability and background to get involved in an application. We need regulations that provide conditions that the police must take into consideration in applications. The police clearly have this view that too many restaurants and liquor outlets are available in a region, defined broadly, and that even an incremental one such as serving beer in an Indian restaurant is too much. It is ridiculous and absolutely absurd. I believe that the police have a limited role. Perhaps we can prescribe their role very carefully and restrict it to a few areas within which they really need to be involved.

The proposal here is to have tourism involved in the criteria in liquor applications. That is a good idea. I am not sure how it will work and what the criteria are based on. Maybe we can discuss that at the consideration in detail stage, but I fully support that. I have a worry. Maybe the minister can answer it in his reply to the second reading debate. Will it be geographically restricted to areas such as Northbridge or tourist zones?

Mr P. Papalia: It is not.

Dr M.D. NAHAN: That is good. It needs to be defined quite widely.

I am concerned about a major issue. As the member for Perth indicated, we appear to be liberalising for small bars and maybe small bottle shops—I am not sure—but banning and putting more restrictions on big bars. Let us face it: many of the liquor licences in the past, particularly through the needs test, have had restrictions on trade. The established outlets have attempted to inhibit competition. I remember when I was involved with the Clough family over at the Left Bank. It took them over a decade to get a hotel licence. There was a needs test and the only way that they could get a hotel licence was to get the agreement of all the hotels in a certain area. Do members know what? Not surprisingly, none of them agreed to do it. Hal Clough was very persistent. It was an old heritage building and after a decade of trying to apply, the building got more and more decrepit; it fell down, which inhibited the development. It is now a rip-roaring success—a real addition to the livelihood of Fremantle.

Most restrictions are used to inhibit competition. Do members know what we need? We need more competition in the delivery of all sorts of services, including restaurants and small bars. We need to allow them to diversify to serve food as well as alcohol, as they choose. With the mindset of allowing the freedom to choose, people can take care of their own responsibility for that. I am concerned that the legislation is tightening big, as opposed to small, business; perhaps we will discuss this during consideration in detail. I have a Dan Murphy's and a First Choice Liquor in my electorate. Both have been there for quite some time and I use both of them, but not on a regular basis. I order most of my wine online. I will talk about that a bit later. They provide a service to people who are not going to restaurants, necessarily. Most of their sales are for drinking at home or in other places. They provide a packaged liquor service of the lowest price and with a huge variety. If these big liquor outlets were not allowed to operate, I think there would be fewer outlets for small vineyards in Western Australia. In one section of Dan Murphy's, there is a vast array of wine, almost all of which is from around Australia. It provides an outlet for vineyards that some of the small liquor outlets cannot and will not provide. This idea that "big is bad" would perhaps not only inhibit people from enjoying access to the variety of wines we have, but also probably lift the price. We have had a debate in here during which I think the Minister for Health was toying with the idea of putting a minimum price on alcohol. If my memory is correct, it was \$3 a bottle—dumb. I am very glad that the Minister for Racing and Gaming ruled that out. I heard him on radio; it was a very smart thing to do. It would be completely inoperative and probably unconstitutional for the power of the state. That is not the way to solve issues of alcoholism. It would go back to the mindset of control and restriction for the many to help but a few. I could understand it in certain communities where drug and alcohol addiction is rife, but those are separate issues that should be targeted in those communities.

My colleagues have dealt with a couple of issues. I think that "big" is defined not just by liquor barns, but also potentially by restaurants and others. We do not need to put any more—indeed, I would say we need less—restrictions on restaurants, whether big or small, accessing liquor; whatever they want. We need to deregulate that to a large extent. One issue has come up, which I may not have read correctly, that a needs tests must be reapplied to certain large outlets. I think that is a significant, retrograde step that is not necessary. We also have planning laws. It goes back to the period before the regulations and deregulations that allowed small bars to operate. It goes back to the conditions I described with the Left Bank in which the existing players can inhibit others from competing with them. We do not want that. Competition is good between small and large restaurants, small and large bars and small and large packaged liquor outlets. We do not restrict entry to a whole range of things outside

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liquor, restaurants and whatnot, so why do we restrict liquor outlets? I think we are stepping back. I can imagine why we are doing it, but maybe we can discuss that with the minister.

The member for South Perth dealt with a couple of other issues, including pop-up bars. They are a real challenge in that they add significantly to the vibrancy of certain areas, particularly in the city. Whether it is in the city, Northbridge, Elizabeth Quay or otherwise, they have enlivened our city like nothing else. If members go around the world—throughout Asia, North America, and Europe—pop-up bars are a central part of the scene. They stay around not just for events, but also compete with restaurants and outlets that sell packaged liquor, which have to provide bricks and mortar, wages, advertising and everything else. There is a fine line. One of the proposals here, as I understand it, is to give pop-up rights to adjacent bricks and mortar owners or licensees. I would like to see some description of that so I understand it. I think it is an extremely good move, although licensees should not necessarily have the power to prevent a pop-up. If licensees were given a monopoly right, they could basically stop that from happening. That is a really significant move. It is what life is about and like a lot of change, we might want to stop competition through pop-up bars, but we know we are not going to be able to do it because the community loves these things. Pop-up bars also allow activation—for instance, at EQ—that brings people to that site that the adjacent restaurants feed off in a significant manner. It is not all a one-way street. The pop-up bars do not always take away activity; they bring activity and vibrancy themselves. They are also not just in the city. It is the same at a whole range of events around the community, often organised and facilitated by local government.

The role of clubs has been a longstanding issue. Clubs have diminished significantly in influence, probably in number and in the number of people who use them because of a variety of reasons. A number of clubs are in my electorate. Most of them are established. Not too many new ones are being opened. There seems to be a lot of regulation restricting the use of clubs. For example, people are supposed to live, I think, more than 40 kilometres from a club and they have to be paying members. That is just regulation for regulation. No-one is enforcing these things.

Mr P. Papalia: Do you know we're getting rid of them?

Dr M.D. NAHAN: Is the minister? That is good. They are a waste of time. The government might as well just get rid of them. That is a good move.

Mr P. Papalia: We're addressing it.

Dr M.D. NAHAN: Yes. To reiterate, when the minister gets up, I would like to understand the interest tests and the issue about large and small. I also like to hear some soothing words about how the government is not using liquor legislation to restrict competition, but rather to restrict competition between liquor outlets with regulations that are as light-handed as possible.

When we were in government, we had a mud map of what it takes in cost and time to open a restaurant; I think the member for Nedlands ran that. It took \$4 200 without consultants in nine months. Liquor licensing was the biggest issue.

Mr S.K. L'Estrange: No, that didn't include liquor licensing. There was more time on top of that.

Dr M.D. NAHAN: That did not include liquor licensing. If the government could step up or do a parallel mud map of ways to get rid of the excessive regulations for businesses generally, it will get this opposition's strong support. Whatever it does we will be willing to support because although Western Australia is a very attractive place for foreign investment, the truth is that our cost structures are still high.

The sooner we can peel away unnecessary red tape and regulation to encourage greater vibrancy and enable service providers to be more competitive, the better off we will be, not only to attract local and foreign tourists, but also to serve the community of Western Australia. The current regulatory structure is too long and too risky. In today's environment, it is difficult to establish a small business, and the risk of failure is probably 30 to 40 per cent. If regulation and red tape add to the cost, fewer people will want to take up a small business. Therefore, if we could have some words from the minister, or perhaps the Treasurer—I am not sure who would be responsible for this—about providing a parallel path of deregulation for the hospitality industry more generally, the opposition would be very supportive of that.

MR R.R. WHITBY (Baldvis — Parliamentary Secretary) [5.50 pm]: I rise to speak on the Liquor Control Amendment Bill 2018. I have a special interest in this area that goes back many years. It is perhaps not the interest that most of us would share with liquor. My father was the publican of a Fremantle pub in the early 1980s.

Mr P.C. Tinley: Which one?

Mr R.R. WHITBY: The Freemasons Hotel. I well remember that there was a special dispensation whereby the children of publicans who were not of legal age to drink were allowed to get behind the bar. As a young teenager,

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I stacked the shelves and poured beers. I remember the antiquated liquor laws at the time. This was before the days of the America's Cup. Members may know the Freemasons Hotel today as the Sail and Anchor Hotel. That is a very successful and thriving business. Pre-America's Cup, Fremantle was a very different place and the Freemasons Hotel was a very different place. During the week, there might be a few retired wharfies and a few coppers from the police station down the road, but on the weekends, it was quite dead. My father as the publican tried to work out a way of increasing turnover at the pub. The antiquated liquor laws required certain hours of trading on a Sunday. Therefore, we had the silly situation in which at Sunday lunchtime, a lot of people would be looking for a drink, but we could not open the hotel unless people were able to buy a meal. My father had the great idea of serving a roast beef lunch, at the nominal price of about \$8 a serve. The place would be packed. People from all over Fremantle would come into the pub for a beer. People would buy a token for a meal to satisfy the requirement of the law that they had to buy a meal if they wanted to buy a drink. Many of these people would stay at the bar and never get near the meal—maybe some of these guys should have! I remember as a 14 to 15-year-old trying to get around the pub to serve the roast beef meals, and a well-known jockey at the time was treating his family to lunch, and I spilled his meal all over the top of him. It was bedlam, because there were also a lot of people who wanted to get a cheap meal without buying a drink.

Dr M.D. Nahan: Did they sell the tokens to each other?

Mr R.R. WHITBY: Who knows! There might have been a bit of a black market going on there!

I know what our liquor industry used to have to put up with. There has been a gradual improvement over many years. I also remember that as a young man, going out for a drink was not the experience it is today. We used to go to beer barns, as we called them, and a band would be playing, and we would all be squashed in and standing to attention and could not hear our friends and partner—all we could do was drink. That kind of environment encouraged massive consumption of alcohol. I remember venues like the Stage Door, which was at the old Balga Inn on Wanneroo road; the Nookanburra Hotel—the famous “Nookie” I think it was called; I have no idea why—and the Herdsman. These were all places where young men and women would go for entertainment. However, the only choice was to stand and listen to loud music, under very cramped conditions, and consume as much alcohol as we could.

I welcome the change. I often look at the way in which bars and nightlife are conducted these days. My eldest daughter is 18 and she is now allowed to drink. I think of the sophisticated and grown-up environments that she can enjoy. She can go to a small bar, eat some tapas, and sit on a couch and have a conversation with her friends. In that environment, young people—indeed, all of us—are likely to consume less alcohol. This is the way in which we need to go. The changes in 2006 under the former minister and now Premier resulted in the creation of at least 120 small bars in Perth. That is great for the vibrancy of our city and for jobs. We have heard the term “hipster” used. On that gauge, a certain Rockingham hipster is helping to revolutionise life in our city. That might be an odd title, because Rockingham probably has not produced its fair share of hipsters, but on this occasion I think it has.

The key changes in this legislation are to give tourism equal weight with police and health concerns in determining applications for liquor licences. For too long there has been a kneejerk, automatic response from police and health authorities to say no. Having that third say in the determination of liquor licences will provide a balance and give those other two important parts of our community—police and health—the ability to reflect on whether we want to provide people with greater options and choices for the consumption of alcohol in a responsible and sophisticated way. These proposed changes to the law have received strong support from across the community. That is always good. Evan Hall from the Tourism Council of Western Australia has said, and I quote —

“For too long we have been forced to provide bad customer service, to turn our customers away, to not serve them at all or not serve them a drink at the end of a show because we haven't had the balance right with our Liquor Control Act,” ...

I also mention the Chamber of Commerce and Industry of Western Australia, which seems to be a great supporter of the current government. Chris Rodwell, the chief executive officer of the CCI, has said, and I quote —

“Perth's small bar scene flourished as a result of these changes, —

He is referring to the changes that began in 2006 —

and today's reforms will boost this further, giving small businesses the flexibility they need to create jobs and meet consumer demand,” ...

“CCI particularly welcomes the announcement that Tourism Western Australia's Chief Executive Officer will be given equal consideration to assessing liquor licensing applications.

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I note there was at least a third voice of support in the community for these changes, and that was from the Leader of the Opposition, the member for Riverton, who said, and I quote from ABC Online —

“Shifting onus away from health and police to tourism and vibrancy, is a good move,” he said.

Dr Nahan believed health authorities have had too much influence on liquor applications.

“There was a mentality in police and health to ban all new outlets,” he said.

I welcome that support from the Leader of the Opposition. Too often in this place, we become adversarial. This is a good piece of legislation on which we can work together for the benefit of the community. It is important legislation. It is welcome legislation.

I am being told to stretch this out a bit longer, so I will go back to the pub stories, which are far more interesting. Talking about pubs, Baldivis has a great assortment of quality licensed venues. I want to share with the chamber what we have on offer in Baldivis.

Several members interjected.

Mr R.R. WHITBY: The Sail and Anchor is great. I was there the other day. That brought back some memories. Baldivis has a vibrant array of entertainment venues. There is The Chase Bar and Bistro, which is the main local; there is Cottons Wine Bar; and there is the Brotzeit German bar. There are also two breweries in the Baldivis region, believe it or not.

Sitting suspended from 6.00 to 7.00 pm

MS L.L. BAKER (Maylands — Deputy Speaker) [7.00 pm]: I would like to make a contribution to the debate on the Liquor Control Amendment Bill 2018. It would be safe to say that I have a constituency that is very excited by the balance that this bill has the potential to bring to my community. I should put on the record that I do like a drink—I wanted to get that right out in the open—as do many of my family, friends and colleagues, so this is nothing personal. This bill is not about the reasonable and fair consumption of alcohol; this bill is about what my community sees happening with the overconsumption of alcohol and irresponsible drinking. We should not need to bring in regulations that chastise a small group of people, but the direct cost of alcohol-related problems to Australian society in 2010 was conservatively estimated at \$14.35 billion, not including the cost of harm to others. The cost of alcohol misuse is substantially greater when the harms caused by others’ drinking are accounted for, and have been estimated to be as high as \$36 billion. When we think about that, it is a fairly sobering statistic. We are dealing with what is effectively a legal drug. We have to be very careful with how we make laws around this. We need to make sure that we balance people’s responsibility, self-empowerment and capacity to look after themselves with them having a good time, whether they are on holiday, at a tourism venture, out at a winery in the Swan Valley or wherever they are in the hills having a drink. That is all fine, but what we see is that there is a direct cost of alcohol, particularly through the health system. Many members on both sides of this house have been involved with the police force, not by being arrested by them, hopefully, but as ex-police officers. They would have seen and dealt with firsthand the increasing problems created by the reckless abuse of alcohol.

I heard my colleague the member for South Perth earlier—I do not think he thought I was listening—when he several times referred to me and my stance on destination liquor outlets. I am completely comfortable with being accused of being against big destination liquor outlets—I have no problem with that. My electorate has a number of small family businesses that have relied on trading in this industry for a very long time. They have a very good range and supply of alcohol; they have their fair share of under \$10 bottles of alcohol and they have their fair share of \$1 000 bottles of alcohol. What people in my neighbourhood do not need is 1 200 square metres of the lowest price guaranteed. That is what we do not need. That is the argument around small business. I heard the member for South Perth mention National Competition Policy. I must differ from him. He quoted, but did not continue to argue the point, one component of National Competition Policy, which was a section that talks about whether it makes markets work in the long-term interest of a consumer. One of the tests of National Competition Policy is: is this in the long-term, best interest of the consumer? I must say that I differ completely on that. If the member for South Perth or anyone in this house thinks that the abuse and long-term overconsumption of alcohol is in the best interests of any consumer, I will certainly argue that point. It is not in the best interests of the consumer. I have a difference with National Competition Policy at the very outset.

Alcohol sales figures in Australia in 2011–12 indicated that the per capita consumption of alcohol in Western Australia was higher than the national average. Again, my colleague—one of the lead speakers on this bill for the opposition—claimed that the figures have gone down. He is quite right. In fact, they stabilised for a few years and they have gone down slightly. What he ignored or failed to tell us is that Western Australia’s figures are bad—they are the worst in this country. They are not just bad for grown-ups; they are bad for kids as well. I will

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go through some of those figures. I said that the per capita rate of alcohol consumption in WA was higher than the national average. In Western Australia in 2011–12, for people aged over 15 it was 11.94 litres a year, compared with 10.04 litres Australia-wide. Compared with the national average, Western Australia had a lower proportion of people who do not drink, at 18 per cent compared with 22 per cent. That is a good thing. However, people in WA were more likely to drink alcohol in quantities that placed them at risk of harm on a single occasion at least once a month. That is what we call binge drinking, folks. In 2013, the figures for that were 31 per cent in Western Australia compared with 26 per cent in Australia. Western Australians were also more likely to drink at risk of long-term harm from alcohol, at 22 per cent compared with the Australian average of 18 per cent.

I want to talk about young people. Talking about alcohol is a very complex discussion. We sat in this house in the last term and put through a bill on secondary supply. I am very, very pleased that that bill went through. In other words, grown-ups should not supply alcohol to children at parties at their place and the like. That secondary supply legislation was needed. I will mention some statistics from the website of the McCusker Centre for Action on Alcohol and Youth. The website states that of those WA students aged 12 to 17 years who had drunk in the past week—that is, 13.9 per cent—one in three drank at a level that put them at risk of injury from a single drinking occasion. That is binge drinking. It continued —

- Half of males ... and a third of females ... aged 16 to 17 years who drank alcohol in the past week drank at risk of injury from a single drinking occasion.
- Of WA students aged 16 to 17 who drank alcohol in the past week, boys drank an average of 10 standard drinks; girls drank an average of 6 standard drinks.

Members should listen to the attitudinal stuff, because this is really important. The attitudes of many Western Australian young people towards alcohol are a matter of concern. The website states —

Of 16 to 17 year old WA school students who reported drinking in the past week:

35.8% reported '*One of the main reasons I drink is to get drunk*'

60.6% reported '*Occasionally getting very drunk and losing control is good fun*'

...

36.4% reported '*Having a drink is one of the best ways of relaxing*'

In my view, all of that needs to be addressed. The three drivers of overconsumption of alcohol are the availability of alcohol, the affordability of alcohol and where and how it is advertised. It is the AAAs of alcohol retailing and sales. I do not like destination liquor outlets because they tick all three boxes. They are the worst on all three dimensions, and that is why I welcome these amendments to the legislation. I welcome the harm-minimisation components of these amendments, my community welcomes them and the whole public of Western Australia should welcome them. I am sure that I am not on Coles' or Woolies' Christmas list, but I will survive that.

How much alcohol should someone be allowed to get their hands on if they need to? How much is enough? How far should people be prepared drive for it? A person living in my electorate near this latest Woolworths proposal, which we are fighting at the moment, could drive or walk for four kilometres and go past 17 liquor outlets. A person feeling a bit lazy and really needing a drink who wanted to travel for half that time could travel for only two kilometres and go past 10 outlets. How could anyone in their right mind think that level of proliferation does not meet market demand? They have cost factors built into their supply chain, there are cheap bottles if people want to buy cheap bottles and they are all over my electorate. The last thing that young people, or anyone, need is to have access to 1 200 square metres of the lowest price guarantee. Thank you, very much, Woolworths, but we do not need that in our electorate; we do not need that at all.

I am so deeply proud that the minister has taken on board much of the community concern from the health industry, from normal people on the street and from the groups that have been fighting these massive, monstrous warehouses full of grog for a long, long time. I am glad that the minister has been able to craft a bill that meets both of the expectations that I think good alcohol legislation should have. It allows responsible drinkers to go out and have a good time and encourages tourism in places where it should be encouraged. I spoke at the Eastern Metropolitan Regional Council biannual dinner on Saturday night and said that the council should welcome this bill into the house, watch its passage and support it all the way because it has great benefits for the many councils in my electorate, particularly those that have wineries and the like.

Mr D.A. Templeman: That's very true.

Ms L.L. BAKER: Thank you, member.

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I looked at other supporters that have commented on this issue. One would not necessarily think that the Liquor Stores Association of Western Australia would be very concerned about harm minimisation and business capacity and potential, but, in fact, that is the heart of its business. I have learnt a lot about the association since I started working in this area supporting my community to try to block these big destination liquor outlets. I can tell members that it is a really responsible organisation that represents its members fiercely and very effectively. When these changes were announced, the chair of that organisation, Lou Spagnolo, said —

“Our support for the legislation is very specifically based on the premise that too many large stores in one area often leads to heavy discounting which is clearly not in the interests of a responsible, diverse and sustainable industry or perhaps more importantly, the future of other well established Western Australian owned small family businesses.

You cannot put it any more clearly than that. That is the nub of the issue; that is a fact. All that market proliferation and market oversaturation will do is to drive everyone down to the lowest common denominator and we will lose the incredible diversity, complexity and richness in our communities as family businesses go under. I heard the member for South Perth acknowledge that will happen. If I was in his position and a member of the Liberal Party, I certainly would not be crowing about small businesses losing out. This is a vital part of my community and it needs support. The Liquor Stores Association of Western Australia also states that it —

... is all about encouraging and promoting a responsible, sustainable and diverse packaged liquor industry ...

“We are therefore supportive of policy that seeks to strike a sensible balance between convenient access for our customers and potential oversupply that could lead to local market failure.”

I go back to what I said 20 minutes ago about National Competition Policy and making sure that there is enough access to the market and that is done in the best interests of the consumer—that should be critical. The other side of the equation, of the economic argument, is designing an environment in which the market will fail because we have this supply from huge retailers. It happens with other products. We see that all the time. The Minister for Agriculture and Food talks all the time about the need to protect our farmers and the like from the big duopoly ownership of some of those commodities as well.

[Member’s time extended.]

Ms L.L. BAKER: Half an hour is never long enough these days, is it!

I would like to talk about price specifically regarding what I said about affordability, advertising and availability, and about the comments in a paper by the McCusker Centre for Action on Alcohol and Youth, but first I want to draw members back to my own situation in Maylands. Within the application currently before the Liquor Commission—it has been returned to the commission from the Supreme Court, by the way—I suggested that the applicant’s proposal to sell very low priced alcohol would result in greater economic availability of alcohol that has the potential for increasing harm in the community. Again, I heard the member for South Perth say that no research indicates that that is the case. There is a growing body of evidence based around this issue. When I first started looking at this issue in 2011, I was a member of the Education and Health Standing Committee in this Parliament, and at that time we published two tomes of a report into alcohol and the effects of alcohol and illicit drugs in our community. There was an emerging trend to conduct valid research in this area, and that research has grown substantially. A very big body of evidence points directly to the link between destination liquor outlets and increased violence and antisocial behaviour. There is a proposal to build a 1 200 square metre liquor store virtually at the railway station in Maylands. I have already told members that there are 17 liquor outlets within four kilometres in that area. By the way, two of those outlets are Dan Murphy’s. Just in case people cannot get enough Dan Murphy’s, they can travel less than four kilometres in my electorate, or 3.8 kilometres to Morley, and buy as much as they want. I might say that I do; it is a good place to buy alcohol and it is in a good location. It is in a commercial sector, and that is where it should be—I am absolutely happy for that. It is not in a residential neighbourhood, which is where it is proposed the new one will be. The other Dan Murphy’s is at the Hyde Park Hotel. I leave members to make their own assumptions about whether they like the design, style and function of the conversion of that building into a large Dan Murphy’s liquor store and what that has done to the Hyde Park area. People can certainly find whatever they need over a very short distance. Nine services around that train station work with the vulnerable and drug and alcohol victims, and 13 churches have outreach programs for that group of people as well.

I do not want members to think that they will get mugged and beaten up by drunken alcoholics on the streets of Maylands; that is not going to happen. We have a hotspot in Western Australia for antisocial behaviour and street

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drinking. I know that because Curtin University has funded a three-year project into tackling street drinking at two of the major hotspots in Western Australia. One of them is in the city and the other is in Maylands.

Mr J.E. McGrath: Whereabouts in Maylands?

Ms L.L. BAKER: It is in Eighth Avenue.

Mr J.E. McGrath: What—in the park?

Ms L.L. BAKER: No; it is in Eighth Avenue, all the way down from the train station, where they want to build Dan Murphy's, up to The RISE. Antisocial behaviour is already a difficulty there. I would not like to clean up the whole area and make it all artificial and horrible; I love some of the colourful characters. We hear about bricks being thrown at people, aggressive behaviour and vomiting in the street. An emergency relief provider called The Shopfront, run by the Catholic Church, is about 100 metres from where the new Dan Murphy's is meant to be built. It serves 1 500 meals a week. Homeless people, street drinkers and the like come to Maylands because of the services there. They know they can be looked after. They also come because there are no turnstiles or security gates at the train station, so they know they can get off at Maylands and travel for free. That is another little element. The police are very aware of what goes on. They have been monitoring destination liquor outlets for a very long time and looking at incidents of antisocial behaviour and violence. It is very clear that there is more of both around destination liquor outlets. That is before we even start to talk about what goes on at home. If we go down to the bottle shop, buy cheap grog and take it home, we know about issues to do with aggression and overconsumption of alcohol. We know about domestic violence. We know about the complexities in families that occur from one or two of these issues and others from drinking too much.

I am really looking forward to seeing this bill become law. I was talking to the minister a minute ago about the new amendments to proposed section 36B, which flow on to section 77. I will be very keen to contribute to and see the development of a number of things in the regulations in the most sensible fashion possible. I will talk about this “reasonableness” issue. Proposed section 4 provides that the licensing authority must not grant an application for a new packaged liquor premises unless satisfied that the local packaged liquor requirements cannot reasonably be met by the existing packaged liquor premises in a locality. My interest in that is purely from having sat on Liquor Commission hearings on five occasions now, being the only non-lawyer opposite the six lawyers—QCs, barristers and whoever else—that the big liquor stores employ. They can argue these concepts to nth degree and we very soon lose any kind of ground we have. There should be a very clear definition of what is meant by “reasonable” otherwise I can absolutely guarantee that it will be subverted.

Other things are welcomed in this bill. Proposed section 36B relates to restrictions on the grant or removal of certain licences authorising the sale of packaged liquor. Proposed subsection (1) inserts definitions of “local packaged liquor requirements”, “packaged liquor premises”, “prescribed area”, “prescribed distance”, “proposed licensed premises” and “retail section”. We are basically introducing some harm minimisation strategies, which is what the community wants; that is what the public of Western Australia wants. My colleague the member for South Perth has been privy to a very long fight by, admittedly, some fairly cashed-up citizens. We do not have that. I costed the fight we had against Coles in my first term. A moderate estimate is that \$100 000 was spent by the community and my office fighting Coles' destination liquor outlet at that time.

Mr J.E. McGrath: Did you win that one?

Ms L.L. BAKER: Yes, we won that one in the Supreme Court. They took it to the Supreme Court but it said no. I know that they are waiting for a decision either way when we re-visit this issue with the Liquor Commission in a few weeks. I know that the council has done everything it possibly can to amend the town planning scheme. That planning scheme restricts the opening of liquor stores greater than 300 square metres in a residential area. This amendment is about to be gazetted. It has been signed by the minister. Her office very kindly phoned me to let me know that it had been signed. It is effectively law. If one of those big retailers wanted planning approval, it would no longer get it in this area. Whether that will hold up in the Liquor Commission, with the crafty lawyers that it employs, I do not know. When I originally raised it, they laughed at me and said that it had only been lodged and it had not been processed yet but it said it would get planning approval, and it did. I am hoping that with the very clear guidance from this government, harm minimisation must be considered hand in hand with the market's ability to function effectively, and with the promotion of tourism, those factors will be considered by the Liquor Commission. They might not be law yet—one of them certainly is; that is the amendment to the town planning scheme—but they will be. Although the opposition and others in the upper house might have some problems with some components of this bill, they would have to agree that the tourism components and the liberalisation issues are going to be helpful. It is an iterative process. When we draft legislation, we do not always get it right the first time. We try as hard as we can, and the opposition knows that.

Extract from Hansard

[ASSEMBLY — Tuesday, 13 March 2018]

p593f-631a

Mr John McGrath; Mr Terry Redman; Mr John Carey; Dr Mike Nahan; Mr Reece Whitby; Ms Lisa Baker; Mr Zak Kirkup; Mr Terry Healy; Ms Libby Mettam; Mr Simon Millman; Mr Peter Rundle; Mr Mark Folkard; Mr Ian Blayney; Mr Donald Punch

Mr J.E. McGrath: That's why we're here to help.

Ms L.L. BAKER: Absolutely. I know that the member for South Perth is here to help. I really look forward to this bill being passed through the Legislative Assembly. I look forward to consideration in detail. I look forward to the work that will start after the bill passes. That is when we get into the provisions relating to distance when someone applies for a liquor licence. That interests me greatly. If we are going to say that someone cannot apply if the distance is within five kilometres, that would be a pretty good measure in the metropolitan area, certainly not in country or outer areas or less developed areas but I could live with five kilometres. Town planning scheme changes are being seen throughout local government in Western Australia, with arguments made that new applications should be kept to 300 square metres in size or at least as close to that as we can, and certainly not over 400 square metres. They are all points for consultation once the bill is passed and it is promulgated. Then we start the hard work of teasing out these issues with the stakeholders in the industry. That will be an interesting journey and I really want to be involved in that and contribute to the discussion.

I am really pleased with the other components of this bill, about which there is not enough time for me to talk today. That is why I hate being a 30-minute speaker rather than speaking for an hour on a bill. I think the sly grogging provisions in this bill will be challenging, certainly for those who have enforced the law in country Western Australia. They will have their views about how that can work and how to make it work. There are sensitivities around it but the police have wanted it. They have approached the government. I think they were probably knocking on the door of the now opposition members about this issue when they were in government. We have really given the police the capacity to help communities stay dry and basically save lives. That is what this is all about. Basically, it is about allowing people access to what is a legal drug that costs society billions of dollars in harm when it is overconsumed. We are talking about managing and minimising that harm but at the same time promoting the good things that alcohol can bring to social occasions and to our tourism industry.

I congratulate the minister for this bill. It has been a pleasure to work with the department and the minister to get it to this point, and I really look forward to seeing its passage through this house.

MR Z.R.F. KIRKUP (Dawesville) [7.29 pm]: I, too, join with the opposition in speaking to the Liquor Control Amendment Bill 2018. Before I begin, I would like to thank the shadow minister for his stewardship in the informative session today when he briefed us on the liquor control bill. If there were ever a man who is well placed to advise the Liberal Party on matters of liquor control, I think it might be the member for South Perth. Indeed, my thanks extend also to Bradley Woods and the Australian Hotels Association for their support of the Liberal Party. My time with the AHA goes back to when I was employed in the Premier's office. I think Bradley Woods celebrated 20 years as its CEO in January. He has been at the helm of that organisation representing the interests of hotel and hospitality operators throughout Western Australia for some time now. He does a great job.

This evening, I would like to talk about two separate and distinct elements of this bill. As the member for Maylands has already spoken about this evening, I refer to the prevalence of liquor barn-style outlets and also to what I see as the disruption on the horizon when it comes to the consumption of alcohol in Australia. My view is consistent with that of the opposition. Embedded in the Liberal Party's philosophies and principles is its belief in the market, and that should be the main determinant. There is also an important balance when it comes to harm minimisation. When the Liberal Party was last in government, it made some important achievements. There was a wider review, as members have previously spoken about, of the Liquor Control Act. It was provided to the government in 2014 after an extensive review process. We also amended the act. Something that I thought was important was what we termed in the office "the flying Scotsman provision"; that is, we removed the offence of moving liquor from non-contiguous areas of licensed premises. People can take liquor from the bar and sit outside with it. That was implemented in November 2015. We also legislated to allow restaurants with fewer than 120 people to serve liquor to patrons who have not also ordered a meal. Consistent with the position of the member for Perth, when the Liberal Party was in government it should have done more in this space. We did much when it came to the revitalisation of the city, but it did not extend as much as I would have expected—to the deregulation of liquor reform. As the member for Perth has already pointed out—sometimes I think he should be standing on this side with the Liberal Party!—I believe that we should embrace an approach that is certainly focused on harm minimisation and a reform process that enables businesses and their market and consumers to have appropriate access to what they enjoy and what we know drives night-life and culture in society in most developed societies across the globe.

As the Minister for Racing and Gaming pointed out in his 8.30 in the morning announcement, we should look for a more civilised drinking culture in Western Australia. I agree with him. That is important. I appreciate his respect, although I suspect he is a strong advocate, as is the member for Perth, for the likes of the organic wine bar being set up in Perth. It is the likes of those circumstances that we should see a prevalence of that occurring. We should see more of that. I welcome any measure, as does the Liberal Party, where that can occur.

Mr John McGrath; Mr Terry Redman; Mr John Carey; Dr Mike Nahan; Mr Reece Whitby; Ms Lisa Baker; Mr Zak Kirkup; Mr Terry Healy; Ms Libby Mettam; Mr Simon Millman; Mr Peter Rundle; Mr Mark Folkard; Mr Ian Blayney; Mr Donald Punch

Harm minimisation is important. I have a slightly contrary view to the member for Maylands; that is, I think that at times when alcohol becomes prohibitive and expensive, it can have contrary effects to certainly the health and law and order in any given place. I point members to the UN's "World Drug Report 2014" and the National Drug and Alcohol Research Centre report on drug use that shows trends indicating that prohibitive costs that are driven largely by government policy settings have seen other drugs such as ecstasy and cannabis become more sensible economic choices for those people looking to have a night on the town, as it were. To quote National Drug and Alcohol Research Centre program director, Alison Ritter, she said —

"Substitution between substances, whether they're legal or illegal, is very common ...

"That's just sensible consumer behaviour at one level ... It's no different to the choices one makes when shopping in a supermarket."

Another quote that reinforces what I believe is a concern when we make alcohol too cost prohibitive is from Cameron Duff of Monash University's School of Psychology and Psychiatry. He said that young people frequently talk about the price of alcohol when explaining illicit drug use. I quote Mr Duff —

"The thing that comes through again and again is that party drugs, particularly ecstasy, are cheaper relative to alcohol," ...

"Young people are ... thinking the average night out at a bar can be \$100 without even trying, whereas a couple of tablets of ecstasy is \$40 or \$50."

Mr M.J. Folkard interjected.

Mr Z.R.F. KIRKUP: That is a good point. I was about to say that. The member for Burns Beach, as a former police officer, no doubt knows that \$40 to \$50 is quite expensive, I suspect. From my experience growing up in Midland, I can assure members of this place that a consistent behaviour of many people that I grew up with was that they shied away from spending what would have been \$50 or \$60 on alcohol and maybe \$20 on a pill. It is unfortunate that as we see government policy settings skewed—certainly since the 1980s—towards making alcohol more expensive, there is a propensity to push people into the consumption of illicit substances. That is obviously not what the government wants but it is an unfortunate consequence of what I believe is burdensome and unnecessary taxation increases, and, obviously, regulation and the like. The member for Maylands is a very passionate advocate for her community. She pointed out that access to large style liquor outlets can drive down the price of alcohol. It is an interesting balance that I think we need to look at. Although there are some disagreements amongst opposition members, I think we think that the minister largely has it right.

I would like to point to what I think is an important trend, certainly in Australia more recently, in the consumption of alcohol. I refer to a report titled "A Snapshot: Australian Drinking Habits 2007 vs 2017", produced by the not-for-profit community group DrinkWise. It states —

We are now a society more defined by moderation than excess.

That is when it comes to the consumption of alcohol —

For the most part Australians have a positive relationship with alcohol. Having a drink to unwind, enjoy a meal or to socialise with family and friends remains part of how we see ourselves.

In that 10-year period between 2007 and 2017, there have been a number of positive trends when it comes to the consumption of alcohol. For example, the number of moderate drinkers—people who drink no more than two standard drinks in any one sitting—increased from 48 per cent to 63 per cent in 2017. The number of people drinking to excess—people who drink five standard drinks or more—is decreasing. It has gone from 24 per cent in 2007 to 16 per cent in 2017. The number of Australians abstaining from alcohol generally is up nine per cent—from 11 per cent to 20 per cent. Daily drinking has reduced again—it has gone down to six per cent of Australians drinking on a daily basis. The propensity for weekly drinking has gone down as well, from 47 per cent in 2007 to 37 per cent in 2017. We are also drinking less, generally speaking, or not drinking at all. Although I have spoken about the trends of young people, certainly my own anecdotal evidence and also that of the UN drug report and the National Drug and Alcohol Research Centre is that 59 per cent of 16 to 17-year-olds in 2017 reported never having consumed alcohol. That is probably a generational shift. I also fear that might see them consume other substances that we have already spoken about because alcohol is so expensive.

In the age group that I was particularly interested in, 18 to 24-year-olds, the DrinkWise report states that they —

... are drinking less overall, employing a tactical approach to alcohol.

The Leader of the Opposition spoke about his own circumstances and that of his son where they take a tactical approach to preloading, I think it is, or whatever it might be. We call it pre-drinks.

Mr John McGrath; Mr Terry Redman; Mr John Carey; Dr Mike Nahan; Mr Reece Whitby; Ms Lisa Baker; Mr Zak Kirkup; Mr Terry Healy; Ms Libby Mettam; Mr Simon Millman; Mr Peter Rundle; Mr Mark Folkard; Mr Ian Blayney; Mr Donald Punch

Mr P. Papalia: It is preloading.

Mr Z.R.F. KIRKUP: We try to lift the standard, I think, minister, by calling it pre-drinks!

Mr M.J. Folkard: Preloading is what it is called.

Mr Z.R.F. KIRKUP: I appreciate that, member for Burns Beach. In any case, I have been trying to follow the minister's line here of having a more civilised drinking culture, so pre-drinks it shall be!

Several members interjected.

The ACTING SPEAKER: Members, please.

Mr Z.R.F. KIRKUP: In any case, it is clear to me that 18 to 24-year-olds are certainly part of a large cohort of individuals who go into the city, for example, after they have drunk at home earlier. I would argue that is largely because the cost of purchasing alcohol in a package sense from an outlet is cheaper than drinking it in a "stall". To me, I think that we should do what we can to increase competition and drive down the rate of alcohol consumption. I have already pointed out earlier in my speech this evening why I think it is a good thing to try to ensure we do not see the unintended consequences of people consuming illicit drugs.

While I am on the subject of the purchase of packaged alcohol, I think it is important to note that DrinkWise's snapshot of alcohol consumption trends shows a growth in the number of people drinking at home. Currently, 71 per cent of people prefer drinking alcohol at home or at a friend's home; nine per cent drink in licensed premises, such as pubs or clubs; eight per cent drink in restaurants or cafes; and five per cent fall into an undefined category. Quite clearly, the predominant attitude is that people want to drink at home or at a friend's house, and I suspect that is because, as we know, the purchase of packaged alcohol from a liquor outlet is a lot cheaper. I can say from personal experience, as have other members, that I shop at Dan Murphy's; there is one in Mandurah. I go there when we have a large group of people coming around and we need to get something. I also shop at independents; there are a number of Liquor Barons in Halls Head and Seascapes operated by Jeff and Phyllis Pond, who have been in the business for about 35 years and who do a great job. I shop according to what advice I need or depending on who is coming around. As the member for Maylands pointed out—I am sure other members would share a similar view—we often go to a larger barn-style liquor outlet when we want something cheaper.

The reality is that we are not alone. In 2016, Australians spent \$14.5 billion on alcohol from liquor retailers—that is, not from licensed venues. Of that \$14.5 billion, 29.9 per cent of people who bought their packaged alcohol from a liquor outlet bought it from Dan Murphy's; it has a market share far exceeding all others. BWS accounts for 16.9 per cent; Liquorland, 9.1 per cent; First Choice, five per cent; and Aldi, 3.5 per cent. It goes on and on down to the smaller independents. The reality is that the two largest chains occupy somewhere between 65 and 66 per cent of the marketplace. That is a significant market share for them to dominate, and that is because they are incredibly popular.

The opposition does not support these restrictions on distance and size that the minister and the government are seeking to introduce, because we believe they will restrict the market's demand for a very popular choice. Independents and smaller outlets will always survive because they diversify and they offer better service and the like. We cannot restrict choice because, ultimately, as we all know, it will harm the economy and have unintended consequences. If there is demand out there, this place should try to allow the market to meet that demand. The Liberal Party will try to remove those provisions here and in the upper house, I suspect, because we believe there is a market demand, and we need to make sure that we, as the Liberal Party, uphold the value that the free market is the most important thing in consumer choice. We believe in individuals' ability to make those decisions.

In preparation for my speech this evening, I looked at the *Hansard* from the 1980s. As part of the restrictions that were in place at that time—I think the member for Baldvis pointed this out—it was actually illegal to purchase alcohol in Perth on a Sunday. Members of this place in the early 1980s were complaining that there were often convoys out of Perth to Rockingham to buy alcohol. We all know, from the experience of hundreds of years, that a prohibitionist attitude does not work. It runs contrary to market intent and restricts individuals' freedom. Where it happens, there are unintended consequences and the reality is that other means of accessing alcohol will find a way. Australia is already the most expensive country in the OECD in which to buy alcohol. I believe we are over-regulated and overtaxed and are being led into an environment in which disruption in this marketplace will reign, sooner rather than later.

Members of my generation are more and more engaged on their mobile devices and I know apps and the like already dictate things such as getting to and from a place through ridesharing, and in the way in which food is delivered to us, through Uber Eats, Deliveroo and the like. Home delivery has occurred in the traditional sense for some time now. As the member for South Perth pointed out, one can already go online and order alcohol. Indeed,

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one can ring up a winery and it will send boxes of wine. The minister pointed out that that is something that will now be stopped. An under-18 person will not be able to sign for alcohol that has been delivered to a residence, as I understand it; I could be wrong in my interpretation. The reality is that boxes of wine will still be delivered to someone's door regardless of whether they sign for it, if that is what the person chooses to do.

Mr M.J. Folkard interjected.

Mr Z.R.F. KIRKUP: Indeed. As the member for Burns Beach quite rightly points out, 20 per cent of —

Mr P. Papalia interjected.

Mr Z.R.F. KIRKUP: I am open to discussion if that is what the minister would like.

Mr P. Papalia: The converse of your point, the other side of the point you're making, is that you're advocating effectively for sales of alcohol to juveniles, providing it's done online and remotely from the shops.

Mr Z.R.F. KIRKUP: This is the problem when I take an interjection from the minister; not only does he look foolish, but also he tries to turn my conversation into something else completely.

Mr P. Papalia: We are discussing a consideration because that's going to be a point. I will make that point.

Mr Z.R.F. KIRKUP: I look forward to discussing the consideration, and we will be here for hours trying to pull the minister through. I promise the minister that that is absolutely not the case.

Mr P. Papalia: Well, it is exactly the consequence.

Mr Z.R.F. KIRKUP: Wine deliveries occur right now. One can go down to Margaret River, get boxes of wine sent to one's doorstep, and they stay out the front, regardless of whether someone else signs for it. Someone can get it, whether they are a juvenile or otherwise.

Mr P. Papalia: That's not the point. What you're actually arguing against is the responsible service of alcohol. You're saying that it should be okay to deliver to under 18-year-olds as long as it's done online.

Mr Z.R.F. KIRKUP: Not at all. I am not at all advocating for that. The reality is that in the United Kingdom last year, 20 per cent of 14 to 15-year-olds reported that they already purchased alcohol online. I am very cognisant of the concerns that the minister has raised and I think it is important that more effort is made to try to restrict that. My concern is that the more regulation we impose on companies and retailers for the sale and provision of alcohol by restricting outlets that sell markedly cheaper products, the more we are going to drive market behaviour to online purchasing systems. We are going to make it harder for people to drive to a Dan Murphy's because, whether or not we in this place like it, liquor barn-style outlets are typically cheaper.

[Member's time extended.]

Mr Z.R.F. KIRKUP: If we restrict those outlets from continuing to evolve in the marketplace, we are going to drive consumers to online-based, app-based systems. Home deliveries already occur. I can point to examples from the United States such as AmazonFresh, which delivers alcohol in nearly every state except, I think, one. There are plenty of examples right now. If I were in Sydney or Melbourne, I could go to Tipple, an app on my phone, and alcohol would be on my doorstep within an hour.

Mr T.J. Healy: When you're 18.

Mr Z.R.F. KIRKUP: When I am 18, indeed; absolutely, member for Southern River. My concern is not necessarily about juveniles doing that, because they will try to find a way to do it irrespective of the law. As we all know, they will take it from their parents' house if they need to. My concern is that we will drive consumer behaviour and make it more expensive for people —

Mr P. Papalia interjected.

Mr Z.R.F. KIRKUP: We know that when we make it more expensive and prohibitive for the market to go where it wants, such as a liquor barn-style outlet, we will drive behaviour to apps, where there is not enough regulation and certainly not enough attention being paid by this government to what will be a prevalent player in the marketplace within a year or so. We are too silent on that and we are probably burying our heads in the sand on something that we know will be a very popular choice. I refer to a *strategy+business* article that refers to Google Express, Amazon, Primeout, Uber, TaskRabbit and Grubhub, which are all part of an online ecosystem that helps deliver beer, wine and spirits. Millennials in the United States are already demonstrating that they are adopting these methods for the purchase of alcohol because it beats going to a store. They are incredibly popular in the United States and we should pay more attention to that sort of mobile interaction because, unfortunately, we have seen, from example after example—we need look only at on-demand transport reform—in every western society

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in which there is an over-regulated market, a disruptor will inevitably come along and make it a lot easier for the consumer, and that is where the market will go. That is what I am concerned about. The minister can try to characterise this as me or the opposition not caring about juveniles consuming alcohol, but that is a very deliberate accusation on his behalf to try to hide the fact that this legislation is silent on the app-based purchase of alcohol.

Another disruption that is of concern and that we should be paying more attention to is pop-up bars. These are, again, incredibly popular with millennials, as apps will be. Ice Cream Factory, Embargo, Urban Orchard and I think even The Pleasure Garden was a pop-up bar during Fringe, or was considered to be one. I support the AHA line, that they should have equal regulatory footing as bricks and mortar operations. I reject the narrative from members opposite that somehow pop-ups are bad and do not provide any real benefit.

Mr P. Papalia: Have you actually read the legislation?

Mr Z.R.F. KIRKUP: I have read the legislation. If the minister decides at any point to pay attention to what the opposition is saying, he will find that we are supportive of the government. I am suggesting that, time and again, the minister derides people like me. Earlier today he called me the shadow minister for Uber, because we show that millennials are going in a certain direction. We are embracing, as a cohort of people, the likes of pop-ups. I am supportive, as is the opposition, of them having the same regulatory footing as those other bricks and mortar operations.

Mr P. Papalia: We are actually advocating for more liberalisation around pop-ups.

Mr Z.R.F. KIRKUP: None of us are disputing that, but in previous conversations in this place the minister has not seemed at all to be embracing pop-up bars. A number of times, for example, the Minister for Planning and the Metropolitan Redevelopment Authority have been directed to make it harder for pop-ups that are not part of established premises to start up in Elizabeth Quay and the like. I could be wrong, but that is what Kieran Kinsella found. It was part of a plan by the government to try to squeeze out those pop-ups in favour of bricks and mortar businesses. All I am saying is that I think they should be on an equal footing. In terms of the economic benefit of those pop-ups we need only look at the Urban Orchard and the like, which are concert venues. At the Banana Social, where a lot of my friends went, concerts were held at those pop-up venues, a bit like a mini festival. It is immensely popular, and, typically people go into that area, so they will go into Northbridge, in the case of the Ice Cream Factory, and then they will go out into those bricks and mortar premises afterwards. The reality is that there is an ancillary benefit that is often recognised by many others. The owner of the Northbridge Brewing Company said that he could see little benefit from pop-ups, but I dispute that entirely, because when we see 52 000 people in seven days going to the Embargo Bar, that is 52 000 people who may not have gone out at that point in time. They may not have decided to go out that weekend. Instead, they are out in the community enjoying what I believe is the intent of the legislation—that is, a civilised drinking atmosphere—and typically going on to other places around the suburbs where those pop-ups exist.

Rejecting the white noise that comes from the minister opposite, the opposition is very supportive of the legislation, except for the few amendments that we have flagged. I support the opposition's position on ensuring that the large popular outlets continue to provide an economic and social benefit. When I talk about pop-up bars, I think there is a need for more balanced liquor control legislation, and I look forward to discussing this in consideration in detail. On the whole, though, we need to be aware that we should not fall into an alarmist narrative. People are drinking less. We know that. People are drinking more responsibly.

Mr J.N. Carey: Not in the Parliamentary bar!

Mr Z.R.F. KIRKUP: Indeed, member for Perth!

We see that borne out by the DrinkWise study that looked back on the last decade alone. We know that people are moving towards a more responsible and civilised drinking culture, and the opposition as a whole supports any legislative move that can help foster such a culture in the city and across Western Australia. It is important that we look more at the apps that exist in the United States and the United Kingdom, and in Sydney and Melbourne, and what they might mean in Perth. We should be making legislation that is cognisant of their presence now, rather than being reactive to them once they get a secure foothold here and disrupt the marketplace. If we see more people using those apps, the reality is that independent outlets will suffer just as much as those larger ones, and that is something that we need to be more aware of in this place when it comes to general disruption, and the embrace of technology by millennials. Again, the opposition remains supportive, but we will reject those amendments that hamper choice and consumer freedom. I look forward to discussing this, hopefully in great depth, with the minister in consideration in detail.

Mr John McGrath; Mr Terry Redman; Mr John Carey; Dr Mike Nahan; Mr Reece Whitby; Ms Lisa Baker; Mr Zak Kirkup; Mr Terry Healy; Ms Libby Mettam; Mr Simon Millman; Mr Peter Rundle; Mr Mark Folkard; Mr Ian Blayney; Mr Donald Punch

MR T.J. HEALY (Southern River) [7.55 pm]: I rise to speak to the Liquor Control Amendment Bill 2018. First of all, I commend the Minister for Racing and Gaming, Paul Papalia, for bringing this legislation forward. This bill addresses the recommendations of the 2013 review of the Liquor and Gaming Legislation Amendment Act 2006. It is a key part of the WA Labor plan for jobs. It was our commitment to diversify the economy. This bill is part of a very important framework to transform Western Australia's tourism and hospitality industries. It will help to create a tourism-friendly hospitality culture. It will free up licensing restrictions for licensees. It will help to address antisocial and drunken behaviours at venues. As the member for Southern River, representing Gosnells and Southern River, my community needs responsible attitudes to liquor, drinking outlets and cultures. I commend the government. The bill will address large liquor barns and the maximum number of stores. It will provide opportunities for small business, and cut red tape. It will strike the right balance between business, consumers and the needs of the community in this regard.

I would like to speak about the vision and the opportunity that this bill can create in all our communities across Western Australia, particularly in my electorate. More bars, more restaurants and a responsible drinking culture also mean jobs, training, skills and trades. They mean casual and full-time roles for people in our community. They mean apprenticeships, work placements and work experience. More of my residents will be able to access and develop their skills and trades with the passage of this bill. The opportunity promoted through this bill for individuals to further their own development and develop a trade is significant.

I will discuss current and future business opportunities within my electorate. For hotels, restaurants and cafes, Warton Road and Amherst Road is basically a Canning Vale precinct—a large shopping complex. Brooklands Tavern is in that zone. When I met with the existing business owners—I will not say that they have read the detailed and exciting legislation itself—the conversations we have had about the media releases surrounding this issue have been significant. They look forward to the opportunities that this presents. They will be able to employ more people, and take on more trades assistants. More people will eat out, socialise and attend entertainment precincts. Nicholson's bar is in Canning Vale, along with the Last Drop Brewery and Kelly's Cafe. There are some fantastic facilities in my electorate that I know are going to grow and take on more employees from my local community, and those of other members. They do not always employ people from within my electorate, but there will be more jobs, more training and more skills. In the Ashburton Drive precinct in Gosnells there is the Corfield Street shopping centre, the Southern River shopping centre and strip mall—again, opportunities that this legislation will open up. The Huntingdale shops are on Warton Road, and the businesses on Ranford Road and Nicholson Road. The Canna Drive complex is on the steps of the new Nicholson road train station, which I will talk about in a moment. There are the Campbell Road shops in Canning Vale and the Livingston shopping centre. These key business precincts will blossom. The opportunities that will be developed are significant. One thing I would like to comment on on behalf of a number of my residents is Pipit Close, Huntingdale. We are currently having discussions about the liquor store requirements of Huntingdale. There is potential for an approved liquor store to go in. A group of residents are not happy at all, but a number of residents do not mind it. We are having discussions that are absolutely pertinent to whether large liquor stores are established within proximity to each other or whether there is a need for X number of liquor barns or liquor stores and the effect they can have on the community. I will soon present a petition on behalf of many of my residents who have raised those issues. I look forward to that discussion in the interests of my community. Those are existing facilities.

Metronet is a significant investment for jobs in my community and its relationship to this Liquor Control Amendment Bill is that we will be building two new Canning Vale stations and extending the Thornlie line to Ranford Road and Nicholson Road. There are significant opportunities in the City of Gosnells working with the City of Canning talking about planning and high-rise residential developments around the train station precincts at these two train stations. There are opportunities for high-density residential living, restaurants and activated spaces. Another rail precinct is certainly Lissiman Street, Gosnells, given its proximity to Gosnells train station. This legislation will open significant opportunities to develop businesses, restaurants and cafes.

Members, this government is serious about jobs as has been echoed many times this year and will continue to be echoed many times during our term. Jobs are our number one priority. This bill lets everyone in my electorate know that Gosnells and Southern River are open for business. We have the opportunity to further train and develop our young people. I acknowledge that young people and job seekers in my electorate will not always find work locally within the confines of the four suburbs in the electorate of Southern River, but those residents will seek training opportunities. They will be in other precincts—entertainment precincts around Perth and Western Australia, generally. They will be in Perth, Northbridge, Fremantle, Victoria Park, Cannington, Carousel—that huge hub and now training location. Opportunities again will be unlocked in Armadale, Cockburn and other precincts. My residents will be heading into members' electorates to train and to skill up. More jobs will need more skilled workers and there are opportunities for further training and skilling. The WA Labor Jobs Plan, a brilliant document, incorporates our aim to redevelop TAFE and ensure there are industry links so that young

Extract from Hansard

[ASSEMBLY — Tuesday, 13 March 2018]

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Mr John McGrath; Mr Terry Redman; Mr John Carey; Dr Mike Nahan; Mr Reece Whitby; Ms Lisa Baker; Mr Zak Kirkup; Mr Terry Healy; Ms Libby Mettam; Mr Simon Millman; Mr Peter Rundle; Mr Mark Folkard; Mr Ian Blayney; Mr Donald Punch

people and job seekers, should they seek it, have access to certificate and diploma qualifications and experience. These are the people who will staff and run our restaurants and cafes that flow directly from the implementation of this bill.

I have been very fortunate to attend many of the brilliant hospitality facilities at our existing TAFEs. I commend Bentley TAFE, a brilliant facility; Joondalup TAFE, where we went on a wonderful tour at the end of last year; Beaconsfield TAFE; Bunbury TAFE, where we also had a wonderful tour; and Geraldton TAFE, which I visited recently. All those facilities provide student-run restaurant facilities on-site. Some incredible initiatives have been set up. There are also many hospitality courses and opportunities within the TAFE and private registered training organisations. We, as a government, are ready to train passionate people who want to skill up in certificates II, III and IV in hospitality, to do diplomas in retail baking, kitchen operations and front-of-house. Again, this bill will provide those opportunities.

In my previous job, which I held one year and one day ago, I was a year 12 coordinator, a workplace learning coordinator as a teacher and I have also been a coordinator for vocational education and training in schools, which is for students in years 11 and 12 and involves students attending three or four days at school and one or two days at TAFE or in a workplace, as well as assisting students with full-time TAFE applications. The VET in schools program can provide students with paid school-based traineeships while they complete their Western Australian Certificate of Education qualifications in high school, in addition to certificate II hospitality and other things.

I would like to mention quite a few of my former students who are already in industry and who have excelled. Emily Cowling, who I am sure will serve incredible food to members, is completing the final part of her commercial chef qualifications. Hsa Ko Kweh Neilaw did a school-based traineeship while I was one of her supervisors. I think one of her main placements while she completed her qualifications was in the main cafe at Curtin University. I commend Francois Leuenberger, the head of Curtin Guild Food and Beverage, for ensuring that facility would always incorporate young trainees within its kitchen operations to ensure training. If members love pastry, they will love what April Kowalski creates as a pastry chef. Josh Murray completed his hospitality certificate and went on to a senior role within McDonald's directly out of high school. Tyrone Hansen came up to me about a year ago when we were at a function at Fraser's restaurant. He is now working full-time as an apprentice, again, working through our TAFE system, our VET in schools system and our cert II in hospitality. Laura Green was one of our top students in food science and Takoda Bennett was our top student in cert II hospitality, one of the courses we delivered at the schools. Krys Salino, a commendable student, also qualified in hospitality. Members may or may not see them. They will be the front-of-house staff. They will be the people who cook our food and ensure we have great evenings and days out. Again, as a local teacher, I was always involved with local businesses to ensure our students were given work placement and other opportunities. More local opportunities and more local workplaces will mean more placements for those students—for students within the Gosnells region, Southern River College, Canning Vale College, Thornlie Christian College, Lumen Christi College, Carey Baptist College, Harrisdale Senior High School and Thornlie Senior High School. Within our region, those students will access those skills and qualifications.

These reforms will likely increase the use and sale of packaged liquor and they will likely be sold in containers. I commend the government also for introducing a container deposit scheme, which is certainly an area that I imagine will increase. As that system folds out in Western Australia, if you allow me to draw a bit of a long bow, Mr Acting Speaker, Scouts in South Australia run that container system and I believe that Scouts in Western Australia are certainly interested in running that program when it comes into operation. Scouts are a key element of our community. I was very lucky, with the member for Nedlands a few weeks ago—thank you for coming into the house just now, member for Nedlands—to attend the Scouts Youth Awards. I would certainly like to mention, as a Queen's Scout and Baden-Powell Scout myself, some of the commendable people we saw: Jake Van Der Vaart from Southern River Scout Troop, Emma Van Dongen from Southern River Scout Troop, Sarah Phillips-Minshall, Kate Pearson, Emma Patman, Declan Ogilvy, Ryan Forwood, Cameron Goff, Denzel Harding, Michael Holmes, Jasmine Holt, Amy Johnson and Samuel Lambert. As a Queen's Scout myself, I would like to commend Kayla Ellis, Jessica Hood, Brandon Vickers from Southern River Venturer Unit and Emily Walker and Baden-Powell awardees Rebecca Morse and Richard Pilgrim. Linking that, of course, it was wonderful to see some fantastic young people involved in an initiative and enterprise and certainly involved in different aspects of the community.

The Liquor Control Amendment Bill 2018 extends the reforms that were initiated by the Gallop-Carpenter Labor government and developed by the then Minister for Racing and Gaming, Minister McGowan. I will quote a 2006 second reading speech from the then Minister for Racing and Gaming. It reads —

If anyone believes that Western Australia is Dullsville, these reforms will end that perception. They will add vibrancy to our entertainment, hospitality, and tourism sectors and bring social life in

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Western Australia into the twenty-first century. The reforms aim to strike a balance in determining what is in the best interests of the community in the delivery of services, harm minimisation and policing, while promoting a more competitive, responsible and dynamic liquor environment.

What we are talking about today was developed by the previous Gallop–Carpenter government. It is commendable that the former Minister for Racing and Gaming, the now Premier, is spearheading this through the current Minister for Racing and Gaming, Minister Papalia.

I refer to a media release from 20 September 2006, which is titled “Liquor reform legislation introduced to State Parliament”. It reads —

Mr McGowan said the amendments to the Liquor Licensing Act would provide increased choice for consumers, greater tourism benefits, and a major boost to small business and entrepreneurs.

...

“WA needs these reforms—our economy is booming, more people are visiting to do business, and the community wants better entertainment options,” the Minister said.

“These changes are about introducing a more sensible, safe and diverse drinking culture to WA.

“They will also bring benefits to small businesses and support the tourism industry in WA.”

This bill—these reforms—continues the great work done by that government.

[Member’s time extended.]

Mr T.J. HEALY: I refer to the *Hansard* from 28 September 2006 and to a question asked by the member for Victoria Park, who was then a humble backbencher, to the then Minister for Racing and Gaming—so, from Ben Wyatt to Mark McGowan—about how the liquor licensing reforms were going. The minister replied —

I am very aware of the increasing support for the government’s liquor reform package. I will outline again for members those groups that have already expressed their support over the past few months. They include the Chamber of Commerce and Industry of Western Australia; the Australian Medical Association; the Committee for Perth; the Restaurant and Catering Industry Association of Western Australia; the Tourism Council Western Australia; the Perth Convention and Exhibition Centre; the Public Health Association of Australia, WA Branch; WA Police; Clubs WA ...

Some things never change, because the member for Rockingham, the then Minister for Racing and Gaming, went on to say —

The Liberal Party lay organisation has said that it backs the Labor Party’s package, and it has expressed its continual exasperation with its parliamentary representatives.

He went on to comment that former Kalgoorlie MLA Matt Birney, who, I understand, may join us in the chamber soon in a South Perth capacity —

Several members interjected.

Mr T.J. HEALY: I disagree with that by the way. The member for South Perth knows that I am for him!

Former Kalgoorlie MLA Matt Birney said —

I’m disappointed that my party has chosen not to apply the small bar licences to anywhere outside city tourism precincts. I think there is certainly a place for them in places like the Goldfields.

The Minister for Racing and Gaming continued —

I can only congratulate the member for Kalgoorlie on his remarks. A Liberal Party candidate wrote to me about these matters.

...

In his correspondence to me, he said ... —

You are putting forward long overdue reforms that will make Perth a better place for people who live here and a lot better for tourists ...

Sadly it seems that the state Liberals don’t have the guts to put forward policies like these and argue their merits. So if you and your ALP colleagues can solve the Sunday trading and liquor

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licensing debacle prior to the next election then you will have not only my support but my VOTE as well.

Again, not much is new. The Minister for Racing and Gaming continued —

This is a test for the Leader of the Opposition to lead and to not just oppose. This is a test of whether the Leader of the Opposition supports small business and choice, or whether he will allow the member for Leschenault, that doyen of Dullsville and the man with the undescended principles, to walk all over him.

Our plan for jobs stated that we would deliver a more tourism-friendly hospitality culture by cutting red tape. Well done to this government for once again delivering on another election commitment. WA Labor governments deliver on jobs, training and opportunity, and we continue to be the party of small business.

MS L. METTAM (Vasse) [8.14 pm]: I would like to make a contribution to the debate on the Liquor Control Amendment Bill 2017. This bill is in part a continuation of many of the reforms mooted by the previous government in response to the review undertaken by the Department of Racing, Gaming and Liquor in 2014. Although some changes were introduced in 2015, we welcome some of the reforms that are now being introduced. Importantly, the reforms that were introduced by the previous Liberal-led government were about more flexibility for the operations of beer and wine producers. Flexibility measures were introduced for beer and wine producers, who were not able to sell liquor other than their own product, and trading hours for hotels and nightclubs were extended by two hours. There were also a number of other areas. I want to focus on the issues that relate to the portfolio areas that I represent, being small business and tourism, which is obviously a great focus of this bill, particularly the elevated role of tourism and issues surrounding pop-ups and barring notices. I will also make some comments about extended trading permits.

All the issues that I will raise basically go to the heart of what is really important when we consider such reforms and it is twofold. First of all, the many liquor reforms over the years have enlivened precincts in Perth and some areas of regional WA. In particular, I refer to the utilisation of Metropolitan Redevelopment Authority land for pop-up bars, which have been largely positive. But there are some areas in which we must ensure that pop-ups exist for the purpose for which they are intended. It is essential that these reforms do not come at a cost to the industry—those genuine investors, stakeholders and people in the tourism sector who have invested significant risk and employment and have supported training as well.

I refer to the first point I raised in my introduction, which is the elevated role of tourism in these reforms. Clause 39 states that Tourism WA will be given equal weight when considering licensing applications. I believe that there is broad support from industry for the chief executive officer of Tourism Western Australia intervening in the support of licensing matters that have a tourism, community or cultural component. It is essential that in the decision of whether or not to grant liquor licensing approval, the interests of those who represent the police and health lobby are balanced with the interests of those who represent the value of tourism and the interests that that also brings to a community by enriching precincts and providing flexibility, particularly when decisions have to be made about venues such as Perth Arena and Optus Stadium. That is why such reforms were supported in the past by the Barnett government. However, how this power will be utilised is yet to be defined. It is important that such powers are not abused and that they are exerted in the best interests of tourism outcomes. In relation to the involvement of the CEO of Tourism WA, it would be hoped and it is essential that such decisions are made in consultation with the tourism board and that there is a clear set of parameters to ensure that when that individual, the CEO of Tourism WA, is making a decision on licensing matters, there is some structure around it, it is made in consultation with the board and that the objectives of the decision that they are making is clearly defined. It would also be in the best interests of the CEO that they seek ratification from the board as well, given the importance of those decisions.

In relation to pop-up bars, it is certainly understood that temporary event licences play a part in meeting the requirements of consumers and supporting the development of the tourism industry. Pop-ups such as Uber and Airbnb are certainly here to stay. We are also seeing the growth of the delivery of liquor, which will have a disruptive effect on the liquor store industry as well. But there is an opportunity here to ensure that they meet the specific purpose for which they were originally designed. Whilst pop-ups have a legitimate role in supporting tourism events and festivals, more recently issues have arisen with these temporary businesses taking the cream from permanent venues, which have invested in the risks associated with permanent rent, staff, training and a higher level of compliance. For example, big pop-up venues that support events of over 5 000 people do not have to submit a public interest test and that, legitimately, has an impact on surrounding businesses.

Section 3 of the Liquor Control Act provides some definitions of a tourism event. “Function” is defined as a gathering, occasion or event at which it is proposed that liquor be sold or supplied to those present. However, there is an opportunity to refine that definition further to show support for genuine tourism businesses. This may

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be raised later, but it is about a pop-up that is meeting a one-time or infrequently occurring planned public or private occasion that is an experience beyond the everyday, where the sale of liquor is not the predominant purpose. A more elaborate definition like this would assist the department in ensuring that temporary licences are approved and that it is infrequent and limited in terms of numbers and duration. There would also be value in ensuring that it is beyond the everyday sale of liquor and that the sale of liquor is not the predominant purpose of the event. There is also an opportunity for decisions about what constitutes genuine tourism value or a genuine need for a temporary licence to be made as a matter of public record and that it is a transparent process as well, which would in effect help others in the tourism industry and hospitality operators to also make applications for such licences. It is also worth pointing out that there is concern that the community or business is not able to appeal pop-up licence approvals, as they are able to for bricks-and-mortar venues in the liquor licensing industry. They also do not have to go through some of the health and safety standards.

By and large, pop-ups have had a positive effect, but it is important to recognise that there is concern among genuine operators and players in the industry that they are being supported and approved for something that is well beyond an infrequent occasion or well beyond a need that is not being met. John Sainken from the Leederville Hotel has raised significant concerns about this. Also Settlers Tavern in Margaret River has raised concerns, mainly about the hoops it has to jump through as a liquor establishment in comparison with pop-ups. I guess there is an opportunity for bricks-and-mortar venues to be able to establish and diversify their product by establishing pop-up venues themselves. I acknowledge and support the fact that changes in this bill will allow bricks-and-mortar venues to get temporary pop-up licences. However, I argue whether it goes far enough. This represents a great opportunity for genuine red-tape reform, as well as an opportunity to support our hotel sector, which goes through a costly suite of regulations and changes. Under the proposed bill, venues that want to set up a pop-up still have to apply to the Department of Racing, Gaming and Liquor and also submit to a public interest test case. There is an opportunity for this to be simpler and for it to be provided with less red tape. I understand that the main issue is that there needs to be a number of staff of the department to support this. However, the department is growing in numbers, particularly in the compliance area, and we should be dedicating more liquor licensing staff to instead enable small business to diversify and expand.

I also want to highlight the opportunities that still exist with extended trading permits. Given that Sunday trading is currently not a given for liquor stores in regional areas, only in metropolitan areas, extended trading permits are an issue and a bugbear for many licensed venues across the state and, in particular, an issue for liquor stores in regional WA. These reforms do not go far enough with extended trading permits and the need to cut red tape, particularly for regional and other businesses. The existing process is exhaustive, timely, costly and anti-competitive. Currently, the system requires proprietors to lodge a formal application and a public interest assessment and be subject to intervention from police and health officials. They can be granted for only a specific period of time—a maximum of five years—and the application process often takes weeks to be assessed. There is a strong case for establishing an ongoing extended trading permit system that would help reduce the amount of red tape for both businesses and government, providing flexibility, basically extending the core services of licensed businesses, and at the same time also creating more jobs and tourism opportunities. Many small businesses have spoken about their frustration with the current process and many say that the system favours big business because of the cost, leaving small businesses unable to compete. I immediately point to Cape Cellars in Busselton, which is one of five liquor outlet businesses that have a permanent extended trading permit. It came at a heavy cost of \$80 000, after the application was originally rejected and then granted following an appeal. This was the fifth licence granted in Busselton. The other four extended trading permits had already been given to Woolworths' proprietors in that city. In Dunsborough, the local liquor store is forced to apply for a permit every time it wants Sunday trading on a long weekend. In January it was told by the department to not even bother. It is the Coles and Woolworths venues in Dunsborough that certainly have the edge there. The process costs \$110 each time, requires the same letters of support and there is a two-week time lag between submission and approval. Special consideration needs to be given to how we support the sale of liquor locally, given that locally owned liquor stores provide significantly greater support to our local producers as well. There are fair and reasonable arguments for reforms to allow ongoing extended trading permits for additional hours and days of trade for hotels, taverns, small bars and liquor stores. The reforms also need to remove the requirement for public interest assessments to be submitted with all trading permits and to make the exemption applicable for all permanent licensed venues seeking them as well. This could then level the playing field for liquor stores seeking Sunday trading in regional areas, and make it easier for hotels as well.

Barring notice measures form part of this bill and were suggested as part of the former department's reforms, which were supported by the former government. The extension of barring notices to within the vicinity of a venue, as opposed to the specific venue itself, is very much welcomed and has a two-way benefit.

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[Member's time extended.]

Ms L. METTAM: That would not only support the venue itself but also provide a clear benefit for tourism by putting the responsibility on police to deal more comprehensively with disorderly behaviour in the precinct surrounding the liquor venue and by encouraging better behaviour as well. To ensure it can be enacted as intended, the bill does need to clearly define what “vicinity” means, how far police can issue a notice from a licensed venue, how the notice is served and how licensees can enforce them, lest they be ineffectual.

Other positives also supported by the previous review include the establishment of the small licensed bar category and making it easier for small restaurants to sell a drink, such as a glass of wine, to people without a meal. Taking home a bottle of wine if it is not finished is also a good thing—I thought that happened already. The ability of liquor sales to take place at wine shows and events such as that is also very much welcomed. The archaic nature of the legislation meant that only details of the transaction could be taken at wine shows and there had to be follow-up afterwards. This was again a recommendation of the previous review supported by the previous government. As I said, the elevated role of tourism in liquor licensing decisions is very much valued, and it is important that it is defined. There are some challenges with pop-ups. It is important that the government work to ensure that genuine investment in the industry is prioritised and that pop-ups maintain a role of being fine for a distinctive tourism or event purpose. The opposition is obviously supportive of barring notices. We would certainly support some more reforms in the area of extended trading hours.

In conclusion, cutting red tape is obviously important, but it is essential that red tape is cut in the right areas. This bill does that in part, but there is an outstanding opportunity to further support our small business tourism and hospitality sector in relation to how pop-up bars are treated and with the extended trading permit policy as well. We will be supporting this bill, but there are some elements that I believe could be better defined and some areas in which we could go further as well.

MR S.A. MILLMAN (Mount Lawley) [8.35 pm]: I rise to make a few very brief comments in my contribution to this debate on the Liquor Control Amendment Bill 2018. Once again, as they so often are, my comments will be categorised by three particular attributes: firstly, they will be celebrating my great neighbourhood of Mt Lawley and the great community around Beaufort Street; secondly, they will focus on how the McGowan Labor government is once again introducing legislation aimed at diversifying our economy in order to grow jobs and opportunities; and, thirdly, my comments will reflect on the fact that, once again, the McGowan Labor government is delivering on an election commitment.

We have already had some terrific contributions in the debate this afternoon. I thank the members for Vasse and Dawesville for their contributions on behalf of the opposition and for some of the issues they raised. I would particularly like to thank the member for South Perth, as the lead speaker for the opposition, on the points he raised, and in particular his general view that the opposition would support the passage of this legislation. On our own side, a lot of the issues that I was proposing to canvass have been expertly covered by my neighbour, the member for Perth, who has firsthand experience of this as a staunch and vocal advocate for his community, both now as the member for Perth but also previously as the Mayor of the City of Vincent, which overlaps with Mount Lawley. I want to thank the member for Southern River for his contribution as well. I know of no other politician who can so expertly segue from liquor control to Metronet, to Scouts, to schools and back to liquor control. I congratulate the member for Southern River on a terrific contribution.

Like my contribution will, the member for Southern River concentrated on the importance of jobs to the fundamental transition that this legislation will have on our tourism sector. I wanted to start with a couple of relevant features. Everyone should be aware that our tourism and hospitality sector already employs more than 100 000 people. This sector is essential to our economy and must be supported through laws that support job and business growth and drive greater tourism numbers to Western Australia. Looking around Mt Lawley and up and down Beaufort Street, one can see the benefits of the Carpenter reforms of 2007 crystallised there. The 2007 reforms saw the explosion of growth in small bars in Perth and ushered in a significant change in the hospitality landscape. We can see evidence of that along Beaufort Street. This legislation picks up on that revolutionary first wave of reforms and develops the 2013 review of the former government by really putting into effect a lot of the unfinished business that came out of that review. It does so in a way that both promotes economic diversity within the Western Australian marketplace and provides support for existing businesses, which is a concern that has been expressed in the course of the debate this evening. It does it in a responsible and meaningful way that will have a lasting and positive impact on the amenity of Western Australia.

A number of aspects of the bill are particularly impressive from my perspective. Obviously, as the representative for Mt Lawley and with a number of restaurants and small bars up and down Beaufort Street, one of the aspects that I am most impressed with is section 50 of the act, which is amended by virtue of this bill to simplify the

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process for restaurants applying to obtain extended trading permits to serve liquor without a meal. It does that in a way that addresses concerns of established venues and accommodates modern consumer expectations.

We have already had some discussion this evening about pop-up bars. I wanted to speak briefly on this particular aspect when talking about the liquor licensing application for established restaurants and venues. There has been some concern about the way these pop-ups operate. I agree with the comments from the member for Dawesville when he said that this is a changing attribute of the marketplace, particularly appealing to millennials. At the same time, I also agree with the comments made by the member for Vasse—that is, that we need to protect the investments that have already been made by established premises building their businesses in local communities. The member for Dawesville and the member for Vasse can put aside their respective concerns because the minister, through the way in which this bill has been crafted, has responded assiduously and with great acuity to those concerns in a way that makes sure the balance is struck in a way that is accurate and fair. Established venues can now participate in those micro festivals that we see in my neighbourhood around Beaufort Street, in the member for Perth's electorate around Mt Hawthorn and in Leederville. They can participate in those without detracting from their own business and without having unfair competition from an uneven playing field. We on this side of the chamber believe in a market operating fairly and freely with a level playing field. That is precisely what this bill achieves, in my submission. In addition, licensees will have more flexibility to cater for these short-term events away from their licensed premises. As well as being able to cater for these events in areas that are contiguous with part of the premises over which they have freehold, these licensees will also have more flexibility to cater at short-term events away from their licensed premises. The provisions relating to extended trading permits for catering will be amended to allow for a long-term permit to be issued as opposed to licensees being required to apply for a permit to cater at each individual event.

One of the other things that this legislation does is grab responsibility for this process and repose it in the right spot—that is, with the liquor regulatory authorities—rather than repose it with the local councils. I am sure that there will be some debate and discussion between and amongst local councils but the benefit is that the responsible authority will now have the appropriate role to play in making sure that applications are heard and determined and licences are issued.

The other aspect of this legislation that is to be commended in terms of the balance that is struck is the incorporation of tourism provisions. I said at the start of my speech that over 100 000 people are employed in our tourism and hospitality industry. Mt Lawley is a watchword for tourism attraction within metropolitan Perth. People come to Perth from all over the world and they make a specific beeline up Beaufort Street so they can enjoy the wonderful culture, hospitality and amenity on offer from all those bars and restaurants that exist in our little neighbourhood. A great diversity of options is available. There is a plethora of choice from those boutique small bars like Must Winebar, Five Bar or Clarences through to the bigger pubs like the Scotto, the Inglewood Hotel and The Queens. Options are available to people.

Speaking about the local businesses that will be supported by this legislation, which will be encouraged to grow, develop and prosper, hire more local workers, and create more job opportunities and more training opportunities, perhaps I might sing out and commend a couple of local business owners who have done a terrific job as small traders in our neighbourhood. The member for Maylands made a fantastic contribution on large-scale liquor stores. We are not afflicted significantly with this attribute in the Mount Lawley electorate. Outside the electorate of Mount Lawley, we have large liquor outlets and also down at the Hyde Park Hotel in the member for Perth's electorate. We have some great wine stores in Mt Lawley. I want to sing out and commend Vince Salpietro, who is the proprietor of Grand Cru. I see you nodding your head, Madam Acting Speaker (Ms J.M. Freeman). Vince has been a terrific servant of the local community in acquiring a diverse range of wines from all over the world, encouraging people to sample and try and experiment. He really marks himself out as a fantastic operator and proprietor of a liquor store right on the corner of Beaufort Street and Walcott Street. The other person I would like to single out is Michael Tamburri. Michael owns La Vigna, a liquor store on Walcott Street in Menora. It is fantastic. Michael has been an institution in the local community for years. Those members who know Menora and Walcott Street, where his liquor store is, will know that it is not proximate to other major shopping areas. If they wanted to come to Beaufort Street, they would probably have to get in their car and drive down, otherwise it is a very long walk. They might be able to drive to Dog Swamp Shopping Centre or Leederville.

One of the things that Michael noticed whilst doing his business was that customers were coming in, buying their liquor and then telling him that they would have to go somewhere else for their meal. As a great entrepreneur and a great small businessman in a marketplace in which he was not overwhelmed by competition from the Dan Murphy's of the world, Michael was able to diversify his business by opening a small restaurant next door to La Vigna—Oggi Bar and Eats. These sorts of reforms are designed specifically to encourage entrepreneurial small

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businessmen such as Mr Tamburri and Mr Salpietro so that their small businesses, which are a fantastic part of our local community—the amenity and the livelihood of our local community—provide options for local residents. Now people can go to La Vigna and buy a beautiful bottle of wine and take it next door to Oggi and have a delicious meal. If people live in Menora, Coolbinia or even North Perth on the other side of Walcott Street, they will be able to walk home. This is exactly the sort of right thinking, innovative thinking and entrepreneurial thinking that this legislation encourages. No end of commendation can be paid to the minister and the McGowan government for introducing this bill. I accept that we pick up the baton of a number of reforms that were the subject of the review in 2013 but again, unfortunately like we have had previously, although the opposition commend the government for bringing this forward, it has been left to us to take the initiative. I am incredibly proud to be on this side of the chamber to see an activist government that is implementing these changes that are universally accepted as being the appropriate changes and getting on with the job of letting Western Australians get on with the job of getting jobs. I reckon it is a fantastic testament to what we are trying to achieve.

I speak about Mt Lawley a lot. It is a great privilege to be the member for Mount Lawley and to represent such a fantastic community. I speak about all the liquor stores, wine bars and pubs in my electorate of Mount Lawley. I want to share a story with members. I thank the Constitutional Centre of WA for this story. Mt Lawley has become a metonym for vibrant night-life and exciting small bars and pubs. I will go back to where it all began. I will quote from the Constitutional Centre of Western Australia's website. Referring to Captain Sir Arthur Lawley, it states —

On his arrival ... in 1901, and presenting his credentials in Perth, he set sail to Melbourne where he represented WA at the opening of Federal Parliament. Later, in May, he received Premier Throssell's resignation, the first of a series of political crises to occur during his time in office. Governor Lawley is reputed to have led the State's social life with aplomb. He toured the south west and Lady Lawley —

This was his wife —

identified herself with community welfare issues and organisations.

In 1901—hard to believe—Mt Lawley was undeveloped bushland. Reputedly, Lady Lawley agreed to a suggestion that it be named after her husband on one condition—that no licensed premises be built in the suburb. It provides a fantastic opportunity for us to reflect on how much things have changed. We look back on her legacy —

Mr D.R. Michael: There are still no licensed premises in that area.

Mr S.A. MILLMAN: And yet Mt Lawley is a metonym for a vibrant lifestyle and a terrific night-life. Mt Lawley has seen an explosion in the number of small bars because of the innovative 2007 reforms, and with these legislative changes we will continue to see that area flourish and grow, providing opportunities for my community and providing jobs for the future. I commend the bill and I congratulate the minister.

MR P.J. RUNDLE (Roe) [8.51 pm]: I rise briefly tonight to also express my support for the Liquor Control Amendment Bill 2018. The bill is really an extension of the work of the previous government, the Liberal–National government, and some of the previous reforms that the one-time member for Wagin, Tuck Waldron, introduced. I was chatting to Tuck about it this morning. As he was walking along the beach, I reminded him of some of his previous reforms. But of course he has moved on to bigger and better things.

Mr D.A. Templeman: How is he going?

Mr P.J. RUNDLE: He is going very well, member for Mandurah. As I said, he is enjoying life. He is enjoying some of his caravan expeditions, looking at some of the jetties of South Australia, which I am sure the member will be very interested in as the Minister for Heritage. He is certainly keeping good health all in all.

One of the things that really interests me is the streamlining of prospective licences and also probably the public interest assessment as part of this bill. The element that is the most important to me is the banning of online liquor delivery to juveniles and also allowing licensed restaurants with a capacity of 120 people or fewer to serve alcohol without a meal. As a regional member, I look forward to discussing with the minister and his office some of the changes to Sunday trading perhaps that will occur in regional areas in the not-too-distant future. The member for Vasse also mentioned some of the scenarios that we look forward to occurring in regional liquor outlets.

As a regional member, I would like to mention a couple of things that are relevant to us. One is allowing producers to use a third-party distiller. That is an important element for some of the outlets that are now starting to occur both in the great southern and in the south west areas covered by the member for Vasse. Another one is changing a producer's licence to allow spirits to be consumed on-site and not just tasted. That gives a little more freedom to some of those outlets. A reform that I was particularly interested in is allowing clubs to issue temporary memberships to visitors and tourists. I am a former chair of the likes of the Katanning golf club and the Katanning

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tennis and country club. We always had difficulty when we had a function and we had some of these restrictions that meant we had to have one member for every five people who walked in the door. That created a lot of grief and a lot of hard work with the visitors' book—we had to make sure that we had enough members on hand to cover some of those functions.

Mr M.J. Folkard: It is amazing how many people can sign when they are on holidays in Bali!

Mr P.J. RUNDLE: That is it. I look forward to some interaction with the minister also on his thoughts there. Some added flexibility would be appreciated.

In regards to Katanning in my electorate, we have the co-op and a couple of bottle shops. Obviously, Woolworths came into town probably 15-odd years ago. Its bottle shop and outlet basically consumes, I would say, about 80 to 85 per cent of the market.

Mr J.E. McGrath: Can Woolworths trade on Sunday?

Mr P.J. RUNDLE: It can on a limited basis; only just recently. That has only just happened in the last six months, member for South Perth.

I guess it has demonstrated to me the market power that happens with the likes of an outlet like that and the difficulty that the local cooperative with its bottle shop struggles against, and also the other local bottle shops.

Esperance is the largest town in my electorate. I believe it is well catered for with several bottle shops. The Pink Lake IGA has quite a large retail outlet, and also Woolworths. I do not see any need, to be honest, for any more liquor barn-type outlets in Esperance, Katanning or Narrogin. They are probably the three biggest centres. I am interested in Tourism WA being given equal weight when considering licensing applications, obviously along with the health and police issues. It is good to have that flexibility for certain tourism events that are happening out in the regions; unique events such as the Taste Great Southern festival. I was at its launch in Mt Barker last week. There are a large number of functions going on over the next two to three weeks, including the Harmony Festival in Katanning and many events in the Porongurup, the Frankland region, Denmark, Mt Barker and Albany. It is very important —

Mr D.A. Templeman: Did the Taste Great Southern festival go down well?

Mr P.J. RUNDLE: That goes well. The minister was at the Perth launch.

Mr P. Papalia interjected.

Mr P.J. RUNDLE: No—the Mayor of Albany certainly was in good form and he opened it on the minister's behalf. The taste festival is a unique event to the great southern. I am a strong supporter of it. I look forward to seeing the implications of this legislation in relation to the tourism blend coming into licensing applications.

That probably covers it for me as far as regional areas. I do not know how the prescribed distance test will apply to regional areas. The minister may be able to enlighten us on that one.

Mr J.E. McGrath interjected.

Mr P.J. RUNDLE: I imagine it will be greater than five kilometres; maybe not 500 kilometres, member for South Perth!

Moving on, I would like to briefly speak about the metropolitan area. I guess I would like in some ways to contravene the member for South Perth —

Mr D.A. Templeman interjected.

Mr P.J. RUNDLE: I know it is dangerous! I live in South Perth during the week, so I do not know if that makes me his constituent; he might go a bit easier on me!

I am a little concerned about the free-for-all deregulation attitude. I am more worried about retaining small businesses than driving the price of alcohol down by a few cents a litre. I have heard our members next door saying that in general they feel the free market should apply, but I am very concerned about our smaller liquor outlets. I have visited a few in the South Perth area and these businesses employ a lot of locals and a lot of university students—kids who go to Curtin and the like—and they hire and train many local employees.

That moves me on to the liquor barn argument, which is probably one of the most important elements of the Liquor Control Amendment Bill 2018. I am in strong agreement with the five-kilometre prescribed test because in an area like South Perth, for example, I think we are well catered for. I do not think we need a liquor barn in South Perth. The member for Dawesville came up with stats about how the two largest liquor traders in Australia take up 65 per cent of the packaged market, and that is of real concern to me. I also heard arguments in relation to

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re-definition, which is another element that is starting to come in, in which larger companies buy a combined bottle shop and hotel and then modify and change the council planning applications, and suddenly the bottle shop has been increased to a large liquor barn with a large square metre area, and the hotel, which used to be the local for many people, has gone by the board. I missed the member for Perth's speech earlier on, but I understand that the Hyde Park Hotel falls into that category. That really does concern me.

I agreed with the member for Maylands when she spoke about 17 liquor outlets in a four-kilometre area. Why would we need more outlets than that?

Mr R.S. Love interjected.

Mr P.J. RUNDLE: That is certainly part of it, but I would have thought if one can walk to 17 different outlets in the space of four kilometres, it would not need to go to any more liquor barns.

Mr R.S. Love interjected.

Mr P.J. RUNDLE: That is a different argument. I imagine a minister will be looking at population density, distances, availability, affordability, advertising and marketing.

Mr J.E. McGrath: Member, given that you've already answered that quick question, what about if people want to have a choice about where they buy their liquor? Do you think we should allow them to have a choice, or say, "Sorry, you've got to go to this, this and this"?

Mr P.J. RUNDLE: My personal feeling is that 17 outlets in the space of four kilometres is a pretty good choice. I am talking on a personal level. Driving the price of alcohol down by a few cents a litre through having liquor barns does not compare with having smaller local outlets that employ local kids and create local jobs. That is the way I see it; that is my personal opinion. I take on board the deregulation argument and so forth, but I do not think it outweighs other considerations.

I will conclude my remarks but I would like to say that in general I am supportive of this legislation. I look forward to talking to the minister about regional outlets and Sunday trading, which have not really been included at this stage. The public interest test is a very important part of this bill.

MR M.J. FOLKARD (Burns Beach) [9.05 pm]: I rise in support of the Liquor Control Amendment Bill 2018. This is a good bill. This is a piece of legislation that seeks to improve our tourism industry and build a friendly hospitality industry. Further, it seeks to reduce the impact of sly grogging, address liquor-related retail saturation and improve police powers.

While reading up on and researching my contribution to this amending legislation, I took the time to go back and look at some of the history of liquor licensing in our great state. As a humble backbencher, I took the time to go back and read previous parliamentary debates. I was trying to find out why there was a need for the government of Western Australia to license alcohol: what was the real reason behind it? I managed to find an excerpt from *Hansard* dating back to 1880. I wanted to understand what our previous parliamentary colleagues in this place were thinking when they created liquor-related licensing. It was interesting. The key theme back in 1880 was collecting revenue from licensees, and limiting the number of liquor outlets, even back then. In those days, a licensee would get a chit that would last 30 days and in that time they were able to ply their trade and sell their wares—namely, alcohol. I saw no reference to harm minimisation, the dangers of alcohol or anything related to tourism or antisocial behaviour back then, but I note that they still had a chit and they were grizzling about the fact that every 30 days they had to come back and get another chit so that they could ply their trade.

The key reason for retaining these licence fees was to restrict the number of outlets, so even back in the 1880s they were talking about the number of outlets around. Members can imagine my surprise at discovering that the then Attorney General, Hon G.W. Leake, was more worried about developing sources of revenue than he was about the impact of alcohol on the small community of Perth back then.

Not to be perturbed, my research led me to the source of the bill that we have before the house today, the Liquor Act, which was read in on Wednesday, 22 April 1970. On reading *Hansard's* account, I discovered that it was introduced by none other than Sir Charles Court, the then member for Nedlands. The key intent was to stop juveniles from getting into pubs and drinking underage. It has not changed much! It also changed the times that licensed premises were open. The previous Licensing Act dated from 1910, so it took from 1910 to 1970 before the legislation was rewritten.

In 1988, as a result of a royal commission that was held in 1983 into the Liquor Act, the bill that would modernise our liquor industry for the tourism industry was introduced into Parliament. This was around the time of the America's Cup and was the act that I enforced as a young police officer. It was very hard to get my head around the legislation. It was very complicated and at times even now, when police go to enforce it, it is quite hard to get

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their head around it. But I digress. In the past, due to the nature of the legislation, the WA Police force had specialist officers who knew the act and were able to enforce it effectively. These officers were known as liquor detectives, which are referred to even today as “liquor Ds”. These officers had a skill set unique to them. They could walk into a crowded bar, cast their eye over the establishment, do a head count, look for drunks and, in a matter of seconds, reflect on how well the place was being managed. I remember working with one on a Friday night. Within seconds of him walking into an overcrowded bar, I watched him walk up to the most loudmouthed and obnoxious patron, grab him by the ear and frogmarch him out in front of at least 150 patrons. It was an impressive sight to see and still brings a smirk today.

On reflection, there was a commonality in the previous legislation. Alcohol consumption that went unregulated was seen as a major problem to our community. It still is, but I digress. One of the key outcomes of this legislation will be to allow the licensing authority to consider tourism, community and cultural matters when determining a licence application. What does that mean? When a licensing application is being considered, not only the Department of Health and the police department can have input into the liquor licence application, but also the chief executive of Tourism WA can have input. Currently, if a mum and dad want to open a small tapas and coffee shop outside a local shopping centre and want to sell beer or wine, as part of the licensing application they would have to demonstrate that the bar or coffee shop would have no adverse health impacts on the local community surrounding the coffee shop. They would also have to demonstrate that the sale of their alcohol would not cause antisocial behaviour in the area surrounding their small business. The last time I checked, our youth do not preload to go to a coffee shop. I do not know. In the current climate, it would be very easy for the police or health department to demonstrate that the effects of alcohol can have an impact on the local area. This would result in a very onerous process for the shop owners to obtain a liquor licence. This legislation seeks to reduce that onerous process. Well done, minister.

This bill also seeks to reduce the retail saturation in the alcohol industry. This is a fantastic addition to our licensing process. Over the years, I have been frustrated seeing more and more alcohol-related retailers come into local areas. Before coming into this place, I was a sergeant at Morley Police Station. I worked with a mate of mine, Mick Hayes, who is now an inspector. Hazy was a “liquor D” and together we watched the number of large corporately owned liquor licences come into our area. As the numbers grew, I tracked and measured the corresponding liquor-related violence in the area. As the number of retailers grew, the amount of violence grew proportionately. In simple terms, the more grog that was available, the more violence occurred in homes and on our streets. Approximately three years into my time at Morley, a large bulk liquor barn set up business in Morley Galleria. This business had one aim. Its business model was to force out small retailers by reducing the prices to the lowest amount. After numerous interviews with staff, it was evident to me that this retailer had no responsibility for the impact alcohol had on the local surrounds of the store where it was sold—none; no responsibility whatsoever. I can remember going to a particularly violent alcohol-related domestic violence incident. During my inquiries, I noted that alcohol had been sourced from this particular liquor barn. To prove it, I located a receipt from the liquor barn that was purchased within the previous 24 hours to the incident. I can remember talking through the issue with Inspector Hayes. Between the pair of us, I set about conducting an investigation into all our liquor licences within the area with the intent of producing a brief to the licensing court to attempt to put some restrictions on them. I collated all the antisocial figures that were alcohol related, including the domestic violence figures, and matched them to the areas of concentration. As a result of these inquiries, I attended all the bulk liquor retailers in the area. I was particularly disturbed by the business model that these businesses followed; namely, it was acceptable for their bottom line to show significant losses. These losses were made up of theft and breakage. When I inquired how much was being stolen from the stores, I was shocked when the figures did not correspond with those that had been reported to police. A significant amount had been written off as stolen, but not reported to police. Alcohol licensing means that alcohol is a controlled substance and all sales must be accounted for. This was clearly not taking place. As a result, I started preparing a brief for Liquor Licensing. It was clear that there were too many bulk alcohol retailers in the area. To this day, I believe Morley Galleria has reached oversupply and passed saturation point for alcohol retailers in that area. That is based on fact. One of the great things about this submission and these amendments is that the director of Liquor Licensing can now consider saturation levels of bulk alcohol retailers when granting new licences. This is a fantastic amendment. But I do not think any emergency service, first responder or domestic violence organisation will argue this point. Well done, minister, for bringing these amendments to the house.

The next point I would like to discuss is that the legislation will enhance our local police powers. This government intends to introduce changes that will increase police powers to target problem drinkers. Well done; it is a long time overdue. The McGowan government intends to increase the fine from \$200 to \$500 for failing to leave a licensed premises. Well done. I know from personal experience that although this will assist police to remove drunks and antisocial individuals from licensed premises, amendments to the Liquor Licensing Act will enhance

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barring notices. It will include areas of a particular venue. This amendment will ensure individuals are prevented from entering particular precincts such as Northbridge, not just individual licensed premises. This amendment was sought by police—I know; I put the suggestion forward when we first introduced barring notices—to enable them to remove individuals who are involved in unruly behaviour in a particular area. Police asked for these powers and our government has listened.

The last aim was to tackle sly grogging in isolated communities. I know from personal experience that when it comes to small communities, particularly isolated communities, the impact caused by alcohol is disproportionate to the impact on the rest of our community. Provisions of this legislation will limit the quantity of liquor a person may have in their possession in prescribed areas. It will empower police to remove the burden of proof previously on police when it comes to the seizure of alcohol and will further allow easy disposal. Giving frontline police officers powers to enhance their effectiveness by streamlining processes and allowing them to get on with the job rather than being tied up with ineffectual paperwork and processes is an outstanding success.

Further, to explain to this house the damage that sly grogging causes, I will speak of a job that I did many years ago when I was stationed at Eucla on the Nullarbor. We were tasked to go onto the Nullarbor Plain to locate a group of Aboriginals who were conducting mourning ceremonies. It was the middle of winter. It was a cold winter and it was a miserable time. There were genuine concerns for the elderly participants in the ceremony. The Aboriginal community groupings on the Nullarbor reached from Yalata in South Australia to Tjuntjuntjara, north east of Kalgoorlie. We knew the ceremony grounds were north of Eucla. There was a sense of urgency in our patrols, because over the last couple of months two tribal elders had passed away during mourning ceremonies. There was a sense of urgency that we needed to find them quickly. After days of travel, we came cross the mourning ceremony. On our arrival we found two family groups, one of which was actively mourning. The second group was supposed to be supporting those individuals, but on our arrival we found that they were too intoxicated to even look after themselves. The first group could not leave the mourning circle, so they were stuck there. As a result, we set about our work quietly and removed all excess alcohol from the support group. We set about finding a large amount of firewood and started to reform the camp site. This included sending out hunting parties to source several large kangaroos to feed the group. We also supplemented that with several boxes of tin food and found a couple of blankets for the older mourners. We ensured that they were fed, had plenty of water and were warm. By doing this, we broke the mourning circle. All those participating in the ceremony were able to get home to their families and, as a result, we did not encounter any further incidents. In this instance, the alcohol was sourced from a local roadhouse on Eyre Highway. This was before sly grogging laws were enacted. Our actions saved the lives of the elderly, and these changes will save even more lives. As I said previously, when a small community is attacked by unfettered and unrestricted access to alcohol, the consequences are severe. This is a good bill and I commend it to the house.

MR I.C. BLAYNEY (Geraldton) [9.21 pm]: I want to speak briefly about the Liquor Control Amendment Bill 2018. I see it a bit differently, because alcohol consumption in my electorate is not necessarily something that people do for good times. I think there are five hotels in the middle part of town and they basically rely on the bottle shops attached to them to stay in business. Hotels have limited viability in a lot of places and I am told that weekend sales in bottle shops are basically what keeps them going. I am happy that that situation will stay the same.

Mr P. Papalia: Are there any liquor barns?

Mr I.C. BLAYNEY: I am about to move on to liquor barns. Currently, we do not have any, but one was proposed last year in the poorest part of town. Among others, the police, many members of the community and I objected to it very strongly and its advocate had to withdraw it, I think. I pointed out to the advocate that I had my doubts that it would be viable and that he would not make any money out of it because he was pitching it as a destination liquor store so it would be all upmarket. I said that he was building it in the wrong part of town and that he might as well build a Mercedes-Benz or BMW dealership next to it because they would be about as viable. I would not have had a problem if it was built in the CBD. One of the hotels is expanding its bottle shop and it will be quite large, but I do not know whether it will be classified as a liquor barn. Once again, I did not have any objection to that. The particular proposal to build it in Utakarra would have added to the misery in that area.

I hear plenty of people talk about Europe and European drinking habits, but from what I have read about Germany, for example, binge drinking is an increasing problem. As a rule, people have not considered that Germany would have problems with binge drinking, but it is apparently a developing problem there. The most interesting country I have looked at when it comes to liquor licensing is Canada, where most of the provinces had a state monopoly on alcohol—some still do. When people go looking for a liquor store, as I once did when I was in Banff, they have a lot of trouble finding one. Our two countries are very similar and it is interesting to make that contrast. That goes back to Canadian history when temperance organisations and movements were much stronger.

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Mr P. Papalia interjected

Mr I.C. BLAYNEY: It varies from province to province. Some are still quite strict while others have almost been deregulated.

I am very pleased that the Northern Territory is trying minimum pricing legislation. At the same time, the other place introducing minimum pricing legislation is Scotland. Perhaps the minister knows whether what the Northern Territory is doing can be done under our Constitution. My understanding is that all excise powers rest with the federal government, yet the Northern Territory government is introducing this measure by itself.

Mr P. Papalia: I would advise you to pursue it with the health minister. He is far more knowledgeable about floor pricing than I am.

Mr I.C. BLAYNEY: If the member for Armadale were around, he might know something about it, but he is not here.

Mr P. Papalia: It is certainly not part of this bill.

Mr I.C. BLAYNEY: No, I understand that.

Scotland is interesting. There are some interesting articles on the BBC website about alcohol in Scotland, where they give a measure of 14 units. I am not exactly sure what a unit of alcohol is; I think there are six or seven units in a bottle of wine. It is recommended that people do not drink more than 14 units a week, but in Scotland people can do that for £2.50, which is quite amazing. That is what we pay here for a can of Coke or Red Bull. The point about that is that most of the people who sell alcohol would not be sorry to see the very cheap stuff go. Obviously, someone has to produce it, someone has to transport it to the shop and then they have to put a retail margin on it. It would be virtually impossible to make money out of it. The member for South Perth talked about this and said that one of the liquor barns said that that stuff is about three per cent of its turnover so it would not miss it. I have been told that quite a few people in the industry would not have a problem if that was brought in, because it would make the retail alcohol industry more profitable, not less profitable.

I have been interested to hear what people have been saying about disruptive technology in this area—that is, buying alcohol online and having it delivered to your home. Obviously, with no human checks along the chain, there is a very neat way for underage people to get around any rules that are brought and to go as far as at-place purchasing, which the member for Dawesville referred to in the United States. There are quite a few of these apps. People buy alcohol on the app and it turns up. That is obviously a way around virtually any liquor restrictions. I assume that the government could get around that if it wanted to with some pretty hefty penalties, but if it does not do something like that, I would be curious about how it intends to deal with the issue of online purchasing. It is quite a big issue. I find it interesting that not too many members from electorates north of Perth are going to contribute to the debate, unless the member for Moore is going to have a go. Is the member for Moore going to speak on this debate? No. I am the only member north of Perth who will speak on this issue and it is north of Perth that most of the serious alcohol problems occur. I am disappointed that other members are not speaking about the bill. There is no one-size-fits-all approach for our cities, towns and regional areas. I know that in my home town and electorate of Geraldton, about 90 per cent of police work has its origins in alcohol consumption, and that makes the job and lives of police officers an absolute misery, which makes it harder to understand the closure of the Geraldton Sobering Up Centre recently. The preliminary figures are in *The Geraldton Guardian* today.

Mr P. Papalia: The member for Pilbara and the member for North West Central are speaking tomorrow.

Mr I.C. BLAYNEY: Okay. It will be much better —

Mr P. Papalia: I agree.

Mr I.C. BLAYNEY: — to get their perspective on this issue, because the alcohol issues in both those electorates are terrible.

Mr P. Papalia: There are some good harm reduction measures incorporated in the bill to address some of those matters.

Mr I.C. BLAYNEY: I look forward to hearing about them. An implication of the closing of the Geraldton Sobering Up Centre has been that more police time is now being spent on people being assessed at the emergency department at the local hospital. To state the bleeding obvious, for many people —

Mr R.H. Cook: Do you know, there have been no increasing presentations to the ED at all.

Mr I.C. BLAYNEY: That is what it said in the paper.

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Mr R.H. Cook: I know.

Mr I.C. BLAYNEY: It came out under FOI, I am told.

Mr R.H. Cook: That's what was suggested—that it might have been one of the implications of it—but it's not what eventuated.

Mr I.C. BLAYNEY: I include myself in this to a small degree; the experience of alcohol in the family and community is not necessarily a positive one. I have visited the Arabian Gulf a couple of times and I have to say that something I have found pleasant in the Arabian Gulf is the lack of the obvious effects of alcohol consumption. You can walk the streets quite happily at midnight and there are plenty of people around but everyone is stone-cold sober, and you feel quite safe doing so.

A year or two ago I was one of those people at the Dockers–Hawthorn match who got caught up in a fight, which was caused purely by excessive alcohol consumption. It made me wonder, “If you go to the football, don't you go to watch the football? Do you have to drink yourself almost senseless and then start fights?” I just do not get it.

Mr P. Papalia: Go to UFC; it's much better there.

Mr I.C. BLAYNEY: That is just good straight honest violence! I came away thinking that I would not mind it if they banned drinking at the football, and I have not been back since. I go to Wonthella Oval in Geraldton where we do not have to put up with any of that stuff. I read somewhere that the new stadium has an alcohol-free zone—is that right?

Mr P. Papalia: Not that I know of. I haven't been to a sporting event there; I don't know.

Mr I.C. BLAYNEY: I have never been there; I have not got around to it.

Mr R.S. Love: I think it does.

Mr I.C. BLAYNEY: So there is hope yet.

Something that had to do with alcohol that has had the most impact on me in my time here occurred when in my first term I was on the Education and Health Standing Committee with Dr Janet Woollard. We spent 10 days in the Kimberley looking at alcohol and drug issues. We did a drive around Derby and around Kununurra at night. We saw people standing in the street in Derby, drinking at about 10 o'clock at night, with a toddler sitting on the ground in the dirt next to them. I thought that was no good. What hope does that kid have when adults who have foetal alcohol spectrum disorder are having babies with FASD? It is a serious issue. Whatever we are doing in those places is not working very well, but we also know that when people really, really want alcohol, they will pay a lot of money for it and that there is a potential profit to be made.

I want to raise another quite interesting matter. The other day I was talking to someone who has something to do with the Burringurrah community, which is east of Carnarvon. He said everything was fine there and that it was a quiet place until they started selling petrol. That has meant that it is now possible to get fuel in Burringurrah and then drive to other places and collect alcohol. When the system relied on people to drive out to Burringurrah and there was no alcohol for them to get back, they did not really have problems. But as soon as fuel has been available for sale in the community, alcohol consumption in the community has gone wild. I do not know how we save these people from themselves. That is what I often wonder. We all know people who will literally spend every cent that comes in on alcohol and just waste themselves until the money is all gone. I really do not know what we can do about those people. That is the end of my contribution.

MR D.T. PUNCH (Bunbury) [9.35 pm]: I rise to speak in support of the Liquor Control Amendment Bill 2018 and in so doing note that I am taking on the graveyard shift at 9.30 on a Tuesday night. Depending on how quickly I speak or how slowly I speak, I will incur the wrath of this house. I will try to be brief.

I want members to imagine walking down Victoria Street, Bunbury, on a very sunny day. In so doing, imagine the small bars and restaurants that are all doing a great trade, with lots of people, including families, really enjoying themselves, with a glass of wine, something to eat, and a relaxed atmosphere—a sense of real enjoyment. Then go out of town to Ferguson Valley where the niche breweries have cropped up and the wineries are opening and the restaurants are there, and people can have a great Sunday afternoon out. It is not exactly the Champs Élysées in Paris, but it is our own homegrown version of a really great wine and food environment. Who do we have to thank for this? It is the then Minister for Racing and Gaming, Hon Mark McGowan, a minister who understood the values of tourism and the contribution that those changes make to our lifestyle. Those reforms were based on the simple proposition that people will act in a responsible and reasonable manner in a small-bar restaurant environment and that we do not have to regulate to the lowest common denominator.

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The current reforms that the present minister has now brought forward, for which I am incredibly grateful, are important to my electorate and to the south west as a whole, both in industry terms and in terms of how we perceive our community. It is interesting that most of the debate has been about the Liquor Control Act, but we need to understand that act in the context of some of our other strategies around tourism and job creation and the implications of freeing things up in a way that will still address the very deep concerns we have about harm minimisation but provides opportunities for responsible activity to generate not only a quality lifestyle but also opportunity.

We have a lot of relatively small businesses within the tourism sector that depend on food and wine experiences, so in speaking to this bill I want to comment on tourism generally and the role it plays in the south west, and why I believe this bill will help to build jobs. We know that Western Australia has a strong tourism industry, which is even stronger since the Minister for Tourism has been out tracking down opportunities overseas in new markets such as Japan, and that it is capable of growth. In 2016–17, around \$10.1 billion was spent by visitors in our state, of which about \$4.5 billion was spent in regional WA. I am very glad WA Labor is the party of the regions. About \$1 billion of that was spent in the south west and around 109 000 people depend on tourism for a living. In my electorate, Bunbury and Dalyellup are part of the broader Bunbury–Geographe brand. For the year ended September 2017, it attracted 788 000 overnight visitors, of which only 26 000 were international visitors. In total, that generated 2.38 million visitor nights. Every 179 overnight visitors represents one job, so it is pretty significant on the job creation scene. As a consequence, we have a strategy to grow tourism and jobs in the south west region. We know that in addition to marketing, we need to build and improve our infrastructure, build our events and conferencing capability, and build the quality of the experience, including customer service. Small bars, restaurants and micro-festivals, which can include pop-up bars, are a vital part of this experience. I often find it bizarre trying to explain to overseas visitors the subtleties of our alcohol laws and the focus on taking decision-making out of the hands of the responsible consumer and the especial subtlety of being able to have a tasting but not actually have a glass.

What has been really frustrating, though, has been the cost of the licensing application process and the planning processes associated with the current regulations. In doing a bit of research, I came across a gem of a media statement of the previous government from 2015. In 2015 it put out a media statement that included in its heading “#ShredTheRed”. I wish it had started on the liquor licensing laws back then.

The small bars and restaurants that make up the south west hospitality sector are catering for local people as well, and bring a new sense of vibrancy and interest to our communities. I remember a time when I could walk down the centre of Bunbury and it was a pretty drab and dreary place. That was prior to about 2004 or 2005. There has been an incredible resurgence since then. In my experience, if you treat people with respect, people respond and act responsibly. We have seen a great deal of investment in Bunbury. Some fantastic refurbishment has been undertaken by a couple of entrepreneurs from Kalgoorlie, which the member for Kalgoorlie would be very pleased about. They have been investing in Bunbury. The Rose Hotel has spilled out from the old building and now has alfresco seating all along Victoria Street, with delightful shaded areas. That is a great investment. Yours or Mine is a restaurant bar that has been fantastic, Lost Bills is a small bar that you can lose yourself in, and the Market Eating House, The Townhouse, Mojo’s and Vat 2 are all incredible facilities that are starting to open up and provide street-frontage alfresco wining and dining, which is changing the way that people view Bunbury. These amendments will take us the next step forward and will have a pretty profound impact on how we can position ourselves in the south west as not only an interesting community in which to live, but also a great place to visit.

The member for Maylands earlier spoke passionately about other aspects of this bill that relate to harm minimisation and more effective regulation of destination or packaged liquor premises. I have worked in many parts of regional WA and have seen sly grogging and the effects of alcohol abuse, particularly in those areas in which people are suffering from gross disadvantage and gross poverty and they often turn to the harmful use of alcohol simply as an escape. Harm minimisation in those areas is going to be not simply a matter of regulation, but also about what opportunities we can create to improve the overall quality of people’s lives in those communities. I support the development of a new secondary objective that will encourage responsible attitudes and practices in the promotion, sale, supply and consumption of liquor. I support the development of a head of power to enable regulations that will prescribe requirements relating to the delivery of liquor, with a specific objective that no young, underage person can access alcohol from legitimate business sources. Bunbury has a large number of packaged liquor outlets. Each of these outlets keenly promotes alcohol consumption through low-cost product promotion. I welcome the proposals that will require the licensing authority to not grant an application unless it is satisfied that existing premises cannot reasonably meet requirements in a locality. Sly grogging has, I believe, largely disappeared from the south west. I was aware that it was happening in Collie when I worked there many, many years ago, particularly in some of the communities on the fringes of Collie, but it certainly

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existed in other locations. The introduction of an offence for a person to carry liquor above prescribed quantities in prescribed areas anywhere in the state is welcomed. Creating a head of power and subsequent regulations will assist police in further protecting vulnerable people.

These are good amendments. They balance the responsible consumption of and access to alcohol products with harm minimisation. The amendments free up small business from unnecessary expense, delay and red tape, which is a fundamentally important outcome in itself, particularly for a tourism industry that relies on small business. What I am really pleased about, though, is that the bill is premised on the basis that people will generally act responsibly in the right circumstances, but that they need to be held accountable on those occasions when they do not. Thank you, Madam Deputy Speaker; we can all go home.

Mr D.A. Templeman: That is very presumptuous of you, member!

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

House adjourned at 9.44 pm
