

## **LIQUOR CONTROL AMENDMENT (BANNED DRINKERS REGISTER) BILL 2023**

### *Second Reading*

Resumed from an earlier stage of the sitting.

**MR R.R. WHITBY (Baldvis — Minister for Racing and Gaming)** [3.00 pm] — in reply: I take up where I left off when I was on the verge of declaring a conflict of interest! That conflict is to do with liquor, being a minister, and the admission that occasionally I indulge in a moderate way, unlike the member for Coogee who is a teetotaler. The other conflict is that my father was a Fremantle publican, so I accept that alcohol is a part of many people's lives.

Most people consume alcohol in moderation, and it has a role in our social life. But I also accept that in our many communities right across Western Australia, whether it is in the western suburbs or regional towns, clearly alcohol causes issues. Today we debate an amendment in this legislation as a tool to deal with an issue that has been around for many, many years. It is complex. It is not easy to solve, but it is an issue that this government is addressing.

It is important to know that this legislation will not prevent anyone at all from having a drink. This legislation will require people registered on a list to not acquire or consume takeaway alcohol from licensed premises. This is not the only initiative that this government is committed to, and involved in, to help people with an issue with alcohol or addiction and the various social issues and the crime and violence problems they can lead to.

I will talk about the Department of Communities' response with its Target 120 initiative, which is across government agencies. I will talk about the initiatives that deal in a very close-up aspect with families dealing with these issues. I will talk about the involvement of sport and social programs to engage young people. The programs are many and varied. I also make note that the Liquor Stores Association of Western Australia and the Australian Hotels Association are being very cooperative and are keen to support this initiative. They have been supporters all the way through this process. The majority of licensees have been very supportive and understand that to support their communities, they also have to be part of the solution.

The member for Roe recounted his experience of being in the Kimberley, I believe, and having to produce identification to purchase a bottle of champagne. I have seen it in operation myself where the banned drinkers register operates with the requirement to produce identification. I saw miners who might have been fly-in fly-out workers coming off their shift getting used to the system and not being aware of the requirement. One young chap was turned away and came back 30 minutes later with his ID. I acknowledge that these communities have been very understanding of this new system. Where we have seen it in operation, the system has been accepted and supported by the vast majority of people. It is good to have that support, but we also note that the BDR can be improved. We are aware as a result of investigations, independent reviews and a lot of consultation that the changes being presenting to Parliament today are needed.

I will give a brief summary of the bill and what it intends. The bill is a response to feedback received as part of the 2022 consultation process and the findings of the interim evaluation of the Pilbara banned drinkers register trial. These reforms will further support the operation of the BDR to improve harm-minimisation outcomes. The bill will establish a legislative framework for the operation of the BDR as a register of people who are prohibited from purchasing packaged liquor—takeaway alcohol—in Western Australia. The bill will provide for the Western Australia Police Force and the director of Liquor Licensing to issue a banned drinker order that will prohibit an individual from purchasing, possessing or consuming packaged liquor for three, six or 12 months.

The bill will provide for additional pathways—this is very important—to include individuals on the BDR, and expand the range of people who can seek to place someone on the BDR. In this regard, in addition to the current arrangements that include individuals subject to barring notices and prohibition orders, individuals subject to a banned drinker order made by WA police or the director of Liquor Licensing will be registered on the BDR.

A voluntary or self-imposed banned drinker order can also be sought by individuals seeking to manage their access to packaged liquor, as occurs under the current arrangements. WA police will be able to make a banned drinker order for an individual for three, six or 12 months, depending on the circumstances and any previous orders that have been made. The director of Liquor Licensing will be able to make a banned drinker order for three, six or 12 months based on an application by a medical practitioner, social worker or other prescribed person. Banned drinkers will have avenues to appeal the issue of a banned drinker order. In the first instance, a banned drinker may apply to the issuer of the order, either the Commissioner of Police or the director of Liquor Licensing, and the second avenue of appeal is to seek a review by the Liquor Commission.

To support the effectiveness of BDR trials, participation will be mandatory. This has not been the case in the past, but this proposed amendment to the act will make it mandatory for licensees and prescribed banned drinker order areas. Any person selling packaged liquor must use the provided ID system to ensure that a customer is not a banned drinker. The maximum penalty for an individual supplying liquor to a banned drinker will be a fine of \$10 000, or \$1 000 if an infringement notice is issued. Although a banned drinker order will prohibit an individual from

purchasing, consuming or possessing packaged liquor, there is no offence for doing, or attempting to do, those things. However, WA police will have the power to seize and dispose of packaged liquor, opened or unopened, in possession of a banned drinker. This behaviour can also result in a further banned drinker order being issued by police. This approach will enable WA police to enforce compliance of banned drinker orders and the removal of alcohol without criminalising the actions taken by individuals who are often suffering from addiction and other issues.

I now go around the chamber and acknowledge contribution of the many members who gave a real insight into their professional past and their experiences of issues around alcohol use and abuse. I begin with the member for Bicton who talked about deaths worldwide from alcohol. A very concerning number represented a global burden of injury and disease. Four out of five Australians aged over 14 years reported drinking recently, and one in five reported drinking seven or more drinks on a single occasion at least monthly. The annual cost, the member for Bicton said, of alcohol-related harm in Australia was between \$15 billion and \$36 billion.

The member for Pilbara gave an insight from his experience as the local member about the impact of alcohol on families and how kids were unable to get to school or have breakfast because of intoxicated parents. That is a heartbreaking situation.

The member for Kalgoorlie talked about the amendments in the bill and alcohol abuse effects are felt hardest by the most vulnerable in the community; she is right. These people who are addicted are already vulnerable as are, of course, their families and their children.

The member for Burns Beach, a former police officer, and indeed a former liquor and gaming detective, gave a real personal insight. It was the insight, which I think continues to move him today, of having to deal with people in their last moments of life when victims of a road crash linked to alcohol abuse. He went to homes where there were domestic violence victims, or had been sexual assaults or stabbings, and had to clean up the mess from murders and deal with the carnage left behind, which was often fuelled by alcohol abuse. It is an issue very close to the member for Burns Beach's heart. The member for Mirrabooka spoke passionately about the health cost and the social and economic cost of alcohol abuse, as others have. She quoted that in 2021, police attended 25 family-related, alcohol-fuelled incidents a day in Western Australia. The member for Cockburn talked about the positives of a growing acceptance in Australian society of people who do not drink alcohol. He mentioned it is often the expectation that people have a drink, but fortunately times are changing and it is now socially acceptable in more circumstances to not have a drink. He talked about how alcohol consumption in Australia has a strong link to crime and family and domestic violence, as others have mentioned. The member for Collie-Preston spoke about the number of schools she worked at in her former occupation as a teacher and students who came to school without any food because mum and dad had been drinking and there was no money left to spend for food on the table. The contributions concluded with the contribution of the member for Roe, which I mentioned before. The member for Roe, reasonably, raised a number of issues that he wanted to further delve into and to clarify and as a government we are very happy to do that. We accept the fact that the opposition has said that it supports the government introducing this legislation and I am happy to explore the detail in consideration in detail as part of the process of getting this legislation through. I thank all members of the chamber for their contributions and I look forward to this legislation passing the house. Thank you.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

*Consideration in Detail*

**Clause 1 put and passed.**

**Clause 2: Commencement —**

**Mr P.J. RUNDLE:** Thank you, Deputy Speaker. I thank the minister for the introduction to his advisers. The first question I have about clause 2 is whether the staggered timing of provisions coming into effect will be well publicised to the stakeholders who will be directly affected by this act.

**Mr R.R. WHITBY:** Thank you, member. Absolutely, it has been our practice in the past where the trials were introduced. These changes will be well publicised. Information will be provided to all licensees well ahead of time. They will be able to provide information like posters in their licensed premises. There will also be a media campaign on local radio and in newspaper advertisements in the regional areas that will be impacted.

**Mr P.J. RUNDLE:** Thank you for that. Will the necessary hardware and software be in place when the act comes into effect?

**Mr R.R. WHITBY:** Yes, indeed. The hardware is already in place for the current arrangements, so it is already there.

**Mr P.J. RUNDLE:** Who provided the advice around the sunset clause length of two years?

**Mr R.R. WHITBY:** The two-year sunset clause was part of the consultation that was put to the community. It was the industry—the licensees—that thought that two years would be a good period to test out this new legislation and see how effective it is.

**Mr P.J. RUNDLE:** Obviously different regions have had different time frames for their trials and so forth. When the act comes into effect and it becomes mandatory, will all those regions have exactly the same scenario in place? Will the goldfields, the Kimberley and the Pilbara be treated the same as Carnarvon? How will that side of it work?

**Mr R.R. WHITBY:** There was a staged introduction of the trials, as the member will be aware, but on the passing of this legislation from the commencement of the operation of the new regulations, it will apply equally to all of those regions—the Kimberley, the Pilbara, the goldfields and the Carnarvon/Gascoyne region—where it is due to apply. Obviously, it will last for the same two-year period across all those regions.

**Mr P.J. RUNDLE:** I understand the minister will be able to reverse a BDR region. Is this the same sort of process for other restrictions, and I will probably ask this question a bit further down, but what would trigger a reversal of a BDR region?

**Mr R.R. WHITBY:** As I have said, this is a two-year trial so it would be very unlikely for me or another minister to stop that or alter it in any way without giving it its fair run to see how it goes. The other restrictions the member might be aware of are through the director of Liquor Licensing. Certain restrictions can be implemented in a separate process. It will be up to the minister's prerogative to nominate additional areas where a BDR could apply, but that is something separate to the issue we are debating today.

**Mr P.J. RUNDLE:** It is a bit hard to say, but does the minister think there is any likelihood that the minister could see any other regions—agricultural regions or the like—coming into this legislation at all?

**Mr R.R. WHITBY:** Obviously, we have responded to calls and issues that currently exist. We would always be very careful and ensure that we consult with local communities. Where the BDR has been introduced universally, there have been calls from that community to have that option. If a community believed it had an issue that the BDR could assist, we would consult with that community to see whether we could introduce it. I am not immediately aware of other regions that are demanding it specifically at the moment, but it is an option. Again, it would always be rolled out in consultation with that community and with the support of that community. We really need the buy-in from locals, licensees and the community to understand the need for it to give it the best chance to succeed.

**Clause put and passed.**

**Clauses 3 and 4 put and passed.**

**Clause 5: Section 24 amended —**

**Mr P.J. RUNDLE:** I need a bit more explanation on this clause. Who are the three members of the Liquor Commission and are they consistently the members who consider various information relating to the extension or revocation of the banned drinker orders?

**Mr R.R. WHITBY:** The Liquor Commission consists of 12 members. The section that this clause amends mentions three members. There is a requirement that at least three members—they can be any three members—hear that application.

**Clause put and passed.**

**Clauses 6 to 9 put and passed.**

**Clause 10: Section 115ACA inserted —**

**Mr P.J. RUNDLE:** What process is undertaken to enter barring notices into the BDR?

**Mr R.R. WHITBY:** When the Commissioner of Police issues a barring notice for up to 12 months, they have an obligation to communicate that information to the department. It is entered into the computer system so that both parties are aware of who is on the register.

**Mr P.J. RUNDLE:** The Commissioner of Police issues a notice and the information finds its way to the department. I assume that at the same time a notice is obviously issued to the person who has been put on the register. That might be in a different section of the bill. What are the mechanics involved for the person who receives a notice?

**Mr R.R. WHITBY:** In that situation, under the existing arrangement, a police officer would serve the notice physically to that individual. That information is then entered into the system.

**Mr P.J. RUNDLE:** I would not expect the police to receive a major amount of training, but will they require extra resources to enable this to happen or will it slot into everyday business as usual?

**Mr R.R. WHITBY:** This is the current practice. Barring notices are already issued without the BDR. Police would be well aware of how it operates and would have existing resources to deal with it.

**Clause put and passed.**

**Clauses 11 to 14 put and passed.**

**Clause 15: Part 5C inserted —**

**Mr P.J. RUNDLE:** This clause might take substantially longer, so I will work my way through it. I refer to proposed section 152Y(a). I understand that the government seeks to remove the words “believes on reasonable grounds” and replace them with “believes on reasonable grounds that the alleged offender was affected by liquor when committing the offence”. Is that correct?

**Mr R.R. WHITBY:** That has not changed. The provision still states —

... a police officer believes on reasonable grounds that the alleged offender was affected by liquor when committing the offence;

Those words remain.

**Mr P.J. RUNDLE:** I probably did not phrase that correctly. Should police officers have evidence? What would the minister consider are reasonable grounds in this instance? Could he explain it a bit more clearly?

**Mr R.R. WHITBY:** The definition of “reasonable grounds” would be what a reasonable person believes. Police officers are probably well versed in this area. If they choose, they could obviously require the person to undertake a breath test. The member will remember that it is valid for officers to make observations or maybe subject a person to a sobriety test, which is what happened before breathalysers. It is a reasonable judgement of someone’s intoxication, which I think police officers are able to make as they have long experience in interpreting that.

**Mr P.J. RUNDLE:** I will move on to proposed section 152YB, “What is a banned drinker order”. What process will be undertaken to revoke a banned drinker order?

**Mr R.R. WHITBY:** As I explained in my reply to the second reading debate, two banned drinker orders can be issued by either police or prescribed officers under the authority of the director of Liquor Licensing. If the banned drinker order is issued by the police, the person involved will have the ability to appeal to the police commissioner in the first instance and, in the second instance, to the Liquor Commission. In the second example, there will be an opportunity to appeal to the director of Liquor Licensing in the first instance and the second opportunity to appeal would be to the Liquor Commission. In both cases, the Liquor Commission will be the final avenue of appeal.

**Mr P.J. RUNDLE:** Will it be the same for all people on the BDR? Will everyone be treated the same regardless of which area they are in and the like?

**Mr R.R. WHITBY:** That is right, member. Someone who is subject to a barring notice or prohibition order can appeal to the Liquor Commission. The other version of this is someone who has voluntarily put their name on the list. If they did not want to be on the list anymore, given that it was a voluntary inclusion, they could write to the department and their name could be removed.

**Mr P.J. RUNDLE:** The minister is reassuring anyone who decides to put themselves on the register that the process would be to simply write a letter and they would be taken off. If there were behavioural issues in between the time of writing a letter while they were on the voluntary register, would that be taken into account or would they simply be characterised in the voluntary section and the order would be lifted?

**Mr R.R. WHITBY:** The first instance would be someone who has voluntarily put their name on the list and has not offended in a way that might see them subjected to a banned drinker order. In that instance, they would just write a letter or an email asking to be taken off that register. I think that is acceptable because they are on it voluntarily and there would be no need to require them to go through a great process or an appeal mechanism to remove them from the register.

However, the member raised the point about their behaviour in the meantime. In that instance, if they were to commit an offence for which they could be subject to a banned drinker order in the usual way, the police would take action to ensure that that person was no longer on the list in a voluntary capacity but was subject to a banned drinker order. That would be someone who was put on the register because of their behaviour, not through choice.

**Mr P.J. RUNDLE:** Thanks, minister. In my second reading contribution I asked whether the new rules would apply to small wineries and other venues such as at the local golf club or tennis club or whatever it might be where packaged alcohol will be sold.

**Mr R.R. WHITBY:** The member would be aware that most takeaway sales are done through conventional licensed premises, but it can also be done through cellar doors and sporting clubs. The same requirement will apply. If someone

purchases packaged liquor to take away from the premises to consume elsewhere, they would have to abide by the process. Those organisations would have the technology available to them to ensure that the scanning could be done. As we have said, the agency is very keen to support all licensed operators, whether it is a large commercial operator or a sporting club with a licence. That technical support and encouragement will be provided to make sure they are aware of their obligations and to help them out.

**Mr P.J. RUNDLE:** Will the minister's department go to every town and every golf club or whatever in the Kimberley, goldfields, Pilbara, Carnarvon and Gascoyne Junction that can potentially sell a sixpack of beer and put in a takeaway alcohol management system machine at each of those venues? Or will the government say the register is coming and they will need to keep an eye out? How will it work?

**Mr R.R. WHITBY:** A premises is either a licensed premises or it is not. If a golf club sells its members takeaway beer, it requires a licence. That has always been the case. All those organisations are known to the agency because they are required to have a licence. If they are doing that and they do not have a licence, they are acting outside the law anyway. I know that all those organisations would already have the technology if they are a licensed venue and they deal in selling takeaway alcohol. They have that technology and they will get the support I mentioned. From time to time, the agency also obviously involves itself in the auditing of premises to make sure they are operating as they should be.

**Mr P.J. RUNDLE:** What will happen if a private event is held at a licensed premises? Will every attendee need to have their ID with them? What will be the arrangements to manage that?

**Mr R.R. WHITBY:** If there is a wedding reception at a hotel, obviously there is no requirement on anyone to satisfy the requirements of the BDR because they are at the licensed premises enjoying alcohol like any other customer at the pub. This legislation is about takeaway alcohol, not alcohol consumed on a licensed premises. If someone happens to be attending an event at a licensed premises and they want to take alcohol home with them, exactly the same situation will apply for anyone else purchasing takeaway alcohol. They will need to show their ID to ensure that they are not on the register.

**Mr P.J. RUNDLE:** Just to get that clear, if someone at a private event on a licensed premises takes away alcohol, will they need to scan their ID through the machine at the premises to make sure that they are staying within the guidelines?

**Mr R.R. WHITBY:** Yes. Regardless whether it is a private event or an open event that anyone could walk into, if someone wants to purchase alcohol at that licensed premises and take it home, they will be treated like anyone else. If they are in a BDR region, they will need to produce their ID and have it scanned.

**Mr P.J. RUNDLE:** Have the golf clubs, race clubs, small wineries and other venues been notified that this legislation is coming into place and that they will have to have a takeaway alcohol management system machine or whatever it might be in the weeks ahead?

**Mr R.R. WHITBY:** Yes. As I said, licensees are licensees whether it is a large commercial pub, a takeaway drive-through or a golf or cricket club that has a bar. They are licensed. Anyone who has a licence has been informed about this and will be supported in the way that I talked about earlier. It is important to note that until this legislation takes effect, the BDR has been a voluntary arrangement. Whereas these small sporting clubs and organisations in the past might have opted not to be part of the process, like all licensees under this legislation, it will be compulsory for them to ask for ID. That is the same as any other licensee. They are licensees, the equipment is there and they have been informed. The rule is that there is nothing to stop someone from having a drink at the bar after finishing a round of golf, but if they want to take alcohol home, it will be just like going to a pub or drive-through bottle shop.

**Mr P.J. RUNDLE:** Obviously a lot more machines will be needed now that it is not voluntary. Is everything in place for that? I assume that will come at the cost of the department, not the venues.

**Mr R.R. WHITBY:** As I said before, the machines are already out there with licensed venues, so there is no issue with acquiring them or having to get them—they are there now with the licensees. If they are licensed and they need one of those machines, they are there. The cost is not incurred by the licensee; it is a cost to government.

**Mr P.J. RUNDLE:** I move to proposed section 152YB(2). Will the form be accessible by police, medical practitioners, social workers and prescribed persons?

**Mr R.R. WHITBY:** Yes, there will be forms that police will be able to fill out to include someone on the register. As the member knows, the other way of doing this is with a medical practitioner or other prescribed officer; another form would find its way to the director of Liquor Licensing.

**Mr P.J. RUNDLE:** Is it a paper form or computer generated?

**Mr R.R. WHITBY:** The police would be given a form or notice, and they would then have the option of having an electronic version sent to the person. In the case of medical practitioners or prescribed officers through the director

of Liquor Licensing, a paper form would be available. The agency is working on an upgrade to its computer system and we would like to move to an online version that would be more efficient later.

**Mr P.J. RUNDLE:** Is there a form to appeal a decision, or is that an electronic scenario? How does that work?

**Mr R.R. WHITBY:** Yes, there are forms for both forms of appeal through police or the DLL.

**Mr P.J. RUNDLE:** Is the prescribed person or social worker regarded differently from a police officer if someone wanted to appeal a decision to put them on the register? Will the officers all be treated with the same ranking, if you like, if someone wanted to appeal?

**Mr R.R. WHITBY:** There would be no difference in whomever was the referrer, whether it was a police officer or a medical practitioner. Everyone would have equal ability to do so and it would be referred with the same guidelines and judgements by the Commissioner of Police or the director of Liquor Licensing.

**Mr P.J. RUNDLE:** I refer to proposed section 152YC, “When banned drinker order, or extension or revocation of banned drinker order, takes effect”. How will that be maintained and who will have ultimate responsibility for the carriage of the BDR?

**Mr R.R. WHITBY:** An online register is operated by the department and it is the responsibility of the department to maintain that.

**Mr P.J. RUNDLE:** I think we discussed this in estimates to some extent. What is the rough cost of the voluntary phase of the system so far? What are the calculated costs into the forward estimates?

**Mr R.R. WHITBY:** I am trying to work out the relevance of that to this clause. If the member observes the budget papers, the forward estimates show the cost of the system statewide being in the order of \$2.4 million per annum.

**Mr P.J. RUNDLE:** How will the individual be notified that their BDR period of three, six or 12 months has begun? We said it was in writing. Will it be by post?

**Mr R.R. WHITBY:** The default is that the person is served the notice. Once the serving of the notice has happened physically, that is the start date. It is from that point, whether it is three months or 12 months. It must be given to them, but if they agree to receive an email, the date of operation is when it is entered into the system, which would be the same time, I imagine.

**Mr P.J. RUNDLE:** When the information comes up on the register for the licensee at the takeaway bottle shop, do they get to see that Peter Rundle has been banned for six months, or does it just come up as not being available at this time? Do they see the period of the ban?

**Mr R.R. WHITBY:** Only in the example of the member for Roe producing his ID would we disclose his terrible history! But seriously, member, no. The member would have seen it in operation. Once there is a clear reading of the person’s identity, there is a big green tick or a red cross.

**Mr P.J. Rundle:** I couldn’t get around the other side of the counter.

**Mr R.R. WHITBY:** Next time the member should ask to look. That is all it is. It is a traffic light code—green is good; red is no. If it comes up amber, that means the machine has issues with reading the identity that was produced. It might have been faded lettering or something that it cannot quite make out, such as the photograph. I think that is a pretty rare event with a driver’s licence. If there is an amber, the details can be manually entered on the machine by the operator, but I do not think that happens too often.

**Mr P.J. RUNDLE:** This may be slightly away from this clause, but how would the process work if a licensee were concerned about someone’s mental health, for argument’s sake? If they had someone coming in and they were concerned about their mental health, how would they refer that on? We have talked about wraparound services and the rest of it, but how would that process take place for a responsible, worried licensee?

**The DEPUTY SPEAKER:** Minister, it is a bit away from the clause. I will leave it up to you how you would like to respond to it.

**Mr R.R. WHITBY:** I am happy to respond. As the member probably knows from asking the question, this is separate from this legislation and the operation of the banned drinkers register. All licensees have a social obligation to monitor and look after their clientele. With or without this legislation, an opportunity exists for licensees to be able to contact a health or mental health service.

I have just been shown a pamphlet, which is the information given to licensees in the Kimberley. On the back, it has contacts for the local mental health and drug services. The member is anticipating a scenario in which someone comes in, cannot get hold of some alcohol and might respond badly. Sadly, that is something that happens currently, and we would hope that the licensee or staff would respond by alerting authorities if things got out of control or

by trying to assist the individual with some contact details. This is the type of information that is already out there and given to licensees.

**Mr P.J. RUNDLE:** I move on to 152YE, “Police officer may make banned drinker order”. Can the minister explain to me the process of police using a previous family violence restraining order to place someone on the BDR? If someone is taken into alcohol-related custody, what will the process be?

**Mr R.R. WHITBY:** Unfortunately, police have to do this far too often with family and domestic violence when a violence restraining order is sought. The officers involved would determine whether alcohol is present in the issue, which unfortunately it almost always is, then they can refer that matter to the sergeant. Part of this legislation means that an officer at the level of sergeant will be able to progress a banned drinker order. The sergeant would need to be satisfied that the criteria meet what is required and would proceed from there.

**Mr P.J. RUNDLE:** I have a further question. Comparing public disturbances et cetera with a VRO, will they both be treated exactly the same or will there be a different process for either?

**Mr R.R. WHITBY:** Family and domestic violence incidents often happen in the home, but this will apply to any alcohol-related issue or offence. Currently, the BDR requires the incident to be in the vicinity of a licensed premise. This is removing that barrier and saying that any alcohol-related incident, whether it is in a park or anywhere else, would be able to satisfy the requirements for this legislation. Again, it would be up to the police to refer it to a sergeant to make sure the criteria are satisfied.

**Mr P.J. RUNDLE:** If someone is currently on the BDO list—I think the minister gave us the numbers on the list in estimates—are they automatically upgraded to this new mandatory arrangement? What happens there?

**Mr R.R. WHITBY:** Those on the banned drinkers register will still be on the register. They are not upgraded or changed in any way. Whether they are there through a barring notice or prohibition order, they are maintained and nothing changes for them.

The difference is that there will be more pathways to get more people on the register. That was identified as one of the key issues. It provides the ability for police and other prescribed officers to get someone on the list by a banned drinker order. That is a new way of getting on the register, and it seems less cumbersome. The hurdle is lower, and it can be for periods of three, six or 12 months. We are hoping that people who should be on this list will be more easily put on the list, and it will open up new categories of people to be able to refer them and new circumstances for them to be referred.

**Mr P.J. RUNDLE:** Has the minister had any feedback from the Western Australia Police Force? Is it satisfied that this bill gives police the powers they will need to add people to the BDR easily and efficiently?

**Mr R.R. WHITBY:** The police very much support this. In fact, I am trying to remember the community I went to; it might have been Newman. Yes, I went to Newman and visited the local police station. The sergeant talked about the BDR, and he was frustrated with the current arrangements because the bar was too high. What this achieves will be welcomed by police. They want it. Previously, it had to be referred to a superintendent or inspector level; this lowers it to a sergeant. Quite often, the case had to be referred to the liquor enforcement unit in Perth, so police had quite an internal process. This simplifies the system and means that a local sergeant in a country town can authorise this to happen, so they will welcome it. I think that if they had their way, they would put a complete ban on alcohol consumption on these individuals.

**Mr P.J. RUNDLE:** I have just a couple of further questions. Can a BDO be issued on the spot? What will regional police do if no authorised officer is present? If there is no-one with the rank of sergeant, how does that work and what will they do?

**Mr R.R. WHITBY:** The member asked the question about a BDO being issued on the spot. I guess that police would need to be satisfied of the criteria being met, and that would take some time to review, so I am not sure that police would immediately run into someone and hand it over. There would need to be some sense of making sure that the circumstances fit the required criteria.

If a sergeant was not in a small country town police station, there is nothing stopping the local officer—indeed, it would be encouraged—contacting a sergeant, maybe in the next town, by email or phone and putting the case to them. The sergeant does not have to be physically there. The liquor enforcement unit could also be consulted. Police would have the ability to contact an officer, a sergeant or above, to put the case and get the support for the BDO.

**Mr P.J. RUNDLE:** I go to proposed section 152YG. The subsections of this proposed section refer to banned drinker orders remaining in force for three months, then six months and then 12 months. The proposed section sets out the period a police BDO applies unless it is superseded by a second one, is revoked or is extended. I want to clear up my understanding. Let us say a three-month BDO can be superseded by a six-month and then a 12-month order,

assuming there are three incidents or whatever it might be. What happens if there is a fourth incident? Is there a longer period? How does it work?

**Mr R.R. WHITBY:** As the member knows, people stay on a BDO for three, six or 12 months. If someone commits another offence within the period listed in that term of three, six or 12 months, there is the ability to double that period, so someone on a BDO for three months would then be on it for six months. The maximum would be someone on a BDO for 12 months who then went on one for 24 months or two years.

**Mr P.J. RUNDLE:** I move on to proposed section 152YH. Will all outlets in the banned drinkers register area receive a list of individuals on the BDR or will they just have the machine there and deal with it as people give them their identification?

**Mr R.R. WHITBY:** There is no list supplied to any licensee, so that will not happen. Indeed, a person will not push a button on the machine to see a list. Someone will simply produce ID and the machine will confirm whether that identity information matches what is held online. The person is not to be interrogated by any operator; the machine simply identifies whether a person is on the list or not.

**Mr P.J. RUNDLE:** Will there be any support to encourage individuals to get ID to help the efficient rollout of the BDR? The government has an information campaign and so forth. Is there any encouragement for that?

**Mr R.R. WHITBY:** That is a good question. The experience in this area has been quite positive. As the member knows, we talked about the BDR operating in the regions. People who have a driver's licence obviously have a ready identifier. People who do not have a driver's licence have the opportunity to get a proof-of-age card, and I think there are other forms of identification that they can apply for that satisfy the requirements of the machine. Local community resource centres and communities have been very helpful in this regard. Overall, we have experienced very few issues of people saying they cannot get a form of identification. The good news is that this has encouraged people to get their drivers' licences in many of these communities. Maybe they should have had them before. There has been an unintended positive consequence of people wanting to purchase alcohol realising they need ID, so they have gone and got some.

**Mr P.J. RUNDLE:** I have a further question. Welcome to our new Acting Speaker (Mr P. Lilburne)!

Further to that, if a person has not got ID, they will be out of luck and will need to improve their arrangements. As the minister just said, there will be no other ability to access alcohol without any formal photographic ID. I assume it will always have to be photographic.

**Mr R.R. WHITBY:** That is correct. The ID card will need a photograph and personal details, which is the basic formula. The member is right that a person will need an ID card. There will be no way around it. As I said, the experience in two years of the trial is that this has not been an issue. With motivation, people have been able to get an ID card.

**Mr P.J. RUNDLE:** Can a BDO be placed on a person involved in a violent domestic dispute that has the potential to turn fatal, for argument's sake? Will police be able to place an immediate interim BDO to protect the victim or potential victim?

**Mr R.R. WHITBY:** There is no such device as an interim BDO. Alcohol would need to be involved in an offence. As I said before, issues around family and domestic violence almost universally involve the abuse of alcohol. I am not sure there would be too many situations in which that is not the case.

**Mr P.J. RUNDLE:** I refer to proposed section 152YI, "Police officer may require person to give personal details". Once this information is given to the police officer and entered into the BDR, what happens to the information record? It might have been written down or whatever. Is it held on record at the police station or where does that information go?

**Mr R.R. WHITBY:** The two circumstances in which the police would require someone to reveal their identity is if the personal details are required in order to issue a banned drinker order. In that case, the police would want to be satisfied that the person was not making up a name or using someone else's name and that they are who they say they are so the right person is put on the register. The second circumstance is if our police officer reasonably suspects that a person in a banned drinker area is a banned drinker. Someone may see someone who has purchased takeaway alcohol and they suspect that they are on the list, and that person would then be required to produce their identity to ascertain exactly who they are.

**Mr P.J. RUNDLE:** I refer to proposed section 152YJ, "Revocation of banned drinker order". We have obviously discussed the process to seek a review or revocation of the BDO. If the BDO is revoked, as a charge is thrown out of court or a spent conviction is recorded, could someone seek compensation for wrongly having a BDO imposed?

**Mr R.R. WHITBY:** The BDO would apply on the charging of someone, as the member pointed out. In the event that that charge was withdrawn by the police or dismissed by the magistrate or the judicial officer, the BDO could be revoked. For compensation, nothing in this legislation suggests that people would be compensated for that.



**Mr P.J. RUNDLE:** If someone is looking to get a BDO reviewed, from memory, will it be via an online submission, via email, or will it need to be submitted by a legal professional?

**Mr R.R. WHITBY:** No, they will not need a lawyer. An application to revoke a banned drinker order must be made in writing in a form approved by the Commissioner of Police. There is also the form we spoke about, which is available to people to fill out and send in.

**Mr P.J. Rundle:** So they would not need a lawyer?

**Mr R.R. Whitby:** No, they would not need a lawyer.

**Mr P.J. RUNDLE:** What is the cost involved with seeking a review or a revocation?

**Mr R.R. WHITBY:** There is no charge, in the first instance, to seek a revocation or make an appeal against an order to either the Commissioner of Police or director of Liquor Licensing. However, if someone had been unsuccessful and they sought a secondary form of appeal past that to the Liquor Commission, it would involve a cost of \$264.

**Mr P.J. RUNDLE:** Is there a method by which a retailer can expedite a request for a customer to be placed onto a BDR?

**Mr R.R. WHITBY:** There is no role for a retailer or a licensee to determine who is on the banned drinkers register. As the legislation points out, that will be a role for police or a prescribed officer.

**Mr P.J. RUNDLE:** Is there anything in this legislation that a victim of domestic violence can activate to place their violent partner, or whatever you like, on the register? Obviously, there is the voluntary scenario, but is there anything here that protects a victim of family and domestic violence?

**Mr R.R. WHITBY:** In that case, again, processes would be followed with police or a prescribed officer. If someone was in a threatening situation or situation of domestic violence, through their contact with police because of that situation or with a prescribed officer—someone from health or a general practitioner—they would be able to follow through as we have described. The avenue for that person in that situation to seek that assistance will be via the police officer or the prescribed officer route.

**Mr P.J. RUNDLE:** In the situation in which a family member potentially wants to put their husband or brother or someone else on the register, what are the mechanics of that? If the wife goes to the police and police have not witnessed any domestic violence or whatever, but the wife might go in and say there was violence last night, is it a normal police process? Would police make investigations and potentially put them on the register?

**Mr R.R. WHITBY:** For the scenario the member is painting of a spouse going to a local police station the day after, police would not, probably quite rightly, be able to initiate a BDO on them on someone's word. The police would have to satisfy themselves. If the police were called to a situation or went to investigate a complaint and were able to satisfy any of the criteria that there were offences that met the requirements for a BDO to be issued, then police would proceed that way. Where there was a serious issue of family and domestic violence, I would hope that the person at risk would report that to police for assistance and then police would automatically be involved when they attend.

**Mr P.J. RUNDLE:** I might move on to proposed section 152YL under division 3, "Banned drinker order made on person's request." For information purposes, does the minister have the number of people in the Northern Territory who have requested a self-imposed BDO?

**Mr R.R. WHITBY:** We have not received any requests for self-listing from anyone from interstate. The way the system works is that only people in an area where the BDR is operating can nominate to be on the register, otherwise it does not make sense if they are outside that area. Then they would obviously be a resident in that area and produce their address and identity for registration. If they happen to be from the Territory, I do not know. There would not be much point to do it if they reside in the Territory. Someone would do it if they reside in the area where the BDR applies.

**Mr P.J. RUNDLE:** This question might have belonged under the last section. For licensed premises where there is quite a bit of ordinary behaviour at times, is there any opportunity for a licensee to fast-track the process? They can always notify police, but is there any other process to fast-track an application for a BDO for someone?

**Mr R.R. WHITBY:** There are a couple of things. If someone is misbehaving in a licensed premise, there is already the ability for a licensee to legally refuse the service of alcohol, and it has a responsibly to do that. The licensee can call police to intervene at the location to make the place safe. Once police are there, they can observe what has happened and then proceed to make a banned drinker order on that individual. There is no fast-tracking device by a licensee. The licensee has ordinary operational responsibilities to maintain order in a licensed premise; that is already operating there. Additionally, we know that, unfortunately, police routinely go to some establishments and witness or identify offences that would allow someone to be on the register.

**Mr P.J. RUNDLE:** Can the minister quickly outline the submission process for a self-imposed BDO?

**Mr R.R. WHITBY:** As the member can understand, we want to do all we can to help and encourage people if that is their desire. They have taken an important step, so we do not want to make it too cumbersome or bureaucratic.

Therefore, the agency has come up with a way of making it very easy and straightforward. It is simply a matter of writing a letter or an email. If they contact the department, they will be given an email address or an address to write to. The key issue for the agency of course is not to have someone put someone else on the register. Therefore, the key is being able to identify that person in that they are who they say they are, which is obvious. In every other regard, the process must be easy and straightforward. If the person has made the decision, we do not want them to change their mind, so it will be a practical and very simple process.

**Mr P.J. RUNDLE:** Further to that, minister, if a person decides to go the self-imposed route, will it be for three, six or 12 months? How is that decided? Is it an automatic three months first or how does that work?

**Mr R.R. WHITBY:** It is totally up to the person. If that person believes they want to be on the list for 10 years, they can nominate that. Importantly, we have explained that it will be a straightforward process to remove themselves, so if they sort out their issues, they can remove themselves. The timing is totally up to the individual.

**Mr P.J. RUNDLE:** I go on to proposed section 152YQ, “Application for banned drinker order”. Obviously, I signalled this in my speech in the second reading debate. Can the minister provide a list of the prescribed persons who can make an application to the director to refuse someone an application or a self-imposed BDO?

**Mr R.R. WHITBY:** In terms of the non-police process, if you like, the process will be for a medical practitioner, social worker or other prescribed officer to apply to the director of Liquor Licensing to have someone presented with a BDO. There will be an option for other officers to be prescribed later, and so, to foreshadow a future question of the member’s, I would envisage a magistrate being a prescribed officer so as to sentence someone for an alcohol-related offence because the magistrate might see it as advantageous for this person to be on the register.

With this legislation, with more people going on the register and more pathways available and fewer cumbersome ways of putting people on the register, I think we will see people in those communities come to realise the effects of the BDO and how useful it can be. I am sure that we will look at more avenues to have more prescribed officers. However, initially, prescribed officers are listed as medical practitioners or social workers.

**Mr P.J. RUNDLE:** Further to that, is this social worker a person who has a degree? Is this a person who has undertaken a more advisory capacity? When the minister says “prescribed”, what are the qualifications and experience of that person? Also, is there a second opinion if someone else feels that the prescribed person is not qualified enough?

**Mr R.R. WHITBY:** In terms of the qualifications required to determine their status as a social worker, under this legislation a social worker would mean a person who is a member of, or is eligible for membership to, the Australian Association of Social Workers. That person would have to satisfy professional qualifications, because the Australian Association of Social Workers does not accept everyone. People would have to meet certain standards and qualifications, which will help determine the qualifications of the appropriate person. Furthermore, the director of Liquor Licensing will assess the application to make sure that it fits the requirements of the legislation, so they will test those qualifications as well.

**Mr P.J. RUNDLE:** Basically, the minister is confirming that when I asked whether there was an ability to have a second opinion, the second opinion will be from the director of Liquor Licensing, who will make sure that the social worker has done everything properly. Can the minister confirm that?

The other question I have is: how will the minister handle any threats to a social worker when they let someone know they are taking steps towards putting them on the register?

**Mr R.R. WHITBY:** Sorry, member, you had a follow-up question from the last question, too. What was that about?

**Mr P.J. RUNDLE:** It was about an ability to get a second opinion.

**Mr R.R. WHITBY:** In each case, whether it is a police sergeant or a prescribed officer, there is already a secondary process whereby it will be referred to the Commissioner of Police or the director of Liquor Licensing to ascertain whether it meets the requirements to finally approve that.

The issue about the threat of violence—that is a criminal offence. It is inappropriate, and if someone threatens violence, that should be reported to the police and the police should intervene. We cannot legislate appropriate behaviour by people who might want to do that, and the law already deals with that issue.

**Mr P.J. RUNDLE:** At this point, will it be only a medical practitioner or a qualified social worker?

**Mr R.R. Whitby:** And police.

**Mr P.J. RUNDLE:** In a small town such as Gascoyne Junction with maybe just one doctor, or no doctor, is there a concern for the security of that person? There might not be police in those small communities at different times. Is the minister concerned about any ramifications for a medical practitioner or a social worker who is fairly isolated trying to do the right thing?

**Mr R.R. WHITBY:** I think if someone has an issue with alcohol that requires them to be on the register, there are already issues around that person that are often connected with violence. As we explained earlier, there does not need to be a police sergeant or, for that matter, a medical practitioner or a social worker resident in that community. They do not have to be living in the same street or the same small community; they can be in an adjoining community. As the member would be aware, a lot of social and police services are not available in every town but are available in the next community. If we talk about a particularly small community, those prescribed officers and police often would be in another community. Generally, as I said, we are trying to reduce alcohol harm and the issues around that including violence to other people, damage and criminal activities. This is about making people safer. I understand the issues the member raised. There might be some practical issues in small communities, but those officers often reside outside a small town. We also tend to find, as the member would well know, that there is a good deal of common sense in small communities on how to deal with issues like this, and the police and others work out ways to deal with it—for example, whether it is a police officer who should take the lead on an issue. In a small community, people are going to know the person and the issues. Therefore, if it is preferable that the sergeant in the local town takes the initiative and deals with the issue, that is probably a better outcome.

**Mr P.J. RUNDLE:** I alluded to this in my second reading contribution, and I might have missed it in the legislation. Could the BDO be a method for magistrates and judges to adjust the system so that it is part of a person's punishment, parole, bail or whatever it might be? Does the minister foresee that?

**Mr R.R. WHITBY:** As I said, we are looking at whether judicial officers could be included on the list of prescribed persons. It is key to remember that cases often take time to get court and for a prosecution to be established and proved. At that point, there could be the ability for a magistrate or a judicial officer, like a prescribed officer, to initiate the process to refer the request to the director of Liquor Licensing. That is one option that certainly we will consider, but the idea of police or a local medical practitioner initiating this process at the point at which the person is charged means that we can act early and not waste precious time waiting many months or longer for that person to go through the legal process in a court. Although it is an option to consider—I support considering it—I think up-front action at the point of charging someone means there will be early intervention to help that person and provide protection for other people.

**Mr P.J. RUNDLE:** I move on to proposed section 152YU, “Director may extend banned drinker order”. At the point at which a person is told they are getting a banned drinker order, will they get an education program that informs them that there is potential for the order to be expanded if they do not behave themselves? This could perhaps apply to other members of the community as well. Are there plans to let not only the offender but also the wider community know that there are further ramifications if they do not fall into line?

**Mr R.R. WHITBY:** When someone is served with a notice, as we have spoken about before, there will be clearly identified information on that notice that explains to them what they will not be able to do and the consequences of offending against the order. It will be explained to them very clearly so that they will know their obligations. In broader terms, they will also be given information on and contacts for services specific to where they are. If it is in the Kimberley, they will be given, as we heard earlier, a contact for local community resources—for example the Kimberley Mental Health and Drug Service—to assist them with their addiction.

**Mr P.J. RUNDLE:** What about the partner of someone who has been given a banned drinker order? Will they be given education because they could potentially be pressured into buying alcohol? Will they be given education on putting on a self-imposed order to alleviate that issue?

**Mr R.R. WHITBY:** Someone who is served an order will have clear information about the obligations. If that individual were in a relationship with someone, they could show that information to their spouse so that they were aware. The difficulty about assuming that it is appropriate to inform partners routinely about this is that there could be some privacy issues and the person who has the order made against them might be uncomfortable about the person they might be in a relationship with, whether it is a de facto or whatever, knowing their personal details. I think the agency is going to publicise the operations of the BDR to ensure that people know how this system operates, and that has already happened in the communities in which it is active.

There is the scenario of the spouse putting themselves forward voluntarily. There is no way they can purchase for that person under duress. If it is something that someone considers doing, they could say, “Look, you can’t get me to get your booze because I can’t get it either.” We are not saying that that needs to happen and we are not saying that partners need to put themselves on the list, but it might be an option some people may consider worth doing.

**Mr P.J. RUNDLE:** I know the minister may not have considered it, but, for family members and others closely associated with someone who has a problem, an education campaign might not go astray. I have seen certain families at work. That would be a good way out for certain people. It could be part of the government’s education campaign. Someone could put themselves on the list and be a self-imposed person. The government needs to make sure that the wider community knows that. I guess that is just a comment more than anything.

I move on to proposed section 152YW. Will the director of Liquor Licensing have to consult with any other parties when revoking a BDO?

**Mr R.R. WHITBY:** No.

**Mr P.J. RUNDLE:** I turn to proposed section 152YX. What is the time line for the revocation process?

**Mr R.R. WHITBY:** There is no time line in the legislation as such, but the director of Liquor Licensing would be obliged to consider anything that comes before them. There is an obligation to let that person know the result, whether it is accepted or refused.

**Mr P.J. RUNDLE:** I move to proposed section 152YZ. Obviously, reviewing decisions and the like will cause more work for the commission. How many additional FTE will be needed to administer the process and infringements et cetera? We imagine that when the banned drinkers register moves from being voluntary and becomes mandatory, there will be quite an increase. Has the minister made any allowance for an increase in FTE?

**Mr R.R. WHITBY:** The experience with the trials has shown that there has been no issue around resources with police for the requirements of the BDR trial. It is important to remember that for many years, the police have been issuing prohibition orders and barring notices. It is part of their tools of trade. It is what police routinely do. This will be another item. I dare say that police would have obligations in a wide range of areas as part of their duties. I think this will be welcomed by them. It actually might save them some work in the long term. It will be part of the usual duties of existing officers. As I said, the experience during the trial did not show any issue around being able to resource or manage it.

**Mr P.J. RUNDLE:** I move to proposed section 152YZ, relating to the sale of packaged liquor. What is the BDR management around online sales? Will local post office staff be informed of who is on the BDR to help manage access? How will that work?

**Mr R.R. WHITBY:** If a licensed online operator wants to sell to someone in a BDR region in WA, they will have an obligation to procure identifying information from the person who wants that liquor supplied to them. They will have to check that that person is not on the BDR before they send that alcohol to their address. There will be no issue of picking up liquor at a post office. The obligation will be on the company or the licensed vendor selling that liquor to someone in a BDR region. Responsible liquor retailers such as Coles and the Endeavour Group, the former Woolworths liquor group, have to date voluntarily refrained from delivering to any areas where liquor restrictions are in effect. They often take the initiative not to sell in any case, but ones that want to will be obliged to secure that identity from the customer.

**Mr P.J. RUNDLE:** Just to be clear—the minister outlined the situation involving the large retailers—if any other online seller wants to sell alcohol to someone in any of the four regions, it is up to them to check that that person is not on the BDR. How would an online retailer check the register for each of those regions?

**Mr R.R. WHITBY:** As I said before, the obligation should clearly be with the seller of alcohol, whether they are located elsewhere in WA or interstate. We do not want the delivery person or Australia Post to be obliged to check when liquor is delivered to someone's door. That would be inappropriate. As I said before, the big online retailers such as Coles and the Endeavour Group have already made a decision that they will not supply into these areas where there are restrictions such as a BDR. Those retailers who want to sell online to someone in a BDR region have an obligation to secure identifying material from an individual. I imagine they would need to scan a driver's licence. An online portal will be developed. The seller of alcohol could enter the details into an online website and determine whether that person is on the BDR.

**Mr P.J. RUNDLE:** That is right. If someone in Melbourne wants to sell to someone in Halls Creek, for argument's sake, they will not be supplied with a takeaway alcohol management system machine, obviously. Is the department developing a portal and will that be in place for any Australia-wide online seller to tap into once the legislation is enacted?

**Mr R.R. WHITBY:** Yes, that technology is being developed. If this legislation comes into effect before that portal is up and running, an option will be to contact the agency and it can confirm or check whether that person is on the BDR. That would be an interim requirement, but every good endeavour is being made to ensure that the portal will be operating.

**Mr P.J. RUNDLE:** I now move on to proposed section 152ZA, "Offence of knowingly selling packaged liquor to banned drinker". Is the \$10 000 fine for the licence holder mandatory, or is that the maximum amount?

**Mr R.R. WHITBY:** The \$10 000 penalty is the maximum penalty the court could decide to issue against an offender. There could be a straight fine without having to go to court, which would be a maximum of \$1 000.

**Mr P.J. RUNDLE:** I have spoken about connectivity issues and the minister said during the estimates committee—or someone told me—that the software for the machinery is uploaded every 24 hours. What would happen in the

interim period if the internet went down and someone sold a person alcohol without realising that the person was on the banned drinkers register because of the breakdown in connectivity or a failure of the equipment? Will a review process or something similar be put in place?

**Mr R.R. WHITBY:** As we know, this legislation is about making it mandatory for people to check the BDR. If there were a breakdown or outage in the online communication—as the member said, that information is updated every 24 hours—the machine would still operate without a link and it would continue to operate with the software that was last uploaded to it. The obligation is on the retailer to check the ID on the machine. If it comes up with a green tick, they are able to make the sale, as the member knows. In the incredibly rare event that within a 24-hour period someone purchasing at that location had been added to the register and the software had not been updated, the retailer would not have committed an offence because they had undertaken their obligations to check the BDR on the machine. It is all about knowingly selling packaged liquor to someone on the BDR. If it comes up with a green tick, the retailer obviously would not know that the person was on the register, so the retailer would not have committed an offence. The retailer would be protected and the next time there was a link that updated the information on that store's software, it would be updated with the new information. It would be an incredibly rare scenario for someone on the list to not come up on that machine because it was not connected to the internet for a period. If that did happen, the retailer would not have committed an offence.

**Mr P.J. RUNDLE:** Once again, have retailers and takeaway outlets been educated on this, or will that happen before the legislation is enacted?

**Mr R.R. WHITBY:** As the member would be aware, there is a lot of familiarity with the process already because of the trial that has been happening for two years. Retailers are very used to, and comfortable with, the system and the process and what is required, as are the customers. The fact that this new legislation will take effect will not be a great change. However, some new requirements will include the compulsory nature of the checking process. I think that most licensees have their staff check the BDR already, so that will not be a big change. In the lead-up to the proclamation of this legislation, certainly the agency will get out there in the community and remind people that the BDR has been updated and that these will be the new requirements. People will become familiar with those and there will be a public information campaign around that. But the general operation, as the member experienced in the Kimberley, is functioning already and is well known. It is just that the changes will need to be highlighted to people, and that will happen.

**Mr P.J. RUNDLE:** If an individual uses a fake ID or someone else's ID, will that be a failure to take reasonable steps on the part of a licensee? Could they be fined for that under this provision?

**Mr R.R. WHITBY:** I think common sense will come into play. If someone has been presented with an ID that might not be that person's ID and the retailer, in good faith, is under the mistaken belief that it is the right person, that would not be an offence. It comes back to knowingly supplying alcohol to someone. If someone who is bald produces a photo of someone with an afro, it is obviously not them. Common sense would tell the retailer that, and they should know.

**Mr P.J. Rundle:** But it could be the person's brother.

**Mr R.R. WHITBY:** That is right. It is about making a reasonable judgement in good faith and not knowingly supplying a person on the BDR with alcohol.

**Mr P.J. RUNDLE:** Why does this apply only to packaged liquor? That is a question just for my curiosity. A person on the BDR could walk into the front bar—not the takeaway outlet—and sit down and have a drink. Is my perception correct?

**Mr R.R. WHITBY:** The member probably knows the answer. This is about packaged takeaway liquor. We found that a lot of the community issues were happening in the home or in a park or away from a licensed premises, for good reason, which is that at a licensed premises, the licensee is required to serve alcohol responsibly and must respect and abide by those conditions. It is an offence to supply alcohol to someone who is already drunk, to serve someone until they are drunk and to have someone on the premises who is obviously drunk and creating havoc. Licensed premises have those safeguards that exist already that do not exist outside a licensed premises such as a home, a park or elsewhere. That is the intention. We wanted to help people who have issues when those events overwhelmingly happened outside a licensed premises. A level of control exists in a licensed premises that does not exist outside the licensed premises. A licensee also has the ability to call the police to intervene and assist.

**Mr P.J. RUNDLE:** I have a final question before we shut up shop. Can the minister clarify that it will not be an offence for a licensee to serve alcohol to someone on the banned drinkers register in the front bar, the lounge bar or whatever?

**Mr R.R. WHITBY:** It is not an offence for a licensee to serve alcohol over the bar to someone who is on the register. This is all about takeaway alcohol. The member is correct. Obviously, it is still an offence to serve people when they are drunk. That will still apply.

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

*House adjourned at 5.01 pm*

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