

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

*Committee*

Resumed from an earlier stage of the sitting. The Chair of Committees (Hon Martin Aldridge) in the chair; Hon Darren West (Parliamentary Secretary) in charge of the bill.

**Clause 15: Part 5C inserted —**

Debate was interrupted after the clause had been partly considered.

**Hon NEIL THOMSON:** I am still on proposed section 152YJ. I now go to proposed subsection (3)(b). It took a little while to understand this. I will read the bill so the parliamentary secretary can understand where my question is. Proposed subsection (3) states —

The Commissioner of Police must revoke —

Not “may revoke” but “must revoke” —

the banned drinker order if satisfied —

I go to proposed paragraph (b) —

for a banned drinker order made under section 152YE(1)(b) — that the banned drinker is no longer a person bound by a family violence restraining order (as defined in the *Restraining Orders Act 1997* section 3(1)) ...

Then it goes on to other things. This is the part I want to look at. The drafters of the explanatory memorandum were very helpful. They explained things in layman’s terms, we could say. Proposed section 125YJ(3)(b) states that the commissioner must revoke the banned drinker order. The explanatory memorandum states —

(b) for a banned drinker order made for a person who is bound by a police family violence restraining order if satisfied that the banned drinker is no longer a person who is bound by a family violence restraining order ...

There is this term “police family violence restraining order”. It is a little bit technical but I need to understand it. I am sorry about this, parliamentary secretary. Hopefully, the parliamentary secretary’s staff know all about this and they will be able to help him because it is a little confusing. It has taken me a while to understand what is going on.

**Hon Darren West** interjected.

**Hon NEIL THOMSON:** Yes, I know, parliamentary secretary. I go to proposed section 152YE, “Police officer may make banned drinker order”. There is this concept written in the explanatory memorandum of a police family violence restraining order. Firstly, I want to understand the difference between a police family violence restraining order as outlined in the explanatory memorandum and a family violence restraining order—we all know what a violence restraining order is. Can the parliamentary secretary please explain what the difference is and how this will work?

**Hon DARREN WEST:** It is natural justice. If a banned drinker order is placed on an individual for a reason and that reason is no longer current, it must be withdrawn. There may be other reasons that the police may impose a banned drinker order on somebody, but if a particular reason no longer applies, the police must withdraw it because the reason is no longer valid. There may be other reasons. To go to the member’s point, a police FVRO is defined under proposed section 152Y as an order made by a police officer under division 3A of part 2A of the *Restraining Orders Act 1997*. It is a police order and is separate to a restraining order issued by a court.

**Hon NEIL THOMSON:** Is the parliamentary secretary saying that if the police family violence restraining order is issued for different reasons from the violence restraining order and the violence restraining order is somehow terminated and no longer in place, it will mean the commissioner will not be obliged to remove the police restraining order? Is it just about the reasons? The parliamentary secretary said there were different reasons. If the police think something is going on and they have issued this police restraining order, can that order stay in place, or are all orders, whether or not issued by the police, obliged to be revoked when this violence restraining order is removed?

**Hon DARREN WEST:** If a banned drinker order is put on an individual and a violence restraining order comes with that, and the violence restraining order is expired or lifted, the banned drinker order must be lifted as well.

**Hon NEIL THOMSON:** It comes with that. That is very important. What does that mean? Is there an explicit link between the police order and the violence restraining order? Is there required to be? What does that mean? These are serious questions.

**Hon DARREN WEST:** A police order will remain in place for 72 hours from the time it is served, or a shorter period if specified in the order. It cannot be extended or renewed, and another police order cannot be made in relation to the same circumstances. We would then be required to get a court order.

**Hon NEIL THOMSON:** I thank the parliamentary secretary for the clarification of matters. Basically, the short orders could be imposed by police if an officer observes certain behaviours. Using the hypothetical example of a woman who is in a situation in which some things had been observed by the police, they would then impose this order. If the violence restraining order was somehow not applied, there would be no other recourse for that person to have this banned drinker order put back in place. The police would have no power to impose another banning order for any more time in that 72 hours. Is that what has been said?

**Hon DARREN WEST:** They do, but it would need to be a new behaviour.

**Hon NEIL THOMSON:** I was hoping to finish, but I have about six more questions, I am sorry, parliamentary secretary; it was not my intention. These are very important questions. Under proposed section 152YL under “Banned drinker order made on person’s request”, a person may ask for a self-imposed banned drinker order. My experience in the Kimberley is that people with issues with alcohol sought self-imposed inclusion on the banned drinkers register. Some of these people are elderly or have English as a second language. How will the state ensure that those in remote areas will be able to complete the necessary paperwork and get these orders in place?

**Hon DARREN WEST:** We will work with community agencies, doctors et cetera to get the help that they need.

**Hon NEIL THOMSON:** For a person requesting a self-imposed banned drinker order, can it be made for three, six or 12 months, or indefinitely? Will it require police or the director of Liquor Licensing to review all applications annually either for renewal or updating?

**Hon DARREN WEST:** It is whatever they ask for.

**Hon NEIL THOMSON:** Could they ask for an indefinite order for the term of their life?

**Hon Darren West:** It is whatever they ask for.

**Hon NEIL THOMSON:** I refer to proposed section 152YO.

**Progress reported and leave granted to sit again, pursuant to standing orders.**