

Mr Mick Murray; Ms Libby Mettam; Mr Roger Cook; Ms Wendy Duncan; Ms Lisa Baker; Mr Peter Abetz; Ms Rita Saffioti; Mr Paul Papalia; Mrs Michelle Roberts; Mr Terry Redman

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## LIQUOR LEGISLATION AMENDMENT BILL 2015

### *Second Reading*

Resumed from 15 October.

**MR M.P. MURRAY (Collie–Preston)** [8.12 pm]: I stand to speak on the Liquor Legislation Amendment Bill 2015. With that, I say that our side of politics certainly supports the intent of the bill. Of course, it needs a bit of tidying up, to say the least, but the intent of the legislation is quite good. It does worry me that it has all of a sudden been deemed urgent, when we realise that the review of the Liquor Control Act started in 2012 and now, just before the 2015 summer period, this is urgent legislation. If we go back, the review was established in 2012 and it reported in December 2013 but was not released until January 2014. One can only wonder about that delay. From what I see here, the review has been cherrypicked and the easy parts pulled out and put back together to form the Liquor Legislation Amendment Bill. I think that is a poor performance on the part of the government. It has not done its homework and it is now trying to rush something through because it said that it would have something on the table.

Further to that, one could wonder who wrote the bill. I have a copy of the January 2015 *Hospitality WA* magazine which states on its cover in bold writing “AHA Delivers on Liquor Control Act Review”, yet the bill is coming on only now. One can only wonder what went wrong, why it had not been brought on earlier, and whether there were some problems. The cover of the *Hospitality WA* magazine also has a big tick against “Sunday Midnight Closing”, a big tick against “Ongoing ETPS’s for 5 years”, and a big tick for “Training and Incident report register reduced to 4 years”. Then beside “Police Changes to the Definition of Drug” a big “Stopped” has been stamped, “Club campaign to serve tourists” also has “Stopped” stamped at the end, and “Health lobby hospitality venue tax” also has “Stopped” stamped next to it. That magazine was published in January, yet the bill has come in here in October. What was the hold-up in the meantime when the Hospitality WA group, or Australian Hotels Association WA, has been out there espousing what it has done? Who is running this state? Is it the AHA or is it the government? I have a feeling, after looking at that magazine, that people could think it was the AHA, especially when talking about liquor.

However, in saying that, I am glad to see that the government has finally come through with some parts that had already been moved in this house yet rejected by this government. It has re-dressed those things and spiced them up a bit and has brought this bill to the house. Press releases were put out several months ago that referred to secondary supply laws. I would expect that this time there will be further press releases with more piggybacking along the way—members can look in *Hansard* to find out when that happened in this house—on the bill that I introduced and read into this house in June 2013. Here we are in October 2015 and essentially the same legislation is being presented. What a poor reflection of the work rate of the two ministers who have been in this house and the upper house. They were quite willing to knock off a bill just through bloody-minded politics, because they did not want to be upstaged by the Australian Labor Party. The government, 18 months later, introduced a similar bill to the house with very few changes. Yes, it may have a little more detail than my bill about how liquor licensing will be managed, but overall this bill is the same as mine. The government had the gall to issue press releases a couple of months ago saying how good its legislation was and how good the Liberal and National Parties were, but it has been absolutely appalling on this matter. There were 144 recommendations and very few of them have been brought forward. As I said, the ones that have been brought forward are lightweight, and that is why the opposition will not strongly oppose what the government has brought forward.

We know that the Australian and Western Australian drinking culture is different from that of many other countries. We like to get it down quick and get down as much as we can, whereas in many other countries they like to have a drink with their meals and to some degree do not have the binge-drinking culture that we have here. I would like to think that in time we could arrive at a situation such as that which exists in Japan, which has vending machines on railway platforms from which people can get a can of beer or a Coke, or whatever a person fancies to drink. Imagine if there were a vending machine at Perth railway station. It would be empty within hours and there would probably be a fight among people to get their money in to get a beer out, and on a Saturday night it would probably be 10 times worse. I think we have a long way to go to make the changes we need to arrive at that mentality in the Australian drinking culture. Binge drinking has always been a problem and, as a father, that concerns me. As a younger person, I probably partook in that. As I get older, it is an appalling sight to see young women especially who are virtually out of control and their mates carrying them down the street. The general fitness and health of Australians is much better than that of people in many other countries, but our ability to have a drink for a bit of fun and to then go home is a bit short on. Australians tend to fill up to their eyeballs and then go home in a taxi; and even then, they are lucky if they get home.

The problems associated with drinking too much alcohol have been very well put by many people in the health industry, especially for those people in the underage group. It is disappointing to hear that kids as young as 10

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and 12 years of age are being taken by their friends to hospital outpatient departments at night-time because they have overindulged in alcoholic drinks, when they should not even be having an alcoholic drink at that age. The more we learn about brain development and physical development, the more we understand that the longer people hold off from having an alcoholic drink, the far better it is for not only their health, but also their parents' health because of the stress that parents go through when they know their children are out drinking.

We can foresee a really big problem with schoolies week this year, which is why the opposition does not want to hold up the introduction of the secondary supply law that is in the provisions of this bill. For many years now it has been argued by all and sundry that parents should have more control over their children when they go out. We have a further problem with the change in the age of school leavers, whereby 17 and 18-year-old school leavers will be mixing together, making it harder at private parties to separate legal drinkers from illegal drinkers. This bill will give parents some control in that when they drop their kids off at a party, they can say to the person running the show, "I don't want my child to drink alcohol." This bill will provide parents with some rights to be able to control that. I believe it will be very difficult to manage and I think every member in this house would agree with me, but at least a parent can have some say. It is a major plank in this bill for the opposition, because the rest of the bill is pretty average to say the least.

When the act is implemented, it will put the responsibility back on the people whose party it is. Previously, people have had the open esky-type of party and 10, 12 and 14-year-old kids could dip their hands in and get a bottle of beer, UDL or whatever, sneak around the corner and then go home, or their parents might be called because they are drunk. That has to stop and has to be managed far better than was previously the case. I know that some parents will not be too happy about that, but the majority of parents will be pleased to know that they have some say about the intake of alcohol of their children when they go out to other people's parties.

The bill contains substantial fines up to \$10 000. I would not like to see someone caught out, I suppose, by some young bloke who might have jumped the fence, snuck a couple of cans out of the esky and gone behind the shed, and then said, "He gave them to me." We need to be very careful in that area. As I said, school leavers this year will be a mix and match of age groups. In a private house there will be no more open slather for people to drink, and school leavers under the drinking age will have to have permission from their parents to drink, but I am not too sure whether that will be written or verbal. The bill contains a few of the rules that go with that, including that the person giving the permission must not be drunk and must be a responsible person. The explanatory memorandum states —

... it is an offence to supply liquor to the juvenile:

- a) if at the time of providing consent, the parent or guardian is drunk; or
- b) if the person is drunk; or
- c) if the juvenile is drunk; or
- d) if the person is unable to supervise the consumption of the liquor by the juvenile; or
- e) in circumstances prescribed in the regulations.

The penalty is \$10,000.

People will incur a substantial fine if they want to disobey the law. On many occasions I have heard people say that they dropped their son off at a party and they were told that no alcohol was available. When they picked him up, he smelt of alcohol and could not talk properly. The parents said that they just had a couple of quiet ones in the backyard. That will now be totally against the law. That will be an offence under this new bill, and rightly so.

When we consider that offence and the age of schoolies when they graduate, parents will have some control. It does not matter whether they go to Busselton or wherever. The person who rented the room or the person who is considered the responsible person will be taking on the responsibility of all under-age people in that group. Again, I do not think we should rush in with batons and knock people over if something happens. We have to work through it and make sure it is done properly.

The Commissioner for Children and Young People provided a few facts in her submission to the Joint Standing Committee on the Commissioner for Children and Young People recently, stating —

**46,957** (approximately 28%) of Western Australian 12 to 17 year-old school students **consumed alcohol** in the past week.

That is nearly 47 000 under-age people who were drinking in the past week. They were aged between 12 and 17. It shows where we have a problem. It continues —

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**24.3%** of Western Australian 12 to 17 year-old school students who drank in the last week reported **drinking at levels** considered to place adults **'at risk' of short-term harm**.

Again, we talk about binge drinking. Some people think it is really cool to get blotto, get carried home by their mates, vomit all over them and the next day say that they had a good time. There is far more to life than carrying on like that. We have to educate people along those lines. As I said earlier, it is a long-term process. Hopefully, one day we will be like countries such as Japan and some of the European countries. The submission continues —

Rates of **alcohol-related harm** in young people have **increased significantly** over recent years, particularly in those aged 16 to 24 years.

That reinforces what I have just been saying. The submission continues —

Approximately **five young Australians aged 15 to 24 years die every week** due to alcohol-attributable injury or disease. Another 200 are hospitalised.

That is just enormous. Imagine the impact that has on hospitals, parents and employers. Some of these children may be apprentices and they are not able to turn up to work. There are delays in schooling and all the things that go with that. It has an enormous impact on our society. The more we manage it without being extreme, the better off we will be. I am sure that many in the health system would be very happy to know that the government and the opposition are working as one in trying to work through young people's alcohol problems. Over my lifetime I have seen some people growing up who thought it was pretty good—we probably thought it was pretty good too—to sneak in alcohol, or get it supplied by friends, and start drinking.

Unfortunately, a few of them have passed on because of their alcohol-related problems. We do not want to see that in future. We want to see what we can do to benefit the young people of today without being overreactive and without trying to be the fun police—at least getting them to understand that the damage they are doing is to themselves. If we can do some of those things, even if we save only one child, we will achieve something.

There are quite a few other areas, other than secondary supply, that I want to talk about. I have been to a few meetings and met and talked to different people about secondary supply, and I am sure that they will be very pleased with this legislation. However, there are quite a few other issues. One issue that comes out about young people relates generally to pubs and clubs and those sorts of places. Security guards are not mentioned in the legislation to any degree, but we have a problem with crowd control and overcrowding. I am very happy to say that the last couple of years have seen Northbridge improve out of sight. That is because the owners of the clubs and pubs there took a stand. The first issue was about people going on the five-hour slosh after work until they fell over. Now Northbridge is very regulated. On a recent walk through there at around midnight, I found it quite pleasing. There were probably one or two people inebriated, but the rest of the crowd was very well controlled. I am talking about self-control, not control by the managers, the bouncers or the crowd controllers. The self-control was very good; whereas a few years previously I had seen people running through there, tipping over tables and spitting into people's meals while they were sitting there—those sorts of things. No-one wanted to go there. I saw an article, I think in today's newspaper, about how Northbridge itself has improved as a place to go, with the city having dropped off a little. But, as I say, my concerns are about how we manage crowd control with licensing.

I took a special note last year when I went to Melbourne about how the police there go around every hour or so and check the bouncers or crowd controllers at the front of pubs and clubs, and look at their licence before they look at the patrons. I thought that was a welcome change. There were some cases a few years back when people were just spoiling for a fight, yet they were called crowd controllers. One issue I still have today is that when there is some ruckus or disruption in a club or pub, both groups fighting are thrown out together. Invariably, if someone is separated from their group and on their own and there are three people on the other side, one of them will get a hiding. Unfortunately, that is the way of the world for many people. I believe some rules should be invoked so that one group gets thrown out and after a 10 to 15-minute gap, the other group gets thrown out to try to cool things down. If they are both thrown out onto the footpath together, the disturbance continues and it then becomes a policing issue. If the police are not available, people can then go around the corner and it can become a one-punch-wonder situation, or weaklings—whatever it is called. Then someone gets the hell beaten out of them and they are off to hospital. That is an issue we must look at.

Another criticism about some of the changes to the legislation in recent times is the slowness in approving or rejecting a licence due to the drawn-out procedures and the ability of the police to make a presentation, right at the end of the proceedings, saying that they do not want the licence granted. People go through the process, do their planning, read the liquor licence, get all the paperwork done and then right at the end the police put in an objection to the whole process and the applicant goes back to square one. I see that as a welcome change. The Labor Party is very proud of the small bar rules brought in by our leader Mr McGowan, but it was taking up to

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12 months or more to get a small bar approval. That is far, far too long. I think that some of these changes will help with that and we can move towards a culture in which we do not have to have 300 or 400 people jammed into one area and people can enjoy themselves at their particular favourite drinking hole. I see that very much as a positive. Again, on my travels, I was very surprised to see in Japan, for example, extremely small what I would call family bars that could fit 15 or 20 people. Most people go to these bars on their way home from work to have a few beers and a meal and then they move on. I think, like most Aussies, we were the last to leave. That is probably the culture we have been brought up in, as much as I am talking against that. It was quite an experience to say the least to sit in the bar and talk to people. People told me that they go to the bar nearly every night to have two or three beers and a meal and then go home. We still do not have that culture in Western Australia, although I think we are getting there.

We need to make it easier for people to be able to open these small bars. Certainly some will not survive, and I have seen that already around the city in my 15 years of coming to Perth from the country. If there was a caucus meeting early on a Tuesday morning, I would come up here to do some work on the Monday and when I walked home on a Monday 15 years ago—really 15 years ago; I do not think the mirror has changed that much—there was not a soul on the streets until a Thursday night. That has changed tremendously and some of the small bars that have opened have clientele, basketball is on during the week and there are functions that enliven the city but are controlled, so we do not see a great deal of problems. It has gone from no-one to quite a few people on the streets, and I think that is a positive move.

The barnyard-type drinking areas are very good for live bands, which is a group that is suffering a bit with the changes to licensing, because rock-type bands are finding it very hard to get venues such as the old pubs to perform in. I do not know whether there is anyone in the chamber who is old enough to remember some of the hotels such as the Nookanburra Hotel—I have seen some of the best fights in my life there that filled up half the hall. There would be between 300 and 500 people at the Sunday sessions, which were an absolute slosh through. At first they were only an hour, and I did not realise a person could drink so much in an hour. But when the session went out to two hours, the violence actually went down, because the rush was not on and people had not been drinking between sessions. Slowly—probably not slowly anymore—we are seeing that culture disappear and hotels are a lot more regulated, and if there is a function on, they are generally large, such as Groovin the Moo down south and those events that people go to for that sort of entertainment. Unfortunately, for some of the up-and-coming rock bands that have come out of Western Australia over the years, younger people do not have as much access to those sorts of venues.

I support getting rid of red tape and making it easier to set up small bars. The mix of small bars and restaurants is quite good. It is really good when someone from another city or another country comes to Perth and they can go out and sit down to have a drink and a meal and not have to feel intimidated for sneaking in a bottle of wine under the table so they can drink at an unlicensed restaurant.

**Mr D.T. Redman:** I'm sure you didn't do that.

**Mr M.P. MURRAY:** No, never; I did not like the wine.

Anyway, this bill will help with those sorts of things. As I have said previously, and I will say it again and again, this is only a small part of the 144 recommendations. This bill is only part 1 of the changes to the liquor legislation. One can only wonder when parts 2, 3 and 4 will come in. I guess, looking at the speed at which this bill has progressed, that we will be into another election cycle by then.

**Mr R.H. Cook:** So, member, you will be able to make those legislative changes!

**Mr M.P. MURRAY:** I might be sitting back enjoying a beer on my veranda!

There are a couple of other things that are obvious and that should have been done by decree, I think. I once went to walk out of the City Hotel with two beers, one for me and one for my mate, who was sitting at a table on the footpath about two metres away, and I was barred by security. When I asked what I had done wrong, he said that I had to give him the two beers and he had to carry them across the footpath and put them on our table. That is one of the changes that is made in this bill. That change is very welcome. It was ridiculous to think that people had to hand over their drinks to either the bar staff or security, and they had to carry those drinks two metres across the footpath, otherwise the premises could be fined for breaching the law because a person had taken drinks across an area that was not licensed. I do not think anyone has been pulled up for doing that. However, that is an example of the ridiculous things we do when we enact laws in this Parliament that are not thought through properly. That problem has now been fixed, and I can only say that that is one of the better changes that has been made in this bill. Al fresco drinking and dining has certainly improved a lot, and it will improve a lot more now that this rule has been changed.

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Another area of concern—not praise, but certainly concern—is the issue of clubs. I must say that I have been lobbied by Clubs WA about allowing visitors to come into their clubs and have a casual drink. Anyone who has been to a club in Sydney or Melbourne would know that people only have to sign a small document, a bit like a receipt, and put on it their address, their driver’s licence number and maybe even their mobile phone number, and they are allowed to go into that club and have a drink without being accompanied by a member of that club.

**Mr D.T. Redman:** They have pokies in there as well.

**Mr M.P. MURRAY:** Yes. One of the special moments that I have had was at Bondi Beach. I do not know at which end of Bondi Beach it is, but near the swimming pool there is a surf club. I was peering in the door, and the lady in charge asked me whether I would like to come in, and when I said that I was not a member, she said, “That’s okay; just sign here and you can come in.” So I sat on the balcony overlooking the wonderful Bondi Beach, had a couple of beers and left. That was very special. In Western Australia, we can go into a club only if we are accompanied by a member of that club, and they must sign us in. That issue had not been addressed, and it should be addressed. We talk about the need to encourage tourism. There are not many clubs in the middle of the city, but some of the surf clubs could benefit if tourists could walk in and have a beer, instead of grabbing a couple of bottles of beer at a bottle shop and taking them back to their hotel room. Western Australia has the best coastline in Australia. That would benefit all the industry, not only part of the industry. Clubs WA said in its submission that it has stopped its campaign to serve tourists. Therefore, obviously Clubs WA does not agree with that. However, if it looked at the big picture, all clubs could benefit from it, because people might enjoy being in Western Australia and come back again and frequent some of their businesses. So this is another area that we will need to deal with further, probably in the next round of this legislation if it comes up in the next 17 or 18 months, or whenever it is.

One of the things I see here is from August 2015, relating to Hospitality WA’s Sunday midnight win. We do not oppose the extension of hours, although there was great debate within the Labor Party about whether hours should or should not be extended, but we recognise that many people have a seven-day working week now and a lot of people who go out socialising on Sunday night have been working Friday and Saturday and should be allowed to have an outlet in the same way other people have over the weekend. Some people would say that that would encourage more drinking; I do not see it that way because most of us know that it does not matter what sort of pay we get, the dollars go only so far, and if we spend them on Saturday night, we cannot spend them on Sunday night. It is as simple as that; we cannot double dip as far as that is concerned. That again has been publicised before the bill has actually gone through the house. Talk about who is running the show—we certainly know that!

Another area of concern is regional hotels. The Liquor Legislation Amendment Bill 2015 refers to regional centres where bottle shops will be allowed to open on Sundays. Going back some time ago, my friend the member for Albany, the former member for Kalgoorlie and I fought very hard to make sure that in country areas, especially in smaller country towns, the bottle shops would not be allowed to open on Sundays. We could see that Woolworths and the like would corner the market because of their buying power and many of the local hotels—and I mean many—rely on bottle sales on a Sunday to survive. We were able to convince the minister of the time—I cannot remember who it was—that that was the way to go and that we should give some protection to those country hotels. We need to remember that in many country areas—I am sure the Leader of the National Party will agree—the hotel is the icon of the small town, and if those hotels close down, all our heritage will fall into a heap of dust in a very short time. While they are operating, the people are doing us a favour by maintaining our heritage and looking to our future by just keeping up the maintenance of some of those very, very old hotels in some of the outer wheatbelt towns especially. Certainly in my town, the oldest one dates from 1898 and one of the youngest ones dates from 1908! That is how old those heritage buildings are and I know for sure that one of them would shut almost immediately if Woolworths or Coles were allowed to open their bottle shops on Sundays.

I think we could do this in another way, but I would like to know what is meant by “regional centres”, and where is the boundary of a regional centre? How do we work that out? To use Bunbury as an example, where does that finish? Does it finish at Capel as a regional centre, or does it go out to Eaton? That is quite some distance from the centre of town, and there is a big Dan Murphy’s in the middle of town. Dan Murphy’s would be absolutely licking its lips to see that extended, and I think it might even be open on Sundays now through some licensing arrangement, although I am not sure. I do not quite understand what we are going to call a regional centre. I could guess, but I am not really sure whether it is going to be just Kalgoorlie, Bunbury and Albany as the three major centres, or whether we would call Katanning a major centre for that region. That is something that has to be fleshed out so we can find out exactly what is going on and look at how we are going to manage it into the future.

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Another positive matter relates to the boutique breweries out there now. There are quite a few and I have seen them come and go, and the restrictions did not help them at all. Wine and beer producers will now be allowed to enter into a share arrangement to sell their products at a different venue, but it will have to be in the region where the products are produced. I guess that the Geopraphe region comes up nearly to Bunbury or around that area. I think that is a great idea. Many a time when people go to a wine tasting, they are told that they cannot buy the product because the producers do not have the right licence. The way that that has been reconfigured will be a boon for those people who live off cellar door sales. From my experience of cellar door sales, they are not cheap, but they certainly add to the day out. People will be able to buy a bottle of wine from a venue that is 20 or 30 kilometres from where it was made, but they will still be able to purchase it in the same region, which I think is a great idea. As I say, it does not matter too much whether it is beer or wine.

There are many issues to be addressed in the 144 recommendations from the review of the Liquor Control Act, which reported in December 2013. A few recommendations needed to be done and some probably did not need to be done, but at least we are headed in the right direction. The current system has been debated quite strongly. The bill was introduced in the upper house, where the Minister for Racing and Gaming is, and was then brought to this place. Although we are not really getting stuck into the bill in this place, generally it comes through the other way and we can debate it in a much stronger sense to make sure that we know and get in *Hansard* the intent of the bill. Hopefully, we can do most of that, and I am as keen as anyone else to have it passed and ready for schoolies week and the summer holiday period to make sure that there are some controls that parents and the police can use.

That brings me to the next issue, which is the referral of young persons at risk to juvenile justice teams. I think the introduction of alcohol intervention requirements for young people is a very good move. A notice can be given to a young person and there are several things that could happen. They could be sent to counselling or they could be pulled into gear by the police. It will not involve a court appearance on Monday so that they miss work and maybe lose their job because they have to go to court; it will involve an intervention order. They may have to get some training so that they understand what they are doing to themselves. I think that is a great idea. Again, I lived life's experiences as a 17-year-old who came to Perth and passed a bus over a double white line. An intervention order was issued because of my driving. I then saw one of the goriest movies I have ever seen in my life, and it certainly sticks with me today. We can talk about science fiction, but this was the real deal. People in the cinema fainted and threw up. I do not know whether it was the right way to go about it, but what happened certainly stuck in my mind. Seriously, the bloke next to me rolled his eyes and fell on the floor, but I just felt like throwing up.

I believe that those intervention orders are great, although they have changed a lot and there is a lot more on the education side. While I am talking about education, I think it is now time that the government was on television or Facebook pushing the issue that summer is coming and people should not destroy themselves and their families. I know many within the health industry would support that very, very strongly, and that some lobbyists would support it. For a few dollars more we could save lives, health bills, and families the grief of something unfortunate having happened. We tend to look at the statistics on deaths that occur due to alcohol-related car incidents, but we do not think of the many, many people with everlasting injuries such as paraplegia, a leg missing or brain damage. That really disturbs me, and far, far too regularly I visit young people in hospital with those types of injuries. Sometimes they are lucky enough to get away with just a crook neck or a bent arm, but so many of them are on walking frames and crutches and not able to communicate. There is one man who probably rings me once a week because he needs someone to talk to because he is at home in his wheelchair. It is certainly not a nice feeling to go and visit him and realise that with a little bit of thought, he would not be in that position.

It is up to us to try to get through to the younger people of today that they are part of the process, they are part of the problem and they play a part in the result. We can do that if we get really, really dinkum and get out there and do some promotion, through TV, Facebook or whatever, and give people that little mental jolt that reminds them not to drink and drive. I think the attitude has changed to quite a degree in that we now see young blokes and especially young ladies nominating a designated driver when they go out, especially in country areas. In the city people can jump on the bus or get a taxi, but they cannot do that in country areas. People going to a party will say, "No, no, Mr Murray, I'm the driver tonight", and that is very, very pleasing. If they have stuck by their word, I am sure that will have prevented many, many accidents along the way.

Although we have only a little to do on the first part of the liquor legislation reform, a lot of work is still to be done on the big picture stuff. We will support any step in the right direction.

**MS L. METTAM (Vasse)** [8.57 pm]: I welcome the introduction of the Liquor Legislation Amendment Bill 2015—the next step in liquor reform in Western Australia. These reforms are important for Western Australians, particularly small businesses in the Vasse electorate. This legislation will support tourism, its interrelated industries of the wine industry and craft beer sectors, and, effectively, every small business in the Vasse

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electorate to which benefits flow from the tourism reach. The legislation will provide additional options to consumers, and will add to the tourism experience that is so vital to the economy of my electorate of Vasse. Ninety-four per cent of tourists value food and wine as a central part of the tourism experience; it is important that that experience is as enjoyable as possible so that people come back. That does not mean we should put irresponsible regulation in place. I think this really responsible set of reforms will meet the demands and expectations of local, national and international visitors.

The City of Busselton is part of one of the fastest growing regions in Western Australia, with a growth rate of about 3.8 per cent. It is expected that the area will grow by 40 per cent between now and 2026. This means that job diversity in this region is a very important part of supporting that growth in the economy. The Liberal–National government understands and respects the need and vital importance of attracting visitors. It has shown that interest and support in this initiative, with vital infrastructure projects. Earlier this year, the Premier and the Minister for Regional Development announced a \$60 million project for the expansion of Busselton Regional Airport. This project represents a great deal of confidence that, if we fund the expansion of Busselton Regional Airport, visitors from the eastern states will come directly into Busselton and support the tourism industries and the growing economy. For this reason, I am also supporting the various pathways into the region, such as roads. It was valuable to have the Minister for Transport in the Vasse electorate earlier this year, putting a focus on the importance of the dual carriageway on Bussell Highway between Busselton and Capel and the importance of the Margaret River perimeter road and the project to improve the centre of town. This month will also see more than 2 600 visitors arrive at Geographe Bay on the cruise ship *Diamond Princess*. This is being supported by the state government’s cruise ships strategy. As a Liberal–National government, we are focused on addressing those transport paths, attracting tourists to the businesses in the electorate, whether by air, by road or even by sea.

I return to the importance of these reforms, which highlight the importance of that experience. There is no point in attracting tourists and getting them to the region if that experience is not up to scratch, and not up to a national and international level of expectation. The feedback that I have heard locally from business operators is that there is some disappointment and frustration with the liquor legislation we have seen in the past, and great excitement about what this new legislation will mean for their businesses and for the tourism experience in the future.

This legislation gives the wine and beer industries new opportunities to show their wares. The Vasse electorate incorporates the Margaret River wine region, and represents 20 per cent of Australia’s premium wine market. This wine product is yet to reach its full potential. We are only exporting 18 per cent, compared with New Zealand, which exports almost 70 per cent. Amongst the first tranche of changes proposed in this bill are amendments that will allow for a collective cellar door retail outlet for producers. This is about giving local wine and beer producers more retail opportunities within the region, giving them greater opportunities to engage with consumers and show their wares. It provides collective cellar door operations for wine or beer producers in the region, where these facilities exist. It enables small producers to showcase their wine at their own cellar door and also, importantly, gives visitors and tourists a unique tourism experience and an opportunity to taste a range of local boutique wines that they might not ordinarily be able to experience.

I have engaged with the local wine industry, brewers and tourism operators as well as the peak body, Wines of Western Australia. According to Wines of WA chief executive officer Larry Jorgensen, the Western Australian wine industry welcomes the upcoming amendments to the Liquor Control Act 1988. He said that all the amendments specific to the producer’s licence category will provide Western Australian wine producers with improved opportunities to engage directly with consumers in a responsible and mutually beneficial manner. As the majority of Western Australian wine producers are small, family-owned businesses, the direct-to-customer sales channel is the most profitable and important means of selling wine. All the proposed amendments will help WA wine producers to do so. I think that is a really important and significant endorsement of what this Liquor Legislation Amendment Bill and these amendments represent. This legislation will also permit beer producers to sell liquor for consumption on licensed premises. It will also remove some red tape, which is a signature and important part of the Liberal and National Parties’ strategy going forward in government. It will provide for parallel processing of liquor and local government planning applications, in effect, adding efficiency to business investments in the area. I have spoken to people at local wineries who only wish that these amendments had come in earlier. It will remove restrictions on patrons carrying drinks across footpaths to alfresco areas, and that means it will remove some nonsense pieces of legislation.

The role of government is to get away from business and support initiative and leaders in industry. This is the best way we can add vibrancy to the small business sector and the community that surrounds it. As such, I am looking forward to the second tranche of reforms that will enable restaurants to sell liquor without a meal, and Sunday trading for liquor stores in regional centres. I have been in discussion with a local liquor store in Busselton, which is very keen to see the relaxation of Sunday trading. This liquor store is currently unable to

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open on Sunday, given a large retail chain up the road already operates a bottle shop on Sunday. I am sure many locals will support the initiative and opportunity that the second tranche will represent, as will the bottle shop, which will then be able to showcase its point of difference on a Sunday, which is to sell local products—a point of different from the large retail liquor outlet.

I stand here today also as a mother of two teenage daughters and, as such, I have a special interest in the impact of under-age drinking on our impressionable and sometimes vulnerable youth, so I support the introduction of an offence by a person who supplies liquor to a youth without consent from the juvenile's parents. These are important measures and are areas of important reform. I am aware that there is keen interest from local business operators in the Vasse electorate to see these changes implemented as soon as possible. As such, I commend this bill to the house and I encourage support for it.

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [9.07 pm]: I rise to make some brief commentary on the Liquor Legislation Amendment Bill 2015. Like most people, I do not wish to hold up passage of this legislation any longer than necessary. I am not sure of the gestation period for an elephant but I daresay we could have bred a fair herd of elephants since the minister announced the review of this act and the subsequent response to that review. I think the minister responsible for this bill is a lovely bloke but a completely ineffectual Minister for Racing and Gaming. This legislation is a very soggy, sad, belated and, quite frankly, underwhelming piece of legislation that picks off some of the obvious points that we need to take care of in the liquor industry but does not tackle the hard questions. The hard questions are that alcohol and alcohol abuse is responsible for untold damage to our health and our policing systems and cost this nation significantly. A study in 2010 put the cost of alcohol misuse in Australia at \$36 billion a year. The report concluded that 20 000 children across this nation each year were impacted because of alcohol abuse in their families. Therefore, it is important to come to this place with legislation that would in some way address the tsunami of alcohol sweeping across our community in this day and age. As the member for Collie–Preston pointed out, it is not surprising that the Australian Hotels Association crowed about the response to the inquiry, because this legislation, almost to a tee, is exactly what the AHA wanted as part of its campaign to continue to push alcohol down the throats of Western Australians. I think this response to the inquiry is soppy and wet, but the fact that the minister and the government could not even respond in whole to the report and bring forward legislation that would address it is absolutely pathetic. I am pleased we have this legislation before us today so that we can pass it to meet the policing and health needs of the school leavers' period, but I think it is quite sad, as the Member For Collie–Preston was saying, that the bill is being treated as urgent legislation, despite the fact that the government has had ample time to respond to the Atkins report. The fact that we are only now considering this legislation is really a mark of breathtaking incompetence.

The Atkins report is a great document and none of us should miss the opportunity to read it and read the competing views on that report. The report very effectively lays out for us the debate about alcohol consumption going on in our community at the moment. In particular, the introduction of secondary supply legislation as part of this package, albeit completely overwhelmed by the concessions and kowtowing to the alcohol industry, is absolutely welcome. Unless we equip adults entertaining young people in their house with the legal protection to be able to refuse alcohol to the peers and friends of the young people who might be consuming alcohol in their house, we will continue to repeat the problems with alcohol in our society. I take on board a lot of what the member for Collie–Preston said about patterns of behaviour in the consumption of alcohol. In his speech tonight he provided us with a very good description of how behaviour in the consumption of alcohol has changed over time. In particular, there is a movement away from consumption in pubs and clubs to a significant distortion of consumption of cheap bottle shop alcohol. People go home and drink alcohol to excess in their homes and that is when we lose the opportunity to influence that behaviour, apart from through long-term education campaigns.

I want to talk about some of the principles of what we should be doing, because I know the government has disagreed with one of the key recommendations of the Atkins review, which was that the objects of the Liquor Control Act be changed to incorporate harm minimisation as one of its primary objectives. The government rejected this and instead continued to relegate it to secondary objectives. This really speaks volumes about the attitude of government and its failure to heed the needs of the community on alcohol consumption. Let us look at some of the principles about what we should be looking at in alcohol legislation in this state. I am instructed by the submission of the McCusker Centre for Action on Alcohol and Youth. Our former Governor, at the helm of his foundation with Tonya, understands all too well the harm that alcohol is doing to our community, and their support to the centre is obviously very welcome. The principles that they say need to be incorporated into the act state —

Preventing and minimising harm and ill-health due to the use of liquor should be the highest priority of the Act.



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Why are we legislating in this place? We are legislating because we want to regulate alcohol. Why are we regulating alcohol? We are regulating alcohol because it is a dangerous drug and, therefore, we regulate it to minimise the harm being done to people in our community. That should be our first point of contact for regulation.

The second principle they talk about states —

Alcohol is a commodity with great potential to cause harm.

As I said, the cost to our community of alcohol consumption and alcohol abuse is absolutely astronomical. It cripples our economy and public resources by having to commit so much to address the harm that it does to our community. It accounts for 20 per cent of emergency department presentations in our hospitals. Members should think for a moment: if the majority of those people are going through to our hospitals, imagine the cost it represents. The Minister for Health today complained that he will have to sack literally hundreds of health workers in our hospitals because of the costs of health, yet here we are failing to understand one of the key costs to our health system, and that is alcohol abuse. Yet the government has the temerity to say that minimising the harm of alcohol abuse in our community should not be one of the key objectives of this legislation. How absurd it is that we have a system whereby we spend almost 30 per cent of our budget on the impacts of health in our community, yet on the other hand we sit back and say that it is okay for these costs and this untold harm on our community to continue and we do not believe that should be a primary objective of the act.

The other principle states —

The ability to sell alcohol is a privilege, not a right.

As a member of what I consider to be the public health lobby, I perhaps differ from my colleagues to some extent. I say let us rip out the ability for people to consume alcohol in pubs and clubs, because while people are consuming alcohol in pubs and clubs, we have the opportunity to regulate their behaviour and the patterns of consumption. But we have two of the biggest drug pushers in our state—Wesfarmers, that great corporate uncitizen of Western Australia, and Woolworths—that, by their very activities, are trying to flog as much cheap alcohol into our community as they can possibly muster. What makes really interesting reading is the excerpts from the submissions that Wesfarmers put into the review, defending their right to sell as much alcohol as they like through their Liquorland outlets. It is absolutely shameful. None of us mind the small liquor outlets—those bottle shops that forge strong relationships with their communities and sell low volumes but high-quality products and service—but what we see in the community is an absolute flood of marketing; essentially Dan Murphy's and Liquorland trying to wipe out the rest of the competition by flooding the market with cheap alcohol in an effort to capture that market. Only we can stand between them and that inevitability. I can stand in the front yard of one of my schools in Kwinana and see no fewer than three liquor outlets, bottle shops, by line of sight from that particular school. One is a Dan Murphy's outlet that is so huge that it almost has an orbit of its own! I can stand in the preprimary playground of another school in my electorate and the closest physical structure to that school is a Liquorland store. It is literally within tens of metres of that particular school. I note that Liquorland has recently abandoned that lease and is trying to offload it to another liquor outlet. I call upon the Liquor Commission to cancel that licence that is within 50 metres of a preprimary playground. The licence should be cancelled, because it is not a right to sell alcohol, it is a privilege; it is a privilege that we bestow on them, understanding that we need to protect people in our community from the harmful effects of alcohol.

The other principle is that alcohol-related harm is entirely preventable. We have the power to prevent harm through the regulations that we put in place through this legislation. Another issue is the significant concern about alcohol and the impacts it is having on young people in our community. A survey by the McCusker Centre for Action on Alcohol and Youth found that 94 per cent of WA adults are concerned and strongly support curbs on alcohol advertising, and that 71 per cent of WA adults support legal controls to reduce young people's exposure to alcohol advertising. People want us to act on this issue. As the member for Collie–Preston said, let us get rid of the anomalies in this legislation that require a member of staff to carry a beer a few metres across the footpath to the outdoor licensed area, but let us not for a moment think we should take our foot off the throat of those companies that are trying to pour alcohol down the throats of our kids. I cannot imagine how a company such as Wesfarmers, which prides itself so strongly on the issue of corporate responsibility, along with Woolworths can justify their role as two of the biggest drug pushers in our society. What must the head of corporate affairs of Wesfarmers feel as he or she goes to bed at night thinking, "Didn't we put in a great submission to the liquor review?" The community was objecting to Wesfarmers moving in with loss leaders to try to drive small players out of the market and Wesfarmers was trying to stop those players from objecting to yet another bottle shop coming to their community. How must they feel when, on one hand, they try to badge themselves as these great corporate citizens, but on the other hand object to the idea of people in the community standing up for public health because they object to yet another bottle shop coming into their community?

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I cannot imagine that the head of corporate affairs or the CEO of Wesfarmers would feel good about themselves when they think about the amount of alcohol that they are pushing onto young people in our community. I know some of these people; they are not bad people, but they have to be brought to account for what they are doing. Although Wesfarmers might want to cover itself in glory and pat itself on the back for its corporate activities in one area, in this area it is totally indefensible.

**Mr D.T. Redman:** That must have made an interesting debate in your party room. You are taking a very strong line on the health issues, which is fine but —

**The SPEAKER:** Sorry, minister. It is not your turn to speak.

**Mr R.H. COOK:** I was happy to take the interjection.

**The SPEAKER:** I think it was more of a short speech than an interjection.

**Mr R.H. COOK:** I understand that the minister in this place representing the Minister for Racing and Gaming in the other place is interested in this debate. I thank him for his interest in my speech. From that point of view, I appreciate his engagement.

I wish to talk for a moment about some of the comments that our police commissioner has made about this debate because he is at the pointy end of a lot of it. His people have to go out day in, day out and stop the domestic violence, stop the fights in our streets and arrest people who are drunk and disorderly. They have to deal with a lot of the problems associated with alcohol. He has made two significant recommendations about the changes that he would like to see take place in liquor reform. The first is what we see here today—secondary supply legislation. We are taking a significant and important step in that regard. The second is controlled purchase orders. I know that there is a ridiculous argument that says controlled purchase orders are somehow an exercise in entrapment. As we have seen from work done in the tobacco space, controlled purchase orders are an important part of sending a clear message, in that particular instance to the vendors of tobacco, but I believe it is particularly important message to bottle shops. Those controlled purchase orders are a very potent weapon in holding retailers to account for their actions. I note that the government has rejected a recommendation that says we should legislate to make it mandatory for someone who is selling alcohol to request ID if that person appears to be under the age of 25. Clearly, the government has a clear vision of how a vendor should be regulated in this particular space. Controlled purchase orders are a very protective measure to hold vendors and retailers to account.

A report that was recently conducted found that half, or 49 per cent, of under 18-year-olds reported that it was easy to buy alcohol from bottle shops. Seventy-five per cent of those who had tried to purchase alcohol said it was easy the last time they had tried. We know that part of the problem in our community is that young people can get hold of alcohol. We know the places they get it from; that is, Liquorland and Dan Murphy's.

[Member's time extended.]

**Mr R.H. COOK:** We know from our experience with tobacco legislation in this state that the most effective way to drive down this problem is to have controlled purchase orders. It is not surprising that the Commissioner for Police has asked for those powers to be conferred in the regulation of alcohol. I know that there are a range of views about controlled purchase orders. For the minister's benefit, those views exist inside my own party. But the fact is that if we are serious about controlling young people accessing alcohol, it will not be done through secondary supply legislation, although this is important; it is about stopping young people from accessing and purchasing alcohol from bottle shops. The best way to put bottle shops on notice, particularly since the minister has decided not to make it mandatory for them to ask for ID if the customer appears to be under the age of 25, is to have controlled purchase orders. It is a simple fact that if the bottle shop owner is concerned that they might be subject to prosecution in that manner, they will behave themselves a lot more.

The issue of alcohol advertising is particularly concerning. The liquor industry tries to normalise for young people the act of drinking alcohol and it markets it heavily in that way. We have to ensure that it does not get away with that. We have to ensure that young people—old people, too, for that matter—are constantly reminded of the dangers of alcohol. It is a dangerous drug. It is great fun. I am guilty of using it quite often myself. But it is a drug that needs to be treated with respect and carefully managed. If we are going to maintain that alcohol is legal—indeed we are because we all agree on that—we need to educate the community about the nature of alcohol. What is the best way to continue to educate people? It is obviously to have public education campaigns and to make sure we are driving home the message about how important it is that people manage this particular drug. The best way that we can go about undertaking that education is for revenue to be channelled through to an organisation, or to the government, so that it can carry out these measures. It is particularly difficult if the government's revenue is squeezed, because it limits the amount of advertising and the number of education

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campaigns we can run in this space. But we have to be absolutely active, and I think we have to be more aggressive about it. I think we have to continue to provide a wake-up call.

The member for Collie–Preston asked a question. For the life of me, I do not know what it is about Australians that they like to drink alcohol or get drunk, yet people in other countries do not. I think the member gave the example of Japan. Other examples are often cited, such as Scandinavian countries, where alcohol is freely available. Lord knows, if the sun did not come out for six months, I would want a drink and would need some light relief from that as well! However, I understand that heavy alcohol consumption is not a problem in those cultures. I do not know what the solution to it is, but I know that constant public education campaigns are an important part of it. We therefore need to find some mechanism to fund those campaigns. I am not as informed as perhaps the member for Collie–Preston is about the campaigns that the Australian Hotels Association is running. However, I understand that a health lobby hospitality venue tax was stopped. I do not know whether that is a suggestion that there should be some tax on pubs and clubs so that we can get a pool of cash to run these campaigns, but I want to know where that money would come from, because it is important that we maintain those education campaigns as we know that culturally we are not getting that message across—we never have. We must therefore break that cultural problem that we have in our community.

**Mr D.T. Redman:** We have been successful with cigarettes.

**Mr R.H. COOK:** That is right.

**Mr D.T. Redman:** There has been a fundamental shift on that as far as we are concerned.

**Mr R.H. COOK:** That is why, member, I have cause for optimism that we can do this, but I do not think we can do it if we have one hand tied behind our back. That is because the market is flooded with cheap alcohol that people consume essentially away from public eyes. We lack that cultural reference to say, “I think you’ve drunk enough; I think you’ve had enough. You’re getting a bit mouthy, mate. Why don’t you settle down or have a bite to eat?” or something like that.

**Mr D.T. Redman:** The real question is whether you regulate the hell out of it versus finding other strategies for educating people.

**Mr R.H. COOK:** That is right, and I think in the past we regulated the hell out of it. When I was a young fellow, the concept of going to a pub with my dad was just not on. Pubs had smoked-glass windows and had strict opening and closing times. We, as adults, know how to handle our alcohol. I wonder whether we ever have, actually, because we have always relied on the opening and shutting times of hotels to restrict our alcohol consumption. Nowadays we do not have those restrictions. To start with, we know that it is cheaper for people to consume alcohol at home, so they can drink to the wee hours and get up and obviously have more problems. We are also, obviously, more comfortable with pubs and clubs staying open longer. We therefore have some pretty significant public policy challenges that we have to come to.

We have to get over to others the message that alcohol is not a right; it is a privilege. We have to escape this cultural and social bind that someone deserves to drink and abuse themselves, their families and people around them, yet we somehow feel ashamed that we are regulating a particularly harmful drug. I do not think that we should feel shame or embarrassment about that. I think we should make very strong legislation, because this is a particularly harmful drug.

Because I said some fairly harsh things about the liquor industry, I want to spend my final moments to say that I hold no grudge against organisations such as the Australian Hotels Association, the Tourism Council Western Australia and so forth. Those organisations represent that part of the alcohol industry whereby people go to their venues and in the context of those venues drink alcohol. While people are in those venues, we have a much greater ability to moderate their drinking and to change the pattern and the nature of their alcohol consumption, to educate the clients of those venues about responsible drinking of alcohol, and to really add value to the product and the activity of alcohol consumption. We should continue to drive—for want of a better description— young people to clubs and pubs, because that is where we have the opportunity to moderate their drinking.

I want to acknowledge Sam Menezes, the young mum who championed secondary supply legislation, for her work in the community and for the brave campaign that she ran. Sam Menezes said that the challenge we have is that those institutions that seek to flood our communities with bottle shops are doing so on the basis that somehow they are just normal retail outlets that should not be restricted by legislation in the way that they conduct themselves. As I said, two very big companies, Wesfarmers and Woolworths, are responsible for the vast majority of alcohol that comes into our community. We need to look them firmly in the eye and ask what sort of future they want for young people in Western Australia. We should look them in the eye and tell them that we will not allow them to flood our community with cheap alcohol and that we want people to be able to object to their liquor outlets on public health and public interest grounds. We continue to support people in the

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community who want to make sure that they protect their kids against the harmful impacts of alcohol. This legislation is welcome, and it is time that we got on with it. I think the government has been incredibly tardy not bringing this legislation to this place earlier and it speaks volumes about its priorities on the legislative agenda. But let us get on with it, so that we can start protecting our kids from the harmful impacts and effects of alcohol.

**MS W.M. DUNCAN (Kalgoorlie — Deputy Speaker)** [9.37 pm]: I am aware that it is late and there are still a few members who want to speak, so I will not go into a great deal of detail on the Liquor Legislation Amendment Bill 2015. I welcome certain aspects of the bill, in particular, the secondary supply legislation. There was quite a bit of public pressure and demand to have a provision in legislation that a person cannot supply liquor to a juvenile without adult consent. The legislation will allow police officers to issue juveniles with alcohol intervention requirements. It is also good to see the removal of red tape and the streamlining of liquor licensing applications, which will be able to go through concurrently with the planning application. Also, of course, the stupid situation of not being able to carry a glass of alcohol across a footpath from one licensed area to another will end.

The member for Vasse noted amendments that are very positive for producers and that will enable them to be more flexible to meet the needs and expectations of consumers. A key amendment in this regard is that they will have the ability to enter into a collective cellar door arrangement with other producers within the same region or district and that will allow them to sell their products from a retail outlet that is not situated on licensed premises. This will apply to both wine and beer producers, but will be restricted to one outlet per wine region or district where their production facilities exist in the case of beer producers.

In particular, I would like to commend both the former Minister for Racing and Gaming, the member for Wagin, and the current Minister for Racing and Gaming, Hon Col Holt, for the amendments in this bill for beer producers. The bill allows for the consumption between 10.00 am and 10.00 pm of products brewed on licensed premises. This amendment will align beer producers with wine producers by removing the requirement for them to obtain a hotel or tavern licence.

This is a matter that, through Nick Galton-Fenzi of Beaten Track Brewery in Kalgoorlie, I brought to the attention of the then Minister for Racing and Gaming, the member for Wagin, back in 2012. Nick Galton-Fenzi explained to me that under the existing legislation, producers can sell packaged liquor only. Producers who have a tasting area may conduct site tastings in accordance with Department of Racing, Gaming and Liquor requirements, namely beer of 100 millilitres, wine of 50 millilitres and spirits of 15 millilitres. If the producer is a wine producer, the consumption of wine may also occur in an approved area. However, that allowance was not extended to beer producers. That made it very difficult for microbreweries such as Beaten Track Brewery to meet the needs of their customers without going to the extent of applying for a tavern licence, which is well and truly beyond their requirements. When we were talking about this, Nick noted that when the first Liquor Licensing Act was introduced, there were no microbreweries in Western Australia. Western Australia is now the host of one-fifth of Australia's microbreweries. The changes that are proposed in this legislation will greatly assist these microbreweries to become more sustainable and to meet the needs of their market. Many of the people in this market are connoisseurs in their field. When I talked to Nick not long ago, he said that people travel from all over the world to taste the beer from these microbreweries. There is also, of course, the attraction of microbreweries in adding value to the tourism experience of people who visit the regions. Therefore, it is good that this amendment is now before the house. It has been a long time coming. Nick's little business has been waiting for this. This was first raised in 2012, so it has been a long wait. With the passage of this legislation, little businesses such as Beaten Track Brewery in Kalgoorlie will be able to reach their full potential and add value to the tourism and tasting experience in our regions.

There is quite a bit more that I could say about this legislation. However, I will leave that for another day. I thank the ministers and the officers involved for making this possible.

**MS L.L. BAKER (Maylands)** [9.39 pm]: The Liquor Legislation Amendment Bill 2015 is a vehicle that has been a long time coming. I cannot figure out why it has taken the government so long to get this legislation to the house for this debate, and I certainly do not want to hold it up. There are some good parts and there are some disappointments in the government's response to the review process. Submissions were called over a long period, and a lot of submissions were provided, many with substantial research to back them up.

I have to say that I am very pleased with the secondary supply provisions in this bill. It is indeed a massive step forward. It will make everyone's life easier and it will make people far more accountable. I can only imagine the stress that parents must feel when their teenagers or children go to another person's home and they as parents are not able to manage the drinking of alcohol on those premises. I think that is a really big step forward.

Some of the problems that have not been picked up by the government particularly relate to the objects of the Liquor Control Act 1988. I have been involved in a number of campaigns through my community, and I just

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acknowledge Barry Sargeant sitting in the gallery. He has a very difficult job in managing the licensing process, and one of the reasons his job is so difficult is that the objects of the act are all weighted equally. I understand why that was done, but that was in a different time. I have gone to the Liquor Commission twice now to argue on behalf of my community to stop the development of large destination liquor outlets in residential and high-risk areas in my constituency. It has been a source of incredible anguish; my community cannot say that the negative health impacts of alcohol abuse are outweighed by having a choice of liquor. Research builds almost daily on the negative health impacts of alcohol over-consumption. It is more important to manage that than it is to make sure that there is enough grog in the community for everyone who wants a drink to have a drink, or that the range of available alcohol is wide enough to be able to have a drink from either the top or the bottom end of the market.

Indeed, on the two occasions I have appeared before the Liquor Commission, it has been considering liquor applications, the first one from Coles for a First Choice liquor superstore in Maylands that was going to be 1 200 square metres in size and, most recently, about a month ago, from Woolworths for the Australian Leisure and Hospitality Group to build a destination liquor outlet of about the same size on the boundary of a residential section of the Maylands community. It is a source of constant frustration that the residents in my electorate do not have the capacity to say that people's lives and health are more important than another liquor store. The public health impact of alcohol abuse and the over-consumption of alcohol, and its impact on vulnerable people, is simply more important than having another enormous liquor store in the neighbourhood. These two premises are mooted for the Maylands community, where there are already four licensed outlets selling packaged liquor in the immediate vicinity and within walking distance from the proposed sites. There are a total of 15 existing liquor outlets within a two-kilometre radius of the proposed site, 11 of them selling packaged liquor; eight are liquor stores and three are hotel bottle shops. There are two existing supersize liquor stores within a four-kilometre radius of the proposed First Choice and Dan Murphy's liquor stores. One is the Dan Murphy's in Highgate and the other is the Dan Murphy's in Morley. Those are both perfectly good places to have huge Dan Murphy's destination liquor stores, in my view; they are in areas where the community would not be concerned about them. One is in a shopping precinct on the edge of Morley Galleria, and the other is at the Hyde Park Hotel, which is and always has been a big, popular hotel. I have no problem with buying my alcohol from either of those places, by the way, because they both stock a fantastically wide range of products, but it is the ability of both those places to discount alcohol, and so affect the economies of scale, that brings the price of alcohol down so much and makes it more and more affordable for people who suffer ill effects from the over-consumption of alcohol. They are the points that matter and they are the points that really concern my community and me. I think it is an understatement to say that size matters in these issues. Size does matter. Liquor store size matters. I think that size matters intensely. The two big retailers that are in a fight to the bottom to discount liquor have a business case that is fundamentally at odds with all sensible health and wellbeing considerations for our children. It is the wrong business case to have a target of opening 40, 50 or 60 of these outlets around Australia. I can open any newspaper and look at the Dan Murphy's advertising. Its slogan is that it will beat any price; it has the lowest price. It does not matter how many times the representatives of those retailers look me in the face when they come to my office and try to tell me that it is okay, the community will love this, it will be a fantastic addition to the residential area and I should not complain about it; I am constantly amazed at their complete ignorance of what the community is about and the fragility of some people in the community.

Maylands is a pretty robust place. It has a great diversity of people living in it, working in it and moving through it every day. It has seven or eight non-government organisations that specialise in dealing with people who have health problems directly attributable or linked to alcohol. There is a homeless men's service, two Aboriginal hostels for dialysis patients who mostly come from the central desert but also from the north, and residential accommodation for families for whom alcohol is a problem who can have short-term stays to help them through a bad time. There is Shopfront WA, which is a small emergency relief provider run by the Catholic Church, opposite the railway line. Shopfront gives out thousands of meals a week. People catch the train to Maylands because they know that there are no security gates or turnstiles. They jump on the train at Perth, Claisebrook or Midland, jump off at Maylands, go to Shopfront and grab something to eat. A lot of them are alcohol or drug affected. Shopfront has a policy that it does not accept people or give them support if they are alcohol or drug affected. That effectively means that the people who come into Maylands and go to Shopfront and get turned away are then on the streets, but they are still alcohol or drug affected. I do not agree with a policy that says that people cannot come to a shelter or refuge if they are affected by the very things that the shelters and refuges are set up to help people combat. It does not make sense to me. We have to be cleverer than that in the way we work on social issues within our communities.

Of course, there is also the impact of foetal alcohol spectrum disorder, which we are only just starting to come to terms with. In fact, I do not think there is a proper diagnostic tool at the moment for foetal alcohol spectrum disorder, commonly known as FASD; there was not several years ago. I think the problem is that so many

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disorders can be attributed to long-term alcohol abuse by a mother who then passes those spectrum disorders on to her child. There is such a great range of disorders that it is very hard to diagnose quickly or correctly. Even the diagnostic tool for this type of long-term alcohol abuse has been ethereal and not captured. We hope now that there will be measures in place so that we can recognise the problems in a mother who drinks alcohol while she is carrying a baby and passes that on to the child.

I have a small story from my electorate. A gentleman with two sons came to see me, for no particular reason, in my first term in Parliament, so it is a few years ago. He did not want me to do anything; he simply wanted to tell his story. His story was that for most of his adult life—he had married, had two little boys, and was now divorced—he had been in prison for various offences. He had been in trouble since he was a schoolboy. He could not understand why he constantly got himself in trouble, but he constantly found himself on the wrong side of the law. As a young adult he was incarcerated, the pattern of behaviour was repeated, and he did not seem to be able to pull himself out. He did not seem to be able to find a pathway that kept him away from the law. He married, had children and ended up back in jail. In all the time he spent in and out of jails and under various supervision and treatment and whatever, nobody had ever conducted the battery of tests that would have established whether he might be impacted by foetal alcohol spectrum disorder. He was about 40 years old when he came to tell me that during his last prison stint—he had just been released—he had been tested over six or seven months, and it been established that this man's entire life had been driven by suffering from the impact of foetal alcohol spectrum disorder. For him it was like a light coming on; it was almost like his salvation. He told me that he could not pull out of this headlong dive, and that his children were modelling his behaviour. He was desperate, really. He said, "Why is it, Lisa, that nobody thought to test me before? This has been my whole life. Why wasn't I tested for this when I was a teenager? Maybe I would have known what was wrong, and maybe I would have been able to pull myself out of it because I would have had a reason for being like this, instead of waiting until my 40s to find out." We might accuse him of looking for excuses, but whatever; this man's life had been in ruins and his children were modelling that behaviour. At 40 years of age he found that the impact of his mother drinking alcohol when she was carrying him had had these incredibly bad repercussions on his life and into the lives of his children, because, of course, some of the genetics carry through. It is a very difficult situation.

Let us return to the Liquor Legislation Amendment Bill 2015. The three drivers of alcohol over-consumption are affordability, advertising and availability, and destination liquor stores tick all three boxes. I think this bill is missing a major piece that could have addressed changing the objects of the act to give a better weighting to considerations of public health and wellbeing, not just the commercial interests of those who sell alcohol. This would have been the perfect opportunity to do it. But, alas, we have missed it, so I guess we will have to wait for the next review of the act.

I note that there are good changes around timing. I have no problem with the Sunday issue and with allowing wineries and the like to open their doors to better market their products. I think that is all totally sensible. For me the issue that is not so sensible is the one that revolves around what happens when alcohol is made more affordable, available and advertised more widely. All three boxes are covered by destination liquor outlets, which I have spoken about in some detail. There are ways my colleagues might address this in their own constituencies if big liquor outlets try to set up shop in their neighbourhoods—that is if members do not want them, by the way. I am sure there are some places where they would be fabulous and welcome, but not in residential areas and not on the border of places where there are many vulnerable people. The key is planning changes at the local government level, and several local governments have now moved to do that. Mine has recently adopted a set of policies around planning that restrict the size of bottle shops and destination outlets to 300 square metres—hallelujah! That is a really good idea in a small residential area, and that is what it should be. I have no problem with a small shop or a tavern or something along those lines, but not 1 000 square metres of cheap alcohol. That is just not suitable for a residential area.

Before I sit down, I want to say that the issue around availability goes back to the issue of youth consumption of alcohol. Many of us know that the brain does not mature until a person's 20s, so that any alcohol a child or adolescent takes impacts on a developing brain, and we must never forget that.

[Member's time extended.]

**Ms L.L. BAKER:** The issue of preloading constantly challenges our communities at the moment. More and more often, possibly because of the cost of alcohol at clubs and the like, young people go down to the bottle shop and buy their alcohol, take it home and drink it. By the time they go out, if they are not drunk, they have had too much or just enough, so that they can get away with buying only one or two drinks while they are out. The whole preloading issue causes problems in our community. We know that young people who do this are more likely to have problems at home with violent and aggressive behaviour. There are links, not necessarily to youth and domestic violence, but it would not be too wide a bow to draw to link some incidents of domestic violence with

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 October 2015]

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this. I will refer to some comments made in August 2015 by Hon Wayne Martin, AC, Chief Justice of Western Australia, speaking at the McCusker Centre for Action on Alcohol and Youth's action on alcohol awards. He said a number of things about his own experience, and I will commit a few of them to the public record. He said —

... in terms of magnitude or quantum of impact, alcohol misuse has a more significant effect upon the work of the criminal courts of this State than all the other illicit drugs put together.

He goes on, in another part, to comment that —

... charges of murder or manslaughter brought against Aboriginal people in the Supreme Court, which I would estimate constitute between a quarter and one-third of all homicide cases, almost invariably involve alcohol abuse, often by both offender and victim.

The domestic violence issue is very prevalent there. Later on, he said —

... a number of remote communities have agreed to go dry, and to prohibit the consumption of alcohol within the boundaries of their community. More recently, smaller towns which are not governed by the *Aboriginal Communities Act* have embraced, with varying degrees of willingness, restrictions upon the sale of alcohol within those towns. The evidence suggests that the restrictions which have been imposed in Fitzroy and at Hall's Creek have been most beneficial in reducing hospital admissions and assaults in those communities.

However, it is also that case that these positive steps often have unintended consequences, including the displacement of problem drinkers to other locations where alcohol is more freely available, and the problem of alcohol being taken illegally into these communities.

He applauds the state's secondary supply laws and recognises that they will be of great benefit. As I conclude, I would like to say something about the use of alcohol amongst juveniles in uncontrolled environments being of concern to any government. The second reading speech states —

As a strategy for addressing this, the bill introduces an alcohol intervention scheme for juveniles as a diversionary option for minor liquor-related offences. Police officers will be able to issue juveniles with an alcohol intervention requirement instead of an infringement notice. Juveniles who attend alcohol intervention sessions will be informed about the risks and adverse consequences of alcohol consumption and abuse.

I am picking that one out in particular because my brother has just spent about three years of his life working specifically on developing that program within WA Police. It was originally mostly funded by a federal grant. He greatly enjoyed working in central office on the development of the alcohol intervention program. I am very proud that he was involved in its development and very proud to see that this government has accepted it. In fact, when I saw it and heard the second reading speech, I texted him and said, "Congratulations, one of your work focuses has been accepted by the government and will be written into law fairly soon." I am very proud of my brother, Sergeant James Baker, for his work on that.

Finally, some industry groups have worked really hard in inputting to the development of this and I mention specifically some friends of mine from the BIG N, the Business Improvement Group of Northbridge, in particular Mike Keiler and Ben Rasheed, for their input. A lot of people have worked long and hard to give advice to the government and to put their comments on paper. I do not think Northbridge is a huge problem in terms of alcohol. Sure it has the problems of one punch hits and violence—it is the centre of a city; it is a nightclub area and the centre of our entertainment precinct. Of course there will be problems. Notwithstanding that, I know these clubs and pubs work really hard to come out on the right side of their businesses and to take care of their patrons. They were very critical of the lock-outs because they meant they were effectively locking people who were drunk out on the street, which was causing problems with them getting into fights, and the police having to cope with all of that. I am very pleased to say that I think I have managed to have a very good working relationship with the BIG N in particular. It is not my electorate, of course, it is in Perth. Notwithstanding that, it is an area I am not an expert on, so it was very important for me to speak to people who are expert in this industry, and I did so ad nauseam. I am sure they have had enough of taking me for coffees on the cappuccino strip in Northbridge to explain to me aspects of liquor control and their industry.

As I sit down, in supporting the Liquor Legislation Amendment Bill 2015, I acknowledge some of the good steps in it and look forward to seeing a future in which we might address a differential in the weighting of the objects of the act, which might make the job of everyone in this room representing their communities a whole lot easier.

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**MR P. ABETZ (Southern River)** [10.08 pm]: I am very conscious of the time so I assure my colleagues that I will keep my comments on the Liquor Legislation Amendment Bill 2015 short. The member for Maylands covered a lot of things that I was hoping to cover. She served with me on the Education and Health Standing Committee when we did the alcohol inquiry, and I concur with her that the objectives of the act need to change and the public wellbeing and public health should be given a far higher priority than the development of the liquor industry. I concur 100 per cent with her on that.

**Ms L.L. Baker** interjected.

**Mr P. ABETZ:** Yes, we certainly differ on some things. I would like to take the opportunity to put on the public record my sincere thanks to Samantha Menezes, who led the public campaign in support of the so-called secondary supply provisions, which was one of the recommendations of our Education and Health Standing Committee, but at the time, the government did not pick it up. Samantha mounted a big publicity campaign on Facebook and got in the media and helped put it on the media agenda. I am sure she will be delighted when this bill goes through and becomes law because this law will make it an offence for a person to supply liquor to a juvenile without the consent of the juvenile's parent or guardian. I think that provision is long overdue because I believe that if a person under the age of 18 is not able to drink in licensed premises, why should anyone else be able to provide that person with liquor without the permission of the parents? So good on you, Samantha, for the good work you did.

The other thing I want to comment on briefly is the fact that alcohol continues to be a massive problem in our community and this bill really does not address many things that will help to reduce the problems. Some time back, Cathy O'Leary wrote an article in *The West Australian* picking up on some really interesting statistics. It is interesting that the average household spends around \$32 a week on alcohol and the average family spends \$30 a week on education. The saddest thing of all is that low-income households actually spend more on alcohol than the average. On average, the weekly spend on alcohol by households in the lower income bracket was \$55 a week. That is a lot of money for a low-income family to be spending on alcohol. In fact, that is more than they spend on electricity or the education of their children. It gives us an indication that we still have a major, major problem.

Some interesting statistics provided by the Drug and Alcohol Office show that for the period 2007 to 2011 residents of Western Australia were hospitalised a total of 77 419 times due to alcohol-related causes. What did that cost us? Just under \$500 million. That is a lot of money. In fact, I remember from the Education and Health Standing Committee's inquiry into alcohol that the direct cost to the state government as a result of alcohol abuse was over \$2 billion a year. We could build a new Mandurah railway line every year for what the abuse of alcohol costs us in direct expenditure. This bill does not really address anything that would help to reduce that, with the possible exception, of course, of the secondary supply laws, which are certainly one small step in the right direction. It is interesting that among the underage drinkers—12 to 17-year-olds—who did not buy alcohol themselves, 33 per cent were supplied by parents, 23 per cent were supplied by friends and 21 per cent were supplied by someone else. Among the other people who bought it for them, 70 per cent were friends aged 18 years or over. The most common locations of the last alcoholic drink for underage drinkers were: at a party, 34 per cent; at home, 30 per cent; or at a friend's house, 17 per cent. Thirty-six per cent of those people said they drank without any adult supervision. We see there is still a major problem with alcohol.

With that, I conclude my brief remarks, but I again say that I am concerned that the bill allows for the extension of trading hours for hotels and nightclub licences on Sundays. I believe that liquor premises are open plenty long enough as it is, and as the member for Maylands pointed out in her speech, the greater the accessibility and availability of alcohol, the greater the problems we have. I encourage people who take an interest in the subject of alcohol consumption and the issues that it causes to look at the report that the Education and Health Standing Committee tabled in this Parliament in 2010.

**MS R. SAFFIOTTI (West Swan)** [10.15 pm]: I want to make a short contribution given the time and where we are at with the Liquor Legislation Amendment Bill 2015. I rise to make some comments to acknowledge, firstly, the work of the shadow Minister for Racing and Gaming, the member for Collie–Preston, on the issue of the secondary supply of alcohol and, secondly, that the legislation has finally arrived in this place to deal with this issue, and we have to deal with it urgently because of the time the government has taken to bring this bill to the Parliament.

Liquor licensing reform is always a contentious issue. In 2006 Labor introduced the small bar reforms, which were very controversial at the time. I was looking at some old *Hansards* and I noted that the member for South Perth was at that time a reluctant supporter of that legislation and that we had to drag him kicking and screaming to the case. However, I think we all acknowledge that those reforms have helped to fundamentally change the city and some of our suburbs, and have created new environments in which people can have a couple of glasses



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of wine, tapas or small meals—it has fundamentally changed some of the drinking and eating habits of many Western Australians.

The bill before us today contains a couple of welcoming sections. Although I will refer in particular to producers in the Swan Valley, initially I would like to talk about the change that will allow for the concurrent assessment of applications by the licensing and planning authorities that mean that the director of Liquor Licensing will be able to accept the lodgement of applications without planning approval. I think that provision will help to streamline the process in some way so that people will not have to, firstly, go through planning approvals, and then, secondly, apply for liquor licensing. Hopefully, that provision will help to simplify the application process and shorten the time that it takes to get applications sorted because they will be dealt with concurrently.

I would also like to note the point raised by the member for Collie–Preston about people travelling through an unlicensed area holding glasses of alcohol, beer or wine. The bill will seek to address that and provide for people to be able to now move from inside licensed premises across a footpath to an alfresco area, taking their drinks with them. I did not realise that was a problem, but it is something that has obviously been an issue for patrons for many years; so, again, that is a positive change.

I note that the member for Vasse got up to talk about the Margaret River region, but of course the oldest winegrowing and winemaking area in WA is in the Swan Valley, which last year celebrated 180 years of winemaking in WA. The Swan Valley has a very vibrant wine industry and the food and wine experience in the Swan Valley is gaining momentum. We have been seeing over recent years, and will continue to see for many years to come, new developments and producers and a combination of wine and food happening at Perth's doorstep. The Swan Valley has enormous potential because of its proximity to the CBD and its long and rich history, and also because time-poor business tourists are able to spend a fabulous day or half-day there. That has increasingly become the case. More recently we have seen significant new developments and ventures in the valley, and millions of dollars are being spent on what are top-class accommodation and tourism facilities. It is an area that a lot of people are excited about. Of course, there is always that tension between the old agricultural history and tourism in trying to make that work. I know that the Minister for Planning last week released the "Swan Valley Development Plan", which is part of a package of legislation and other reforms for the area. I am seeking comment about that through the community, but it is quite clear that the consensus is that people want to see the area grow—not geographically—not only in success and while preserving the history of viticulture, but also while creating new tourism and enhancing the tourism experience for both domestic, interstate and international tourism because of its proximity to the CBD. There are many winemakers throughout the valley. I will not go through all of them, but I will take this opportunity to name a couple. Daniel Pinelli in Caversham has done an extremely good job and recently added a very fine restaurant to their premises. Olive Farm Wines, with The Cheese Barrel, is again a great destination, as is Sandalford, Houghton Wines, and Mann Winery with Dorham Mann, who coincidentally is Richard Mann's father.

Through this debate I acknowledge the efforts and contributions that the former Mayor of the City of Swan Charlie Zannino made in the Swan Valley before he was knocked over by the Liberal Party there—but that is beside the point. Charlie, of course, has been a long-time resident of the Swan Valley.

**Mr F.A. Alban:** You said that I took him there; but he took himself there.

**Ms R. SAFFIOTI:** So, he took himself there! The Liberal Party is very nasty. They turn on their own very quickly!

Several members interjected.

**The SPEAKER:** Let us get back to what we are talking about.

**Ms R. SAFFIOTI:** Poor Charlie Zannino—the Liberal party took him out in the Swan Valley. That was very nasty, Frank. I want to formally acknowledge the contribution made by Charlie Zannino as mayor, and as a long-term councillor of Swan.

I will pick up a couple of points in the bill that I can relate to the Swan Valley and refer to a couple of specific amendments that will be welcomed by the Swan Valley and Regional Winemakers Association. I have been reading through the "Review of the Liquor Control Act 1988" undertaken by the Minister for Racing and Gaming in December 2013.

**Mr F.A. Alban** interjected.

**Ms R. SAFFIOTI:** That is very disturbing.

Back in 2013, the review received a lot of feedback from wine producers.

Several members interjected.

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**Ms R. SAFFIOTI:** Who is the member for Bunbury disturbing?

**Mr G.M. Castrilli:** I am disturbing you.

**Ms R. SAFFIOTI:** The member has a very loud voice.

**The SPEAKER:** Let us carry on, please.

**Ms R. SAFFIOTI:** I do not want to spend too much time on this, but I want to make a couple of points about wine producers. Basically, the review outlined submissions to it from a number of wine producers. The review states —

*Wines of Western Australia submit the restrictions on producers licences should be relaxed to include provisions for the establishment of a Collective cellar door outlet and the ability for licensees to sell liquor from a retail or office outlet which is not located on the licensed premises. It also submits the Act should be amended to allow wine producers to sell liquor other than their own product for consumption at a specific event, such as a wedding or from an on-site restaurant as well as the ability to provide comparative tastings.*

The review went on to assess these things. It basically looked at what happened in South Australia, which is quite interesting. The review continues —

In 2010 significant amendments were made to the South Australian *Liquor Licensing Act 1997*. The intention of the new licensing regime was to reduce red tape and make it easier for wine producers to do business and promote their products in the market place.

In summary, these amendments enabled wine producers to:-

- form a Collective Cellar Door with other wineries or operate from a second premises under their existing licence;
- participate in regional farmers' markets or other local festivals and events without the need to apply for a separate approval each time;

The review continues —

- sell liquor other than their own product if it is sold ancillary to a meal in a dining area;
- provide comparative tastings; and
- seek an exemption for blended wines if a producer needs to blend their own wine with a substantial portion of another producer's wine, due to circumstances beyond their control.

It basically went through the South Australian model, stating —

The South Australian Government reports the Collective Cellar Door initiative in particular, has been enthusiastically received by the wine industry, particularly by smaller operators who find it difficult to raise the funds to set up and run their own cellar door facility.

After considering the submissions and examining the South Australian model, the Committee considers similar provisions should apply in Western Australia. Accordingly, the committee recommends the Act be amended to allow wine producers to establish a collective cellar door retail outlet within the same wine region as their production facilities, to allow all producers to conduct online and telephone sales from a place other than the licensed premises and to allow producers to sell liquor other than their own, if sold ancillary to a meal in a designated dining area or as comparative tastings.

The second reading speech and the explanatory memorandum stated that these recommendations were adopted. In particular, producers will now be able to sell liquor, other than their own product, ancillary to a meal or for comparative tastings. Of course, the collective cellar door arrangements are a key part of this bill. A key amendment is for beer and wine producers to have the ability to establish a cellar door operation or establish a collective cellar door arrangement with other wine or beer producers within the same region or local government district. This will allow producers to sell their products from a retail outlet that is not situated in, for example, licensed premises at a winery. The opportunity will be restricted to one outlet per producer per wine region, or local government district in the case of beer producers where their respective production facilities exist. That one outlet limit is an interesting limit and, again, is one area to watch to see whether that limit is required or is overly prescriptive at this point.

The Swan Valley and Regional Winemakers Association also lodged submissions about the issue of mixing. It submitted criteria for assessing: a genuine producer should include a producer who can demonstrate they

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produce sufficient grapes on a licensed property to enable the applicant to produce at least 50 per cent of the wine for which they sell or has appropriate liquor-producing facilities at a licensed property to produce at least 50 per cent of the wine they sell. If unable to meet the 50 per cent rules, they need to be able to demonstrate that they at least grow a commercial quantity of grapes or process a commercial quantity of wine and direct or contract others to grow or make the remaining wine for them or that they produce sufficient grapes or have appropriate liquor-producing facilities in another region.

It appears that this bill picks up some of the recommendations of the collective cellar door but does not pick up some of those other issues raised in the review. The other key interesting point that it does not pick up relates to farmers' markets. One of the recommendations was to amend regulation 8D(2)(a) to allow wine producers to attend any farmers' markets, to remove requirements for samples to be provided free of charge and to establish a process that requires licensees to seek approval from the licensing authority at the beginning of each year of their proposed attendance at events such as farmers' markets and food and wine festivals. As I said, it seems to pick up a couple of the key points. The collective cellar door seems to be one that is very, very popular. It does not seem to have picked up the automatic registration for farmers' markets for a whole year and also the issue of what is defined as local production in the 50 per cent test. I will just check whether I was correct in my interpretation of what was recommended or concluded in the review and what was being put forward today. Perhaps the minister could provide —

**Mr D.T. Redman:** Can I clarify that last point? I am assuming that your wine producers are saying that they are really talking about the bona fides of being a producer before you can have a cellar door outlet.

**Ms R. SAFFIOTI:** Yes.

**Mr D.T. Redman:** Does that not get picked up in the fact that they need to have a producer's licence?

**Ms R. SAFFIOTI:** Obviously not, because that is why they have raised it, I think.

**Mr D.T. Redman:** In other words, the test is a producer's licence before you are able to get the other benefits.

**Mr P. Papalia:** It's the flexibility of the collective licence.

**Mr D.T. Redman:** Yes, but this is saying you can't be someone who has a couple of demijohns of wine out the back and therefore use that as a tool to get some sort of collective outlet somewhere.

**Ms R. SAFFIOTI:** There are a couple of points. I think the collective outlet is one but I think the producers are looking in particular at the definition of a genuine producer, and there are some issues, particularly in the Swan Valley, where smaller producers are looking at mixing their grapes.

**Mr D.T. Redman:** One that has a producer's licence, I think, is a genuine producer.

**Ms R. SAFFIOTI:** Yes. As I said, this is something they have raised —

**Mr D.T. Redman:** In which case there are thresholds to get that licence.

**Ms R. SAFFIOTI:** Yes, but as I said, it is something they are concerned about, obviously.

**Mr D.T. Redman:** Okay.

**Ms R. SAFFIOTI:** They are concerned about whether they can get their producer's licence or can claim to be a local producer. I do not know, minister, and maybe it is something we can talk about a little in consideration in detail.

**Mr D.T. Redman:** Yes.

**Ms R. SAFFIOTI:** I will try to get some further clarification from my end and possibly the minister could.

**Mr D.T. Redman:** Yes.

**Ms R. SAFFIOTI:** And we can touch upon that in consideration in detail or in the minister's response to the second reading debate; whatever seems appropriate. There are a number of issues, as I said. I think the producers will be happy with what has been put forward this evening.

[Member's time extended.]

**Ms R. SAFFIOTI:** I think in particular the cellar door is something that people will welcome. As I said, from the local industry point of view, many of the reforms are welcome. Of course there will always be areas that we can improve. It is still a very regulated industry, for a particular reason of course. I hope that we can continue to get sensible reform in that we do not allow red tape to block good new facilities that will not create social issues but will add more to the vibrancy of the area and give people more choice for where they go during the day and in the evening.

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As I said, the last point is about the debate on venues for the live music industry and the definition of some licences and what we can do to be more innovative and continue to have live music venues. The member for Collie–Preston mentioned a few that were a bit before my time. He mentioned in particular the changing role of some of our pubs that had good live music and were places where new bands used to start out. The nature of these pubs has changed dramatically over time. Again, we need to look at what else we can do to make sure that our regulations do not inhibit the creation of new cultural and music destinations or current places continuing. That is another area of policy that we need to focus on to make sure that we do not regulate ourselves out of creating destinations for the whole community to enjoy.

**MR P. PAPALIA (Warnbro)** [10.33 pm]: At the outset, I should assure the advisers that I will try to keep my contribution short on the Liquor Legislation Amendment Bill 2015. I thought I was the only one left on our side to speak but there are two more after me.

As have a number of other speakers, I would like to reflect at the outset on the contribution to this legislation made some years ago by the member for Collie–Preston. By introducing his private member’s bill on 1 June 2013—I think it was—he initiated debate on parts of this bill way back then. I know that the subsequent debate came on on 30 October 2013 and was at that time rejected. The bill was defeated on the floor of the Parliament through a division by the government. I found that interesting because at the time, I felt that public concern about the secondary supply of alcohol to juveniles was undeniable and I thought that was the main thrust of the legislation proposed by the member for Collie–Preston. The member for Collie–Preston’s bill was a direct response to Ms Menezes’ concerns—doubtless I got the pronunciation of that name wrong. I understand that the member for Collie–Preston met with Ms Menezes, came up with the legislation and introduced it into Parliament, where it was defeated by the government. At the time, the government’s justification for that was a bit flimsy. It was a long time ago, so I have a vague recollection of the debate, but I have refreshed my memory by looking at the *Hansard* of the day and what the minister of the day said to justify defeating the member for Collie–Preston’s private member’s bill. Essentially, he said that there were not adequate provisions—I am trying to find the page to make sure that I do not mislead the house—around secondary supply in the legislation that the member was introducing. Hon Terry Waldron used the words —

I have no problem with the intent of the amendments proposed by the opposition. I understand them, but the amendment is a direct copy of the New South Wales legislation.

I do not think it was, actually. He continues —

It does not include any aspect of responsible supply, and that is why I want the review committee to study it. We need to get the right advice before we rush in and do something that does not achieve what we are trying to do. The bill does nothing to address the concerns I have expressed about the possible consequences of over-regulation.

That is interesting. The key phrase that I took from that statement is that there was a concern that the legislation did not include any aspect of responsible supply with respect to secondary supply to juveniles. That is part of the debate that the member for Collie–Preston was pursuing in 2013. I now look at what the government has introduced in this bill with respect to that particular field of endeavour —

**Mr D.T. Redman:** The other point that was made even in your response then, which was from *Hansard*, was that the private member’s bill came in at the same time as the review was underway. The review was intending to get the benefit of what was happening in other jurisdictions, including overseas, and then have that report in order to put it into the legislation.

**Mr P. PAPALIA:** I thank the minister. I appreciate that contribution and with respect to that, the review was underway, but the review had been underway for almost two years by that time. I understand what the minister is saying—well, more than a year. I see the advisor at the back of the room calling me out, doubtless I have the time frame incorrect, but it has been a long time. It seems like a very long time since the member for Collie–Preston, in my view, did the right thing to push the government towards some form of action and initiate a sense of urgency in the Parliament of Western Australia in response to a public debate that had been going on for some time.

**Mr D.T. Redman** interjected.

**The SPEAKER:** Okay, thank you.

**Mr P. PAPALIA:** Regardless of the time frame and that there may have been a review underway, that particular phrase, with respect to the minister’s concerns at the time, is “does not include any aspect of responsible supply”. Having subsequently sat through a very thorough and comprehensive report from the review, and having sat through many months of consideration by the minister and his staff and the department, we expected that there

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would be a pretty significant response, beyond what the member for Collie–Preston had, with respect to the responsible supply of alcohol. But, no; all we have is a few subparagraphs, of the same clause, I imagine. It is pretty much exactly the same as what the member for Collie–Preston was proposing, with the exception of a few other subclauses. That is nice. However, I do not think that justifies the delay. I think that what probably drove the delay was—as speculated by the member for Collie–Preston—all the rest of this amendment bill, which has not got that much to do with secondary supply and a lot to do with the alcohol industry. But that is fine.

I welcome the provisions around requiring people to get consent from a parent or guardian if they supply liquor to a juvenile on unlicensed premises. I was rereading the debate from two years ago, and I noted that at the time, the member for South Perth and I had a bit of an exchange on that issue, and he speculated that this amendment would not be that valuable and said he would prefer that no-one supplied alcohol to a juvenile. I could not quite understand his debating point at that time. I think he was just trying to help the minister at the time reject our bill.

As a parent of teenagers, my view is that this amendment will be valuable. One of my children has turned 18 now, so it is a bit late for him. However, for my younger child, I think it will be valuable, because, if nothing else, it will provide us as parents with a bit of back-up. We will be able to say to our children, quite legitimately, that if they are under 18 years of age, it is against the law for them to drink alcohol. We can also embarrass our children by contacting the parent or responsible adult who is hosting a function on unlicensed premises and let them know that we are aware of the law, and they should be aware of the law, too, and draw that to their attention. No doubt any parent of a teenager in this place will have experienced their 17-year-old child going to the eighteenth birthday party of someone they have gone to school with and all the associated challenges around that particular scenario. Therefore, I welcome this legislation. I think it will be very valuable, if for no other reason than it will empower the parents. We never definitely know what our children do when they are not with us, but we absolutely enacted the law under which children are not allowed to drink alcohol until they are 18 years of age. Therefore, this will help a lot of people in our community, and I welcome it. It is good to see.

I felt compelled, on behalf of the member for Collie–Preston, to have a bit of a crack at the government and the minister with regard to the implications of the secondary supply amendment. I will now talk about some of the other amendments. I have the shadow tourism portfolio, so I listened intently to the member for West Swan's valuable contribution about the wine producers in the Swan Valley. I noted that in her contribution she referred to the fact that Wines of Western Australia had been consulted by the inquiry—the inquiry had heard from Wines of Western Australia. That is wonderful. That was in relation to cellar door sales, I note. However, I find it extraordinary that not long ago, in the budget that has just passed through Parliament, we saw the abolition of a rebate that is worth millions of dollars—without a single consultation, without a telephone call and without a sit-down or by-your-leave from the Minister for Tourism—which will have a serious impact on wine producers, represented by Wines of Western Australia. It will have a significant impact on major producers, major employers and major tourism players in the Western Australian wine sector. The minister responsible for the Liquor Legislation Amendment Bill 2015 did not ask for or seek any advice from the people who were going to be most impacted by the legislative change. No-one from the government bothered to ask. No-one talked to the peak body, Wines of Western Australia, but it is good to see that there has been some consultation on this initiative.

I commend the collective cellar door component of this legislation; I think it is good. Listening again to the contribution by the member for West Swan explaining how valuable that collective cellar door licensing arrangement was in South Australia and the different components of what they implemented, I fear that we will not have that here.

**Mr D.T. Redman:** Which bit, member?

**Mr P. PAPALIA:** I have talked to some smaller producers, not in the Swan Valley, but further south in the Geographe wine region. I have a friend in the Geographe wine region who has a role on the local representative body, and he suggested to me a couple of years ago that something of this nature would be good. It seems to me what they need is more flexibility than what is offered by this legislation. I may be wrong, but I understand from what I can see that this will enable a collective licence for a cellar door at a location that a number of producers can come to. I think there may be a need for a more flexible licence of that nature that can be used at a number of different locations on smaller properties that meet the legislative requirements. Perhaps we need to change some of those legislative requirements for cellar door operations if that is an impediment to having a tourism drive through small wineries, which are very attractive, as is the whole experience of wine tasting and moving through a local region; there is the attraction of multiple opportunities for tourists to stop at several small producers. If the inhibiting factor is the cost of the licence and it is possible to have a collective licence that could be

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employed on a regional basis, even in a very small geographical region, for a number of producers, I think that would be valuable. It might be tricky and this may be applicable —

**Mr D.T. Redman** interjected.

**Mr P. PAPALIA:** I appreciate that; that is what I thought it was, and that is a good thing. It is obviously a big leap forward, and that partially meets what I think is needed. We would consider as an attraction a region with multiple small operators coming to one site. If we wanted to convert the minister's Denmark wine-producing region into a tourism drive, there is a market for it. There are people who travel the world to seek out opportunities to sample wine and gourmet food.

**Mr D.T. Redman:** There are similar outlets there anyway.

**Mr P. PAPALIA:** The bigger ones are, but I am talking about a number of smaller ones that may not have the capacity to provide a constant operation, or the cost may be an impediment.

**Mr D.T. Redman:** Let us say that there are 30 producers in the Denmark shire. Two could come together for an outlet in town, and four others could come from somewhere else for an outlet.

**Mr P. PAPALIA:** Again, that is not necessarily doing what I am suggesting. I think part of the attraction is the site and the beauty of driving around the wineries. Yes, it is true that the larger scale ones have the capacity to have their own licence or perhaps a couple of bigger ones will have a shared licence. I am speculating, but I think that we could be a little more flexible with this component of the legislation. I am not sure how many wineries there are in the Ferguson Valley region, for instance, but if we had some flexibility, instead of a tourism drive that has three or four cellar door visits we might be able to have 10 in the same space. They may not operate all the time and they may not have the same hours and the same service provision that some of the bigger ones have, but there may be peak times when it is the best part of the season and people are more likely to be visiting —

**Mr D.T. Redman:** The prerequisite is that they need a producer's licence.

**Mr P. PAPALIA:** They are all producers.

**Mr D.T. Redman:** With a producer's licence, they can have a cellar door outlet.

**Mr P. PAPALIA:** They can, but the cost of a cellar door licence may be an impediment for those guys. They might have a producer's licence. I am a novice, but I think that having a producer's licence is a lower threshold than being able to produce enough to be a significant player and fund the cellar door from the operations.

**Mr D.T. Redman:** There are a lot of very small producers with little cellar door outlets.

**Mr P. PAPALIA:** And often they will be doing it pretty tough. I am saying that this may be an opportunity to reduce their costs, facilitate their operations, expand the number of them and broaden the attraction of different areas. That is all I am saying. It may not be possible; it may be too great a step.

I will be interested to hear whether the farmers' market scenario will be covered and will be facilitated by the changes. As suggested by the member for West Swan and the evidence given to the inquiry, that was a key factor in the success of the changes that were made in South Australia. I would suggest that the same would apply here. Beyond that, another example is regional shows.

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

**Mr P. PAPALIA:** The implication that they have to give it for free and they have to apply for the licence to do it in advance is really constraining. I went to the Brunswick Show and there was a wine tasting tent with small players, and I could tell that they were doing it tough. There was no opportunity for them to cover their costs beyond marketing, and that would have been a pretty big ask for them.

**Mr D.T. Redman:** I am not sure that cost is a big barrier to that, but there is a process whereby they have to apply to get a special permit to do it.

**Mr P. PAPALIA:** That may be a constraint that we need to look at. I need to put on the record that I share all the concerns voiced by just about everyone about alcohol and the dangers associated with it. I view wine appreciation and responsible drinking as a strong and sensible response to changing the culture of alcohol in Australia. It is having an impact. If we consider simply the amount of wine consumed now as opposed to the amount consumed, say, 30 years ago, it is significantly more and there is a different culture associated with that.

**MRS M.H. ROBERTS (Midland)** [10.54 pm]: One thing this government cannot be accused of is rushing legislation or responding quickly to community concerns. The Liquor Legislation Amendment Bill 2015 is as indicative of that as any legislation. The government often tends to try to justify its tardiness by claiming that it

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is being thorough or is engaged in a consultative or review process. We have seen evidence in very recent times of just how long it can take to do reviews. The Attorney General, represented in this house by the Minister for Police, promised that he was going to do an urgent review, that it was all going to happen straightaway, and that this was going to be a government of action. For some obscure reason, even though the review has been completed and handed to government, we are still not allowed to see that review.

In terms of getting the legislation right, plenty of examples exist of the government taking forever to bring legislation to this place, dealing with it slowly and, even then, getting it wrong. After one of the set of moon law legislation went through we found out, through the yellow Lamborghini incident that was referred to earlier today, that it of course did not get that right and it had to bring back yet another set of amendments. Has what we have before the house now been properly consulted on? Is it comprehensive? Is it the best possible legislation? The answer, really, is no. A number of my colleagues have tonight raised a whole range of issues. Well over a year ago, the member for Murray introduced some secondary supply legislation. That was probably after about a year's worth of frustration of the government doing nothing in that area.

**Mr D.T. Redman:** Member for Collie–Preston, not the member for Murray.

**Mrs M.H. ROBERTS:** Sorry; Mick Murray, the member for Collie–Preston.

The fact of the matter is that we set a drinking age in this state of 18 years of age for a reason: the health and wellbeing of young people. Previously the drinking age, as people will recall, was 21 years of age, and in some parts of the world it remains so. There are some very good arguments for why it is best for the health, and future health, of young people not to engage in drinking activity before the age of 21. That change down to 18 was made I have no idea when, but decades ago at the very least. Presumably that was because at the age of 18 people can vote and go to war and fight and so forth. There seemed to be a point of view that if people could vote and fight for their country, they were therefore entitled to have a drink. I do not necessarily concur with that view. There is plenty of evidence that the earlier people start drinking, the more likely they will be to have alcohol-related problems earlier on in life. I know there is another school of thought that suggests that if 12, 13, 14, 15 or 16-year-olds have a sip of wine or a glass of beer in the family environment, they can somehow get used to alcohol and that that is a sensible way to go; all the medical research shows that that is not a sensible way to go. People refer to different cultures that have a tradition of children drinking at a younger age than we accept in this community. I suppose that is partly the reason we have never sought to regulate the age at which people can drink in private homes. Another reason for that, of course, is that it would be very difficult to police people drinking in private home environments.

It is illegal for someone under the age of 18 to get a drink in a public place, be that a bar, tavern or nightclub. It is also illegal for them to purchase alcohol at a bottle shop or anywhere else that sells alcohol. It is illegal for a very good reason. People in this place and the broader community may have lots of stories to tell about how they got a mate or someone else got a mate who was of age to go and buy some alcohol for them, and that they perhaps had a quiet drink somewhere, or perhaps somebody bought on behalf of a whole range of people. I think alcohol is a major problem in our community. Through ignorance of the medical science, some parents mistakenly give their children access to alcohol at far too young an age. I was surprised, as police minister, to hear that in celebrations such as leavers, with kids travelling to Rottneest or to the south west in vehicles, the vehicles were loaded up with alcohol. Police have to put a lot of resources into this, and they confiscate alcohol from those people who are not of age. However, I found it disturbing that in some instances that alcohol has been purchased by parents, not the 19 or 20-year-old older brother. The parents of 17-year-olds are happily sending their kids off to leavers with cartons of booze. It is irresponsible. It is not good for their health, and there is so much evidence that attests to the fact that the earlier a person starts drinking, the more likely they are to have an alcohol problem in later life, and the more likely they are to suffer from alcohol-related disease or medical problems.

The other thing I want to put side by side with the issue of alcohol is the issue of road safety and young people. There is empirical evidence that the most vulnerable group of road users is 17 to 24-year-olds, for a variety of reasons. More specifically, there is a big issue with young men in that age group. I heard someone very recently say that the figures for young women were getting worse as well, but there is still daylight between the two groups in the involvement of young men and young woman in road crashes that result in fatalities or critical injuries. It is very concerning when people who are effectively novice drivers drink alcohol.

I have heard some of the other speakers tonight talk about parents finding it difficult to deny their children alcohol in the current environment, because of this growing acceptability. There is often reference to some cultures in which Europeans or others might introduce their children to alcohol at an age younger than 18 years. If parents are doing that, I think they are doing the wrong thing, but they certainly have no right to give anyone else's child access to alcohol, for the same reason that we do not allow children to buy alcohol at any venue in

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this state. I do not think it should be acceptable and I do not think it should be so difficult to control it. There needs to be a campaign on this. The drinking culture in Western Australia is very different from the drinking culture in a number of European countries in particular, and possibly some other overseas countries as well. There is, unfortunately, a growing culture of binge drinking in this country. Young people go out not to just enjoy a beer or a mixed drink of some kind, but they go out purposefully with the intention getting drunk. There is a lot of talk about young people preloading before they go out somewhere. Even before they go out to a pub or a nightclub, they preload at home or at a friend's place. They might not go out to a pub or nightclub until 10 or 11 o'clock at night, and prior to that they will have effectively preloaded at home more cheaply because they have bought the booze at a bottle shop. This is a culture of binge drinking. This is a huge societal problem and this growing acceptance in the community of people drinking to excess, of binge drinking and of younger and younger children having access to alcohol is a major problem. If we can only deter people from taking up drinking until a much older age, we can certainly avoid people developing problems with alcohol in later life. Plenty of people like to talk about wowsers or the nanny state and so forth but this bill does not reflect that. There is plenty of evidence to indicate that 14 and 15-year-olds engage in binge drinking every weekend in this state. They are doing damage to their developing brains. There is plenty of evidence to suggest that this is happening. I have children between the ages of 16 and 26, so I have seen a lot of teenage activity over the course of the last 10 years. I know that my children have gone to places where parents have had a pretty free and easy attitude towards alcohol and have had no problem with their children of just 14 and 15 years of age having a drink or two, or three, or more. But I know plenty of parents who do not approve of that at all.

This kind of law is something that the community has been crying out for now for some years and I commend the member for Collie–Preston for his foresight in bringing in legislation. We know that the government simply was not prepared to support his legislation because an opposition member was bringing it forward. The government could have dealt with the issue much sooner and taken a stronger line on it. I do not think the government does enough to promote the damage that alcohol can do to young people, the impact it has on their growing mind, the devastating impact of binge drinking and the potential flow-on effect it has with respect to road safety. Once children start developing drinking habits at the young age of 14, 15, 16 and 17, they continue those drinking habits; they continue their binge drinking; and they make poor decisions in terms of road safety and whether to drive or not. We know that in the state of Western Australia, alcohol is a factor in over one-third of road crashes—crashes that result in death or critical injuries. We know also that, generally, right around Australia and the world, a greater percentage of people are surviving serious car crashes, because of two things: principally safer vehicles and, of course, advancing medical science. But I would say that the number of really serious injuries and people with lifelong injuries flowing from car crashes is increasing significantly in the state of Western Australia. These are young people, and older people, who become condemned to the life of a paraplegic or quadriplegic or have significant issues that affect their quality of life for the rest of their life. These are very serious issues. I know lots of people want to enjoy themselves and have a drink; they do not like being told about the negative aspects of alcohol. I enjoy a glass of wine, but I would not drink and drive and I would not want my children or anyone else's children binge drinking and doing all the stupid things that come out of that and taking risks, be it in a vehicle or in some other area, because of their engagement with that binge drinking. There are serious consequences here and there are some pretty clear signs that show that starting to drink and binge drink at an early age can have devastating effects for people. The state government, and the federal government for that matter, could be doing a lot more in this arena, because at the moment it seems to be quietly condoned.

[Member's time extended.]

**Mrs M.H. ROBERTS:** I am quite critical of one of the road safety campaign advertisements that the state government has used over and over again in recent years. The advertisement in question has a catch line, "You deserve it—you achieve this, do this, you deserve a drink." The advertisement then tells people not to drink and drive, because if they drink and drive they will get caught and they will deserve to get caught. That is the clever line of it. I am not sure what evaluation has taken place of that advertisement. Sometimes when I would see the evaluations of some ad campaigns, they would come back saying it was a very successful ad campaign, with 80 per cent or 90 per cent awareness of what was said in the advertisement. The question we then have to ask is: does that advertisement change driver behaviour? I am not sure that it does. I would be really surprised if the Drug and Alcohol Office or the health department had not raised concerns with the government. The ad basically links achievement with drinking, so if a person achieves anything good or if anything good happens to them, they therefore deserve a drink—they deserve a reward of alcohol. I do not think that is a good thing for the state government to promote. I appreciate that someone has come up with the idea that if a person has achieved or done something, they deserve to celebrate, sure, and if they do the wrong thing and drink and drive, they deserve to be punished. I understand that nexus, but I do not think the first part of the advertisement is the right message for the community. Associating drinking with achievement is certainly not a message that the Drug and Alcohol



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Office or the health department would generally want to promote. The ad almost encourages people to drink so long as they do not drink and drive, and I do not think that is the right message to send.

I often contemplate why 14 to 17-year-olds feature so dramatically in our road toll. I think a lot of people put it down to the fact that they are novice drivers and perhaps they do not have experience on the road. I think a more significant part of the explanation is that they are young, they think they are invincible and they take risks. When drinking alcohol is mixed with that kind of youthful thinking, people do not think through the consequences; they are predisposed to and not mindful of taking risks and, therefore, they feel even more bulletproof and capable of driving. Much more needs to be done on community campaigns.

I want to finish with this thought: community attitudes can be changed and community attitudes about acceptable alcohol consumption can certainly be changed. That has been achieved to a large extent in drink-driving over the last 20 or 30 years. There are plenty of people here who can look back to what people thought about drinking and driving 20 or 30 years ago. If we were to have asked people back in the 1970 and 1980s, certainly anyone who drank, whether they thought it acceptable to drink and drive they would have said that it was acceptable to drink and drive. I have heard hundreds of anecdotes from people who have said that they thought it was okay to drink and drive and that they did not consider it a particular problem; that they would go to the pub on a Friday night, go out on occasion, joke about how they hid from the police or went down side streets, and how even though they were smashed—"smashed" as in completely inebriated—they still managed to drive home safely, and not only that they did not get caught by the cops. The fact is that now the community attitude to someone doing that has completely changed. A vast majority of people see it as being incredibly irresponsible to drink and drive. It is a matter of not only the penalty, of whether someone is going to get caught for being over .05 or .08, but there is a real belief that to drink and drive is a behaviour that could endanger not only the person's life and wellbeing but the life and wellbeing of another innocent road user. I do not think that there is any question about that. Community attitudes towards drinking and driving have changed dramatically. In the 1970s and 1980s it was commonplace; people drank and drive, they thought it was safe to do so and they did it routinely. These days, most people would not do it because the community attitude has changed. It is not acceptable. It is not responsible. It is a dangerous thing to do and everybody knows it.

I cite that by way of example, because I think that with a concerted campaign and with significant effort, over time we can change community attitudes. The challenge before us is to change the attitude of it being okay for young people to go out and get totally smashed weekend after weekend. Binge drinking is dramatically and negatively affecting the lives of way too many young people. It is costing them in educational opportunities and engagement, it is affecting their current and future medical health, and it is predisposing them to be more likely to become engaged in risky behaviour, including drink-driving, and towards accepting those standards with the next generation when they have children themselves. I know some people will consider what I am saying to be wowsersish. I think there are probably people here who do not realise how commonplace it is for 14, 15 and 16-year-olds to be engaged in drinking each weekend. It is a community problem that we really need to do something about. One of those things that will assist in turning the tide back the other way a little is the secondary supply laws, which were initiated in this house by the member for Collie–Preston. He knows what the issues are. He understood that this was one way in which we could change the laws to, firstly, give a message, and secondly, as I think the member for Warnbro said, strengthen the hand of parents who do not want to be pressurised into providing alcohol, be it in a party situation or a weekend situation, for teenagers at their house, by giving them that protection of law. I think that nobody should have the right to give another person's children access to alcohol prior to the age of 18 when they are not legally permitted to buy it for themselves. Like a lot of the government's legislation, it is better than nothing and it is better late than never; and, of course, it has the opposition's support.

**MR D.T. REDMAN (Warren–Blackwood — Minister for Regional Development)** [11.21 pm] — in reply: It gives me great pleasure to close debate on the second reading of the Liquor Legislation Amendment Bill 2015. I thank all members who have made a contribution to the debate throughout the course of this evening, coming from a whole range of point of views, which clearly reflects the breadth of views that sit in the community and in some cases the very strong views that people have about the impacts of alcohol and the like.

I would like to thank Hon Terry Waldron, and the members of the Liquor Act Review Committee, John Atkins, Ian Stanley and Nicole Roocke, for their contribution.

**Mr M.P. Murray:** Are they still alive?

**Mr D.T. REDMAN:** Absolutely! I also thank Minister Holt in the other place, who has carriage of this bill and who I am representing in the lower house. The review process was comprehensive and structured, receiving 149 written submissions and holding 30 meetings with industry representatives and stakeholders. It was undertaken during 2013 and the report was presented to government in January 2014. A lot of consultation

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happened thereafter and, of course, has culminated in this first tranche of amendments coming here. I might add that the review received an award from the McCusker Centre for Action on Alcohol and Youth, so the review is considered to be a quality review, which gave us good guidance. I take on board that the member for Collie–Preston, as the shadow Minister for Racing and Gaming, brought on a private member’s bill. He has a strong view about that, as did the Labor Party, to push it. However, I make the point that the former Minister for Racing and Gaming in this place had the review in process when that happened and he felt strongly that we should have the benefit of that review before he brought legislation into this place, which is a reasonably sound argument.

The challenge with this debate and in all the debates that have happened is to find a balance between health outcomes for the community and what are considered to be reasonable expectations for alcohol in the community. I remember sitting in here when the Leader of the Opposition was the Minister for Racing and Gaming in 2006. At the time I owned a liquor store with my wife, and declared a vested interest. It will be interesting to go back and read some of the debate that happened then. One of the points made by the member for Maylands was that she had concerns about the objects of the act and that they needed to be strengthened in terms of health and the impact of alcohol on the community. Another aspect in debate was that the consideration for making a decision about having a liquor store was the public interest test. The member for Maylands did not mention that, but the public interest test previously was called the needs test, and the change from the needs test to the public interest test was made by the Leader of the Opposition, as minister. One of the points made in the debate in 2006 was a concern that that shift in the test for the decision around whether to have a new liquor store would potentially lead to a proliferation of liquor stores. It certainly has changed the bar, and there are more liquor stores in that case. I am making the point for the member for Maylands that we have to be so careful with this because even the changes that the Leader of the Opposition made when he was the minister could be argued to be one of the reasons there are some of the outlets that she described, with the concern that causes for the health of our community. Having a quality review leading to recommendations that guide the government on what to include in legislation is critically important. That occurred, hence the first tranche of changes in this bill, which is broadly supported on all sides, which is extremely pleasing.

The member for Collie–Preston talked about schoolies week. I think we all share the concerns that he raised. The impact of schoolies week and the potential to finish up with a disastrous outcome as a result of alcohol is high. The secondary supply changes in clause 20 of this bill will give parents the power to give consent or not to their children. There are a range of challenges in how that plays out with 17 and 18-year-olds but it is up to the law to consider that. It will empower parents to make that decision. In the context of schoolies week, it is a very important change and hopefully one that is in place for schoolies week this year.

The member for Collie–Preston also talked about both the health and convenience aspects of alcohol, as did members who reflected on tourism aspects. The members for Warnbro and West Swan talked about the tourism aspects of their electorates. The member for Vasse talked about the tourism aspects of the Margaret River wine region, and the member for Collie–Preston about the Ferguson Valley wine region. Along with the Swan Valley wine region, all these areas have strong tourism benefit in trying to create a regulatory environment that provides flexibility for those businesses to pursue tourism so that all those people who visit those areas have good experiences. That is really important, hence some of the changes that we have been able to put in place, such as the provision in the bill relating to the cellar door operation between two or more wine or beer producers. This came from recommendations of the review. It will allow a number of cellar door outlets to come together as a collective under a producer’s licence and have a cellar door outlet as long as it is within their particular wine region.

The member for West Swan raised a concern about the threshold that might be in place for such a producer’s licence. I want to quote the act. It states —

An applicant for the grant of a producer’s licence must satisfy the licensing authority —

- (a) that the applicant is, or within the relevant period will become, a genuine producer of the relevant liquor; and
- (b) that the applicant carries on, or within the relevant period will commence to carry on, a genuine business of the sale of the relevant liquor; and
- (ca) that the applicant produces, or within the relevant period will commence production of, a sufficient quantity of the relevant liquor to be able to carry on the business referred to in paragraph (b);

I make the point that in order for the cellar door outlets to be a collective, one needs to be a producer. There is a threshold for that. Part of that threshold is that the business is genuine in nature.

Mr Mick Murray; Ms Libby Mettam; Mr Roger Cook; Ms Wendy Duncan; Ms Lisa Baker; Mr Peter Abetz; Ms Rita Saffioti; Mr Paul Papalia; Mrs Michelle Roberts; Mr Terry Redman

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The member for Collie–Preston also talked about clubs in the eastern states. I certainly do not support poker machines. I think the poker machines in the eastern states are one of the things that drives some of those businesses and clubs —

**Mr M.P. Murray:** No, I wasn't but —

**Mr D.T. REDMAN:** I know that the member was not advocating that but that is one of the reasons they are as successful as they are over there. I too have been in situations in which people sign into clubs people who are not club members and obviously the clubs get some revenue from that. The member talked about regional hotels and bottle shops being of concern. That will come through in stage 2, with provisions around Sunday trading of bottle shops in major regional centres. That is not included in this legislation. Likewise, the second stage of the bill will include provisions relating to the issue of the public interest test, which I talked about with respect to the comments of the member for Maylands and the thresholds of decision-making in order to have a liquor licence of a particular type. They will be captured in the next tranche of the legislation. The member went on to talk about the impact of alcohol injuries, which is concerning to us all. Again, we need to have a regulatory environment that allows us to have that protection while having the flexibility to meet community expectations.

The member for Kwinana stood very heavily in his argument on the health aspects of legislation—that came from a number of members. Along with the member for Midland, he highlighted the Australian culture of the consumption of alcohol and our challenge as a society to respond to that and change that culture. We have seen that challenge in a positive sense on smoking, and certainly seen it on alcohol in other countries. We have a little way to go yet, that is for sure.

The member for Kalgoorlie talked about some of her constituents. I have tried some of the beer that is being produced out there. In fact I have some bottles at home that have the brand of the National Party on them, so they are particularly special!

**Mr M.P. Murray:** They'll be off by now!

**Mr D.T. REDMAN:** They are particularly special. They will last a long, long time and will be around when the member for Collie–Preston is long gone, I am sure.

I will pick up on another comment. The member for Maylands talked about the big retailers. I have in my own personal views some concerns about that issue. My concerns probably come more from the viewpoint of small business owners and small outlets that have a challenge in surviving in that environment, aside from the potential impacts of high volumes of low-priced alcohol having a negative impact on the community as far as the consumption of alcohol is concerned. She also mentioned foetal alcohol spectrum disorder. That is certainly a matter of concern, and one that I might add I am involved in with the Minister for Mental Health, Hon Helen Morton, in her work in remote Aboriginal communities. We in Western Australia are obviously looking at our decision-making in that matter and it fits into the commonwealth decision-making with the potential application of the Healthy Welfare Card. I know that Alan Tudge, the federal minister promoting this matter, is keen to consider a Healthy Welfare Card for the East Kimberley region. It is unfortunate that the Shire of Halls Creek did not support that, as there is a bit of work to be done around how it can be used in the context of the alcohol challenges that apply in those particular regions.

The member for Southern River talked about the alcohol impact and, again, many of the issues he raised were common to all members. The member for West Swan talked about the Swan Valley region and about flexibility for wine producers in her electorate. I say to the member for Warnbro that I am advised that the legislation applies to farmers' markets. As long as the farmers' market is in a particular wine region, a producer is allowed to sell alcohol from a farmers' market without a permit that is my understanding—but they are not allowed to sell it outside their particular wine region. The member for Midland talked about health.

The member for Collie–Preston mentioned a couple of other provisions in the legislation, including alcohol intervention requirements. Rather than issue an infringement notice to a juvenile for a minor offence, a police officer will have the opportunity to issue an alcohol intervention requirement. That means that a juvenile will be required to attend an alcohol intervention session and will be educated regarding the adverse health and social consequences of alcohol use, the laws relating to the possession of alcohol, and effective strategies to address alcohol-using behaviour. The services that deliver the cannabis intervention scheme will be expanded to also provide for this alcohol intervention session. I think that is a good step. There are other pathways for those who either do not attend those sessions or are multiple offenders, but I think it is good to have that option and alternative to an infringement notice for a juvenile.

There are changes to the trading hours on Sunday for hotels and nightclubs. Hotels on Sunday will now be allowed to trade between 10.00 am and midnight, rather than 10.00 pm; and nightclubs now from 8.00 pm to 2.00 am, rather than midnight. These are the changes to trading hours.

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 October 2015]

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Mr Mick Murray; Ms Libby Mettam; Mr Roger Cook; Ms Wendy Duncan; Ms Lisa Baker; Mr Peter Abetz; Ms Rita Saffioti; Mr Paul Papalia; Mrs Michelle Roberts; Mr Terry Redman

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There are other changes for on-site consumption at cellar doors. Beer producers will be able to provide on-site consumption between the hours of 10.00 am and 10.00 pm. The change removes the requirement for a beer producer to have a tavern or special facility licence for consumption on premises. All producers of wine, beer and spirits will also be permitted to sell liquor that is other than their own produce if it is sold ancillary to a meal or for tasting purposes. Again, that will give some flexibility from a tourism perspective to some of those outlets.

There is a concession for taking telephone or internet orders from an office not attached to licensed premises. Again those are small changes but changes that are significant to the activities of these businesses in order to do their business in an efficient way.

I thank members for their contributions and their support. When we get to the consideration in detail stage tomorrow, Hon Bill Marmion will be in charge as, unfortunately, I will not be here, but I thank members for their support. I look forward to these changes getting through to allow for flexibility in some of the provisions, and for the changes, particularly in regard to secondary supply, to be applied as soon as they can, particularly at the end of the school season and around schoolies week. I thank members for their support.

Question put and passed.

Bill read a second time.

*House adjourned at 11.35 pm*

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