

LIQUOR CONTROL AMENDMENT BILL 2010

Second Reading

Resumed from 18 August.

MR M.P. MURRAY (Collie–Preston) [2.56 pm]: At the outset of the debate on the Liquor Control Amendment Bill 2010, I acknowledge the cost to society of alcohol if it is abused. Unfortunately, this bill contributes very little to stopping the problems that we are seeing at the moment. I believe that to limit such abuse, we must start at the bottom and work our way up and not just fine people and push them out of the industry by making it very difficult for them.

The SPEAKER: Order! Take your seat for a moment, member.

Members, I observe that a lot of separate conversations are going on—perhaps none of them related to the bill in front of us at the moment. I ask members who want to have those conversations to take them outside this place. Thank you, members.

Mr M.P. MURRAY: Thank you, Mr Speaker.

As I have said, in any solution we must start from the bottom up with education as a main focus and leadership in the community as another. However, that is only a brief statement to open the debate.

This bill has certainly got some people moving and although some consultations have been held, I have been lobbied or received representations from some groups saying that they did not have enough of a chance to contribute to the changes in this bill. Some groups, like Clubs WA, are pleased to see some of the things that are happening, especially with the management issues. However, as I have said, I have met with different groups including, to name a few, the AHA, the Australian Hotels Association; the Business Improvement Group of Northbridge, BIG N; and WANA, the WA Nightclub Association. I have also met with some individuals. After hearing many of their concerns and listening to their opinions on the bill and the changes that will affect their businesses, and after having a briefing from the minister's office, I see the changes and note that commonsense has been used in the approach to this bill and I thank the minister for that.

The bill will make it easier for clubs to identify changes and to train managers, especially in the smaller clubs that were having great difficulty in complying with the existing provisions. Even my local football club has said it is about time! There is a group of very small clubs with 50 or fewer members who are concerned about how they will manage. These clubs will certainly not cause any trouble in the future. Generally their members are winding down as they are quite elderly and go to these clubs for a social outing rather than just to have a drink or with the intent of carrying on, to say the least. As I said, these clubs have a few areas of concern.

Sensible changes to the legislation have been made. Along with those changes, there are concerns about the reduction of hours for nightclubs. Many reports have indicated that there is minimal disruption in the community between five o'clock and six o'clock in the morning and very few problems are caused during this time. Some graphs given to me show that nightclub patrons do not contribute to the majority of problems that have been occurring, especially in Northbridge. The problem with changing those opening hours is about patrons being able to get transport home. There are no trains and very few taxis at that time of the morning. If the taxis are out and about, they are generally on charter; that is, people have rung and booked them. They are very reluctant to pick up people outside clubs at that time of morning. That probably leads to some of the smaller problems that occur in these areas. I have had very strong representation from nightclubs, and from the WA Nightclub Association, about the proposed reduction in trading hours. They see it as an unfair impost on their businesses when others will not have those changes forced upon them. Having said that, we will certainly be debating that proposed amendment when it comes up in consideration in detail. Lock-ins and lock-outs will reduce the problems in those areas. People go to the nightclubs in these areas to dance and enjoy the music, certainly not because of the atmosphere in some other establishments in the Northbridge area. A lot of the work that we need to do can be done by working with the people in the nightclubs. The report that has been tabled certainly showed that it is a big problem.

Another problem I have relates to liquor restrictions on premises. I really supported the relevant provisions at first and said so at the briefing. Then I looked at them further and I have changed my mind to some degree. I thought there would be consultation with the people within the house in question. I read in the bill that it can be done without the consent of the owners within that house. That is a major concern to me because the party within a house could become rowdy with continual drinking. I know where it is aimed. I support what the government is trying to do in that area. There are places where people congregate and bring alcohol and the owners do not have the fortitude to say that they will not allow people to bring in alcohol. In fact, in some family communities

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they have to sit back and say, “Yes, you can come in” because they have an attitude of sharing. Unfortunately, it leaves it open so people other than the owners can make representation —

Mr T.K. Waldron: The owners or the lessees can agree. They can get the opportunity to do that; they are not excluded from the process. Only the owner or the occupier can apply, but if one does not agree, they get the right to say why they do not agree.

Mr M.P. MURRAY: The bill says that the director can go against the wishes of the people involved. We will talk about that in consideration in detail. It can include people who are having a noisy party for a week. It can be expanded to take away the rights of the owners to say that they still want to have a beer on their property.

Mr T.K. Waldron: Not really, but I will explain it.

Mr M.P. MURRAY: I will ask those questions later.

Another problem I have is that there are no regulatory checks on security. When I was in Melbourne recently I saw that the doors of clubs et cetera were checked by the police or a licensing inspector to ensure that the security personnel were licensed and trained. That is another area that has not been addressed far enough. Whilst these security personnel might have a uniform on that identifies them as security guards, if problems occur, people stand aside and do not try to intervene, even verbally. Also, the health of some of these guards is not so great, and they do not have those management skills. We have to work a bit harder on that. We have seen recent reports in the press about the tests that were done on some doormen, who responded positively to drugs. This is another area that we should be working on to make sure that people are not affected and their judgements clouded by alcohol or drugs when they are in very important positions outside clubs or even inside clubs and pubs. We need to ensure that they do not lose control due to their habits and further exacerbate problems. I know that there are licensing standards for those people but I do not see it in this bill as it relates to licensing.

The other problem we have is when we make a rule for the small element that then catches everyone within society. The people who are doing the right thing are being penalised because of the small minority who do the wrong thing. We have to work within the framework we have now without making more laws. I do not think that we are working hard enough. I am referring to the policing of some of these areas. Yes, there are some places that are regular trouble spots. Why are we not working harder in those trouble spots—I am talking about police and liquor licensing—to ensure that we eliminate those problems that tend to be attractive to some, though certainly not to others? It just builds up and there is tension in the air and all of a sudden there is trouble and the police have to deal with that. I believe we should be a lot stronger with the people who break the existing laws. We should not just make more laws when we do not have enough police to enforce those laws because of budget cuts et cetera. I certainly recognise that minor changes to the bill are needed. I do not think things will change if we do not have a stronger police presence, along with education and support to ensure that there is no binge drinking. There have been some very good advertisements on television over recent years. I hope they are getting through. That is the type of education that I am talking about. We need to go to the schools and let students know about the damage that alcohol causes. Maybe we could look at why people go out to these places. Is it about alcohol or about the function people are going to? We need to educate people that they should go out to enjoy the function they are attending.

The other thing that is central to what I have just said is the shift of the onus from community responsibility to the pubs and clubs with the threat of extreme fines or of being shut down for breaches because in someone’s view the pubs and clubs are not working within the law. Why do changes always place the onus on the sellers when sometimes the drinkers should shoulder some of the burden that results from the problems they cause? I understand that a few years ago Gloucester Park was fined a substantial sum of money because an under-age drinker urinated on the grounds behind a tree. I have been to Gloucester Park and seen what its management has put in place to try to eliminate under-age drinking. I am sure many members in this house had a drink before they turned 18 or 21. In this case, the club was fined because the kid was found to be urinating behind a tree. Perhaps a good lesson would have been a number eight or a number 10 in the right spot before sending him off the premises rather than imposing a fine on Gloucester Park. As a consequence, Gloucester Park is no longer available as a venue for New Year’s celebrations. That is an example of how probably 20 000 people have had their fun spoilt by the 1 000 or 2 000 people who caused the problems. That is why I have major concerns about the impact this bill will have. We are continually tightening up our licensing regulations on these sorts of venues, but at the same time we are reducing the number of venues, and then we hear of outbreaks occurring in the suburbs throughout Perth, especially the high-density suburbs. Even in Mandurah there have been a few problems. Those problems will not be picked up by liquor licensing regulations.

The licensing of bottle shops has gone on unfettered; they are popping up everywhere. Once there were a few rules and regulations that governed whether a liquor store could be established in a location. It was based on need. That has changed, so where there was probably only one liquor store, there are now three or four.

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Sometimes we can find up to three in one supermarket, but we do not seem to be imposing rules on them. As a father and grandfather I am aware of the drinking habits of young people today. They go down to the supermarket where they can buy a block of beer at a cost of about a dollar a can. They sit and drink at home until about 10 o'clock and then decide to go out. The price of a drink at the nightclubs or at a function is around \$6 to \$10, so they socialise and have their share of drink at home before they go out to the clubs. The owners of the clubs are expected to clean up the mess or pay a fine if they break the rules. They might be behaving sensibly when they get to the club door, but once they are inside and have a few more drinks the clubs and pubs have to say, "Out you go, or I'll be fined \$10 000." The people in the establishment who serve those people have not caused the problems; it is the young people who are being smart and trying to save a dollar while having a night out. That aspect has been neglected in this legislation. For far too long the focus of responsibility has been directed too much at the people running entertainment establishments and they could end up paying large fines of up to \$10 000 or more. I think some have paid even \$20 000. I ask the minister to consider that.

I refer now to the on-selling of alcohol. I notice there are some amendments in the minister's name on the notice paper.

Mr T.K. Waldron: I am sorry, I missed the first part of what you said.

Mr M.P. MURRAY: I was referring to people who buy large amounts of alcohol to perhaps on-sell it or to take it to a party. I think that area is a little grey, although I see the minister will seek to amend the bill to ensure that the people who buy large amounts of alcohol are aware of the fines that can be imposed if they seek to sell the liquor at another community. I have a story that shows how people can get around the system. I once dropped my credit card at Preston Beach and later found a debit on the card for \$560-odd worth of beer. That happened very quickly. I am sure if the person who used it had been questioned, the sale could have been cancelled and my credit card stopped before they had on-sold it to some under-age people down the road and caused a few problems for me. That is an example of how that can happen. There are not a great many checks and balances at bottle shops. A person can pull up outside a bottle shop in his vehicle, lift up the boot and put in 10 blocks of beer, which he might intend to take to a party where most of his friends are under 18. I know from personal experience that used to happen when I was under 21 years of age. Some of us tried to start shaving earlier than we needed to so that we looked a bit older and could get in to nightclubs. That is an area that must be addressed and it can only be addressed by parents and education.

It has been disappointing that, during schoolies week, mums and dads have taken their children, who were mainly just under 18, to Busselton and, on being stopped by the police have been found to have a pile of alcohol in the boot. Their children were not allowed to buy it in Busselton due to very strict rules at the time, but their parents dropped it off in the children's motel rooms or camping areas without the knowledge of the authorities. Before the teenagers went out again they would drink more than they should so that they could have a good time. That can then lead to problems that go with that, such as vulnerability to predators et cetera. The cost of 24 cans at a dollar a can amounts to \$24, but when they are sold at \$10 a can we can understand why they on-sell it, especially if they had the same pocket money I had, and still have—not much at all!

Mr J.E. McGrath: Where do you buy a can for a dollar?

Mr M.P. MURRAY: They buy the cheap stuff. Does the member not remember the bottle of Brandivino for 40c?

I have spoken about crowd control, but there is a further aspect to crowd control; namely, controlling crowds at sporting events, which we have talked about many times. I thought the legislation might provide some guidelines especially for country and regional areas, where the level of security is decided by rule of thumb. I am not quite sure of the cost of that security, but if we use the Minister for Police's rule of thumb, the cost is \$90 an hour to hire a policeman. I am sure the security companies will want to charge just under that \$90, which is quite a large increase on what is charged now—I believe it is around \$40 or \$45. If the police charge \$90, it will be cheaper to hire a security firm, but the security firms will wake up very quickly and put up their prices to \$70 and \$80. That will put a huge dent in the budgets of some of the organisations in country areas. I spoke to the minister previously about the Yalgoo and Collie races. Those bodies that survive on very small budgets could be shut down because this has not been addressed in the bill. I forget the number; I think it was one security person per 100 people.

Mr T.K. Waldron: That is only a suggested figure. There is no rule there. With the Wagin Woolorama we got the local people to meet the police and the police are on the committee. They came up with a sensible arrangement. I will chat to you about it. I know the point you are raising about cost, and I acknowledge that.

Mr M.P. MURRAY: I suggest there should be something in the legislation reflecting that rule of thumb. Perhaps in his reply to this debate, the minister can refer to it. It is now outdated because some police stations still say that is what they wish it to be. I can understand that; they do not want to have to get into problem

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solving at the end of the event. That is something I think needs to be addressed very quickly, because it has not been changed—although the minister has said that—and the Wagin Woolorama was one example. I guess, as the local member, the minister had a fair bit to say about that, and that probably helped. But for events such as the Yalgoo races that are held a bit further out, a bus has to come from Geraldton to supply security for a very well behaved crowd. The organisers look at that and say that it is nearly time for them to fold because they cannot afford the security. I think that is a sad state of affairs. Maybe merit should be given for previous performances at those functions so that the government can say there has been no trouble there for the past 15 years because it has been very well self-managed, and the level of security should be worked out from there. I would like to see something from the government that I could take around and show people that the government is serious about this, and the security levels are not just based on people's conflicting views, including that of the Director of Liquor Licensing.

I have some information with me about glassware. I looked at the Liquor Control Amendment Bill 2010 to see whether there had been any change in the glassware rules. I know that the minister's department has laws on its side that enable it to deal with establishments where violence occurs and the type of glassware they have. When I was in Melbourne recently I saw a major write-up in the newspaper about getting rid of ordinary glasses and going to shatterproof and shattering glassware. The shattering glass is a new one; it is very similar to windscreen glass, so that when it shatters, it shatters into very small bits and does not produce shards.

Mr T.K. Waldron: Is that the same as the tempered glass? We are looking at using that in Western Australia.

Mr M.P. MURRAY: I am not quite sure of the name, but it could be tempered glass.

Mr R.F. Johnson: I think it is.

Mr M.P. MURRAY: One is polycarbonate, and the other shatters, just like the old windscreens.

Mr T.K. Waldron: Some places are using that in Western Australia now, and we have met with them. There is a bit of argy-bargy at the moment about which is the best because of costs et cetera.

Mr M.P. MURRAY: I am glad to hear that, but there seems to be no compulsion in this bill to make people use that type of glassware after trouble at their establishment. Having seen some of the recent press and the pictures of the disfigurement of people's faces, which were enough to make anyone sick, I thought there would have been. The people who inflict these injuries are the gutless wonders of society.

Mr T.K. Waldron: I agree.

Mr M.P. MURRAY: But, in saying that, if that type of glass was not being used, they could not inflict those injuries. Many people think that when we talk about changing the type of glassware, we are talking about the flimsy type that we get at the football—those that collapse when they are picked up and all the liquid runs down into people's laps. That is what people tend to think about when they think about plastic glasses, but they are certainly not like that now. In some of the yuppie Melbourne bars now, people actually buy their glasses as they go in. They are made of polycarbonate, and people take them home with them because it is included in the price of the drinks. It is not as if it would be out of the ordinary to introduce this type of glass, but just by looking at some of the injuries sustained by people, members can understand why I have raised the issue of glassing.

Mr T.K. Waldron: Yes; it is a good point.

Mr M.P. MURRAY: According to this Melbourne newspaper article, a Victorian parliamentary inquiry recommended a move away from ordinary glass because nearly 150 people were glassed in Melbourne in 2008–09, which was almost triple the number of knife attacks. Considering it from that point of view, glasses are a far worse and more common weapon than many of the other weapons about which bills have brought to this Parliament, such as knives, and my colleague sitting next to me certainly had a spiel to say about that. But if members look at those photos in that Melbourne report, and the ones of the young girl and the young man that were on the front page of *The West Australian*, members might think that maybe we should have done more and worked a bit harder on that. As I say, one of the top weapons used in the city centre is glass, which I was quite unaware of.

The opposition has an amendment to move—the minister has foreshadowed that he is willing to look at it—about notifying the owners of clubs and pubs when somebody has been barred from attending licensed premises. The publication of that information concerns me because some people make repeated mistakes, but they grow up and move on with their lives, and if we are not careful, these people could be on public websites such as Facebook.

Mr T.K. Waldron: We are changing that to make sure that that doesn't happen.

Mr M.P. MURRAY: That is something I feel really passionate about. People make mistakes and get into trouble, and there is a classic example of Mr Krakouer, the football player. He got himself into trouble, sorted

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himself out and moved on. While his background will always be public knowledge, I know that when people apply for a job nowadays, employers go straight to Facebook and check to see their history. When people put themselves on Facebook, it is very obvious what they do, how they talk, how they conduct themselves—all those sorts of things. These public websites will present problems in the future for people who have finally gotten over causing misdemeanours or things like that, and their progress forward will certainly be inhibited. It concerns me that any young person could have committed two misdemeanours, and it could cost him a job at the next stage of his life. At the moment, jobs are pretty easy to come by, but when things tighten, I can guarantee that those sorts of issues will as well. The first draft of the bill considered posters being put on a noticeboard and information being put in the public arena, which is something I am strongly opposed to, hence the amendments on the notice paper.

I will now talk about the type of culture I would love to see created, but I do not think we will get it by just bashing people on the head. I would like to see the cafe-type culture that is evident in many European countries, whereby people can go out and sit around and have a drink and enjoy a concert or whatever is on without that drinking mentality that we sometimes have in this country. The shortfall of this bill is probably that we are not doing a great deal to change that mentality, so that in the future, Western Australia could be like Japan, where people can put a coin in a slot machine at a railway station and get a can of beer out. We are a long way from that at this stage, but it is certainly something we should be working towards. Again, it comes back to that basic education and about binge drinking that has been mentioned many times, so that we can move forward and really enjoy having a drink with a friend. I even enjoyed having a beer with a Liberal member—the member for South Perth—the other week. We were sitting in the Parliament courtyard and it was not too bad, but I still owe him a beer because I had to leave before it was my buy. That is what our age group does. We have to address with the younger groups about how to go out and enjoy nightclubs and hotels, and not to go out to be violent and to go home with a black eye or stitches in the back of the head because someone has hit them with a glass. That is not the thing that we should be looking at.

I really am a bit disappointed with the direction of this bill; it is increasing fines and putting the pressure back on clubs and pubs instead of spending a lot more money on education and policing. Again, I think the move to cops-for-hire will cause further problems because if only X number of police are allocated to a certain area, it will be with reluctance that other police are called in because the venue may be charged for them. In my view, that will break down into civil disobedience. By the time someone makes the decision, it could be too late. There could be a major problem along the way. While that comment is not directly aimed at the minister in charge of the bill, it certainly links with alcohol-fuelled problems. I think that we have to look more at how the government encourages people to go out and have a good night without causing major damage to themselves and others. While I support most of the bill, when the house goes into consideration in detail, I will certainly be looking at some of those issues. I thank the minister for his indulgence in looking at the amendment.

MR M. McGOWAN (Rockingham) [3.31 pm]: I rise to make a few remarks on the Liquor Control Amendment Bill. I thought the member for Collie–Preston set out the arguments quite well. He has done considerable work on the legislation. In the overall scheme of things, this legislation is not the biggest of changes to the industry, but there are some changes in this legislation that I support and there are some changes that I think are wrong for the industry and for some individuals. I want to quickly go over a couple of the things that I support. I refer first to the idea, as stated in the explanatory memorandum, that reads —

...the Commissioner of Police to intervene into any proceeding before the licensing authority in respect of any matter relevant to the public interest (presently limited to applications).

I assume that means that currently, if a party is applying for a new licence, the police might intervene to say that they object to the new licence, but now, under the legislation, if an applicant is before the licensing authority on any matter, the police could intervene on some basis. I want to examine that. I object to police interventions on occasions. The police have intervened on a couple of applications for small bars in my electorate. If we want to change the culture of binge drinking in Western Australia, we have to move to these smaller, more discreet venues, which the former government created when I was the responsible minister.

Dr J.M. Woollard: They have proven to be a disaster in Victoria!

Mr M. McGOWAN: Please let me speak. My view is that we have to move to smaller, more discreet venues and away from the bigger venues. In my electorate of Rockingham, just down the road from where I live, at Rockingham Beach a small bar made an application to the licensing authority, and at Rockingham city shopping centre one of those brewery-style restaurants also made an application. The police objected to both those applications. Both those venues are exactly the type of venue we should be heading towards, and people in my electorate should be given the sorts of social opportunities provided by small bars. Why would the police and the Department of Health object to a small bar at the beachfront and a Mash Brewery at the shopping centre? Surely

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the nightclub in my electorate whose patrons behave badly would be the venue to object to. I put on the record that I think there should be nightclubs and I think they should be open late because I think young people want that. But nightclubs need to be properly regulated and nightclub owners need to take some responsibility for what happens outside the premises after they close. There are two nightclubs in the Rockingham Beach precinct of my electorate. One nightclub has badly behaved patrons, and I do not care what happens to it. The other nightclub should be allowed to open late, but there should be responsibility on the nightclub for the damage to property of other businesses that happens outside those premises after it has closed. If the police want to do something real, they should crack down on the bad behaviour in and around one of those nightclubs, but they should not try to stop decent, good venues from opening. People have invested money in those venues and set up a business to employ people and provide an environment where I and my family and other families can go and have some social entertainment. First of all, the police should be out there doing that sort of thing.

Secondly, I turn to the idea of lockouts. I support lockouts. I would have included this provision in the original bill in 2006 but I received advice from the Liberal and National Parties that they would not support it. I withdrew that provision to try to reach a compromise with the Liberal and National Parties at that time. I wanted to proceed with lockouts, but I withdrew the provision. As it turned out, the Liberal Party voted for the legislation, and I thank the member for South Perth for that even though lockouts—a very minor aspect—were deleted. The National Party did not support it, and now it is coming in with a provision that it objected to the last time the legislation was brought forward. I support the concept of lockouts, provided they are implemented on a flexible basis and there is not a one-size-fits-all approach.

I do not agree with the changes to nightclub hours on Saturday and Sunday mornings. Whether a nightclub is open to five or six o'clock in the morning will make absolutely no difference. If people think it makes a difference, they are dreaming. Most of the violence occurs when everyone spills out of the hotels and onto the streets at 12 o'clock or two o'clock. Recently everyone has been quoting the case of the Newcastle pubs, which I heard now close at about 3.30 am. Our pubs close at midnight or 2.00 am. I think there might be a few pubs that have a special facility licence through to 3.00 am, but, broadly speaking, our pubs close at midnight or 2.00 am. All the young blokes flood out of the hotels when they are ushered out the doors. I remember it—all the lights go on and no-one wants to leave, but suddenly big groups of young men are out on the street. That is when all the activity and violence happen and the glasses and that sort of stuff go everywhere.

Mr M.P. Murray: Were you a lover or a fighter?

Mr B.S. Wyatt: Definitely not a fighter!

The ACTING SPEAKER (Mrs L.M. Harvey): I might rule that interjection out of order!

Mr D.A. Templeman: You can tell me a few stories!

Mr M. McGOWAN: I think the member for Mandurah was present on one or two occasions and those occasions did not involve a black eye, did they? No!

Violence happens when people are leaving the pubs. Whether nightclubs close on a Saturday or a Sunday morning—that is, Friday night or Saturday night—at five or six will make absolutely no difference. The reason the nightclubs are allowed to stay open later is that a lot of the people who work in the hotels and the hospitality industry finish work at two or three in the morning. The late trading hours give hospitality workers somewhere to go out with their friends, otherwise they would not have a social life. Young kids in their 20s who work in hospitality do not have a social life, so they can go out and have a social life as well. That is all it is. This legislation would cut out an hour for those people. But that is not when the violence takes place. It is a pyrrhic, ridiculous proposal. I suggest to the minister that he drop it. I know what has happened. The Premier wants to run out and say that the government is cutting down on all the violence because it is cutting back the nightclub hours by one hour on a Saturday and Sunday morning. That is all it is. It is a public relations puff and it will make no difference whatsoever. I urge the minister to drop it.

Another issue in the legislation is the regulation of limousines so that limousines can serve alcohol. It may sound like a small issue, but it affects thousands of people. If people want to celebrate a wedding or a twenty-first birthday, limousines are very popular, and people want to have bottles of champagne in the limousine. It may not impact on most of the people in this chamber, but thousands of people use limousines every weekend and a big industry exists. People want to have the opportunity to have bottles of wine in the back of limousines.

Mr T.K. Waldron: The government is doing that!

Mr M. McGOWAN: I am saying that I support it. I did not even know it was a problem until some constituents came to see me a year and a half ago and I wrote to the minister. He wrote back and said that it was against the law. Fix it! It is a good one. I do not mind if people want to have a drink in the back of a limousine. What is wrong with it? Those people are not driving the vehicle. If the government is fixing that, well done! The

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Waldron amendment will fix limousines in Western Australia. I want to talk about the prohibition orders on people. So that members understand, I note from the information supplied with the bill that prohibition orders are not aimed at people who are associated with serious or organised crime.

Mr T.K. Waldron: You are talking about prohibition barring actually.

Mr M. McGOWAN: I am sorry; I am talking about a barring notice. A barring notice is not for people who are involved in serious or organised crime; there was provision for that in the laws passed in 2006 of which we are aware. A barring notice is a proposal for antisocial behaviour. The original proposal was that disorderly or quarrelsome people would be barred from entering licensed premises. I do not know about other members of the house, but every day that we come into this place I find that I am quite quarrelsome. I find sometimes that I am disorderly.

Mr B.S. Wyatt: I dispute that.

Mr M. McGOWAN: I find sometimes that I am. I am disorderly and quarrelsome in this place all the time, as are 90 per cent of members of the house. I think the definition in this bill may be too extreme. I note an amendment on the notice paper to withdraw the word “quarrelsome” from the bill, but that still leaves the word “disorderly”. What is the definition of “disorderly”? I might have been a bit disorderly at a hotel in the past. I might have been loud. I might have objected to what a bouncer told me—probably not often but I might have. I suspect that every member, virtually to a person, has been a bit disorderly at a hotel in the past. I am very concerned at the definition of “disorderly” in the bill. The words “violent” and “indecent” are also referred to in the bill. It is fine for people who are indecent or violent to be barred from licensed premises. But, honestly, barring people who are a bit disorderly! That is not exactly the worst of offences.

I want to refer to the way in which the legislation will bar people from a range of premises. For instance, bottle shops are premises from which a person may be barred. Bottle shops are licensed premises. A person who has been declared disorderly and been given notice of a barring order cannot, therefore, enter a bottle shop and buy a bottle of wine, as far as I understand this legislation. That provision in the bill will set up people for failure. Often people can barely walk through a supermarket without entering the bottle shop component of the supermarket. Woolworths in my electorate has two entrances and one is through the bottle shop. Someone with notice of a barring order who makes the mistake of walking through a bottle shop to get to the supermarket will infringe this provision. Obviously, a barred person cannot enter a restaurant, a hotel or a bar. However, people who enter a bottle shop to buy a bottle of wine to have with their family will infringe this provision. The legislation is setting up people for failure in that regard. I suggest that there should be an exemption in this bill to allow people to buy a bottle of wine; otherwise people will be running around saying, “I saw that person in the bottle shop. They’ve got a barring notice; therefore, they’ve infringed the law.” I ask the minister to examine that provision.

Mr T.K. Waldron: I will clarify that for you.

Mr M. McGOWAN: I might need clarification of that, but, if I am right, I suggest the minister needs to amend that provision.

Another point I want to raise is my difficulty with the proposed website. Basically, the Commissioner of Police will be able to publish on a website the names and photographic images of people issued with a barring notice. According to the minister’s second reading speech —

The details of individuals barred by the Commissioner of Police or the Director of Liquor Licensing will be published and include, where possible, a photograph of that person.

The minister might tighten up that provision, although I am not exactly sure how he would do that. All I am suggesting to the minister is that publishing people’s photographs out there on a website is a recipe not only for damaging people for the rest of their lives for what might have been an incident of disorderly conduct when they were 18 years old —

Mr T.K. Waldron: I’ve got to say it’s going to be a restricted website, so it won’t be out there.

Mr M. McGOWAN: That is not what the minister’s second reading speech says.

Mr T.K. Waldron: No, but there is an amendment for that.

Mr M. McGOWAN: Okay.

The second point is that I am no website expert, but I know that people can take an image from a restricted website and publish it wherever they want.

Mr T.K. Waldron: I will discuss that with you.

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Mr M. McGOWAN: As I recall, there are 400 or so bottle shops and 800 or so licensed premises around Western Australia. The minister is saying that for every one of those 1 200 premises, which have thousands of employees, every single person who will be able to access that website will be completely trustworthy and will never publish that information somewhere else. If he believes that, he is dreaming! I have a concern that the website will be an insidious way for Australians to develop a dob-in culture. They will be able to enter a hotel or a bar—even people working in the premises—look at someone and say, “Is that the same person I saw on the website?”

There is sometimes confusion in identifying people. The minister might be surprised to know that sometimes people look alike. I have some examples with me of people who look a little like each other and, to be honest with the minister, I can barely tell them apart. I will go through them so that members know how easy it would be for an employee in a bar to confuse a person on the website with someone who may be in the bar at 10 o'clock at night. They might wonder, “Is that the guy on the website or is that someone else?” It is very easy to confuse people with others.

For the benefit of members and Madam Acting Speaker (Mrs L.M. Harvey), I will table the photographs I am holding up so that members can get the gist of exactly what I am referring to. I am holding up a photo of the member for Mandurah and a photo of Hon Col Holt. Can anyone tell them apart?

Mr T.K. Waldron: Yes; one's got glasses!

Mr M. McGOWAN: Hon Col Holt could walk into the caucus room and none of us would be any the wiser!

Mr T.K. Waldron: He's been there the last three weeks!

Mr M. McGOWAN: The member for Mandurah had twins. I think they run in his family, because we have discovered his twin brother! I will ask for these photos to be laid on the table of the house so that members can see them. Look at the receding hair! Look at the shape of the nose!

Mr T.K. Waldron: There's nothing wrong with receding hair, member!

Mr M. McGOWAN: No. The photos are absolutely identical. But I will go further, Madam Acting Speaker.

The ACTING SPEAKER (Mrs L.M. Harvey): Member, those photographs can be placed on the table until the end of this day's sitting.

[The papers were tabled for the information of members.]

Mr M. McGOWAN: Thank you, Madam Acting Speaker.

I will go further. The incisive Hon Max Trenorden—a bloke who everyone knows and who is alert and picks out things all the time—cannot tell the difference between the member for Victoria Park and the member for Warnbro. He thinks that they are brothers or that they are actually the same person! Have a look at the photos I am holding up! They are very similar!

Point of Order

Mr B.S. WYATT: Under standing order 47 on gross disorderly conduct, the member for Rockingham has likened my appearance with that of the member for Warnbro. If he wants to defame members, he must do that by way of a substantive motion; I think we are all aware of that.

The ACTING SPEAKER: There is no point of order.

Debate Resumed

Mr M. McGOWAN: I am holding up a photograph of Tom Stephens, the member for Pilbara. There he is with a weather-beaten hat. Look at the photograph of Barry Haase that I am holding up! Honestly; the likeness is absolutely uncanny!

Mr P. Papalia: Their politics are similar too!

Mr M. McGOWAN: They have the same voice even! The photograph does not have voice recognition, but if they spoke—

Point of Order

Mr V.A. CATANIA: I think the member for Pilbara would be greatly offended by matching those photographs there.

The ACTING SPEAKER: Member for Rockingham, I am giving you leeway.

Mr M. McGOWAN: I am nearly finished. You will enjoy it, Madam Acting Speaker. You do not feature, so you will enjoy it very much!

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The ACTING SPEAKER: You might continue then, member for Rockingham!

Debate Resumed

Mr M. McGOWAN: Madam Acting Speaker, look at the photo I am holding up of the member for Murray–Wellington. Look at him. Members may think that there could not be another bloke in the whole world who looks like the member for Murray–Wellington! But I found one: Bill Murray of *Ghostbusters*! They are identical. The member for Murray–Wellington and Bill Murray from *Ghostbusters* are one and the same person! I table those photographs for the benefit of members because the similarities are uncanny.

[The paper was tabled for the information of members.]

Mr M. McGOWAN: Now I get to the pointy end of the resemblances. These people in the photos I am holding up literally cannot be told apart.

I seek a short extension, Madam Acting Speaker. I will not go for long.

The ACTING SPEAKER: With some trepidation, the member for Rockingham can have a brief extension.

[Member's time extended.]

Mr M. McGOWAN: I have a photograph of the Leader of the National Party. It shows him with clean-cut, pointy features. He is not an unpleasant looking fellow, and one would think there would not be many people who would look like him. However, members might remember the show *Red Dwarf* and its character Rimmer, who is well known on *Red Dwarf* as the biggest loser in the universe. The resemblance is uncanny. The Leader of the National Party and Rimmer are virtually identical—apart from the “H” on Rimmer's forehead.

Mr T.K. Waldron: What is the name of the chef?

Ms M.M. Quirk: Gordon Ramsay?

Mr M. McGOWAN: No! Rimmer from *Red Dwarf* and the Leader of the National Party could be one and the same person. In fact, I think the Leader of the National Party might be an escapee from *Red Dwarf*.

Finally, I have a photograph of the Attorney General, that well-known, gaunt, skinny-featured bloke who is almost robotic in appearance. Let us compare this photograph of the Attorney General with this photograph of the robot from *I, Robot*. That was a good show. The only difference between the two photographs is that the robot shows more humanity, more compassion and more empathy with members of the ordinary public than the Attorney General. Other than that, members can look at the skinny face, the pointed features and the drilling eyes—really, there is a quite close resemblance between the two! The point I am trying to make here, with a little bit of humour, is that when people's photos are put on a website, it is easy to confuse them with someone else.

If the government wants people to be sitting in hotels, bars and nightclubs looking around at individuals and saying, “Is that the guy I saw on the website?”, that is the sort of society it will create. The government will create confusion and cases of mistaken identity. The owners of hotels will be calling the police saying they think that a bloke who is subject to a barring notice is at their premises. If the government wants the police to be running around the place looking for people who can easily be mistaken for someone else, that is what this bill will do. If the government thinks it is in any way possible to able to secure a website when literally thousands of people are able to access that website—according to my very limited knowledge of the internet—then members opposite are dreaming. I suggest to the government that the website is a bad idea. It will create more work than it is worth, and it will create cases of mistaken identity and cases where the police are called out to deal with people who have not done anything wrong and are not subject to the barring notice.

I also suggest that the government might want to deal with the case of someone who is restricted from licensed premises and who is subject to a barring notice, and allow them to go to a bottle shop; otherwise, the government is setting this project up for failure. If a person goes to a bottleshop to buy a sixpack of beer or a bottle of wine, they will infringe the rule and they will be subject, in effect, to a criminal offence for buying a sixpack of beer. I think that might be a misuse of resources. I do not object to a person who is subject to a barring notice, if they are a violent offender or someone who has committed an indecent act, not being allowed into a hotel, bar or nightclub. But I do object to that person not being able to buy a bottle of wine, because that will create an unfortunate situation. I do object to someone who might have committed a minor disorderly or quarrelsome offence being subject to these rules. In some respects, I think these rules are a bit harsh; in other respects, I do not think these rules deal with some of the important issues regarding police interventions, which I think are a waste of resources and that unnecessarily stop legitimate and decent businesspeople going about their business.

I have suggested some changes to the bill, but I doubt the minister will take any notice of them. However, I have demonstrated quite clearly that one person can look like another person, and if people's photos are up on a website, where they are potentially subject to criminality, the government may create an unfortunate situation in

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which people sit around wondering whether someone is the person they saw on the website. I do not think that fits with the Australian ethos. I think the government will also see the leaking of that information, no matter how many protocols it puts around those photographs on the internet.

MS M.M. QUIRK (Girrawheen) [3.54 pm]: The Liquor Control Amendment Bill 2010 has to be described as a work in progress, and clearly as more issues arise in the area of liquor control, it will be necessary to make incremental changes. That is not by way of criticism of the responsible minister, but it is about improving the existing problems. Alcohol abuse and the attendant violence and other societal ills that come from that abuse are vexing problems that are being addressed across the world, with some success in some jurisdictions and less success in others. It is a difficult issue. Certainly I think some of the changes contained in this legislation are welcome.

Firstly, the bill allows for greater flexibility for approved managers to move more freely between premises, which is a very good provision. When I was Minister for Small Business, the Liquor Control Act and the Liquor Licensing Act were frequently cited as examples of onerous red tape. I believe that this bill is a progressive step to maintain levels of integrity and probity by at least making it a bit easier for business to operate.

I want to spend a little time on the law and order amendments. Frankly, any changes to law and order provisions in bills before this house need to be evidence based. We have some research from Curtin University on what they call “density studies” that relate to the incidence of assaults near licensed premises. Work has been done in New South Wales to similar effect. Not enough has been done in Western Australia to look in a holistic way at the effectiveness of the various measures that are put in place and to determine which ones work and which ones do not work. For example, the trial measures that were put in place to cut back nightclub hours ran concurrently with the police conducting a fairly serious crackdown in Northbridge, so we do not know how much was any decrease in assaults due to changing the nightclub hours and how much was due to other enforcement measures that were occurring at the time. There is a dearth of that information. To a certain extent, we are operating in a vacuum as to whether some of these measures are effective or will be effective, and we are not sure what the outcomes of some of these measures will be.

I concur with the member for Rockingham on barring notices and the power of the Commissioner of Police. This is part of a trend to merge the separate roles of liquor licensing and the Director of Liquor Licensing, who has always been an independent person, and respected as such, with policing functions and the Commissioner of Police. There is a merging of those two roles. I do not necessarily think that is helpful. I intend, during consideration in detail, to canvas a bit more some of the mechanisms and mechanics of the commissioner’s power to now issue these barring notices and how that will work.

I will shortly seek leave to continue my remarks at a later stage.

Mr R.F. Johnson: You do not need to, because you will be interrupted anyway.

Ms M.M. QUIRK: In thinking about this issue and the involvement of the Commissioner of Police in the liquor licensing area, I am mindful of the eighth principle of policing that was set out by Sir Robert Peel, who is regarded as the modern founder of police. Sir Robert Peel stated —

Police should always direct their action strictly towards their functions and never appear to usurp the powers of the judiciary.

It is my view that increasingly giving the Commissioner of Police such determinative powers that are not necessarily subject to review trespasses on this principle. It is matter of some concern, and, as I said, I will address specific issues during consideration in detail.

There is a power that comes with the barring of individuals by the Commissioner of Police—that is, publishing a photograph of the barred person on the internet. I will paraphrase this comment, but I heard the founder of Google say something along the lines of “the internet is forever”.

Debate adjourned, pursuant to standing orders.