

LIQUOR CONTROL AMENDMENT BILL 2010

Second Reading

Resumed from 22 September.

MS M.M. QUIRK (Girrawheen) [11.23 am]: Yesterday I had got to the stage of the new provision that enables the Commissioner of Police to issue barring notices for patrons engaging in antisocial behaviour on licensed premises. My understanding of the government's amendments is that the commissioner can do so in cases in which that person has been violent, engaged in indecent behaviour or contravened the provision of a written law. I will canvass that wording in consideration in detail. It seems to me that being charged with an offence is an appropriate trigger for issuing that barring notice. I am concerned that, without that provision, there are questions about what evidence the commissioner is to base his decision on—that is, whether he has to be satisfied on the balance of probabilities or beyond reasonable doubt and whether it encompasses things short of the evidence that would ground a charge of a criminal offence. None of those things are clear in the legislation. There also seems to be lack of clarity about how the barring notices are served on individuals. That might be something ultimately covered in the regulations, but I would be grateful to the Minister for Police if he could provide clarification on that.

Issues about this provision have also been raised by various interested parties and stakeholders. The Australian Hotels Association, in particular, is concerned about the level of knowledge that its members are expected to have if they allow barred or prohibited persons into their premises. It believes that the term “reasonable suspicion” is a little blurred. I do not know that I agree with it 100 per cent; terms such as “reasonable suspicion” have a well-known meaning in law and relate to objective circumstances and to what a person should do in those circumstances. Nevertheless, the Australian Hotels Association will of course be instrumental in helping to enforce these laws and I think it is important that it is onside and understands exactly what its obligations are and how it can meet them.

As I said yesterday, there seems to be a lack of good evidence and research on the various measures that have been introduced. In Northbridge, for example, which measures are successful and which ones are not? A number of measures were introduced concurrently, and it is very hard to determine what impact one particular measure has against another when they are introduced concurrently. To some extent, we are going into this legislation a little blind because of a lack of official evaluation evidence about how measures implemented to date have worked.

Under the barring regime, the Commissioner of Police can cause a photograph and details of a person to appear on a website. At the moment, it is proposed that there be no restrictions to access that website, and whilst I accept that, for example, under the current regime the Director of Liquor Licensing can issue banning notices, there has been a real and practical problem of how publicans and managers of licensed premises are to acquire the knowledge that a particular person is barred when the related information is not disseminated. The problem with the internet is, to paraphrase the chief executive officer of Google who summed it up, that the internet is forever. If someone has a barring notice against him and the allegation is withdrawn, proves to be incorrect or encounters some other problem, the barring notice is still out in cyberspace forever—it is on backup systems and everything else. There is possibly a need for some restriction on who has access to that material.

Mr T.K. Waldron: I will address that later.

Ms M.M. QUIRK: I thank the minister.

We support the provisions in the bill concerning the taking of liquor into sports venues. The experience throughout Western Australia and the world is that sporting events, liquor and, quite often, hot weather, are a dangerous combination. Similarly, the seizure by police of unopened liquor, which I understand is an extension of the powers the police currently have in relation to juveniles, is a very sensible measure.

The problem of sly grogging is also addressed by this bill. Clearly, the existing penalties are not a sufficient deterrent and I support the proposed increase in the penalty. The provisions relating to people from licensed premises who have a reasonable suspicion that they are selling liquor to customers for the purpose of resale will address very real problems in remote Western Australia, particularly the Pilbara and the Kimberley. My attitude about publishing on the internet is not quite so coy when it comes to sly grog dealers. That is an insidious trade and we must do everything to stamp it out.

I want to briefly talk about winding back the trading hours of nightclubs. We are going into this a little untried. The evidence is not compelling either way. A voluntary trial involving cutting back nightclubs' opening hours has been ongoing for some months. This bill will effectively make that compulsory. There is no doubt that we have seen some improvements in Northbridge but that was not the only measure that was introduced about that

time. A number of concurrent measures were put in place to try to ameliorate the situation in Northbridge. It is very hard to pull out that initiative as having been effective. I approach that provision with some level of scepticism, bearing in mind that I made a rather tortuous FOI request to police for alcohol-related incident forms. These forms are prepared by police following some sort of incident. They include the name of the licensed premises in which the offender last had a drink. I received thousands of forms. I did not have the capacity to interpret or analyse them so I gave them to the WA Nightclub Association, which gave them to Coakes Consulting, which has prepared an extensive report on this issue. I hope the minister has read it. It makes quite interesting reading. Under “Key findings”, the report states —

- The number of alcohol-related incidents occurring in Northbridge on weekends peaked between 11pm and 3am (with the most problematic period occurring around midnight).
- Only 2.4 percent of all incidents in Northbridge occurred between 5am and 6am, the hour in which nightclubs were forced to close during the trial period.
- A small number of venues were associated with the majority of alcohol-related incidents occurring in Northbridge ... In total, around 64 percent of alcohol-related incidents in Northbridge (involving a person that had last consumed alcohol in a licensed premises) occurred after the individual had last consumed alcohol in one of only six specific venues.

I note that two of them have special facility licences, and I am pleased that they are being phased out. It continues —

- It may be more effective to work constructively with the venues that are associated with the majority of problems ... than to apply “across the board” restrictions to entire categories of license ...

The summary to the report concludes —

... ARIF data could be used to implement a fair, performance-based system as an alternative to “across the board” restrictions that unfairly penalise all licensees. Such a system could be similar to the system recently implemented in NSW, which categorises venues according to their level of risk and imposes restrictions on them accordingly. Such an approach would provide economic incentives to business owners to invest in strategies that would improve the performance of their venue (such as staff training and better security such as ID scanners and CCTV) or to reassess their business models as a means to reduce the trading restrictions imposed on their venue.

This report is based on ARIF information of almost 14 000 incidents over three years. It is very comprehensive. It makes the point—a point that I also want to stress—that the statistics have some qualifications; that is, they do not record increasing or decreasing police conduct, the targeting of particular areas or specific operations.

The emails that I have received from a number of people suggest that there possibly has not been the level of consultation expected by some of those involved in the industry. Interestingly, one of those emails was from the Business Improvement Group of Northbridge, which I understood was quite involved in consultations along the way. I would be grateful if the minister could tell us what level of consultation has occurred with industry to date.

I should also put on the record that a report was recently published in a journal known as *Addiction* entitled “Effects of restricting pub closing times on night-time assaults in an Australian city”. That city was Newcastle. I would appreciate that sort of evidence being brought to us as legislators in the future so that we can properly assess the laws we are making, ensuring that they are very effective.

I turn to the issue of lockouts. I understand that most pubs have extended their trading hours from midnight to 2.00 am. When they reapply for a licence, they will have to abide by the condition that a lockout occurs from midnight. I am not sure whether implementing that measure when licences come up for renewal is necessarily effective. I would like the minister’s views on how that can be more effectively rolled out.

The final thing I want to say is that the member for Alfred Cove is chairing a parliamentary committee that is inquiring into the impacts of alcohol. That inquiry is somewhat broader than the terms of reference that the committee is permitted to look at. Given that it is covering a broad range of issues—not only health issues but also law and order issues and other social issues—it would have been good if we could have had access to its report prior to considering these changes.

MR V.A. CATANIA (North West) [11.38 am]: The Liquor Control Amendment Bill 2010 has some very good amendments that will work well in the electorate of North West, particularly in areas that are in the media from time to time. The town of Carnarvon has been in the media in the past because of issues relating to alcohol-fuelled violence and the subsequent crimes that arise from that. The amendments in the bill allow for tenants and landlords to apply to the Director of Liquor Licensing to have alcohol barred at their premises. That is a fantastic

move by this government. The Northern Territory has similar laws allowing tenants and landlords to bar alcohol from certain premises. In the local paper and local media on 28 January 2009 I discussed the possibility of introducing a private member's bill to reflect the Northern Territory laws. I believe that Carnarvon could have held a very good trial to see if the laws worked. I raised that issue a while ago. It is great to see that the government has adopted something similar to the provisions in the Northern Territory, which prohibits people bringing alcohol to certain premises. That is a good thing. I believe that the whole of regional Western Australia will be very supportive of that. Often the easy solution, or the so-called quick fix, is to ban alcohol in the entire town, perhaps because the police suspect that there will be violence at a funeral or there will be a disturbance in a street. I do not believe that is fair on the 99 per cent of people in the community who obey the law and behave properly when consuming alcohol. This measure will target the individuals and households that cause 99 per cent of the problems with alcohol-fuelled violence. This measure will mean that if 20 or 30 people are at a party at a premises and are drinking alcohol and behaving in an antisocial manner, and causing a disturbance to neighbours, the police will have the power to go into those premises and seize the alcohol and make the appropriate arrests if a crime has been committed. The police are often at the pointy end, at one o'clock, two o'clock or three o'clock in the morning, when they have been called out because there is noise or domestic violence. This will enable the police to deal with a situation before it gets out of hand.

This is a matter that I raised in January 2009.

Mr T.K. Waldron: We appreciate your input, member.

Mr V.A. CATANIA: I thank the minister. I first brought this matter to the minister's attention when I was on the other side of the house. As I have said, I believe this measure will be very good, because it will target the problem individuals and households, particularly in regional Western Australia, rather than penalise the whole community. If alcohol cannot be consumed in certain premises and people then decide to drink on the street or in a public place such as a reserve or a park, the police will be able to use their existing powers to deal with that. Hopefully that will push those people into controlled environments such as pubs where they can hopefully be monitored and served alcohol responsibly.

The explanatory memorandum states that part 3 of the bill, "Amendments relating to liquor restricted premises" —

establishes provisions to allow owner/occupiers (or other prescribed class of persons) to apply to the Director of Liquor Licensing to have their premises declared as a liquor restricted premises.

It states also that —

private premises are considered to be residential premises, including a single unit/apartment within a complex/building; Crown land leased or occupied under a licence or agreement; and privately owned land, including any buildings on the land;

in determining whether to declare a premises a restricted premises, the Director may consult with the Commissioner of Police, local government authorities and any other person considered relevant;

This consultation with the local government and the local community is very important, because the community needs to be behind the decision. This consultation will provide the necessary safeguards to ensure that the right decision is made and that potential problems are not created by, for example, imposing a blanket ban on all state government houses in a town.

I commend the minister for bringing in this legislation. It is long overdue. I cannot say often enough that Carnarvon has been targeted by the media. Various leaders in that community have talked about the need for a liquor ban in the town. I do not believe that blanket liquor bans work. We need to target those people who act irresponsibly. I believe these amendments will do that. So, well done, minister, for that, and the community of the North West is looking forward to it.

This bill also provides for people to be barred from entering pubs if they have engaged in antisocial behaviour or have acted irresponsibly. That will be good for my electorate. Many of the publicans in my electorate have been pushing to have these people barred from pubs, so that will be very welcome. I am a bit concerned, however, about the fines that may be imposed on publicans if they do not adhere to the new laws. Publicans often seem to be the people who are hit the hardest when they break the law, even if that is unintentional. I hope these barring notices will be used in a responsible way. The problem is that in many of the towns in my electorate, the premises house transient workers. It may be backpackers who stay in the town for only two or three months and then move on, and it may be very difficult for these workers to grasp all the laws that apply to people who work in licensed premises. I therefore hope there will be a bit of leniency for publicans and their workers if they

inadvertently serve alcohol to a person who has been barred, with perhaps a warning rather than a fine in the first instance.

Mr T.K. Waldron: I will cover that in my response.

Mr V.A. CATANIA: Sure. I understand that. During consideration in detail I will raise some other matters that, no doubt, the minister will be aware of.

I congratulate the minister, on behalf of the North West community, for bringing in these important amendments to the Liquor Control Act to target individuals and householders who act irresponsibly. As I have said, blanket bans are not the way to go, because all they do is move the problem from one town to another. So, well done, minister.

The ACTING SPEAKER (Mr J.M. Francis): Before you start, member for Perth, I will just point out that if there were a standing order on poor fashion taste, I would be using it right now because of the tie you are wearing!

MR J.N. HYDE (Perth) [11.49 am]: Thank you, Mr Acting Speaker. I know that, because of the objectivity of the Chair, Collingwood supporters would never be allowed in the chair.

The ACTING SPEAKER: There is one in the chair right now!

Mr J.N. HYDE: Thank you very much!

I commend the minister for putting forward a series of amendments and changes, because the Liquor Control Act does need review. The opposition has some differences of opinion with the minister on parts of the Liquor Control Amendment Bill. As the member for Perth, my electorate contains the majority of licensed venues, certainly when measured by patronage, in the state of Western Australia—just as my electorate is also home to most of the mining companies in the state of Western Australia. There is probably some nexus between those two facts, certainly in West Perth.

The opposition has raised the concern of cyberspace and the misuse of the internet. We welcome the minister's comments that he is looking at that area and will come back with a proposal for how it can operate more sensibly in this modern age when we see the intranet being abused and misinformation coming to be seen as gospel truth.

The ability of police to seize and dispose of unopened liquor when a person is already consuming liquor without permission in a public place is of importance to my electorate. We have an issue not only with itinerants, but also with people who are leaving major alcohol-free events, such as Skyworks. They pick up alcohol from takeaway venues or somewhere, and there are many parks in the City of Perth or the Town of Vincent where alcohol is consumed. We also have the situation with sporting events, such as those at nib Stadium, at which soccer crowds and others are likewise consuming alcohol in our cafe streets and areas when they are walking back to car park areas. Anything that will make it easier for local residents to enjoy the ambience of their streets and not have that ambience destroyed by people who misuse alcohol is to be commended.

The sly-grogging issue, of course, also impacts very heavily on my electorate. We have had cases of park dwellers and others, and many people from regional areas of the state who may be visiting Perth for hospital treatment or other treatment at particular times of the year. They have been preyed on by people in station wagons and others who take advantage of their having holiday cash or pay-day money in Perth, and they use that money in a sly-grogging way. If we can beef up the penalties, which I think are currently \$20 000, to include imprisonment for two years, hopefully that will act as more of a deterrent to those who are preying on people, primarily from regional Western Australia, who are at risk when they are visiting the city and the inner-city.

We have some contention with what we see as the sledgehammer approach to the nightclub trading-hour issue. We note the comments from not only the nightclub groups, but also the BIG N, which is a very important group in my electorate. The current chair, Mike Keiller, is an excellent operator of his establishment, the Mustang Bar. Having been parliamentary secretary for health and having been involved in a number of groups on the misuse of drugs and alcohol, it is not alcohol per se that is the problem; it is the incidence of misuse. We have empirical and objective evidence of where and when the misuse is happening, but that does not seem to have informed the government's response. I want to show this by way of a graph.

The ACTING SPEAKER: May I ask that you just move it away from the microphone.

Mr J.N. HYDE: I am sorry.

Only 2.4 per cent of the night incidents in Northbridge occur between 5.00 am and 6.00 am. The big amendment in this bill is to close those venues that happen to be open between 5.00 am and 6.00 am. On any empirical basis,

and any evidence-based way of looking at the health figures and the police incident figures, one would not come up with a solution of closing all venues between 5.00 am and 6.00 am. It is a very telling way of looking at that situation. Let us have a look from another perspective.

The ACTING SPEAKER: Member for Perth, I am allowing it, but you really do have to face me and the microphone.

Mr J.N. HYDE: Correct. It is the economy-class seats we have in the Assembly!

The ACTING SPEAKER: I understand the limitations.

Mr J.N. HYDE: Some 64 per cent of alcohol-related incidents in Northbridge during the nightlife hours—that is, involving a person who last consumed alcohol in licensed premises—occurred after the individual had last consumed alcohol at one of only six specific venues. I think all of us here understand that, as with all legislation, we can legislate until the cows come home, but if the management of the venues and the issue is not done properly, there will be hot spots and pockets of problems. We can see that around the state. We are looking at six specific venues, so if we were really after an evidence-based outcome and a legislative change that would really solve the problem in my electorate, we would be targeting these six venues or the situation that allows those six venues to get away with mismanagement and the resultant chaos that we have on our streets.

Those issues show very strongly the Labor Party's opposition to the amendment regarding the nightclub closing hour between 5.00 am and 6.00 am. We looked very much at the changing hours. In my electorate a minority of people work between 9.00 am and 5.00 pm. Very few people in my electorate work what we call standard hours. Being the prime entertainment area, and also being based very much in mining—because many mining companies that are headquartered in Perth are working on United States and European times—Perth is becoming in many ways the second financial capital of Australia.

Mr T.K. Waldron: Sometimes people are working in the early hours of the morning.

Mr J.N. HYDE: Yes, people work at different hours. We also have many people in the entertainment industry, be it at the Perth Convention and Exhibition Centre or the many hotels, who often finish work late or start work later. Their ability to relax and have an entertainment lifestyle may mean that they are going out to relax at 3.00 am or 4.00 am. For us to be suddenly using this sledgehammer amendment of closing venues between 5.00 am and 6.00 am means that we are cutting out the diversity and the options for entertainment and alcohol provision. We all have to acknowledge that one of the greatest impacts on the village of Northbridge—Northbridge has become a much better place in the past two years—has been the introduction of small bar licences. We now have more of a mentality that alcohol consumption can be used as an adjunct to people socialising, arts activities or meals. That is because we have really successful and diverse small bars operating. By having diversity in venues rather than having a culture that says all people must go to a gigantic booze barn with 3 000 or 4 000 people and consume as much alcohol as possible, that has actually been a very good diversionary way of operating liquor licensing and entertaining management in Northbridge, which has had good results. For those reasons, we will not have huge crowds in nightclubs between 5.00 am and 6.00 am, and the figures show that we are not getting massive problems emanating from nightclubs during that time.

The final issue I want to address is one that members have been good enough to listen to me talk about before, and I know that members are very much aware of it. In my electorate—I declare an interest in common—I am a patron of the Jazz Cellar, which is a very small underground jazz venue that has operated for many years in Mt Hawthorn. It does not cause any problems; a number of fine jazz players and people gather primarily on Friday nights at this venue to play and hear jazz. The operation has traditionally been that people bring their own liquor, as though they were going to somebody's lounge room. The venue has a capacity of fewer than 100 people, and it has been inspected by the local council, Fire and Emergency Services Authority of Western Australia and other relevant agencies to ensure that it meets their requirements. It is a very unique example of what I am talking about.

I am hoping that we can perhaps get out of this legislation a similar amendment to the one that the minister has proposed for charter vehicles. I understand that the charter vehicle amendment comes under clause 36, which amends section 6 by deleting "sale" and inserting "sale, supply or consumption of liquor". This is to enable regulations to be made to allow, in certain cases, BYO alcohol to be consumed in certain small charter vehicles. That is eminently sensible. I would be delighted if it were possible to move a similar amendment to this bill to include also certain not-for-profit arts venues with a capacity of fewer than 120 persons. We do not want to create a loophole that can be exploited by people who are primarily interested in selling liquor. This is a unique situation; we want to enable an arts venue that has traditionally operated with BYO alcohol, in much the same way as would occur in somebody's lounge or at a low-key event, to enjoy a similar exemption to that proposed for small charter vehicles.

Having experience in government, I know that by the time we get to this stage it is often hard for a minister to propose a new amendment, but I think that there is a lot of sense in this amendment. We could make the wording so narrow as to only ever apply to a very tiny number of venues. We do not want other groups who are primarily concerned with alcohol consumption trying to exploit a loophole. I would appreciate it if the minister could take some advice to see whether that may be an appropriate way to legitimise the activities of a venue such as the Jazz Cellar so that it can operate in an appropriate way.

I thank the minister for making time in the government's legislative agenda to get this bill into this house. Apart from the issue of nightclubs closing, we are in general agreement on many areas in which the minister seeks to make amendments.

MR P. ABETZ (Southern River) [12.04 pm]: I rise to support the Liquor Control Amendment Bill 2010. I am particularly pleased to see that the bill contains a number of law and order amendments that are aimed at minimising the incidence of antisocial behaviour in and around licensed premises. The provision for the Commissioner of Police to issue barring notices to individuals will be a very useful tool in reducing antisocial behaviour around licensed premises.

Although there are good things in this bill, I believe we still have a long way to go before we really effectively address the problem of over-consumption of alcohol in Australia. The sad thing is that we have known about this for a long time. As long ago as 1977, the Senate Standing Committee on Social Welfare, known as the Baume committee, conducted an inquiry into the use and impact of alcohol in Australian society. According to my notes, the report of the committee stated in part —

Alcohol is the major drug of use in Australia. It constitutes a problem of epidemic proportions ... any failure by governments or individuals to acknowledge that a major problem—and potential national disaster—is upon us would constitute gross irresponsibility.

Interestingly, one of the committee's recommendations, way back in 1977, was a ban on the advertising of alcohol. That is certainly not part of this bill at this point. Although we have been very effective in banning the advertising of tobacco, we have really not addressed this issue at all in this country, and I am now alarmed at reading the findings of the Alcohol Education and Rehabilitation Foundation's latest report which, according to my notes, states in part —

Almost three quarters of adult Australians have been negatively affected by someone else's drinking.

Heavy drinkers cost the people around them more than \$14 billion per annum in out-of-pocket expenses, forgone wages and productivity; and more than \$6 billion in intangible costs. Much of this is additional to the more than \$15 billion previously identified as costs associated with alcohol abuse in Australia, bringing the total bill to a conservatively estimated \$35 billion per annum. I put it to members that anything that costs our community at least \$35 billion a year calls for nothing less than drastic action.

I appreciate that individuals' rights and civil libertarian lobbies will not support this bill, but I believe that in cases such as this, the public interest and the interest of our communities must prevail. As the AERF report indicates, based on the 2006 census, more than five million Australians had been negatively affected, at least a little, by the drinking of a stranger or someone they did not know well.

In looking at the issue of alcohol and what can be done to reduce antisocial behaviour, I read with interest that a member of the New South Wales Parliament introduced a private member's bill some time ago, entitled the Alcoholic Beverages Advertising Prohibition Bill 2008. Under that bill, which was not passed, the commercial advertising of alcoholic beverages would have been prohibited in all media, and residential zones could have been declared alcohol free for a limited time by local residents. I think that that would be a very desirable thing. This bill goes a little way in that direction. Under the NSW bill, the declaration of an alcohol-free zone would have been made by the minister upon receipt of a petition signed by at least 10 per cent of the enfranchised residents on the grounds that there was widespread alcohol abuse in the area at particular times—for example, during end-of-year school celebrations. In that situation, a person buying, selling, delivering or publicly consuming any quantity of alcohol within a designated alcohol-free zone during the period of declaration would commit an offence.

Some people might consider that to be too drastic, but I think of all the people in Dunsborough, for example, during schoolies week. It would be brilliant for that community to have the capacity to declare itself an alcohol-free zone for whatever period would be appropriate. That is something that is well worth looking at.

I believe the provision in the bill before us today for occupiers of private property to have their premises declared liquor-restricted premises will be a very valuable tool in helping both white and Indigenous families live an alcohol-free lifestyle. The fact that police will be required to enforce these bans will be a valuable step to

help reduce the alcohol problems in Western Australia, particularly in remote communities. When I was in the Kimberley recently as part of an Education and Health Standing Committee inquiry, one thing that kept coming up was that alcohol does not only affect the drinkers but also families that do not drink. Apparently two-thirds of Indigenous families do not touch alcohol, but the ones that do touch alcohol drink and carry on, and make so much noise that the kids next door cannot sleep; and all those kinds of issues. Another issue is people coming from other communities bringing grog with them. They land on a person's premises and create all sorts of disturbances. This section of the bill will enable such people to request their property be declared a liquor-restricted premises. I applaud the Minister for Racing and Gaming for that section.

On the issue of a cutback in closing times for nightclubs from 6.00 am to 5.00 am, I appreciate what the member for Perth said that only 2.4 per cent of antisocial acts occur during that timeslot, but I suggest that winding back the closing time actually creates an opportunity in Northbridge for Northbridge to also develop a new culture of "breakfast". That was something that some nightclub operators I spoke to told me—if nightclubs wound back closing time by an hour that would allow a breakfast culture to develop. Their argument was if nightclubs' closing time is cut back an hour, we should also cut back pubs' closing time by an hour. I think that would be a very desirable thing to do—cut back everything by one hour. That would provide a chance for the streets to be cleaned up and roadside cafes and so on to open for breakfast. That would add another dimension to Northbridge.

In February this year I lodged a submission in relation to the federal government's National Drug Strategy campaign. I argued that early intervention was a major key in resolving the alcohol crisis. I also said that intervention needs to start at a very early age. Health education programs at primary school should emphasise more heavily the real dangers of excessive alcohol use. Education really has to start before children start drinking. One of the things we really need to work hard at changing in our culture is a mentality that one cannot have a good time without getting drunk. That seems to be so much part of our culture at this point in time, which is most disturbing.

The recently released Salvation Army's "Alcohol Awareness Study 2010" conducted by Roy Morgan Research shows that in the 14 to 17-year-old age group, nine per cent often drink with the deliberate intention of getting drunk, and another 14 per cent say they sometimes drink with the deliberate intention of getting drunk. We have 14 to 17-year-olds deliberately setting out to get drunk. That will create a huge health issue for those kids. The brain is still developing at that age—in fact right up to 25 years of age for boys. It leads to brain damage, which cannot be reversed.

In my submission I also said that alcohol abuse prevention requires a concerted approach at all levels of community—families, schools, specialised agencies, police, courts, media, sports clubs and so on. Different strategies need to be used or devised at each level. We need to consider in particular the critical importance of culturally appropriate solutions for newly arrived immigrants and for our Indigenous people. I am pleased to see that an independent research report recently published in New Zealand actually advocates similar kinds of recommendations.

We have a lot of work to do on the alcohol issue. We must have the courage to tackle it. I believe this bill takes a first step in the right direction. I also believe we need to look at overseas experience. For example, members might be interested to hear that the European Union has a European Charter on Alcohol. An extensive report published in 2006 for the European Commission shows that 11 of the countries who actually adopted the charter had seen a decrease in per capita consumption, while a further three countries who adopted it achieved the target, which was a 25 per cent reduction in per capita alcohol consumption. That is really worth looking at. I believe the charter could easily be adapted to Western Australia. Most Western Australians would support the five ethical principles in that charter: the right to a family, community and working life protected from accidents, violence and other negative consequences of alcohol consumption; the right to impartial information and education starting early in life on the negative consequences of alcohol consumption; the right to grow up in an environment protected from the negative consequences of alcohol consumption; the right to accessible treatment and care; and the right to be safeguarded from pressures to drink.

Another point of interest is the French situation in which the advertising of alcoholic beverages is not self-regulated. In Australia we have a voluntary code that is being blatantly ignored, as was presented at the recent Western Australian Drug and Alcohol Symposium in Fremantle. The presenter showed very clearly how advertisers in Australia deliberately target the 12 to 15-year-old age group to recruit them for drinking, and how blatantly they violate the standard. I believe that any code that controls advertising should not be a voluntary code. I often use the illustration: if we have a problem with hoons outside our schools, we do not impose a voluntary speed limit. We put speed cameras out there. We say, "If you step over the line, we fine you"—as simple as that—and, we take the cars off them as well. We really need to move in the direction of a compulsory or an obligatory advertising code for alcohol in our country if we allow any advertising at all.

Ms Margaret Quirk; Mr Vincent Catania; Acting Speaker; Mr John Hyde; Mr Peter Abetz; Ms Lisa Baker; Mr Chris Tallentire

In France, for example, alcohol advertising has been effectively banned since 1991. Their rules are as follows. Any drink that contains more than 1.2 per cent alcohol is considered an alcoholic beverage and cannot be advertised in a way to target young people specifically; it allows no advertisements on TV or in cinemas; no sponsorship at cultural or sporting events; and controlled advertising exists only in some media so that messages and images should only refer to the qualities of the product, such as degree, origin, composition et cetera, and include a health message to the effect that alcohol abuse is dangerous to health.

Closer to home, the New Zealand Law Commission has produced a substantial report entitled “Alcohol in our Lives: Curbing the Harm” which promotes a three-stage plan to bring alcohol promotion, advertising and sponsorship under greater regulation. The report states —

The ultimate aim will be to bring about a situation where no alcohol advertising should be permitted in any media other than that which communicates objective product information, including the characteristics of the beverage, the manner of production and the price.

The report states another step of the program —

... would see the establishment of an interdepartmental committee ... to limit exposure to alcohol promotion and restrict the content of alcohol promotion messages.

I certainly appreciate the fact that a lot of our sports clubs, especially in country areas, rely very heavily on sponsorship from alcohol companies. Obviously we should not pull that out suddenly; there would need to be a transition period in which perhaps an extra tax on alcoholic beverages can be put into a fund that sports club can apply to—a little like we have with Healthway and tobacco arrangements.

Finally, I also want to put on the record that I am a firm believer in increasing the drinking age above 18 years. Scientific evidence points to the fact that the human brain is not fully developed until at least 21 years of age, and some say even 25 years of age, particularly for boys. During the formative stages of the brain, alcohol causes significant damage. As we know that alcohol impairs judgement and increases risk-taking behaviour, the compound effect of alcohol and immaturity on a young brain can only be described as extremely devastating.

In this context it is interesting to look at the experience in the United States. After prohibition was repealed in 1933, it was decided that the legal drinking age could be set by each state. Until 1970 the minimum drinking age in most of the US states was 21 years of age, but after 1970 a significant number of states decided to drop it to 18 years. These states immediately noticed a sharp increase in alcohol-related fatalities among young teenagers. As a result, of the 29 states that lowered the drinking age, 24 raised it again between 1976 and 1984. In fact, the impact of this reversal was significant. According to the US National Highway Traffic Safety Administration, increasing the minimum drinking age to 21 is credited with having saved 18 220 lives on the US highways between 1975 and 1988 alone.

Interestingly, New Zealand is also in the process of reviewing its drinking age laws. The New Zealand government is considering splitting the age laws for the purchase of alcohol by leaving the age at 18 years for drinking in bars, restaurants and pubs, but raising it to 21 years for the purchase of takeaway liquor. The aim is to discourage bulk buying of alcohol—as the younger ones tend to be the ones who give it to the still younger ones—and in that way reduce the incidence of excessive drinking in 14 to 18-year-olds.

In conclusion, it is apparent that quite a few jurisdictions are now taking active steps to tackle the alcohol issue. I am pleased to see that we are starting to do likewise here in Western Australia. I certainly support this bill, but I am looking forward to the introduction of further legislation to this house to complement the positive steps taken in this legislation. I commend the bill to the house.

MS L.L. BAKER (Maylands) [12.22 pm]: Mr Speaker, I am honoured.

In speaking to this Liquor Control Amendment Bill 2010, I find myself in an interesting position of agreeing with the member for Southern River on one of those rare occasions, and I will remember it for a long time, I am sure. I agree wholeheartedly with much of what the member for Southern River has said. Alcohol is the most understated drug and certainly the most underpoliced drug in our society.

We need to do a range of things to address the problems that alcohol creates in our society. In that respect, I think that the Director of Liquor Licensing has one of the most difficult jobs in our society as well. Following that train of thought, I reckon our job in this place is not very easy either, as we are balancing the needs of our communities, our children and our families with the needs of business, the economy and a whole bunch of other stakeholders. That is not an easy ask.

I find myself having to admit to a conflict of interest because, unlike the member for Southern River, I do have a drink. I should therefore put on the record at the beginning of my comments that I like a glass of wine.

Mr P. Papalia interjected.

Ms L.L. BAKER: Pardon?

Mr P. Papalia: It's all right.

Ms L.L. BAKER: Not necessarily now, member for Warnbro, but I do like a glass of wine.

It is with those considerations in mind and in an attempt to balance the needs of the constituents in my neighbourhood that I address this topic. In relation specifically to the provisions in the amendment bill before us, the first comment I make is that most of what I am going to say relates to the industry's view of this bill. Having acknowledged that alcohol is a problem in our society, I need to speak on behalf of the constituents who have approached me from an industry perspective; and that is pretty much what I intend to do at this stage of the debate.

The points that have been brought to my attention by the stakeholders in Western Australia are similar to those that have previously been made, as can be seen in *Hansard*, by the member for Perth, and I am sure will be made by many other members today also. The problems that the industry itself foresees with this amendment bill come from a number of different directions, and some are quite detailed. I will talk at the outset about the broad issues that are concerning the industry.

I believe a trial was conducted over the summer period on changing the closing times for clubs and pubs in Northbridge. At that time approaches were made to many members of this place by club owners and hotel owners suggesting that the trial on the closing hours continue to run instead of stopping it while it was being reviewed. The reason they said that, I suppose, goes to my first point, which is about creating confusion among patrons. It is a bit like extended retail trading hours really, and that whole miasma that one gets caught in when different sides say different things. I can foresee that there will be confusion among patrons if there are variations in lockout times according to the evidence presented to the Director of Liquor Licensing at a time that causes him to introduce lockouts or varied closing times. I think there is a need for stability and clarity for consumers and people who want to have a very sensible night out—an opportunity that I am sure many members of the house enjoy. It would be nice to have some sense of stability in those opening hours and to know when lockouts are operating. In fact, I can comment personally that when trial lockouts were first put in place in WA—I think it might have been some years ago—I gave up going out because I could not figure out when I was going to be locked in and when I was going to be locked out; therefore, I just stayed at home.

Mr P. Abetz: And maybe you could have got locked up as well!

Ms L.L. BAKER: I did not get locked up! That was probably quite a good thing, and I am sure there are many people who are grateful that I was not there! But it did confuse me. Fortunately, I am a bit old for that behaviour nowadays, but varied closing times do cause confusion. It also may mean that there is fragmentation occurring in the clients who are attending functions or whatever. There may be confusion for a group of 10 or 15 people going out on a social occasion when a lockout is on. Half might get locked out and half locked in. There might then be different challenges facing individual patrons. The obvious example to mention is a young woman split from her group and left on her own in Northbridge. I assume that she is not drunk, but, hey, she may have had a few to drink and she may not be as clear headed as members or I would like her to be, and that would cause an at-risk situation for that person. We therefore need to be mindful of that situation.

I have heard mentioned in this debate the issue of shift workers; this has been raised with me by my constituents. If we introduce the amendments in this bill into the Liquor Control Act, there is likely to be inbuilt confusion, and shift workers who want a bit of social entertainment on the way home may not be able to access that.

There is the issue of public transport. That also needs to go hand in hand with these amendments. If we are putting people out onto the streets at varying times, we need to make sure that they can get where they need to go safely. I am therefore hoping that the government has some solutions to make sure that solid, stable, regular public transport is available to get people home safely.

I refer to the introduction of a midnight lockout. A patron, for example, may go out to a hotel to celebrate his thirtieth birthday with some friends. They are all in a hotel having a drink until two or three in the morning—good luck to them! They are in a pub at 12 o'clock and they know that they have to move before the lockout occurs or they will not be allowed to get back in. They need to move to a nightclub. Nightclubs tend to be smaller venues than most of the hotels. There are more hotels and fewer nightclubs. We are dealing with the simple law of physics involved in fitting a large number of people into a smaller space. If the lock-out goes ahead, there will be the possibility of a large number of people trying to fit into a smaller venue. Again, there are risks associated with that possibility, such as potential aggression or confrontation as people are squashed into venues. I know that there are limits on crowd numbers, but there is still a potential threat. Queues will increase as

people wait on the street. We need to ensure that there is adequate security in place. Indeed, if there is evidence that there are six places that are hot spots, rather than trying to hit the nail with a sledgehammer maybe we should just hit it with a hammer. Maybe we should put the police at the hot spots and leave them there to manage the situation, rather than try to change the whole of the state legislature in this area.

I imagine that if the Lord Mayor of Perth were in the chamber, she would say to members that this is Dullsville. I have heard her speak on the public record, so I suspect—I am not trying to put words in her mouth—that she would raise issues such as that eight per cent of visitors to Northbridge are tourists; tourism in Northbridge contributes \$53 million to revenue and is responsible for 83 jobs; and there are already difficulties explaining licensing regimes to tourists, and lockouts would increase this confusion. I suspect that we would hear a bit of a public outcry from the City of Perth about creating Dullsville in Perth again. There is always a balance of individual responsibility, and that is at the crux of this matter, as it is for any debate about alcohol or drugs. The need for individual responsibility must be balanced with societal norms and the need to ensure public safety. Of course, the government's very challenging job in this case is to try to balance the need to manage potentially violent or difficult situations with the need for an individual's rights. People need to take responsibility for their drinking. I say to the minister and to the government that that issue resides very squarely with the amount of money being spent on parents and families. We must ensure that young people are brought up with the right attitudes towards alcohol consumption; otherwise, we will end up throwing the baby out with the bathwater. We are introducing legislation to control alcohol but we are not dealing with the real core of this matter, as clearly stated by my friend the member for Southern River today—that is, children and families and having the right early interventions in place to ensure that they know how to be healthy and how to have an individual sense of responsibility. Those issues need to be thought through very quickly.

There are a number of other issues that I want to raise, including the impact on staff. This legislation has the potential to impact on staff. For instance, details of the manager and supervisor will need to be displayed in a conspicuous manner, along with the signage that is already required to be displayed under section 116(5) of the Liquor Control Act. Concerns have already been expressed by supervisors in licensed premises about this requirement. It means that they will have to put their personal details in a public place. Traditionally, late-night venues are not the kinds of places where people would want to advertise their personal details. Certainly, I would not be comfortable with putting my name and address up for public display if I had no direct control over who entered the premises. There is an issue with the impact on staff. I believe that the industry is suggesting a compromise in that those details could be put on a register so that the information would be available but it would not necessarily be publicly broadcast. The information could be held within the premises, so if police needed that information, it would be there. I am sure that the industry could be approached on that front.

There is also the impact on licensed venues. I would like to go into a bit of detail about this issue. The amendment to section 128 of the act will essentially allow the minister to prescribe fees by reference to a number of discerning factors. It is really important that Parliament understand the nature of the industry that it is dealing with. I have no doubt that the Department of Racing, Gaming and Liquor understands the industry. I think it is important that we understand the industry as well. Some points were given to me to make during the debate about the impact on a venue in Northbridge if it were proposed to charge that venue a fee of, say, \$100 000 per annum more than another licensed premises. The number of licensed venues in Northbridge would be marginal; they would go out of business.

Mr J.E. McGrath: Who provided you with the points to make?

Ms L.L. BAKER: Constituents who have been emailing me, including the Australian Hotels Association, the Business Improvement Group of Northbridge, or the BIG N, and the WA Nightclub Association. I am happy to put that on the record.

Mr J.E. McGrath: So stakeholder groups?

Ms L.L. BAKER: Absolutely; stakeholder groups have given me this information. I am sorry if I did not make that clear at the beginning of my remarks. That is exactly what I wanted to put on the record. Stakeholders have given me this information.

Patrons could be forced to attend areas that do not have the right infrastructure or safety provisions for them. This is a matter that is very near and dear to my heart because in the Maylands precinct we have been dealing with instances of alleged antisocial behaviour. One of the reasons for the antisocial behaviour that have been put forward is that the police have moved people out of Northbridge and so they leave the train at Maylands, and probably at other suburbs as well, in an intoxicated state and cause problems. That is a potential that we need to address, and we need to be careful about that.

In the few minutes I have left, I will go through a few of the points that stakeholders have raised with me so that they are on the record. The issue of lockouts is probably the most contentious issue because it goes to the ability of a business to predict how it can trade. If a business does not know whether it could be subject to a lockout, it will affect the running of that business. According to stakeholders, there are significant practical ramifications of the marginal effects of lockouts. I will go through a few of the points that stakeholders have provided me with to inform this discussion. Patrons will be forced into nightclubs earlier—that is, at midnight—where there could be less choice in music or service unless there is appropriate capacity for the number of patrons. This could put more people on the streets before the lockout hour as people jostle for position at their last venue of choice. Migration from small bars will occur much earlier, given that they close at midnight. There will be further layers of confusion, which often equates to a confrontation at the doors of venues. We certainly saw that in the early days. People get used to it and the industry is quite confident that people will get used to it if a decision is made, but it does create the potential for confrontation. Inconsistency of treatment of venues and licence types also added to the confusion. I have covered things such as fragmentation of groups, limited patron choice and lack of understanding or turnoff to tourists and creating a wave of public transport demand versus orderly dispersal over time.

[Member's time extended.]

Ms L.L. BAKER: There is also the issue of the inability of patrons to escort friends to transport, including security taxi ranks, or to go out for food and then return to the venue if they choose.

Mr T.K. Waldron: I'll cover that for you later.

Ms L.L. BAKER: I thank the minister. I will be very grateful.

Then there is the issue of shift workers and the lessening of services and offerings by venues. One of the points that was specifically highlighted to me is that some trading hours, and obviously some trading days, of these venues have different profit margins built into them. If they are not allowed to trade in a well understood, clear way and lockouts are brought in, the challenge is for that business owner to work out how to maximise his profits and still keep the venue open. That will put pressure on businesses because I know that some venues will have problems from Sunday to Wednesday, for example. They may not be able to offer bands and other entertainment and the like as they try to smooth their costs. They are some of the issues that have been raised with me.

One of the suggestions that the industry has made to me is that we ask the Economic Regulation Authority to look at the industry's profile, its demographics, how it works and its viability and do an assessment of it now to show how these amendments will challenge the industry. That would inform this debate.

In closing, I understand that there are very challenging days ahead of us when it comes to managing alcohol consumption in our society. My personal preference is to stay with some of what the member for Southern River said in his very good presentation about managing alcohol in our society rather than taking a sledgehammer to attack and change legislation at this level. We need to spend a whole lot more of our taxpayers' resources on strengthening families at that grassroots level so that we do not end up with these problems later.

MR C.J. TALLENTIRE (Gosnells) [12.43 pm]: The Liquor Control Amendment Bill 2010 represents a missed opportunity. We could have used this legislation to make a difference and help advance Western Australian society in its attitude towards alcohol. In other words, we could evolve our current drink culture that is such a problem, especially when it relates to the binge drinking that is so prevalent. We see it amongst younger people on Friday and Saturday nights. It is a real blight on our society. It is the root of a lot of antisocial behaviour. Binge drinking is a serious problem. I feel that this legislation could have gone further to bring about some policy changes that could address that problem. Other members made some excellent speeches. I was very impressed with much of what the two previous speakers, the members for Maylands and Southern River, had to say.

I would like to focus my presentation on the issue of changing the attitude amongst young people to address this drink culture problem. We have seen some positive steps. The changes that the previous government brought into effect relating to small bars were an extremely positive step forward. It was a great way of helping people realise that the key to a successful night out is the company that they are with, not the amount of alcohol that they consume. The feeling at these small bars is that people are there to socialise, not just to get drunk. Changing our attitude towards what is a good evening out is critical.

Other aspects relate to family attitudes towards alcohol. I see two quite different arguments in this area. One argument, as put forward by the member for Southern River, is that young people should not be drinking alcohol until they reach the age of 21. I see that argument but I also see the other argument, which is that by exposing young people to very small amounts of alcohol in a family situation on special occasions can be a great way of

helping people as young as 13, 14 or 15 begin to appreciate alcohol as a supplement to a special occasion, not the be-all and end-all of an evening out. I hear both those arguments. During my upbringing I had the opportunity to taste a bit of alcohol at meal times. It was quite beneficial to my education. It gave me the opportunity to be exposed to this interesting taste. It was a complement to a meal and something to be enjoyed. That is known as the European approach to alcohol consumption and alcohol education. There is a lot to be said for that. I also hear the argument that perhaps the consumption of alcohol at a young age can be damaging to a young brain that is still in its formative phases. That is certainly a concern. I imagine that there is some research that demonstrates the level of alcohol consumption at which the danger occurs.

Another issue that I consider very important is that we need to have a society that can quite happily and proudly declare an event to be alcohol-free. A society that thinks it is a shame that people cannot have a glass of wine or a few beers at an event is one that has not really managed to make that transition to being able to enjoy an event for what it really is rather than an opportunity to have a drink. I am very supportive of events that declare themselves to be alcohol-free because it is part of that cultural change that we need to see. Based on some of my recent experiences in my electorate, alcohol-free events can be a tremendous success. There was an Australia Day breakfast in the City of Gosnells. Obviously, it is easier to make a breakfast occasion an alcohol-free event than an evening event. The family atmosphere at that event contrasted with what we have heard about alcohol consumption at Australia Day events in previous years. I also note that in my electorate we had Gozzy Rock, another alcohol-free event. It was very successful.

Mr T.K. Waldron: What event was that?

Mr C.J. TALLENTIRE: Gozzy Rock, which is a very popular event. Some members have probably not heard of Gozzy Rock because it runs so smoothly. It is not controversial and there is no excessive alcohol consumption and antisocial behaviour to make it a headline grabber. It is a very well-run event and very successful. Lots of young people enjoy it and it goes very smoothly. It is alcohol free.

Another event in my electorate that is coming up is an annual event—the City of Gosnells Multicultural Food Fair. It is held on a Friday night. It has a great family atmosphere and runs extremely well. There is much to be said for the promotion of these alcohol-free events.

I turn to the level of professionalism that we see in our hospitality and entertainment sector. I have grave concerns about the level of professionalism that we find in the sector. I think it is perhaps at its worst when we look at the employers in the sector and their attitude towards their workforce. So often when we go to venues in the evening, we find that the workforce is predominantly a backpacker-type workforce. These backpackers have had little, if any, training. We contrast that with people who work in the hospitality sector in Europe. There is a huge difference. In Europe, the hospitality sector is deemed to be a very worthy professional career choice. However, unfortunately the hospitality sector in Western Australia—its peak body, the Australian Hotels Association, needs to share some of the blame for this—does not want to increase the level of professionalism of its workforce. It is very happy to have its workforce paid low wages.

Debate adjourned, pursuant to standing orders.