

**LIQUOR CONTROL AMENDMENT (PROTECTED ENTERTAINMENT PRECINCTS) BILL 2022**

*Second Reading*

Resumed from an earlier stage of the sitting.

**HON PETER COLLIER (North Metropolitan)** [5.11 pm]: Prior to the break, I was talking about response times for Western Australia Police Force priority 1 and priority 2 incidents in the proposed entertainment precincts; they are quite disturbing. Response times for priority 1 and priority 2 tasks in each precinct have increased since 2017. I remind members that WA Police Force defines a priority 1 incident as —

Imminent threat to life. Serious offence/incident in progress. Urgent attendance required.

A priority 2 incident means —

Serious offence/incident in progress. Immediate attendance required.

The reason I said I am concerned is that there has been an increase in the amount of time it takes to respond to those incidents, which shows that our police are under pressure. The actual percentages over those districts just reinforce the point. Let us look at Fremantle, for example. These all go from 2016–17 to 2020–21. Priority 1 incident response in Fremantle has fallen from a 75 per cent success rate to 71.4 per cent, while priority 2 has fallen from 76.7 per cent to 72.5 per cent. Mandurah had a 100 per cent success rate for priority 1 incidents in 2016–17 but fell to 84.6 per cent by 2020–21, while priority 2 fell from 74.2 per cent to 66.6 per cent. The Perth district, which includes Northbridge, went from a 100 per cent success rate for priority 1 incidents in 2016–17 to 83.3 per cent in 2020–21, and priority 2 went from 86.8 per cent to 82 per cent. I am not saying that to make a political point; I am saying that to reinforce the point that I have established over the last half an hour—that is, I have no problems at all with the intent of the legislation. I am supportive of the intent of the legislation. Ultimately, of course, I like to think that we will see a reduction in antisocial behaviour in those protected precincts, but it is very difficult for police to take on an added responsibility when they continue to be under pressure.

What a difference 40 minutes makes! I received a response this afternoon to a question on resignations from WA Police Force in October 2022—that was another 45! The total resignations from WA Police Force from January to October 2022 is 416. That is extraordinary; 416 police have resigned. I take members back to 2017 when it was 143. It is even more alarming that we still have two months to go—November and December. On current trends, the number of officers who have resigned from the force this year will be close to, if not exceeding, 500 officers—500! That in itself is an issue of concern but that is an argument for another day. My point is that those figures about the response times show that, yet again, our police are under enormous pressure. If we want to retain police officers in the force, we have to value them, but if we are going to value police officers, we need to give them additional resources when we introduce new legislation that provides more responsibility for them.

We now have a situation in which yet another piece of legislation will provide additional responsibility to police but there are no additional resources—none at all. If that is contrary to the information that was provided in the briefing, I would like to hear it; if not, I would like it clarified that in fact there are no additional resources, given their increased responsibilities. No wonder police are adamant that we need to improve their conditions because they deserve them. Although the intent of this legislation is good, we cannot turn a blind eye to the fact that police are under increasing pressure.

Before I conclude, I mentioned that I wanted to talk about some unintended consequences of this legislation. I want to talk about two particular groups that Hon Dr Brad Pettitt has referred to. The minister will appreciate that I have saved the best until last; I will be using my final contributions to bring down the government.

**Hon Stephen Dawson:** Hit me with your best shot!

**Hon PETER COLLIER:** Ye of little faith!

Like Hon Dr Brad Pettitt, I do not treat this flippantly at all. There are some genuine concerns from groups, particularly those who are marginalised members of our community, who feel threatened by this piece of legislation. They feel that it will specifically target them and they need a voice. I thank Hon Dr Brad Pettitt for raising a number of these issues and I would just like to reinforce that. In doing so, I will read some concerns raised in a letter provided to me and, I am sure, most members, by the Law Society. It states —

In a media statement on 14 October 2022, the Law Society President, Rebecca Lee raised concerns about the introduction of these laws, particularly as:

- there is existing legislation in place that already precludes people from certain areas and with consequences of imprisonment;
- the laws impose an additional punishment on offenders who have served their sentence and then become subject to these orders post-sentence for up to five years (by the mandatory orders); and

- the exclusion orders are to be issued by police officers for up to six months with no court oversight at all. It is unclear if these will be exercised when a person is charged, or whether police do not have to rely on any offence/conviction at all.

Ms Lee said “It is concerning that there has been limited consultation given the extent to which the new laws will impact the community. The apparent appropriate intent to promote public safety and encourage families to frequent these precincts may be negatively outweighed by the impact of unconscious bias and the lack of judicial oversight. As a matter of principle, there is no increase in public safety if power is unchecked.

The new laws are untested anywhere in the world and no assurance has been provided that the principles of administrative and procedural fairness will be available under the new powers. The police should not be able to make guidelines for their own purpose. The making of guidelines should be used in limited circumstances and be subject to Parliamentary oversight. Policing decisions should be amenable to judicial scrutiny. With respect, the Government needs to stop rushing legislation into Parliament, which is becoming the norm and not the exception.”

In addition, the Aboriginal community has been very vocal in raising its concerns about this piece of legislation. I draw from a story that was on ABC News on Wednesday, 12 October 2022. This story pretty much captures all the information that has been provided to me about the concerns of Aboriginal groups throughout Western Australia about these proposed laws. It states in part —

A coalition of Aboriginal community groups and homelessness services have written to the WA government raising concerns about its proposed new Protected Entertainment Precinct laws.

Represented by Social Reinvestment WA, the organisations fear the laws will disproportionately impact Indigenous people and the vulnerable, and have asked government to address points of concern.

The Aboriginal Legal Service WA (ALS WA) also said it had not been consulted and held serious fears over the impact Protected Entertainment Precinct (PEP) laws might have.

The organisation’s CEO, Dennis Eggington, said there was little evidence PEP Laws would prevent violence, and he had no doubt Aboriginal people would make up many of those hit with bans.

“This state has got to start treating its First Nations people as equals, and it’s a terrible, terrible disgrace that in 2022 after all we’ve been through, we’ve now got these orders in place,” he said.

The article further states —

Social Reinvestment WA co-chair Glenda Kickett said being targeted by police was a commonly held fear among Aboriginal people in WA.

“That’s just been historical practice for us,” she said.

“We don’t want to see our young people continue to be targeted and placed in prisons or detention centres, where we’ve already got a lot of over-representation of our young people.”

In WA’s adult prisons, 40 per cent of the population is Indigenous, and in juvenile detention that figure is 74 per cent.

“We all feel strongly about the way government responds to crime in this state,” Ms Kickett said.

“We’re really wanting the government to invest back into communities, rather than putting more money into apprehending people for issues that are sort of really vague criminal activity.”

The article further states—

ALS WA director of legal services Peter Collins said another concern was the difficulty he expected vulnerable people would face accessing the appeals process if wrongly stung with a six-month ban.

“Because these people don’t have the resources or the wherewithal to be able to undertake the process.

“And legal services like the ALS are so under the pump when it comes to workloads, we are not going to be able to accommodate the needs of these people to undertake an appeals process.”

Mr Collins also questioned where the government expected people to live upon release from prison if they had previously lived in Perth or Northbridge, especially if they were homeless.

He said the best outcome would be if the legislation was scrapped altogether, and the next best would be if the government made sensible amendments following consultation.

He goes on to say —

The government has said exemptions will be in place to allow people to access services.

To conclude, minister, as I have said, I am definitely supportive, as is the alliance, of the intent of this legislation. Ideally, anything that we can do as a community to reduce crime, particularly violent crime, in memory of “Pep” Raco, will be a good thing. Having said that, I believe the government will have problems with the implementation of this bill. I would like to think that in the minister’s reply, he will respond to the issues that I have raised, and we will address those further in the committee stage. Other than that, I reinforce that I will be supporting the legislation.

**HON NEIL THOMSON (Mining and Pastoral)** [5.23 pm]: I also stand in support of the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022. I want to pass on my condolences to the family of Giuseppe “Pep” Raco. I also want to pass on my feelings of concern and sadness to those people in our state who have been affected by violence. That trend sadly seems to be increasing, particularly in my part of the world, the north of this state, in not only the Kimberley, but also some other regional centres. Liquor control, and the Liquor Control Act, which this bill seeks to amend, has been an area of considerable discussion in my part of the world for some time. I am interested in the fact that the government is now prepared to introduce significant changes that will enable the Western Australia Police Force to make arbitrary decisions in this area, although they will be based on certain criteria, as has been outlined at length by some of the previous speakers.

My local community has been calling for some time for parts of the Liquor Control Act to be looked at, particularly the provisions that relate to the control of liquor outside licensed premises. The act provides for licensees to manage the behaviour of people within licensed premises. The Minister for Emergency Services made the point in his second reading speech that these amendments will enable the police to act, we would say quite appropriately, when people behave in an antisocial or disorderly way in any of the five precincts that will be prescribed in the metropolitan region and effectively place a ban order on those persons. The people in my region have been talking about this for some time. We have been trying to get the government to look at the banned drinkers register, which has a head of power under the Liquor Control Act. There is also a voluntary process that has been entered into by the liquor accord in the Kimberley, with the cooperation of licensees, particularly around the sale of packaged liquor.

This bill to amend the Liquor Control Act, which we assume will come into operation shortly, will set an important precedent for the tone of some further reforms that I would have liked to see in this bill to ensure that the banned drinkers register will operate more effectively. Some suggestions have been put forward by my community through local government. I specifically reference the Kimberley Regional Group, which is made up of the four Kimberley shires. That group has played a big role in advocating for this and has taken it upon itself to initiate the implementation of the first steps. It took some time, but it eventually got the government on board. The banned drinkers register has some limitations. It has been rolled out to other parts of the state, such as the goldfields, for example. People in the Kimberley are calling for exactly the same provisions that will now be brought in for entertainment precincts in the metropolitan region.

I therefore welcome this bill, because I sense a change in the government’s approach. I believe the bill should go further and allow a police officer to effectively sign off that a person be automatically placed on the banned drinkers register. For example, a person who has committed any of the offences listed in this bill in relation to the mandatory provisions might automatically be placed on the banned drinkers register. Now that the government is setting the tone, we should move onto that area. I am disappointed that the bill has not taken on that part of the equation. That would be even more effective in dealing with the scourge of alcohol and drug-fuelled violence, particularly alcohol-fuelled violence, that is causing a lot of the problems that we are seeing in our entertainment precincts. For example, a police officer can sign someone onto the Northern Territory’s banned drinker register quite readily. I have said many times in this place that the Western Australian banned drinkers register has not been working properly because there are not enough people on the register. It is important that we get more people on the register because if we focus on the cause of these problems and get right down to the basis of the issue, excessive alcohol often creates violent behaviour.

I have some sympathy for Hon Dr Brad Pettitt after listening to his comments. Although I do not agree with everything he raised, I understand his concerns. For example, he raised issues relating to the duration of banning orders without judicial oversight. In fact, provisions in the Northern Territory’s banned drinker register enable police officers, social workers and a range of public officers to place a person on the banned drinker register for a short period while enabling some judicial review to be undertaken in order to determine whether the ban is for an extensive period. Philosophically, I would be more comfortable if banning orders retained a level of judicial oversight, particularly when they are in place for a much longer period. In saying that, I support the government’s move. It is good to see that we have crossed the Rubicon, so to speak. We have said that we are going down this path and we will allow the police to make the orders, with procedures in place that will enable them to ban people from purchasing alcohol for an extensive period based on certain behaviours, without judicial review. If I were a minister, I would not introduce the legislation to this place in that exact way. Given that we are now going down this path, why are

we not dealing with some of these other issues, particularly those relating to the source of the problem? We have a situation of looking in the rear-view mirror.

Although I support, in the vernacular, the creeps and crims of this world who come out of jail to automatically be banned from certain places, that is also an admission of the fact that we are not rehabilitating people in the justice system. That is an issue. I have no hesitation in supporting this legislation as I agree that those creeps and crims should not be around places with vulnerable people; we see too much of that going on. I am sure that those creeps and crims who have rehabilitated—some of them become rehabilitated within the justice system—will see this additional penalty, an extrajudicial penalty, as a small price to pay for the terrible actions for which they paid the price within the justice system. I am sure they will not hold that against the state.

I imagine that after they are rehabilitated, they would have a great sense of regret and remorse. I do not think we should be sensitive about that. Addressing some of the concerns raised by Hon Dr Brad Pettitt, the ones who are genuinely rehabilitated will probably not feel it is such a bad thing to be imposed with this additional penalty because if they have committed a heinous crime, they will not be allowed into entertainment precincts. That is absolutely fair enough.

Let us look at this legislation. I am pleased that it contains a regulation-making power to increase the number of locations of these precincts. As I said at the beginning of my speech, we have a horrendous situation involving alcohol-fuelled violence and crime in the north of our state, which is wearing the community out. The situation is getting worse. Very sadly, the data is clearly on the up. Although there has been a downward trend in the number of crimes in the Perth region, that is not the case in the Kimberley. For example, I refer to issues relating to family assault. During the three months of the last quarter of 2022 versus 2007, the number of family assaults reported in the Kimberley rose from 86 to 356—a 314 per cent increase. People say that there is better reporting, and that is great but it is not just a case of better reporting; there are more and more cases of terrible alcohol-fuelled violent assaults. Non-family assaults, which is the sort of thing we would expect to be reported right across the board because somebody who does not know somebody gets assaulted, rose from 169 in that same quarter back in 2007 to 258. That is the figure for just one quarter in an area with a population of around 30 000 people.

By the way, these rates are 16 times the rates of the metropolitan area. We are targeting areas such as Northbridge and Hillarys, and rightly so, but the big problem is in the Kimberley. It is really bad in that area. The rate of assaults on people in the Kimberley per head of population is 16 times higher than in the Perth metropolitan area. It is a crisis of huge proportions.

We can talk about the tourism and entertainment precincts in the north, and the doof parties. I note the terrible case of a young woman who was sexually assaulted on Cable Beach last May. These incidents occur because creeps and crims target these venues and take advantage of people in vulnerable situations. That is why I am calling for the government and whoever has the power—I assume it is the liquor licensing division; maybe it rests with the minister, which can be clarified—to amend by regulation the addition of one of the precincts in Broome. That would be fantastic and certainly provide a more welcoming space for tourists in the town. It is not good for our tourism reputation. Prior to COVID, a European cruise ship sailed into Broome. There was such shock and horror from patrons on the cruise ship about the level of antisocial behaviour. I heard anecdotally—I assume the minister received advice—that the cruise company said it would never go back to Broome because of the antisocial behaviour.

Sadly, we get used to it. I think Hon Ben Wyatt was up there just before the last election. About 300 or 400 community members attended a crime forum in the Broome community centre. We were talking about this very issue, the terrible crimes that are committed, the antisocial behaviour, the challenges of the police and what we could do about it. At the end of the forum I was driving home and there was a queue of traffic and, sadly, a woman—I hate to say it, but this is the harsh reality that you get used to—was naked from the waist down, lying on the road. Another young woman had got out of her vehicle to assist, and I jumped out of my car to assist with the situation. A lot of cars just meandered around that vehicle and tried to get out of the way or turned around and went in the other direction. It is challenging. I was then verbally assaulted by a drunk person. Obviously something nefarious was going on and it certainly was not a good situation. I was on the phone to the local police. This was right after a crime forum, next to Male Oval in the heart of Broome. It highlighted for me the situation. The police arrived and that woman was taken away. I do not know whether there was a sexual assault but it certainly did not look very good. Prima facie it looked as though that could have been going on. Certainly someone there was acting in a very threatening way towards that person and it was only because the other community member and I intervened that we managed to get the police to attend the situation. They came fairly rapidly, which was great.

That is just not on. Those sorts of behaviours are not on in Perth and they are not on in Northbridge, Hillarys, Kununurra, Broome, Carnarvon or Kalgoorlie. We need to do something about that. We need to extend the precincts. We need to make sure that we deal with the challenges related to alcohol. I ask the government to not just look in the rear-view mirror, but to consider some of the causality factors. The issue has been raised in this place. Our deepest

sympathies go to the family of Giuseppe “Pep” Raco and I congratulate them for driving change through the legislative process. However, my concern is that we are not completely tackling the issue with this bill. It will lay a foundation that can be used and the principles can be applied, and I have outlined why. The source of a lot of these problems is the abuse of alcohol and some of the challenges that flow from that.

That is why we need to deal with the rivers of grog that get into our communities. We saw the Aboriginal women in Fitzroy Crossing rise up against foetal alcohol spectrum disorder and violence that were causing issues to such a huge extent and to try to get change. We know that some of those changes and their effectiveness will need to be reviewed over time, as will this legislation. I am sure there will be changes to it going forward because it is important that we deal with this matter correctly.

Let us see how we can use the principles outlined in the legislation that will give capacity for police to effectively ban someone from being in a certain location and not focus on just a geographical location but on access to alcohol and other things to drive some of the rehabilitative options in the community. This is the key: we need to rehabilitate the people who have fallen into the terrible trap of alcohol abuse and, of course, the terrible scourge of family and non-family violence and sexual assault—those sorts of things that are tearing our communities apart.

As I said, I support the legislation, as my colleagues do. It is far from perfect, but it will lay an important foundation. There will probably need to be an assessment of its function and effectiveness going forward. Hon Peter Collier raised very important issues around the resourcing of police. Changing the law is not good enough; these things need to be resourced. This goes right back to the family-related issues in my community in the north. My humble attempt in my community was to hold the community crime forums in February this year. I tabled a report in this place about some of the solutions. I will refresh people’s memories on that because it relates to this bill. One or two of the great ideas that were put forward by the community have been picked up by the government. I congratulate the Minister for Regional Development for finally getting the diversion facility going. She was running a bit late on it, but it finally got up. The community is watching. This has got to work. The issues around substance abuse and the need for sobering up facilities in each town were raised. We have to get the programs working to be preventive, not just punitive. We should not have just a punitive approach to this. Human nature, sadly, can be very dark, especially for those who slip down the slope of abuse and who unfortunately had disadvantage in their lives. Plenty of people in my part of the world are in that situation. They have had terrible disadvantage, particularly young people whose family situation is unbelievably terrible—beyond anyone’s comprehension unless it has been seen firsthand. Sobering up facilities need to be focused on. I would like to have seen more around the preventive side. Alcohol rehabilitation and mandatory drug rehabilitation for parents of children who offend need to be focused on. The bill addresses young people who might be excluded. They might have committed certain crimes and they are then excluded for shorter periods, but would it not be great if we focused more on getting young people into a situation that was safer so that they did not commit those crimes? That goes to the heart of some of the challenges we have seen recently in the media. The Premier was asked about the age of criminal responsibility. I support his view. I do not think anything is to be gained by reducing that because it is not about the age of criminal responsibility; it is the fact that these kids are doing the crimes in the first place. It is what we do with those kids when they commit those terrible crimes. Some of them are crimes against persons; some are terrible assaults, putting people’s lives at risk. There are some horrendous examples. It is what you do to have that focus on rehabilitation. Sadly, we are not seeing that with Banksia Hill Detention Centre; we are seeing quite the opposite. We are seeing the brutalisation of young people in that situation.

I hope the little step that is taken with the Myroodah station project is the start of the change. I will be the first to congratulate the government. I am not here because I want the government to fail. I need the government to not fail because if it does not fail, that is better for all of us. It is better for our community and it is better for those young people.

My final point is about making the banned drinkers register work. That goes right to the heart of this. Would it not have been great to see provisions in this bill to allow police officers and public officers to just say, “You’re on the banned drinkers register; you won’t be able to purchase alcohol at any venue for two to five years”? It could be a shorter period, after a judicial review, which is what I would have preferred. That concern was raised and I think it was fair enough.

Those are my main points. In summary, I support this bill. It is laying down the principle for further change. There will be no excuse now. The government cannot say that it cannot do it. It cannot say that the legislation is not fit for purpose. That is the excuse that I have heard about the banned drinkers register. If we can do it for these precincts, we should be able to do it with the banned drinkers register. We should be able to include regional centres that are high on the entertainment venue list. Quite frankly, I do not know why the bill focuses just on entertainment precincts. People are being harmed by these creeps and crims who are doing the wrong thing not just in places where they are having a good time, but also in places where they are going about their normal day-to-day business. Unfortunately, and sadly, some dysfunctional young people have been set terrible role models by these creeps and crims who keep doing the wrong thing. I support this bill, but I want to see more.

**HON WILSON TUCKER (Mining and Pastoral)** [5.51 pm]: I rise to speak on the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022. As I mentioned in my brief contribution on the motion to refer the bill to a committee, I support the intention of this bill. I support what the government is trying to do with this bill in reducing crime in these entertainment precinct areas. My concern is whether the bill will be effective in achieving that goal of reducing crime and how it will be implemented.

I have two main questions about the crux of this bill. The first question is: will this bill deter crime in these areas? As a hypothetical, if someone goes into Northbridge and they have an intention of committing antisocial behaviour, will the deterrent of being banned from the area prevent them from committing that crime? Will there be a reduction in or a deterrent to crime in these areas based on a ban being put in place? The other question is: will this legislation not just disperse people from these entertainment precinct areas into other areas to commit crimes there? As another hypothetical, is a serious offender less likely to reoffend if they are banned from these entertainment precinct areas or will they just reoffend somewhere else? In that way, we will not be reducing crime in Western Australia; we will just basically be pushing it out to other areas. We know that the government is trying to prevent crime in these precincts, but I am asking for the evidence to support the government's contention that crime will be reduced as a result of this bill. Will we just be forcing the police into some elaborate whack-a-mole scenario whereby serious offenders will be committing crimes in other areas instead of in these entertainment precincts? Police will potentially be less equipped to deal with serious offences committed by people in areas outside of these entertainment areas. They obviously congregate in these areas, so it is easier for police to manage them than if they are dispersed into the wider metropolitan area. So far, I have not received an adequate answer to both these questions.

In taking a broader look at this, my initial reaction was that I do not believe police intervention is a good thing. If there is a heavy-handed response, there will be a heavy-handed reaction. We heard some commentary about that from Hon Neil Thomson. The WA government and police should strive to de-escalate the situation rather than potentially pouring fire on the situation and escalating it. We should try to address the root cause rather than attack the symptoms. This is obviously a very lofty ideal and is easier said than done. I acknowledge and appreciate that we live in a society with a broad spectrum of people. People in Western Australia come from different backgrounds and they have different thoughts, feelings and desires, so it is hard to create one-size-fits-all legislation. There will always be edge cases or people who will find ways around things.

What I am suggesting—I am not arguing against the proposal in this bill—is that it is okay if we create laws that target a minority for the betterment of a wider cohort of people. I support the intention, but it is really about the implementation of the bill and whether the government has done its homework properly to make sure that this legislation will work as intended. I am asking for the evidence. I would like to see the homework that the government has done on this bill and also what the government and the police have tried previously. It feels as though we are taking a very heavy-handed approach with this bill. It feels as though the bill is an acknowledgement that everything else has failed and this is scraping the bottom of the barrel. We have tried multiple things and now there is this concession that we cannot get on top of this antisocial behaviour. A level of serious crime is happening and stronger police intervention is required, and that is what this bill is seeking to deal with. As I mentioned in my comments on the referral motion, when we talk about extending the powers of the police—I acknowledge that this is minor—we are slowly progressing to a future scenario in which our civil liberties and freedoms are being encroached upon. That is something that we should take a serious look at. Certainly, it is a job for Parliament to demand answers about whether the bill will work as intended and whether these expanded powers for the police are required in this case.

The WA government has the luxury of looking at other jurisdictions to see how similar laws have worked. A number of countries have put in place similar hot-spot policing laws. Denmark has stop-and-search zones, which are aimed at barring violent offenders from popular nightlife areas in a bid to reduce violence. A report produced by Lund University in Denmark found that the stop-and-search zones were not effective and were not reducing crime and that the legislation was not working as intended. Another example a lot closer to home that I think all members will be familiar with is the lockout laws in Sydney. There have been a lot of negative ramifications and impacts for the business owners and licensees that operate in the entertainment precincts where the lockout laws are in place. The evidence shows that there has been a reduction in crime in those areas where the lockout laws are applied, but the evidence also shows that there has been an uptake in crime in areas surrounding the lockout areas. Basically, people are just being dispersed.

I am going to take a leaf out of Hon Steve Thomson's book and share a personal story on this subject—and it does not involve 82 mid-strength beers, unfortunately!

**Hon Stephen Dawson:** Honourable member, you said Steve Thomson.

**Hon WILSON TUCKER:** I meant Leader of the Opposition Hon Dr Steve Thomas. I thank the minister for the correction.

Several members interjected.

**Hon WILSON TUCKER:** There are a lot of Steves in this chamber; some would argue too many!

Several members interjected.

**The DEPUTY PRESIDENT:** Order!

**Hon WILSON TUCKER:** I was living in Seattle in 2020 under the fairly volatile Trump regime. We saw the death of George Floyd. A heavy-handed approach by a police officer in Minneapolis sparked nationwide protests and a lot of riots broke out. Seattle is a very liberal or left-wing city. It is very blue. I think a lot of the media outlets just give the votes to Washington and basically attribute them straightaway. Same with California—they do not really need to count them. They know it is a blue left-wing bastion. We saw all these left-wing groups coming out as a result, like in the Black Lives Matter protests. They did escalate to a degree.

I am not sure whether members are familiar with CHAZ and CHOP. CHAZ is the Capitol Hill autonomous zone. Capitol Hill is basically the Northbridge equivalent of Seattle. I was living in Capitol Hill, sort of on the outskirts, on the quieter side. After the fact, the Capitol Hill autonomous zone was renamed Capitol Hill occupation protest area or CHOP, something like that. Basically, the police did not go in there; the people largely took it over. The police fled their precinct in an attempt to sort of de-escalate the situation. They were really close to this area in which the people were protesting. They basically just gave people this area and did not enter it for around, I think, two weeks. In an area within which there is no police, we would expect a level of sort of lawlessness, crime breaking out and complete chaos. But that was not case—certainly for a while. I will preface this.

For at least the first half of the lifetime of CHAZ, it was a really peaceful place where people were staging talks. Mayor Durkan of Seattle commented that it was quite a lively, festival sort of environment. It was during the pandemic as well, so a lot of people took the opportunity to get out of their house and mingle as best they could. But that was really sort of social and lively atmosphere where people were sharing knowledge of protests and handing out pamphlets and drinking beers—whatever you needed to do. It is America so guns got involved and it eventually turned violent with the death of two teenage boys. Trump was also inflaming the situation by tweeting that he would send in the National Guard. Eventually, the mayor stepped in and took back control of this place. I just raise this story not because I am suggesting that we should implement a similar CHAZ-style model in Northbridge or these other entertainment precincts, but it is a model under which we do not need authoritarian regimes. We do not need to just come in with more restrictive rules, which is what we are seeing here. Other models are available. Whether we want to classify them as left wing or right wing, there are other ways to do this. I agree with Hon Neil Thomson when he says that we should look at this more holistically and try to work out why we are seeing these levels of incidents here, rather than just trying to control people by putting more rules in place and potentially inflaming the public.

I will leave it there for now. I have a lot of questions and I think we would be best served if I ask them during Committee of the Whole. To date, I am of the view that I will support the passage of this bill through the second reading stage. I have a lot of concerns about how this bill will be implemented and I have a lot of questions. To get a level of confidence at which I will support the bill through committee, I will ask a lot of questions to try to uncover exactly what the government has done in terms of homework and looking at other jurisdictions, and the levels of confidence it has around how these laws will work. I am certainly one who will have a bias for action. A level of certainty should be uncovered as we march forward with these decisions. I am suggesting that we should not reach a level of 100 per cent confidence because I do not think we can ever achieve a 100 per cent level of confidence when we talk about these laws. We can look at other jurisdictions' data and statistics and try to apply them to the WA experience. But there is certainly a lot of friction when we talk about passing legislation. This is what we are dealing with now and we are unlikely to see another amendment to this or another version of this for a long time, so we need to make sure that we have done it correctly and that it will work as intended. I will certainly ask those questions to uncover whether the government has done adequate homework on this legislation. I would like to know whether there will be some level of monitoring and also whether statistics and data will be available to the public and Parliament for us to assess whether this bill is working as intended.

This is my final point. Yesterday the crossbench received a joint briefing. I think it was in the late morning and it was a 30-minute briefing for four members of Parliament. This is obviously a very complicated and potentially serious piece of legislation. I think it is ridiculous and disingenuous for the government and the minister to not allow the crossbench more time to get across the legislation, have the briefing, write notes, digest the legislation and come up with something half-intelligent. I think it is disrespectful to the crossbench and I certainly think it is disrespectful and disingenuous for this place given the short time that we have for a very complicated matter. I have a lot of questions for which I would like answers to have a level of confidence to further support the passage of this bill. Now we will have to go into committee. Rather than my questions being answered as part of the briefing, the legislation will have to be fleshed out as part of the committee stage.

**HON DR BRIAN WALKER (East Metropolitan) [6.07 pm]:** My party and I will support the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022—in principle. We have all seen the terrible news coming

from these precincts where uninvolved people are struck down and killed in acts of wanton stupidity. None of us would say that this is acceptable—none. Points were made earlier about the rate of non-family assaults being 16 times higher in the Kimberley, but at least it is good that we are making a start in Perth. We should try to take it elsewhere.

Why would someone like me be opposed to this bill? It has to be said I am not opposed to the bill. I am opposed to the unintended consequences of the bill passing in its current form, because it is all very well to put out a bill that intends to do something good, but if the actual effect of that bill fails or falls short, we have failed in our duty as members of Parliament to put forward adequate legislation. We listened earlier to the very comprehensive report on this bill by Hon Dr Brad Pettitt. I note also with great thanks that Hon Wilson Tucker pointed out how little time we have had to deal with this legislation. I have a relatively simple job because I am a simple doctor—members may laugh—so I am looking at what we could say here that would be of benefit to this bill. In looking at all the horrible events that gone on, I notice one common uniting factor. It is not poverty. It is not homelessness. It is not ethnicity. It is nothing else but the simple factor of alcohol.

The single most unifying factor is alcohol. I might mention methamphetamine as well. A bus driver friend of mine says he knows which kinds of drug addicts get on the bus, and he says that alcohol-affected people are nasty. The methamphetamine-affected people are also nasty but the cannabis-affected people are very mild and placid. He knows what is going on. There are plenty of other drugs available as well. The current trauma that we as a state are facing is due in large part to a drug that is legally available. I can point to a spot in Cottesloe where within two minutes in any direction I can find four outlets selling alcohol. It is very easy to get. There is plenty of alcohol available, with unlimited access. We have a problem caused by alcohol and we have unlimited access to alcohol, yet we ask ourselves in all seriousness what the problem is. The penalty for drinking alcohol in Saudi Arabia is probably having your head cut off. That is a little bit drastic, I think, but it solves the problem.

Alcohol as a drug does a number of things. Members who have seen me imbibing one gin and tonic at lunchtime will have noticed that I thoroughly enjoy that. It is drinking the whole bottle that is the problem. Yes, I have done that, but with whiskey, and it was not a good outcome. It is never a good outcome when alcohol is consumed in anything other than a moderate intake. It is a central nervous system depressant. That means that if people take enough of it, it will depress a person's breathing and ability to respond to vomit and the person could suffocate, drown or stop breathing. Alcohol is deadly. It kills 6 000 people a year in Australia yet we allow it freely in our precincts. It is there because we enjoy it and, as a central nervous system depressant, it allows us to do things we would not normally do, like streaking naked across the street for a bet.

**Hon Darren West:** What's wrong with that?

**Hon Dr BRIAN WALKER:** I have done that, too. The inhibition of the control systems is part of the problem. With that, now comes a problem, because if someone is aggressive for whatever reason and the control systems that suppress that aggression are uninhibited, we will have a problem with violence. That problem is present in not only all these precincts, but also widespread family situations when people come back drunk and abuse partners and children, to the point at which post-traumatic stress disorder is now a major problem throughout our society. That is because of alcohol. It is a blight on our society. I could talk for hours about alcohol. As a doctor, I deal with the problems it causes. People ask, "How do I get off alcohol? How do I manage to survive without alcohol?" I have seen quite a few people fall into their grave after a long and difficult course. That is fine as long as they do not hurt anyone else. The problem with alcohol is when people interact with other people and commit violence or drive their car when intoxicated or do things that they would not normally do. It is a blight on our society. That leads, of course, to antisocial behaviour.

We have another problem, as Hon Dr Brad Pettitt pointed out, which is how we define "antisocial behaviour". To put that into context, when the police do their job—it is a very difficult job to do—how do they know whether someone is reaching for a KitKat when they could be reaching for a blunt force weapon? A police officer might react to someone's aberrant behaviour because the person's movements look suspicious and that person could end up with a fractured skull. Police officers need to protect themselves because, heaven knows, enough of them are assaulted on a regular basis. How do we define "antisocial behaviour"? Another problem, which was pointed out earlier, is that antisocial behaviour can be very dependent on a person's circumstances. For example, I read today about someone whose skull was fractured because he carried a poster with an unparliamentary word on it. The police officer took offence and smacked him one and the person ended up with a fractured skull. He was assaulted because of antisocial behaviour by displaying a foul word in public. That was antisocial behaviour. How appropriate was the response to that? Can we trust our police? I hope we can. Can we trust police officers? It brings to mind the husband and wife who were pulled from their car and beaten by a police officer who then denied the fact despite it being on video. It took much effort by the white middle-class couple to manage the claim of police brutality. How difficult would it be when unsuitable behaviour is applied to someone who is homeless with a darker skin colour who is living on the edge? All these points can be brought to mind. It is certainly very possible that we will have issues simply because of the definition of "antisocial behaviour". Is that suitable? Is the definition fixed enough in



legislation that we can be sure that the police response will be adequate? Members, I think not. Therefore, we are at risk of putting into legislation a law that enshrines the possibility of causing harm to others, and that is unacceptable. How can we look ourselves in the mirror if we allow legislation that causes harm to others to come on board?

I heartily support the excellent choice of precincts. It could certainly apply to other areas of our nation as well, but why has it taken so long? I note also that the main problem is alcohol, as I said before. It is a foundation in our society. It is firmly entrenched in our society. It is accepted. We toast each other with alcohol. It is normal and acceptable. A barbecue is not complete without a beer in one hand, but in other parts of the world someone who drinks alcohol would be put in prison or executed. It is defined by the government of the day. However, we have some regulations on alcohol. The blood alcohol level when driving, for example, is .05. If someone drives with a blood alcohol level above .05, they can be convicted of driving under the influence. The reason .05 is the limit is that we can calculate that the number of car accidents more than doubles for drivers with a blood alcohol level above .05 than for drivers with a zero blood alcohol level. Think about that. Any amount of alcohol while driving is liable to increase the risk of causing an accident in which someone might be either injured or killed. The correct response ought to be to have a zero tolerance approach for alcohol in all cases of driving. That would be sensible, but we have mandated .05 because alcohol is such a ubiquitous part of our society. Is it acceptable to us, as legislators, that we allow something to happen that risks causing double the number of car accidents? I would hope that the answer from members would be that it is not and that we should reconsider this. If we allow that to be the case, how about we accept that alcohol as a problem needs to be addressed, not the person who is causing the problem?

What makes alcohol preferable as a social lubricant? Why—members are expecting this—do we not allow people to consume cannabis? The logic behind this is quite clear. If alcohol is costing us not just hundreds of millions of dollars, but potentially billions of dollars, why would we want to ban something that has the opposite effect? I have yet to hear of a cannabis user going on a rampage and beating people up or killing other people in a cannabis-fuelled rage. It just does not happen. We do not tolerate the consumption of cannabis, but we tolerate alcohol. We want to limit that by putting in these sensible laws to prevent people from coming into conflict in society. Basically, the whole point is that this is a matter of our perspective, or our attributes. We allow the consumption of alcohol but ban safe alternatives that give pleasure. We have to consider whether we are doing the right thing by allowing a dangerous drug and banning a safe drug. This is, perhaps, just of minor interest in the bill, but I am pointing it out as a causation. We need to deal with removing the cause of the problems instead of trying to fix the results. That costs money and it costs lives. Until we address this, no matter what laws we put in place, people will still be killed in Northbridge because of alcohol. People will still be killed by a one-punch coward's punch. That is despicable, but we will allow that because people will be allowed to enter those precincts and imbibe and get involved in confrontations and more people will be hit. It is only then that we will apply the law and say that the offender cannot come back—one strike and you are out. I prefer zero strikes.

We could move on, but I suspect we will be called to order fairly soon. The question here is also about the police force. We owe a huge debt of gratitude to our police officers, who are working hard to keep us safe. There is a huge responsibility on their shoulders, and I thank them for that, but they also need proper judicial support. The laws we have so far, as has been pointed out by Hon Dr Brad Pettitt, are based on regulations that the police are going to enact without us having any oversight. We are not aware of how they are going to do that, when they are going to do that and how correct it is going to be. The question we have to ask ourselves is: do we 100 per cent trust our police to do the right thing at all times?

Debate adjourned, pursuant to standing orders.