

**LIQUOR CONTROL AMENDMENT BILL 2010**

*Third Reading*

**MR T.K. WALDRON (Wagin — Minister for Racing and Gaming)** [3.32 pm]: I move —

That the bill be now read a third time.

**DR J.M. WOOLLARD (Alfred Cove)** [3.32 pm]: I am again pleased to support this bill. Throughout debate on this bill many aspects relating to alcohol have come up. We have discussed the objectives of the Liquor Control Act, because the various amendments in this bill come under the primary objectives of the act, which look at regulating the sale, supply and consumption of liquor; minimising harm or ill health caused to people or groups of people by the use of liquor; and catering to the requirements of consumers of liquor and related services with regard to the proper development of the liquor industry, the tourism industry and other hospitality industries in the state.

As I said in my contribution to the second reading debate, I am very hopeful that these amendments will go some way towards reducing some of the harm caused to the community by alcohol abuse, but there is still a very long way to go. I and the other members of the Education and Health Standing Committee look forward to presenting to the Minister for Racing and Gaming our report on alcohol and illicit drug problems in Western Australia. As part of that inquiry, the committee heard many presentations that touched on the objectives of the Liquor Control Act. One of the main areas of concern that people have addressed to me as an individual member is the third part of the objectives of the act. People cannot understand why, with all the harm that is being done to the community, we have a liquor act that puts the requirements of consumers of liquor and related services above the needs of the community. I again remind the house and the minister that other countries do not put the needs of industry before the needs of the community. I refer the minister particularly to the UK Licensing Act 2003. The objectives of that act are the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The act is focused on protection and the prevention of harm, rather than looking after the needs of industry. Maybe it has been the Liquor Control Act's focus on industry for the past 20 years, since it was first introduced, that has helped escalate the problems we have in Western Australia. The problems that we have here in WA are not unique to WA; we know that governments in other states have the same problems.

There are three key areas that need to be addressed. Firstly, we need to address access to alcohol. Victoria often takes the lead in some areas of legislation; when we introduced our State Administrative Tribunal legislation, it was almost a mirror image of the legislation for the Victorian Civil and Administrative Tribunal. The State Administrative Tribunal will, in the future, be able to deal with appeals that look at outlet density, and many people in the community are concerned about outlet density. I am not looking at one particular area; I am looking at outlet density across the board and the density of liquor outlet stores in residential areas. People are complaining that there are too many large liquor outlet stores in some suburbs.

Secondly, we need to look at the affordability of alcohol. I am not sure whether Mr Acting Speaker (Mr A.P. O'Gorman) was in the house yesterday when I brought in to show members the two-litre flask of blood orange and vodka, just like a wine flask, that is sold for \$22.50. That is the equivalent of 10 standard drinks. Alcohol is very cheap in Western Australia, and in some liquor stores, cleanskins sell for a dollar or two. It is no wonder that some of our younger adults are getting drunk so easily. I am not talking only about young adults. Alcohol is also a problem in schools. I had heard 10 years ago that there was a problem in schools with drugs, but I had not heard 10 years ago about children taking alcohol to school in bottles.

**Dr A.D. Buti** interjected.

**Dr J.M. WOOLLARD:** Perhaps they did at the member for Armadale's school!

**Dr A.D. Buti** interjected.

**Dr J.M. WOOLLARD:** Children are not only purchasing alcohol and taking it to school in bottles, but also obviously drinking too much alcohol and getting the delirium tremens just like adults.

**Mr M.P. Murray:** How do you think it is possible that we could get to the stage that the minister has spoken about like in some countries where you can go to a vending machine and get a can of beer out? I think it would be a disaster at our stage of life here, but how do you think we could get to that stage? It is about responsibility.

**Dr J.M. WOOLLARD:** I hope we never get to that stage. I am sure that the member for Collie–Preston and I both agree that we should not get to the stage when children can buy alcohol from a vending machine.

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**Mr M.P. Murray:** No; I am talking in the overall picture about responsible drinking.

**Mr T.K. Waldron** interjected.

**The ACTING SPEAKER (Mr A.P. O’Gorman):** I just advise members that we are at the third reading stage of the bill. Usually new information cannot be introduced at the third reading stage. The bill has been agreed to thus far and has gone through consideration in detail. The comments need to come back to the contents of the bill and matters that have been raised previously.

**Dr J.M. WOOLLARD:** Thank you, Mr Acting Speaker. I apologise for taking that interjection. It was a good interjection but I will try not to take interjections when they bring in new subjects.

During the second reading debate, we discussed the fact that children are now taking alcohol to school in water bottles. We know from research that if the price of alcohol is increased, there will be a subsequent decrease in the amount of alcohol purchased. I have therefore covered two of the “As”—access and affordability.

The third major area that is not covered by this bill but was referred to during the second reading debate and the consideration in detail stage is advertising. Advertising plays a major role in what we purchase. We know that from the battles that went on 20 to 30 years ago between people in public health versus people in the tobacco industry. The people in public health were saying that we needed to ban tobacco advertising. People in the tobacco industry were encouraging sporting bodies by saying, “If you don’t take our money and our sponsorship, your sporting bodies are going to fail, your clubs are going to close and you won’t have the junior footy league and the soccer and the cricket, or whatever the games are. You need our sponsorship money if you want sport to continue.” We know that those statements made by people in the tobacco industry were untrue. We know they were lies. We still have all those sporting groups in the community and they are all going very well. We have some wonderful sporting associations.

**The ACTING SPEAKER:** Member, I ask you to come back to this particular bill again, please.

**Dr J.M. WOOLLARD:** Mr Acting Speaker, I am coming back to the bill because I mentioned advertising during the second reading debate. I believe the government has to make a commitment on advertising, just as a commitment was given when Healthway was introduced. Money was put into Healthway so that the sponsorship funding, which had previously come from the tobacco industry to sporting groups, came from a government body. I believe that this government has to take the plunge and give a commitment that at least within five years those sporting groups will no longer have to rely, as they rely now, on money from the alcohol industry for some of their activities. That commitment by the government must be given, and must be given soon, because people in the alcohol industry are already trying to get sporting groups to sign up for contracts for alcohol products for more than one or two years. Those in the alcohol industry know the writing is on the wall because people in the community have had enough; they have seen too many lives destroyed from alcohol, and they no longer accept the destruction that occurs in the community because of alcohol. Because the writing is on the wall, those people in the alcohol industry are now getting sporting groups to sign up for two-year, five-year and in some instances 10-year contracts to ensure that they can continue to advertise their products because they know that their products will hook in younger people whose drinking habits have not yet become fully part of their character.

As we went through the various clauses of the bill, there was a lot of debate about costs. A lot of the debate from opposition members was about the cost of the measures in the bill. I was a bit cross because they were attacking the minister and asking what the amendments to the Liquor Control Act would do to the industry. The minister’s job is to consider not only the industry, but also the whole community. He must consider all the objects of the act. Although, unfortunately, the objects of the act may not be as broad as we would like them to be for public health and child protection, they do currently refer to minimising harm and ill health. In referring to minimising harm and ill health, we must consider what harm and ill health are occurring. The harm and ill health that are currently occurring costs the WA community millions of dollars each year. They cost Australia billions of dollars and hundreds of lives each year. This is why yesterday a motion was moved to suspend standing orders to enable a motion to be moved for the bill and the act to be considered by the Economics and Industry Standing Committee. When that suspension was moved, I said that I thought it would be great to review the economic and social costs of alcohol to the Western Australian community. At the moment, we do not know those costs. We do not know the cost of goodness knows how many admissions to hospital. I had hoped that we might be able to gather more of the facts.

**Mr D.A. Templeman:** Wouldn’t it have been sensible then to send it to a committee as we proposed but as you voted against? You could have had that as a term of reference and you voted against it.

**Dr J.M. WOOLLARD:** It would have been a mickey mouse report.

**Mr D.A. Templeman:** Oh, come on!

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**Dr J.M. WOOLLARD:** No! November! November! Six weeks!

**Mr D.A. Templeman:** You stand up there and you go on with all your hubba and then you don't do what you should do when you think that have the opportunity.

**Dr J.M. WOOLLARD:** Six weeks!

**Mr D.A. Templeman:** You had the opportunity to send it to a committee and you didn't do it!

**Dr J.M. WOOLLARD:** A mickey mouse report.

**Mr D.A. Templeman:** You voted with the government.

**The ACTING SPEAKER:** Order, members!

**Mr D.A. Templeman:** You're a Liberal and you will always be a Liberal. You will be a Liberal continuously.

**Dr J.M. WOOLLARD:** Six weeks and a mickey mouse report so that they can do whatever the AHA —

**Mr D.A. Templeman:** You are just a Liberal without a name. That is what you are; you are a total Liberal and you always will be.

**The ACTING SPEAKER:** Order, members!

**Dr J.M. WOOLLARD:** They can put down in writing whatever the AHA wants them to put down in writing —

**The ACTING SPEAKER:** Order! I would like to hear some comments in relation to the bill. Member for Alfred Cove, you have been on your feet now for 18 minutes and for most of that time you have not talked to the bill. I ask you to come back to the bill. If you do not come back to the bill, I will sit you down.

Members, I also do not want a tirade across the chamber; I would appreciate if the member could be heard in silence. Member for Alfred Cove.

**Dr J.M. WOOLLARD:** Mr Acting Speaker, I would certainly not challenge your directions; however, it is normal in third reading to discuss any aspects of the second reading or consideration in detail debates. I assure you, Mr Acting Speaker, that I sat in this chamber during the second reading and consideration in detail debates in which both the social and economic costs of alcohol were discussed.

As I was saying before the debate became a little heated, we really need a thorough analysis of the costs. I have spoken about this previously in debate on this bill. I assure you, Mr Acting Speaker, that I am speaking to the bill. We need an analysis of how much alcohol costs the healthcare system, including the cost of all emergency hospital admissions, rehabilitation costs and additional rehabilitation costs for people with alcohol problems who want treatment for those problems. We need to know the police costs. At the moment, I believe the cost to the police in Northbridge is up to \$10 million a year. We need to know the costs for public transport. The member for Albany is not here, but when he, the member for Southern River and I were out with the police in Northbridge one night—something I did mention in earlier debate—we noted that people were discussing the issue of public transport. They call the last train home the “zoo train”. We need better public transport. Yes, we need to address the problem of antisocial behaviour when the pubs and hotels close, but we also need to know the cost of improving public transport. We need to know the costs in relation to children services. We need to know the costs in terms of children who are homeless and —

**Mr M.P. Murray:** An inquiry would have done that.

**Dr J.M. WOOLLARD:** In six weeks?

**Mr M.P. Murray** interjected.

**Dr J.M. WOOLLARD:** We need to know the cost in terms of children who are being physically and sexually abused, and the cost in terms of children who are truant from school, and children who have been out all night because they fear for their own safety at home.

**The ACTING SPEAKER:** Order, member! I think we have now heard 20 minutes and in that time you have dealt very little with the bill; you are suggesting other things that should be dealt with. I am going to sit you down, because we need to come back to the third reading of this bill and not any other bill.

*Point of Order*

**Dr J.M. WOOLLARD:** I know that this is not usual procedure, and I will seek clarification. It is my understanding that in the third reading debate, members can discuss anything that has been discussed in the second reading and consideration in detail debates. Therefore, I dissent from the Chair's ruling.

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**The ACTING SPEAKER (Mr A.P. O’Gorman):** Member, in the third reading of a bill you cannot continue as for a second reading debate. The third reading is not a wide-ranging debate. It is a debate about the bill and what has been agreed to during consideration in detail. You have not spoken about that; you have added in a range of things that you may have dealt with in the second reading, which is the appropriate place to do it. I have made the decision that you need to sit down because you have not come back to third reading of the bill appropriately. I am sitting you down.

**Dr J.M. WOOLLARD:** Mr Acting Speaker, I seek further clarification. Are you saying that the third reading debate can only include what has been discussed during the consideration in detail debate and not the second reading debate?

**The ACTING SPEAKER:** Member, you may debate what has been agreed to during consideration in detail and not all those matters that you may have raised during the second reading debate. You can raise those matters at the second reading but not at the third reading of the bill. That is why I am sitting you down. I will give the call to somebody else —

**Dr J.M. WOOLLARD:** Sorry, Mr Acting Speaker. Is the third reading only meant to include what has been agreed to as part of consideration in detail, and there is to be no debate about what occurred during the second reading?

**The ACTING SPEAKER:** No debate. It is about what has been agreed to in consideration in detail and that is what you need to bring your points back to. I have given you plenty of leeway. I have now asked you to sit down. I am at the point at which I think you are questioning the ruling. If you need to do that, I am happy for you to take it up with the Speaker. You can take the matter up with the Speaker.

*Debate Resumed*

**MR M.P. MURRAY (Collie–Preston)** [3.57 pm]: Thank you, Mr Acting Speaker, for that guidance; even though it did perhaps cause the member for Alfred Cove some confusion.

Firstly, I must thank the minister for his indulgence and his willingness in some cases to amend the Liquor Control Amendment Bill before it came in to the house. I thank him very much for that. In saying that, there are many areas about which I am concerned after the consideration in detail debate. The first of those is one that we voted on, which is the failure of the minister to follow parliamentary procedure, as recommended by the Premier, by choosing to not send this bill to the relevant agency to undergo the regulatory impact assessment process to ensure that exactly what the member for Alfred Cove has been speaking about was done; namely, to make sure that the economic impact of this bill does not put people out of business and to make sure that the bill is fair and just to all parties. That is something that has not been done. The minister did say that he would do it later, but talk about putting the cart before the horse. Fancy doing it after the bill has already passed through the house. I understand the government has the numbers. The opposition has asked questions, made suggestions and foreshadowed motions to expedite the process. However, it is very sad when the government does not follow its own process. It grieves me. What will be the effect on hundreds, if not thousands, of jobs? What will be the effect on the more than 1 000 jobs in the Northbridge precinct alone? In the main we are talking about the impact on service industry jobs in which younger people work, including part-time students. I would have preferred to see the bill go to committee to make sure that we are not making laws that will impact negatively—more so on jobs than profitability. It is about jobs, and profitability comes with jobs. That is quite a blight on the whole bill.

Another part of the bill that gave us concern was the hours that venues will be allowed to trade and the time of the lockouts. I found it very hard to follow the issue with the nightclubs. Only 2.4 per cent of the total problems occur between 5.00 and 6.00 am and relate to nightclubs. That is a very small minority in the problem stakes. I think it is a feel good thing for the minister to show people that he is strong. As I have said previously, I think he has been misled by his staff in saying that we had better shorten the hours. Closing a venue one hour earlier at that time of the morning will not change many things for a select clientele. That is another area of the bill that we do not entirely agree with. I hope that in the future, if these provisions prove not to be workable, the minister is strong enough to come back and move amendments to the legislation.

I also have grave concerns about the issue of lockouts. Despite extensive questioning from members on this side of the house, the minister said that he did not intend to start lockouts at midnight, but he did not rule out starting lockouts at any other time. That certainly is a concern to the industry. If the minister is thinking of other times, he should put it on the table so that people know exactly what this bill is about. But the minister was adamant that he was not looking at using the legislation to start lockouts at midnight. I would like to know whether he is thinking about starting lockouts at any other time, because we were not able to tease that out of him in our exchanges across the chamber.

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I certainly made a mistake by trying to move another amendment to the bill. The issue of glass is dear to my heart. It grieves me to see, weekend after weekend, photos of people, mainly young women, with scars on their faces that will be there for a lifetime. The use of tempered glass or polycarbonate glass should be introduced in this state, even though that could be done now on the minister's say-so. I believe he should take urgent action on this issue. He is having trials, but there is enough evidence Australia-wide to support this. I urge the minister to get hold of and read the Victorian report. It is a good report. It also shows the different types of vessels that people drink out of. The minister referred to Newcastle. This report looked at Melbourne, which is facing the same sort of scenario. Please, minister, the last thing I want to do as summer approaches is to pick up a newspaper and see another photo of a person with a slash across his or her face caused by glassware. I am sure that the minister does not want to see that either, but I am saying that we should take some action in this field. As I said yesterday, 2 000 people went onto a website to plead with the minister. It is what I would call a young person's website. It is a website that is relevant to young people today who are frightened by what is happening. I do not entirely blame alcohol for glassings. I think it happens when people mix alcohol and drugs, lose control and cause damage to someone not only on the outside, but also mentally, for the rest of their lives. The minister could pick up his game on that issue and move forward.

Sixty-nine people have been glassed in Western Australia this year. That is an extraordinarily large number of people. In dollar terms, there are associated costs for an ambulance, a hospital stay, plastic surgery, and treatment for mental conditions afterwards. It must work out to be millions of dollars, even for only 69 people. A lot of money and time is wasted in those areas. I know that the minister will say that someone could use a stubby. A stubby is not quite as fragile as a glass when it hits a person. Sometimes it is not even a voluntary action; it is involuntary and, bang, it is done. Strengthened glasses do not break and do not have shards that rip into people.

Parliament is a funny place at times. Yesterday I made a statement that I had put 10 questions to ministers about providing support for people in areas with alcohol bans. One answer from the Minister for Health has given me a bit of comfort. I will not go through all the questions. My question states —

I refer to the Aboriginal communities operating under an alcohol ban under section 175 of the *Liquor Control Act 1998*, and I ask:

- (a) what mechanisms are in place to monitor how community members deal with the retraction of alcohol from their lifestyle;

That is the gist of the question. As I say, this is a funny place in that these things can drop on a member's desk the day after the question was asked. The response from the Minister for Health states —

- (a) Before a section 175 regulation is implemented or renewed, relevant agencies and other stakeholders are consulted in relation to the wider implications of an alcohol ban.

Outside these processes, key service agencies in the relevant region monitor the alcohol, other drug and mental health needs of the section 175 communities and communicate regularly to ensure that changes in the requirements of the community are noted and appropriate responses developed.

That gave me only a little bit of comfort. When I asked the same question of Hon Robyn McSweeney, the Minister for Community Services, the answer was "Not applicable." That is quite a contrast. I would like to think that ministers would have some sort of think tank or working group arrangement to help, because there is nothing in these regulations to say, "Before we do this, we must do that." There is not enough of that here.

During consideration in detail we talked about banning alcohol in houses, and I understand the reasoning behind that. But if one partner is an alcoholic and an alcohol restriction is granted for whatever reason and he cannot drink in a certain area, and if there are no support services in that area, we are going to have other huge problems, whether it be domestic violence or suicide. I am not going to forecast the issues that will arise, but I can see that happening because there is not enough backup for the regulations that the minister is putting in place. I plead with the minister to make sure that there is a think tank of ministers to ask, "Before we do that, what can we do?" In the minister's reply—I got his reply before and I thank him for that—he focuses mainly on his sport portfolio. I understand that, but, as I say, someone who has been an alcoholic for 10 to 12 years will certainly not recover because of sport. An alcoholic would be battling to walk, let alone jog, around an oval. I am sure that would not be the first thing on an alcoholic's mind. Another area of concern with this bill is that it does not go into enough detail about the process. If the minister is going to say or do something in that regard, that is well and good.

We need proactive policing and we need to work closely with the clubs and pubs. Much of the bill is about bashing the clubs and pubs with fines of up to \$10 000 and \$20 000. That will put some club or pub owners into

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receivership for breaching regulations. I hope that does not happen, but we have seen some overzealous prosecutions over time. I would like to think that, before fines are issued, the officers will go out and talk to the owners of clubs and pubs and other establishments so that there is some conciliation process. The people involved should have a chance to say, "Okay, we've breached. We heard the warning; if we get caught again, it's our own fault." We should not hear of heavy-handed, overbearing behaviour from inspectors. Nothing has struck me more than seeing a photo in either *The Sunday Times* or *The West Australian* during, I think, the Railway Stakes, of police leaning over a balcony trying to identify people who had a problem so that they could rush back to the police station and fine the turf club. That is an example of the direction this kind of legislation will take us in. We are making laws and making it harder for clubs and pubs, but there is no conciliation. The think tanks are not having success. We must get back to the grassroots and make sure that people from Perth Racing, Gloucester Park and the Australian Hotels Association, and Simon Barwood, the president of the WA Nightclub Association, are consulted in the first instance about their problems. It is easy for the minister to sit over there and grin and say, "We've probably done that", but we are not seeing any effect of that in the public arena. We have some Northbridge groups taking control of some of their areas, possibly, in some cases, not quite strongly enough; in others, probably too strongly. There needs to be some engagement between the police and the people involved.

At the moment it is a them and us situation. It is a problem we need to work out how to address. When we introduce legislation, we can drive things underground. That is certainly the wrong outcome by a mile because it will not fix the problem. There should be a proactive approach from the police to work with industry. I take my hat off to the minister for the current advertising, but more ads could be run to illustrate the damage of binge drinking, underage drinking and the damage of alcohol to an unborn child. Those are the sorts of things we need to educate people about. I asked the member for Alfred Cove when she was speaking previously how we reach a point in the future at which I might be at a railway station, for example, and want to drink a can of beer, as is allowed in Japan and in Paris, where binge drinking does not occur and there is not a group mentality. We had five o'clock swills in my day; I do not know what they are called today. Some people have a group mentality in which they aim to get plastered so they can say, "We had a good night", even though in the morning they might feel like hell and wonder whose house they are in. The education and conciliation approach would have more benefit than increased fines of up to \$20 000, which is what most of the minister's amendments provide.

The other issue is about small bars.

**The ACTING SPEAKER (Mr P.B. Watson):** Member for Collie–Preston, can you confine your comments to the bill, not what you would like to see in the bill?

**Mr M.P. MURRAY:** Yes, Mr Acting Speaker; I heard you.

**The ACTING SPEAKER:** I hope so; I just spoke.

**Mr M.P. MURRAY:** This was discussed in consideration in detail. The small bar issue —

**The ACTING SPEAKER:** You need to address the actual bill, and that is what we are discussing here.

**Mr M.P. MURRAY:** Okay, I will start at page 1. Clause 1—is that what you want me to do, Mr Acting Speaker?

**The ACTING SPEAKER:** No. You are using a broad brush.

**Mr M.P. MURRAY:** I am going through —

**The ACTING SPEAKER:** I hope you are not querying my request.

**Mr M.P. MURRAY:** I have written the order of issues that occurred during the consideration in detail stage and not during the second reading debate, and that is what I am reading from.

**The ACTING SPEAKER:** That is not the issue. It is the bill itself you have to talk on. Do you want me to put it in writing for you?

**Mr M.P. MURRAY:** Mr Acting Speaker, will you look for another office when you get back or there maybe one with a hole in the window out the front! I will get back to the issue. I am just about to wind up.

The bill does not contain provisions to enable an increase in the number of small bars, nor does it contain provisions to reduce the amount of red tape—in view of the minister's comments during consideration in detail. I think there should be provisions to reduce red tape. The minister said that it would be covered in the regulations.

In winding up, I think the minister has made a huge mistake by not initiating an economic impact statement to make sure this bill will not have unintended consequences. I am sure that, in drafting the bill, there was no intention to create unintended consequences. However, if that sort of scrutiny is not done, I do not see how this

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bill will be implemented without causing some problems or some pain to some of the pub and club owners. I am not talking about only in the Northbridge area. I think the focus has been on Northbridge; we must take a broader view and include the whole industry. As we said during the debate, the hotel and club industry is part of the tourism industry. We must include the tourism industry as a whole. We do not want our entertainment areas to look like Wild West ghost towns after everything has closed at 10 o'clock. We must consider the young people of today and their different needs. I do not think that simply increasing fines to impose on nightclub and hotel owners will fix the problem. The solution lies in education, working with the various groups and conciliation. Thank you.

**The ACTING SPEAKER:** Thank you for your contribution, member for Collie–Preston.

**MR T.G. STEPHENS (Pilbara)** [4.18 pm]: I will not take up much time of the house but I want to comment during this motion that the Liquor Control Amendment Bill be now read a third time and therefore complete its passage through this house. I have not engaged in the debate or in the consideration in detail stage of this legislation, I must confess. However, I spotted some of the later stages of the discussion when it was being considered in detail in the house. The bill arrived as a 57-page bill in the 146–1B format and now it is a 59-page bill designated as 146–2. I am not even sure precisely what the clauses relate to that have changed the length of this bill, but a couple of amendments have attracted my interest. I hope that, from the minister's response to this debate, his comments will give members in the other place, when they read the 146–2 bill, a chance to consider whether they think the bill should go to committee. It occurs to me that this bill would have been enhanced if it had gone off to a committee to be considered in detail. I refer specifically to the amendments that appear to have been carried during consideration in detail in relation to clause 52 which amends section 109. Before this bill was considered in detail, it arrived in this format. I will go to the page. In the bill numbered 146–1B, proposed section 109(4A) arrived in this format —

Where a licensee, or an employee or agent of a licensee (the *seller*) sells liquor to another person whom the seller reasonably suspects, or ought reasonably to suspect, intends to sell the liquor in contravention of subsection (1), the seller commits an offence.

The format in which the bill is now before the house to be third read is —

- (4A) A licensee, or an employee or agent of a licensee (the *seller*), commits an offence if —
- (a) the seller sells liquor to another person (the *buyer*) whom the seller reasonably believes, or ought reasonably to believe, intends to sell the liquor in contravention of subsection (1);

Would the minister like to explain to me, by way of interjection, why that change was considered necessary during consideration in detail?

**Mr T.K. Waldron:** Before we went into consideration in detail that proposed amendment was on the notice paper. It was actually to raise the threshold for the licensee. What the member has just read out is right; and the purchaser does in fact unlawfully onsell the liquor.

**Mr T.G. STEPHENS:** In the view of the minister the change to the clause has the effect of making it more onerous for the licensee?

**Mr T.K. Waldron:** No; it actually raises the threshold. It probably gives more protection to the licensee. I remind the member, as he was not here during the debate and I do not want to go through the whole debate again, there was previously no clause to do with the licensee. We put this clause in. Before we got to consideration in detail I made that amendment because I thought that was in the best interests of the bill. I am going to leave it there because we went through this extensively yesterday.

**Mr T.G. STEPHENS:** The use of the word “suspects” has gone to “believes” on the basis of representations the minister received?

**Mr T.K. Waldron:** Yes, and my own concerns and receiving advice on that.

**Mr T.G. STEPHENS:** That has the effect, in the view of the minister, of reducing the impact and impost upon licence holders?

**Mr T.K. Waldron:** It raises the threshold.

**Mr T.G. STEPHENS:** It raises the threshold to the extent that it makes it more difficult to prosecute a licence holder; is that the case?

**Mr T.K. Waldron:** We debated all this yesterday. The member should have been here yesterday.

**Mr T.G. STEPHENS:** I should have been but —

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**Mr T.K. Waldron:** The Labor Party has supported it so —

**Mr T.G. STEPHENS:** I think our support was for sending it off to committee which would have had the effect of teasing out these issues more thoroughly. I suspect that that might happen anyway before this bill gets through the Parliament. People will have the chance to read this debate to see whether they are satisfied with the type of change that has now occurred following consideration in detail of the bill.

One of the reasons I am frustrated in my role as a parliamentarian representing regional areas of Western Australia is that I have watched for too long bills like this, particularly in the liquor licensing area, arrive in this place, carried by governments of both persuasions—I suppose I found it most frustrating when it has been governments of my own persuasion—which deliver a blanket bill for the entire state. That leaves the regions to cope with bills that are typically designed in ways that meet the needs of the metropolitan community. In my own set of circumstances I have watched changes to these acts dealing with the control of liquor for the America's Cup. I then watched the impact of those changes roll out in places like Kununurra and Halls Creek where they rapidly descended into hell as a result of changes to the liquor administration. For me, the bill before the house right now in this third reading debate is another reason I am a strong supporter of a concept to try to deliver framework legislation that can be the head of power for localities, communities and regions to apply laws that are more flexible to meet the needs of their specific sets of circumstances than those which simply become blanket bills for the entire state. There are particular needs the regional and remote areas have. For me, all legislation, but especially liquor administration, would be enhanced if regional governance models were in place and there could be a different approach to this. For me in particular I watch how incredibly profitable licence-holding businesses are in regional areas and how minimal the contribution is that flows back from this industry and the licence holders to the specific sets of needs that are on display within localities, communities and regions as a direct consequence of the impact of issuing a licence. The user-pays principle would be better imbedded in legislation like this so that licence holders, instead of becoming wealthy organisations from the sale of liquor without any regard to the consequences in their localities, communities and regions, could be invited and encouraged by their communities and supported by the statute to deliver contributions.

**Mr T.K. Waldron:** That is what we are trying to do with the flexibility I have introduced to the licensing fees, which we debated yesterday as well.

**Mr T.G. STEPHENS:** Is the minister telling me that those licensing fees could apply in those regional areas so that the licence fee could be higher in a regional area?

**Mr T.K. Waldron:** It is more likely to be lower. We talked about this yesterday. It is part of the bill to give that flexibility for the cost of —

**Mr T.G. STEPHENS:** What a tragedy! I have watched people arrive in my part of the world —

**Mr T.K. Waldron:** This is trying to help what the member is saying here. I am supporting what the member is saying.

**Mr T.G. STEPHENS:** All I am arguing is I have watched people arrive on the bones of their bums into our area and pick up a liquor licence, and now they are swanning around with multimillions of dollars at their disposal while the localities, communities and regions are in absolute —

**Mr T.K. Waldron:** I am not actually arguing with the member.

**Mr T.G. STEPHENS:** That is the sort of enhanced provision in a statute like this that I would prefer to see. Instead, I would like to see licence holders encouraged and supported by the statute to be part of the range of responses that these communities need; that is, the diversionary strategies, the programs of supporting diversion, through to the alcohol and drug counselling services. This bill should, in my view, be given a third reading only if it had strengthened those provisions.

**Mr T.K. Waldron:** It has.

**Mr T.G. STEPHENS:** Is the minister telling me that this bill now creates a circumstance where a liquor licence holder in a place like Fitzroy Crossing, for instance, could be charged fees for the holding of that licence; fees that will flow back into that community to create the counselling services?

**The ACTING SPEAKER (Mr P.B. Watson):** Member.

**Mr T.K. Waldron:** No, I cannot go that far. We put in the flexibility. This is about the fees.

**Mr T.G. STEPHENS:** I agree. This is my point, Mr Acting Speaker.

**Mr T.K. Waldron:** I am happy to talk to the member about that later.



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**Mr T.G. STEPHENS:** Mr Acting Speaker was going to ask me to argue the case as to why or why not this bill should be given a third reading. I will say to the Acting Speaker and to the house that this bill should at best only be given a third reading if it had these provisions about which I am speaking.

**The ACTING SPEAKER:** Member, you cannot put provisions in or discuss provisions; you can only discuss what is actually in the bill.

**Mr T.K. Waldron:** I am happy to discuss it with him later.

**Mr T.G. STEPHENS:** In order to argue this case, I could put before Mr Acting Speaker an amendment to the third reading motion which would say instead of this bill now being third read, that the bill not be given a third reading until such time as these provisions are in. I could be foreshadowing the type of amendment that I would like to move. If the minister faced this way and listened to me, and did not turn around and get distracted by unnecessary conversations with the Chair —

**The ACTING SPEAKER:** The member could have been in the chamber when this was discussed in the first place.

**Mr T.G. STEPHENS:** But I am in the house now for the third reading debate. I argue that I could be foreshadowing in this third reading debate the opportunity to make an amendment that the third reading should not occur now but, rather, at a time when the following amendments would occur for the third reading; that is, “the bill should not be third read until such time as” et cetera. I do not think I will do that unless I am completely prevented from speaking.

However, I want to raise an additional point with the minister. In reference to the provision that has emerged during the consideration in detail stage that relates to the opportunity for households to become declared areas, effectively there is real value in recognising that in Western Australia liquor issues are destructive for communities, individuals and families. Therefore, provisions such as the liquor restricted premises deserve to be trialled and piloted. The bill, as it has emerged from consideration in detail, presents an opportunity to remove the civil liberties of individuals. It can be argued that we are effectively doing that, but we do that all the time with legislation in Parliament; we restrict speed limits, for example. We do not give people an unfettered right to kill themselves or others by speeding. Alcohol causes much destruction to families, communities, towns and regions in the part of the world that I represent. Therefore, provisions such as this one need to be explored but also carefully monitored in the way they are applied. We must make sure that they do not unnecessarily restrict the rights of individuals and do not cause mayhem to either individuals or their families, or the communities and towns of which they are a part.

Another provision in the bill that emerged from the consideration in detail stage refers to applications that can be made by prescribed categories of persons. However, I cannot see spelt out in the legislation who those prescribed persons will be. I guess we will have to wait until the regulations are drafted. Is that correct?

**Mr T.K. Waldron:** We went through all that yesterday.

**Mr T.G. STEPHENS:** It will appear in the regulations. In those circumstances, it becomes more incumbent upon the Parliament to ensure that the prescribed persons who appear in the regulations reflect what the Parliament considers to be reasonable. The Joint Standing Committee on Delegated Legislation, I believe, has an obligation to carefully scrutinise those regulations and make sure that the prescribed persons classification has an impact upon the good operation of this legislation and does not allow the regulations to come into effect while avoiding the necessity of facing criticism of the categories that have been included in the prescribed persons classification. I support the introduction of that provision but only against the backdrop that it is an opportunity for people to place restrictions on their homes. Presumably, an application can be made by the Minister for Housing and by Homeswest, which will impact on the tenants living in Homeswest homes. That might be reasonable in some circumstances but there might also be circumstances when an application to appeal that process would be justified.

With those few comments, I note that the third reading of the bill is likely to be passed. I hope that members in the other place will see the wisdom in sending this legislation to the appropriate committee so that the bill can be subjected to the scrutiny that it deserves by the legislators in that chamber, even though members of this chamber were denied that opportunity when a motion to send the bill to an Assembly committee was defeated.

**MR P. ABETZ (Southern River)** [4.34 pm]: I will make a very brief contribution in support of the third reading of the Liquor Control Amendment Bill 2010. The reality is that alcohol is costing the community an enormous amount of money. Although this bill does not cover all the matters that could have been covered, it is a big step in the right direction. The cost of alcohol can be measured by the damage it does and the health costs to the community, not to mention the personal trauma it causes. Those costs would be equivalent to the cost of

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building two Mandurah railway lines every year. The effects of alcohol cost WA about \$3.5 billion each year. That is a staggering figure. I am particularly delighted to see in this bill the restricted liquor premises provision. I have visited Indigenous communities and spoken to Indigenous people, and I believe that this measure will be a huge step forward. Many people associate Indigenous communities with excessive drinking. The reality is that two-thirds of Indigenous people are teetotalers; they do not touch alcohol at all. The Indigenous community has a higher percentage of teetotalers than the white community. The problem is that the proportion who do drink, which is roughly one-third, create mayhem for many of their neighbours and relatives. The ability to declare a home a liquor restricted premises will enable the children in a family or a cluster of families who declare their premises to be liquor free to get a good night's sleep and to attend and concentrate at school. This is a positive step forward. I congratulate whoever thought of that concept and put it into the bill.

We must spend money on advertising the changes that we have made to the Liquor Control Act so that the community will know what has been done and can take advantage of it. We need a major cultural shift in the community and its attitude towards alcohol. This bill is a step in the right direction. The provisions relating to sly grogging or the onselling of alcohol will make a huge difference in some of the remote areas of our state, and probably also in the city. The member for Pilbara would have liked to see additional provisions included in the bill. All members should be aware that the Education and Health Standing Committee is inquiring into the treatment and prevention of alcohol abuse and illicit drugs. We have been working on that issue for a long time and will be releasing a major report. Members can be assured that the committee will make a significant number of recommendations that we hope, in time, the minister will take up, and will result in further amendments to the Liquor Control Act. The amendments we have made to the Liquor Control Act will not address the affordability and advertising of alcohol, but members can be assured that some of those issues will be addressed in the committee's report at some stage.

**MR W.J. JOHNSTON (Cannington)** [4.38 pm]: I will not speak for long on these important provisions of the Liquor Control Amendment Bill 2010, but I will speak on four clauses, the first of which is clause 26, the liquor restricted premises provisions. These provisions will need to be carefully reviewed. We often think that regulation will change the world. In fact, regulation often does not change the world. It is extraordinary that I am a Labor member pointing out to a conservative member that increasing regulation is not actually going to change the circumstances of Western Australia, but clearly that is the provision. It would be worthwhile seeing whether those provisions actually make a difference. If they do, that is very welcome. But, of course, let us see whether that actually happens.

I turn to clause 30. I asked the minister a number of questions regarding these provisions during consideration in detail. The minister did not answer my questions. I was asking basically two things. The first is about how a publican can identify a person who has been banned. How does a publican know that person is there? I was told that the details would be on a website. That is not what I meant; I meant when an individual turns up at a pub and there are 600 other people in the bar and people are going in and out. Members should go to the Aberdeen Hotel on a Friday night to see the number of people going in and out. A long time ago—I am pretty old now—I used to go to the Arcadia, which was a nightclub that operated like a pub. The number of people going in and out all the time was high. My point on that is: how does the publican actually know? We are relying on this arrangement that occurs at the moment, whereby the publican scans a person's driving licence or some other identification as the person is going in, which will then flag a person that the publican is trying to exclude. I just want to draw members' attention to Private Sector Information sheet 1A of the National Privacy Principles, which is published on the website of the Australian government Office of the Privacy Commissioner. This is the issue that I raised with the minister during the consideration in detail stage to point out the problem with the current structure of identifying people entering premises. The document reads —

1       Collection

- 1.1       An organisation must not collect personal information unless the information is necessary for one or more of its functions or activities.

The point here is that publicans make it a condition of entry that people identify themselves with some form of identification. That is the function of collecting the identity information. It continues —

- 1.2       An organisation must collect personal information only by lawful and fair means and not in an unreasonably intrusive way.

It is not clear to me that scanning a driver's licence is complying with that provision. More to the point, if that is the reason they are collecting it, that is the only use they can put it to. It continues —

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- 1.3 At or before the time (or, if that is not practicable, as soon as practicable after) an organisation collects personal information about an individual from the individual, the organisation must take reasonable steps to ensure that the individual is aware of:
- (a) the identity of the organisation and how to contact it; and
  - (b) the fact that he or she is able to gain access to the information; and
  - (c) the purposes for which the information is collected; and
  - (d) the organisations (or the types of organisations) to which the organisation usually discloses information of that kind; and
  - (e) any law that requires the particular information to be collected; and
  - (f) the main consequences (if any) for the individual if all or part of the information is not provided.

None of that occurs in the hotels that currently use that regime. It states further —

- 2.1 An organisation must not use or disclose personal information about an individual for a purpose (the *secondary purpose*) other than the primary purpose of collection unless:
- (a) both of the following apply:
    - (i) the secondary purpose is related to the primary purpose of collection and, if the personal information is sensitive information, directly related to the primary purpose of collection;
    - (ii) the individual would reasonably expect the organisation to use or disclose the information for the secondary purpose; or
  - (b) the individual has consented to the use or disclosure ...

It then goes on to a series of other provisions that are not related. Provisions 2.1(f), (g) and (h) are all related to this. I draw members' attention to provision 2.1(f), which states —

the organisation has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or discloses the personal information as a necessary part of its investigation of the matter or in reporting its concerns to relevant persons or authorities ...

The point is that at the moment, as I understand the system, the DVDs that record the data are handed to the police force. That is not in accordance with that provision, because that provision states that the data could be handed to the police force as part of an investigation. Given that the data is being routinely passed to the police, there is no investigation and there is no reasonable suspicion of a crime. It is okay that data is being handed to the police if they think that William Johnston has done something wrong, but they cannot routinely pass it to the police. That appears, on the surface, to be unlawful. It continues —

- (g) the use or disclosure is required or authorised by or under law ...

There is no provision here that authorises the personal information being disclosed to the police force, other than as part of an investigation. Again, the publican should not be providing routine data to the police force. This is happening. I told the chamber that when I went to the Aberdeen Hotel, that is exactly what the manager explained to me happens; the information is scanned onto a DVD and that information is then made available to the police. There is no lawful authority for that information to be made available to the police. Quite frankly, there is no lawful authority for the scanning of the driver's licence. It gets even worse than that. Provision 7.1 of these principles reads —

An organisation must not adopt as its own identifier of an individual an identifier of the individual that has been assigned by:

- (a) an agency; or
- (b) an agent of an agency acting in its capacity as agent; or
- (c) a contracted service provider for a Commonwealth contract acting in its capacity as contracted service provider for that contract.

The point is that if people have a passport, which is what my daughter uses for her identification, it is clearly unlawful for the publican to scan the passport number; not only that, I would argue that if it was me and I was using my driver's licence, there is also no authority to collect the driver's licence number, because they are using

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that as the code and that is the information that is then passed to police. If that is what the minister wants, the minister should come back and introduce that. But that is not what is happening; this is a backdoor approach to these things. People's rights are being traduced by the police force forcing publicans to do something that they would not otherwise do and then using that data, collected for a purpose by the publican, for a secondary purpose. It is the issue that I raised with the minister at the table during consideration in detail. The way that this is occurring is not right. It is a fundamental flaw in these provisions. It will lead to conflict, issues and difficulties. For example, I am no lawyer, but if a person is barred by the use of information that has been collected unlawfully, I can imagine what a lawyer is going to do with that if it ends up in court.

I also raised the question of the process by which the police made a decision. The minister did not answer my question: is natural justice going to apply; and, if so, how is that natural justice going to apply? The example I gave was the police giving me a barring notice that in fact they intended to give to another person, and there being some confusion. I asked how that is to be resolved. The minister said that it could get resolved on appeal. What would happen if the notice was in fact not lawfully given because I was not engaged in any of the matters in proposed section 115AA(2)(a), (b) or (c)? The Commissioner of Police cannot lawfully give me the barring notice. The issuing of a barring notice can be done only on a lawful basis. It is an invalid action. Unless we know how the police are going to go about deciding that they have lawful authority to issue a barring notice, there will potentially be conflict.

I turn to clause 34, which is the question of the lockouts. It is important that it is recorded that the minister said that he is going to be exempting pubs from the lockout provisions so that they will not apply and the pubs can open if they are showing a major international sporting events that is happening overseas. Let us make it clear: we will be holding back the entertainment industry in this state if we do not allow entertainment venues to put on events when there are major sporting events overseas. The world is a different place now; Australians are interested in overseas events. English Premier League football is one of the drivers of pay TV and One HD broadcasts American football.

**The ACTING SPEAKER (Mr P.B. Watson):** Member, can you just come back to the bill.

**Mr W.J. JOHNSTON:** I am very happy to be drawn back to the provision.

It is important that it is noted that the Minister for Racing and Gaming has said that these provisions will be applied in such a way as to allow these international sporting events. I asked the minister that question because the report by the government's own Red Tape Reduction Group found that the Director of Liquor Licensing applies the act in a very narrow way, and that a continuation of a very narrow application would adversely impact the economic activities of the sector to the tune of about \$7.5 million. That commitment was made by the minister, and I think it is very important that we make sure that it occurs in the future.

I will finish by looking at the last clause that I am interested in, clause 48, which changes nightclub closing times from 6.00 am to 5.00 am. In my view, this provision will have no impact on unlawfulness in this state. It is one of those window-dressing things that comes about when a minister says to his department "Give me a range of options to show that I'm doing something"; this is one such option. It will not change anything, but it may have an impact on venues.

At the end of the day, people have the right to be entertained, and entertainment in western culture includes drinking. Of course, we need to have a harm minimisation approach to alcohol; I have no trouble with that, but the idea that we can separate entertainment from alcohol in western society just does not work. If people want to be entertained by going to a nightclub and leaving at 6.00 or 7.00 in the morning, it is ridiculous to change that. It will not have any impact on crime in this state, but it may well impact on the profitability of the industry.

**MR A.J. WADDELL (Forrestfield) [4.52 pm]:** The member for Cannington has somewhat taken the wind out of my sails; he has pretty much raised every issue that I was hoping to raise. I will very briefly cover a few issues. I disagree with one point made by the member for Cannington, which is that, in his view, changing nightclub closing hours from 6.00 am to 5.00 am will have no impact on crime. I completely and utterly disagree with that point of view, because I believe that it will have the exact opposite effect; I think it will increase crime. It will increase crime simply because, as those of us who live in electorates such as mine know, there is no such thing as public transport at that time of the morning and there is no ability to get taxis at that time of morning. We will see people roaming the streets, and that is a recipe for greater crime and violence. On that basis, clause 48 will have an impact on crime, but unfortunately not the impact intended.

During the second reading debate a number of members reflected on their own experiences growing up and the things that they got up to. I will not bore the house with stories of my misspent youth! But I reflect on the fact that the stories we heard were not all that dissimilar to the things that we hear are going on today. As we age and get greyer, we fall into the old trap of believing that the sky was bluer and the grass was greener in our youth,

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and that now the wheels of society are falling off and everything is getting worse. I do not believe that to be the case and I do not believe that the statistics bear it out. I do not believe that we need to adopt harsh anti-entertainment and anti-commonsense approaches to fix problems that have always existed and will continue to exist. This is regulation for regulation's sake. This is window dressing. This is the government seeking to create the appearance of doing something in response to a problem that the community is being told it has, by this government. It has created a furore and then says it has a solution to the problem. What happens at the end of the day? Nothing happens; we are further down the path of the nanny state. Anyone who reflects upon the debate that has occurred in Western Australia over the past few months will know that the people of Western Australia are sick and tired of the nanny state. They want commonsense to prevail, and the way to do that is to make commonsense common: we do not restrict, we do not control, we do not send in the police at every opportunity. We allow commonsense to prevail.

**Mr T.R. Buswell** interjected.

**The ACTING SPEAKER:** Member for Vasse, I call you to order for the first time.

**Mr A.J. WADDELL:** The difficulty I have with this bill is that it restricts; it is about restriction. If we restrict, we take out options; if we take out options, we take out choice and the ability for people to go from place A to place B. We will force them all into one beer barn, and that is a recipe for the destruction that we are worried about. We need to open things up, break the barriers down, reduce the regulation and allow commonsense to prevail.

**MS M.M. QUIRK (Girrawheen)** [4.56 pm]: The minister is no doubt sick of the sound of my voice, so I will be restrained. I am always short—I should say that I will be concise!

I want to make a couple of comments about how this bill has been drafted, particularly with regard to lockouts. We spent some time on that in the context of the detail being filled in by regulation. As I now seem to be saying about virtually every bill that comes through this place, I think that is very unsatisfactory for the scrutinisation of legislation. When we asked the hard questions about the detail, such as how the provision will be implemented, when it will come in, what time the minister considers appropriate for lockouts, or whether it will be across the board or just for individual miscreant licensees, we were made none the wiser about any of those issues, even though the debate went on all week. That does not facilitate the speedy passage of legislation through this chamber. Frankly, the more legislation like this that we get, the more we are going to have to drill down; it is like pulling teeth. But if the information is in the bill, we need to know what impact the legislation will have.

That brings me to the second issue I want to raise, which is the lack of evidence we have for certain measures. The lockdown provision is one such example; we know that there has been no regulatory impact statement or study about that, and that there has been no analysis of the impact of these provisions on the hospitality and tourism industry. With regard to social issues such as crime, although we know that there are negative externalities to do with alcohol use, the connection between these measures and a reduction in crime is a little tenuous.

Again, the government is coming into this place with very little evidence. The minister is saying to us “You need to take this on trust; I’m a nice bloke, it’ll be okay”. In this place we have to look not just to the current minister but also to the reality that these laws may be enacted for many years to come and may be abused in future. Another thing that I think is worth talking about—I suppose I am mindful of my time as Minister for Small Business—is that there are some areas in which bureaucrats can act in a high-handed fashion and make decisions that impact on people and do not necessarily have a commercial impact. However, in some cases there are significant commercial impacts, and the lack of accountability and natural justice for significant decisions that impact on commercial operations is a matter of some concern.

The other issue is the licence fee issue, which we examined at some length. There are a number of issues around that, and had the motion to refer the bill to a committee succeeded, I know it would have been examined in some detail. We have no idea about the proposed quantum of any new fees; we will have to wait for the regulations. The criterion now, for example, is that licensed premises must be proved to have had either previous convictions or to have been the site of a number of disorderly incidents. That will in fact increase the likelihood of premises attracting greater fees. We heard the minister say in the course of debate that he considers it likely that many regional premises will find that they get a reduction in fees. I have heard of royalties for regions, but he is handing back licence fees as well! I believe when the regulations are scrutinised, the minister will need to be mindful that the fees must be set at an amount commensurate with the administrative cost of issuing the licence and enforcing the provisions of the act. If the fee is more than that and if it is punitive, it may be ultra vires.

There has been a lot of discussion in recent months about nightclub hours. Again, this falls back on the evidence base of the initiative to amend the opening hours. It is a populist initiative. The Premier can now say that he has

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reclaimed Northbridge by shutting nightclubs earlier. We have an increasingly diverse workforce that works increasingly diverse hours. It is unfortunate that this amendment to opening hours has happened, especially in light of the evidence, which is not consistent with the vast majority of assaults that occur in a much earlier time frame. I am pleased that the chart that both the member for Perth and the member for Collie–Preston referred to and held up to show members has been incorporated in *Hansard*, as it in fact shows that statistic.

There are two other two issues I want to raise quickly in the context of the debate. The first is about glassings. There have been far too many glassings this year. It occurs to me that any provision such as that contained in the bill that enables the director to make some directions about tempered glass, ideally, should be restricted to certain premises that are believed to be trouble spots. I believe that would be a more appropriate way to go than winding out that provision across the board. The minister should look at the trial that is taking place in Queensland on the use of tempered glass. That trial was initially rolled out in—if members like—offending premises, or premises where there was a likelihood of frequent glassings. I think the minister should look at that trial before any decision is made about glassings.

Finally, I am pretty concerned about the sly grogging provision in the bill. The standard for the prosecution to prove a case against a licensee, frankly, has gone up. I believe licensees in regional communities do not perceive themselves enough as part of the community. I have to say in some cases they profit from other people's miseries and addictions. I think it is disgraceful that we are not forcing them to be more vigilant instead of less vigilant.

On that note, I thank the minister for listening to what I believe were very legitimate concerns raised by all opposition members. We await progress of this bill in the upper house.

**MR T.K. WALDRON (Wagin — Minister for Racing and Gaming)** [5.04 pm] — in reply: First I thank all members who contributed to debate on this bill. I have not had a chance to add up the number, but I think there has been between 15 and 20 hours of debate. This bill has, therefore, had a very thorough coverage, and that is a good thing. I thank the members and I will say a little more about that briefly.

I commented in my second reading speech and we heard in the second reading contributions, of which there were 16, and again in contributions from members at the third reading stage, that people have a wide range of views on where they think we should go on alcohol. How we balance the desire of people to go out, have a good time and drink alcohol with the effects and damage that alcohol causes is where I think every member of this place wants to get to. As the minister responsible, that is what this bill is all about. For more than two years we have tried to reach that balance with these amendments to the Liquor Control Act for people to go out in the evening to an establishment, be entertained and have an alcoholic drink but have a safe evening without feeling threatened and so on. That is what we have tried to do with this bill. I do not think anyone knows exactly where that perfect balance is, but we certainly attempted to do that here. I will say that throughout debate on the bill some excellent recommendations and sensible comments have been made. I have taken on board as much that my brain can handle and I have made copious notes that I will refer to as time goes on.

I thank especially the member for Collie–Preston, as we did make amendments at the start of debate on this bill, and he was involved in and initiated some of those amendments. Some of them were very sensible and the member approached them in a very good way. The member for Collie–Preston probably does not agree with everything in the bill, and I understand that, but there is that balance again. However, we did agree with some of the amendments and we have made those changes to the legislation. The member for Alfred Cove also had an amendment which was ultimately quite sensible and with which we agreed.

It was interesting for me at the consideration in detail stage to answer questions from the member for Girrawheen, who has a legal background. I am not a legal person but I am a very practical person. When I was a member of the Joint Standing Committee on Delegated Legislation—the member for Albany, who is in the chair at present, will recall—it took me a little while to realise my role on the committee. However, I finally realised what it was. When there was a lot of legal argument, the member for Albany and I tried to apply practicality and commonsense to the argument. I think together we played a very important part on that committee.

Members have concentrated on different areas of this bill, but it surprised me that a lot of areas were not referred to. I will quickly talk about those areas. The initiative for flexibility for the approved manager is a wonderful initiative. The initiative on restricted premises is a great initiative. Most of the debate concentrated on the law and order issues—I understand that—and I will continue to listen to debate on those issues. Obviously, as we go into the future, as long as I am minister I will continue to monitor these amendments as I believe will any future minister.

One matter we addressed in the bill—although we will never address it fully—was cutting out quite a bit of red tape. We have tried to protect vulnerable people in the community, particularly through the provision on

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Mr Bill Johnston; Mr Andrew Waddell; Ms Margaret Quirk

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restricted premises, and we have targeted troublemakers. People talk a lot about blanket bans and blanket this and that; this bill targets the troublemakers. I think that is very important. The member for Pilbara is not present in the chamber, but he raised a few matters and I will talk to him about them outside this place.

I want to finish by talking about a couple of matters that I wrote down. One comment I want to make is about consultation, which I mentioned in my second reading speech. We have consulted widely on this bill. There has been information put out saying that we had not done that; that is incorrect. I re-emphasise that the whole notion of this bill is that people should be able to go out and enjoy a drink and a night out without feeling unsafe, without feeling in danger and without feeling threatened. We have tried to apply those points to this bill in the best interests of the Western Australian public. That has been my sole aim, and I think this bill does that well.

I have been a member of this place for 10 years, so I know that we can debate every clause in legislation and down the track find that it is not perfect. We found that with the legislation that was put through Parliament by the member for Rockingham when he was a minister. The legislation did a lot of good things but we found errors in it and fixed them up. There was no intention for the legislation to contain an error but it happened and we fixed it up. I am sure there will be other points that we will need to look at again in the future.

I thank members, especially those who spoke during consideration in detail. I think that, generally, the spirit of the debate was good. It is very important when we debate bills in this place that we make sure that we remember what we are doing and do not get carried away with all the other stuff that takes us away from the real intention and outcome of a bill.

Question put and passed.

Bill read a third time and transmitted to the Council.