

LIQUOR LEGISLATION AMENDMENT BILL 2015

Second Reading

Resumed from 13 October.

HON ROBIN CHAPPLE (Mining and Pastoral) [5.11 pm]: The Liquor Legislation Amendment Bill 2015 contains provisions to impose fines of up to \$10 000 for a person who supplies liquor to a juvenile on unlicensed premises without consent or when consent has been obtained but liquor is not supplied in a responsible manner. That whole issue of liquor being supplied in a responsible manner is something that we will need to investigate during Committee of the Whole. A serious community concern is the risky alcohol use amongst juveniles in uncontrolled environments. 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 of the risks and adverse consequences of alcohol consumption and abuse. In that regard, I really hope that the programs are not designed around old conservative methodologies in which people are being preached at. I hope that the program engages with young people and that young people can relate to it. That is really important. We can have these sorts of programs that are administered in a very bureaucratic way and the young people just go through the processes. If those programs are going to be there, there has to be more than a boy scout sort of approach; they have to be something that juveniles will really respond to. I would be interested to see the ideas behind some of those programs. The minister is nodding his head.

Hon Col Holt: It's not part of the bill. It's just a provision that allows it to happen.

Hon ROBIN CHAPPLE: I will be interested in how it will be run. We will come to that.

The bill enables police officers to issue alcohol intervention requirements to juveniles as an alternative to infringement notices for minor liquor-related offences.

The next point that I want to touch on relates to the aspects of alcohol consumption by Indigenous youth across the state. I think it is important that I refer to a large degree to a paper on addiction written in 2001 by Gary K. Hulse, Suzanne I. Robertson and Robert J. Tait. That document found that Indigenous youth were over-represented in hospital presentations but there was a lack of interventions designed specifically for them. Alcohol was the most frequently identified substance used by Indigenous youth. Indigenous people represent 2.8 per cent of the population of Western Australia but their age structure means that nearly 40 per cent are aged under 15 years—we are getting that real tilt in presentations to the hospital system—compared with 22 per cent for non-Indigenous people. These figures came from the Australian Bureau of Statistics in 1996. Previous research has shown that in 1995, the incidence of first-time hospital admissions for problems related to illicit drug use was greater for the Indigenous population than the non-Indigenous population of Western Australia. These are unfortunately some of the only proper statistics that are out there. I will refer to one other that was produced later. In addition, although the proportion of Indigenous Australians who drink alcohol is lower than the proportion of non-Indigenous Australians who drink alcohol, the proportion who drink to a hazardous level is greater. There is this real dichotomy. Whilst the level of alcohol consumption is lower, the level of alcohol consumption to dangerous levels is higher. Some interesting statistics came out of this report. The report was quite extensive. I hope that the minister's department has availed itself of this and a number of other reports that I will turn to.

In this study, all the presentations involving the use of volatile substances were amongst Indigenous youth and the most frequent diagnosis in this group was that of injury. Some of the drugs of concern within the Aboriginal community include alcohol, tobacco, cannabis, amphetamines and volatile substances. When I was working in remote communities, we had a lot to do with petrol sniffing. Most of the remote communities and regional centres now supply opal fuel, which is a major step forward in stopping that.

Hon Col Holt: Is it still there?

Hon ROBIN CHAPPLE: One of the problems that we had is that petrol sniffers got what was called "pink eye" which occurs when the fumes from the petrol scars the eye tissue so people end up with an infection called sandy blight, which was introduced by flies or spinifex grass. A lot of the early Indigenous people coming out of the desert would suffer from what we call sandy blight or trachoma. Petrol sniffing can provide that same level of temporary blindness, which in some cases is very, very severe. Part of my work in the early years involved mentoring some of these kids and looking after them. Once they have gone down the petrol sniffing path, their brains get pretty fried.

Although Aboriginal Australians are 1.4 times more likely than non-Aboriginal Australians to abstain from drinking alcohol, a greater percentage of Aboriginal people who do drink consume alcohol at levels that pose

both short-term and long-term risks to health. This really weird data is coming forward, which is showing that, in fact, Indigenous people drink less than non-Indigenous people, but, when they do drink, they drink to excess. That is an interesting evaluation. The average age of death from alcohol-attributed causes amongst Aboriginal people is about 35 years of age.

The 2010 National Drug Strategy Household Survey showed that Aboriginal people are almost twice as likely as other Australians to be recent users of illicit drugs—25 per cent compared with 14.2 per cent. Interestingly enough, in 2010 it was cannabis that was the most commonly reported illicit drug used in a previous month by Aboriginal people, with 18.5 per cent versus 10 per cent across the total population. The National Aboriginal and Torres Strait Islander Social Survey from 2008 reported that the rate of both amphetamine and speed use and non-medical use of painkillers and analgesics in the past 12 months for Aboriginal people was about five per cent. That is interesting. We find that what we classically called ganja is much more readily used out there than some of the hard drugs. It is quite interesting that the more we come towards population centres is when the hard drugs start coming in to play.

Harmful alcohol and other drug use and wellbeing issues are closely linked to Aboriginal violence, offending and incarceration. In 2008 in Western Australia, Aboriginal people comprised 41 per cent of the prison population, despite representing less than four per cent of Western Australia's total population. Aboriginal and Torres Strait Islander people are over-represented in the hepatitis C virus notifications and transmissions. That in itself is often linked with injecting drug use. Aboriginal children and young people report the impact that alcohol and other drug use can have on their well-being, family life and how safe they feel in the community. One study found an estimated 15.4 per cent of Aboriginal children aged four to 17 years were living in households in which overuse of alcohol caused problems. These problems were found to be strongly associated with emotional and behavioural difficulties in children. The study found that 27 per cent of young Aboriginal people surveyed drank alcohol, and 30 per cent of Aboriginal young people had used marijuana at some time.

A further study, "Strong Spirit Strong Mind: Aboriginal Drug and Alcohol Framework for Western Australia 2011–2015", went on to identify that Ana Kadjininy, the Indigenous alcohol and other drugs program, showed that there was an absolute real advantage of working out in the communities and with the Noongar community more especially in getting kids off some of their alcohol and other drug problems. These problems had prompted a group of Noongar people to join the South West Community Drug Service Team in 2000 and create the Indigenous alcohol and other drug use program. Ana Kadjininy has developed a series of culturally sensitive and gender-focused health and educational programs specific to parents, youth, families, men and women. These programs aim to raise awareness in communities of alcohol and other drug-related issues and develop skills and resilience in managing and coping with alcohol and other drug use. Ana Kadjininy supports the Aboriginal community through education, health, cultural and physical activities. It has engaged Noongar people of diverse ages from 16 to 70 in active participation, increased their knowledge of services and helped develop resilience factors in the community. That is also an important part of this, and with that in mind I am dealing with the whole issue of how that intervention might work specifically within Indigenous communities within our metro area and the south west. I really want to know how some of these intervention programs are going to work with youth in remote areas, because I imagine that would be fairly expensive and would need some dedicated teams to do that.

Historically, Aboriginal people have been reluctant to seek treatment for their alcohol or drug use because of concerns about the lack of cultural awareness among mainstream services. Culturally secure facilities staffed by Aboriginal workers have been shown to have a positive effect on attracting and retaining Aboriginal people in treatment. Again, I am interested to see whether that is going to be part of the program in the future. Consultation and partnerships with key service providers and Aboriginal agencies have developed dedicated Aboriginal beds offering culturally appropriate treatment and care, staffed by Aboriginal workers in inpatient detoxification and residential rehabilitation services. Together, these programs address not just the alcohol and other drug problems of their clients, but also the underlying social and historical factors that affect the health and wellbeing of Aboriginal people. One of the problems we have in some remote communities—I do not mean remote communities specifically, but I am mindful that it was occurring in Halls Creek and Fitzroy and is still occurring in Derby and other areas—is the issue of sly grogging. Quite often the sly-grog household has a lot of kids living in it. Many of those are not actually the kids of the parents; they might be being looked after or whatever. There is going to be an aspect of this legislation that will touch on some of those issues. The problem is that it is out there and it is not being very well policed at the moment, and yet it is an illegal activity. I am wondering how this legislation might be able to assist in that process.

Hon Col Holt: Sly grogging, you mean?

Hon ROBIN CHAPPLE: Yes.

Hon Col Holt: Sly grogging is not an illegal activity.

Hon ROBIN CHAPPLE: The police frown on it, because people are supposed to have a licence to provide alcohol for resale. That is what sly groggers do and usually at a huge mark-up, I can tell the minister. It might be useful, having said that. If the minister is saying that the police are not empowered to deal with sly groggers, which I understood they were, but they find it very difficult to do, maybe this legislation will enable them to actually have —

Hon Col Holt: Not that this legislation itself is, but I understand what the point of your issue is. I have been out there to talk to the police in Derby and in Broome. They have got only the limited response they can have. They confiscate the alcohol, but in actual fact they have got to give it back. What do you pull out of a car full of 48 cartons of VB? They have got no reason to say it is sly grogging, so they confiscate it, but they have actually got to give it back, and they all know that. We need some different provisions in this act.

Hon ROBIN CHAPPLE: In most cases that I am aware of, the actual grog is being supplied from households, not from vehicles.

Hon Col Holt: It has got to get there.

Hon ROBIN CHAPPLE: Yes.

Hon Col Holt: You can't go into a house and go, "Where's the alcohol that you are serving or selling?" It does not work that way. Police intercept vehicles on the road and that is when they go, "We are going to confiscate it because we believe that you are onselling it." But they have got to actually give it back. When we look at things like prohibitive households and restricted premises for alcohol, that is the answer for those guys—to have a restricted premise so they cannot bring alcohol on. Those sorts of things are always done proactively. This bill itself will not.

The ACTING PRESIDENT (Hon Simon O'Brien): Order! Unless Hon Robin Chapple wants to cede and recognise that the minister has commenced his second reading reply speech, I think we had better hear from Hon Robin Chapple and wait for the minister.

Hon ROBIN CHAPPLE: Thank you, Mr Acting President, your advice is heeded.

The ACTING PRESIDENT: I hope I am not extending the debate too much.

Hon Col Holt: I think he is saying both you and I need to be relevant to the bill in front of us.

Hon ROBIN CHAPPLE: I am sure as minister, Hon Col Holt is relevant!

The ACTING PRESIDENT: You probably need to address me as well, gentlemen.

Hon ROBIN CHAPPLE: Together these programs address not only their clients' alcohol and other drug problems but also the underlying social and historical factors. Improving the level of service provided to Aboriginal people is not always a matter of pursuing new services, with often unobtainable additional resources, but requires a rethink in cooperation between agencies; work within services; and knowledge, skills and attitudes.

The Indigenous diversion program was established to address barriers experienced by Aboriginal people in accessing existing court diversion programs. It is a culturally secure, regional, early intervention drug diversion program that seeks to help Aboriginal people with their substance use problems by directing them into treatment before sentencing. I think that is in essence what this Liquor Legislation Amendment Bill will do. But I really want to see some understanding of how this program can be married with what is proposed in this legislation. If we can bring people to work together rather than have another stand-alone program, that will be its benefit. The IDP employs Aboriginal workers to provide drug assessments, referral and treatment services, and uses Aboriginal-specific resources. The program aims to increase the availability of culturally secure diversion options in regional areas of Western Australia; provide culturally secure community development, prevention and, where possible, early intervention strategies; and establish links between Aboriginal persons, local drug treatment agencies, support services and magistrates. That is what it does at the moment. I am hoping that this will be another way of having a slice of that orange by which we can feed into that broader process.

The Drug and Alcohol Office's Indigenous alcohol and other drugs program has developed culturally secure workforce development initiatives for the Aboriginal workforce and the broader human services sector that are delivered both regionally and in the metropolitan area. As we have already identified, there is quite a difference between the services required for the metropolitan area from those required in regional centres and again in remote communities. They all have distinct levels of cultural development that need specific programs to deal with all three basic issues. We cannot treat it as a one-size-fits-all issue.

Noting that you are listening intently, Mr Acting President, I thought I would bring you into the conversation for a short while.

The ACTING PRESIDENT (Hon Simon O'Brien): I am always part of the conversation, member.

Hon ROBIN CHAPPLE: There is delivery of the Aboriginal alcohol and other drugs worker training program, CHC30108 certificate III in community services work, which is a training program for Aboriginal alcohol and other drug workers from metropolitan, regional and remote areas within the alcohol and other drug sector. When required, the program trains Indigenous diversion workers who work cross-sectorally with justice.

That is another program that needs to feed into this legislation or this legislation should feed into that. I am interested to see how there is intent to work within that framework. Cultural awareness and competency training is delivered across the alcohol and other drug sector to workers in other allied sectors who are working with Aboriginal people. There is also the development and delivery of a culturally secure clinical supervision program to support Aboriginal alcohol and other drug workers. Another program is the YouthLink Aboriginal and Torres Strait Islander subprogram. These are other programs that need to be acknowledged and involved in this process.

I want to now refer to the third report, an Australian Indigenous health review from Australian Indigenous HealthInfoNet titled “The harmful use of alcohol amongst Indigenous Australians”. It is quite telling because it identifies —

Alcohol is the most widely used psychoactive drug in Australia. The 2007 National Drug Strategy Household Survey (NDSHS) estimated that 82.9% of Australians aged over 14 years, had consumed alcohol in the previous 12 months, with only 10.1% having never consumed at least one standard drink of alcohol.

They are fairly high consumption levels. This report, prepared by Mandy Wilson, Anna Stearne, Dennis Gray and Sherry Sagers from Australian Indigenous HealthInfoNet, identified that Indigenous Australians were well aware of the devastating impact alcohol is having on the communities. We have seen that in some of the programs run out at Halls Creek and Fitzroy Crossing, led by many of the Aboriginal community leaders, in turning around those communities from the sorry state they were in a number of years ago. Indigenous Australians initiated these programs themselves. When it comes to the programs we are talking about in this place, the report clearly identifies —

Indigenous Australians should be key players in the design and implementation of interventions to address harmful alcohol use, with capacity building within Aboriginal community-controlled organisations a central focus. However, as community-controlled organisations are not always accessible or preferred by Indigenous Australians themselves, mainstream organisations should be enabled to provide culturally sensitive services.

That comes down to the not remote communities but more isolated communities where there are quite often family and social constraints within the region that stop some of the good work that can be done. Quite often some outside intervention is needed, but it has to be outside intervention that is cognisant of the area’s cultural needs. I am mindful that one of the issues in another field at Pupunya in the late 1970s and 1980s was when community members were trained as school assistants. But it did not work because the traditional relationships between the child and the school assistants meant that the child quite often had supremacy over the assistant. In those areas there was invariably an interchange of school aides among different areas so that that cultural problem was broken down. It was quite effective. It seemed quite novel that we were using Indigenous teaching aides in one area who had come from another area, but it worked because the control mechanism was broken. The report continues —

These organisations should work in partnership with Indigenous organisations.

That is quite clearly the case. It continues —

... there is no single solution to the harms associated with alcohol misuse.

There is also a paucity of formal evaluations of interventions of Indigenous-specific alcohol misuse interventions.

Bear in mind that this report was written in 2010. I do not think the issues pertaining to the successes in the Kimberley were clearly available to this report’s authors at that time. The report at page 4 has a table that shows the estimated number and crude population rates, per 10 000 Indigenous residents, of alcohol-attributable deaths. The figures are very interesting. The figure for Western Australia north, which in essence is the Kimberley, is 8.8, for the Northern Territory is 6.8, and for Northern Territory central is 14.6. As we progress southwards, the numbers start to come down, with Victoria at 3.4. The figure for WA north was particularly high, although not as high as the figure for NT central, which is a terribly high figure.

The programs that are proposed for the Pilbara will be, I hope, of great value. I am mindful also that the Attorney General talked today about some of the interventions that are taking place in conjunction with the program that his department is running out, under which rather than fine or prosecute offenders, they try to resolve the fundamental problems. I commend the Attorney General for the program that he is running out.

However, the available evidence does not indicate that in order for interventions to be effective, they should have the support of, and be controlled by, local communities; be designed specifically for the needs of particular communities and subgroups within the community; be culturally sensitive and appropriate; have adequate resourcing and support; provide aftercare; and cater for complex presentations. Some of the programs that have been run out in the Kimberley have been very good programs. However, one of the fundamental problems is that a program is run out and is effective, and the people who run that program then walk away. That means there is not continued effort and support for people who have gone through a program and have come out the other side, and they are left quite often high and dry and a few years later we are back in the same boat. We should not put people through an intervention program and then pat them on the head and say “We’ve put you through the program and we’re now going to walk away from it.” There needs to be a long-term commitment to support those people, be it local support, department support, police support —

Hon Col Holt: Or family support.

Hon ROBIN CHAPPLE: Yes. However, we then come to the issue that in the case of most Indigenous communities, family is often not the person’s immediate parents; family is in many cases their aunts, their uncles or their grandparents, because traditionally parents are not the responsible bodies.

The report states also that a single intervention should not be seen as a quick fix, and that a combination of harm minimisation strategies is the most effective way to go.

I would like at this time to acknowledge that we had a good briefing on this bill. We asked a number of questions at that briefing. One of those questions was: how will the alcohol intervention requirements work and what programs will be delivered in remote communities under the alcohol intervention requirements? We were advised that the program will be handled by the Office of Mental Health and that it mirrors the cannabis intervention program, which that office already handles. We were advised also that the program will not come into effect until the funding has been secured. That leads to my next question, which is: when will that funding be secured? We will possibly need to hear from the Minister for Mental Health when the funding for that program will be available. We would also like to know from the Minister for Mental Health how well the cannabis intervention program is working. It will be good to get some idea about that.

Another question was: of the 141 recommendations made by the McCusker Centre for Action on Alcohol and Youth, how many were implemented; and, for the recommendations not implemented, please outline the reasons why? We were advised that 89 of those recommendations were legislative amendments. It appears to me, from reading my notes, that 26 of the recommendations have been implemented, one was not supported, and two are yet to be implemented. I have a feeling that might be the wrong answer. It came from the minister’s office. In essence, the McCusker recommendations —

Hon Col Holt: Do you mean the McCusker recommendations to the review?

Hon ROBIN CHAPPLE: Yes. I think the best way of dealing with that would be to wait until we get to the committee stage.

That concludes my contribution to this debate. I would like to thank the parliamentary officers who provided us with the briefing. I must admit, it was a very good briefing and we were able to ask a number of questions. I would like to thank Mark Beecroft and Donna Kennedy, and the other person who gave us the briefing—Mark, I think it was. Thank you very much.

HON ADELE FARINA (South West) [5.48 pm]: I rise to speak to the Liquor Legislation Amendment Bill 2015. I indicate that I will be making a short contribution and I will focus mainly on the secondary-supply-of-liquor component of the bill. We know that there is a broad support in the community for this policy initiative and the amendments that are contained in the bill. It always staggers me that many parents feel that they need to be their child’s best friend, or a cool parent, and that makes it acceptable to supply their child with liquor. During leavers week in particular, many parents supply their child with a car boot full of liquor. That is completely irresponsible. It staggers me that some parents think that being their child’s best friend is more important than their responsibilities as that child’s parent. Therefore, the fact that this bill introduces tough penalties for a person who supplies liquor to a juvenile without the consent of the juvenile’s parent or guardian will address that problem to a large extent.

The Bill introduces an offence for a person who supplies liquor to a juvenile on unlicensed premises without the consent of the juvenile’s parent or guardian. The minister’s second reading speech goes on to state —

In acknowledging that the vast majority of adults have a responsible approach to the supply and consumption of liquor, the onus will be on the prosecution to prove that consent was not obtained by the person supplying the liquor. It is not the government’s intention to reach inside the private homes of

families, but to tackle those people who disregard another parent's wishes or who do not place any importance on responsible supervision practices.

I have to say that, coming from an Italian family, I was given alcohol at a young age, but it was only a very small amount—a tiny little bit on special occasions. Alcohol had no great attraction to me, and I do not drink now. Alcohol was no big deal. A number of my relatives have raised their concern that the government was stepping in to stop parents from doing that if they wanted to. I have been busily explaining that that is not what this bill does, so I thought I would put on the record that the government is not going to stop that from happening, because obviously that is a decision for a parent to make. On special occasions, we were allowed a little bit of alcohol, and that might be considered wrong by a lot of people but I do not think it did me any harm. I do not drink now, so it did not lead me to a life of drinking. There is a problem with kids who pressure their parents into allowing them and their mates to drink when they are all under age. I know that in some cases parents have allowed that to happen without getting the consent of their child's friends' parents, and have even left them at home unsupervised with the alcohol and have gone out for the night, and then come home to find them all drunk and they wonder what happened. There are both ends of the scale and this bill deals with the situation in which adults are allowing alcohol to be provided to children without the consent of the parents.

The bill also provides that when a parent or a guardian gives consent to their son or daughter to be supplied with liquor, the person supplying the liquor must do so in a responsible manner. The bill contains fines for a person who supplies liquor to a juvenile on unlicensed premises without the consent or where the consent has been obtained but liquor is not supplied in a responsible manner. The provision is quite onerous and we need to get that message across, because a penalty of up to \$10 000 is going to be onerous enough for a parent, but when that is also going to be applied to an 18-year-old that is a huge impost. We need to understand that the bill does not provide any distinctions for that, although there is capacity for the courts to perhaps be a little more lenient on an 18-year-old.

Hon Sue Ellery in her contribution talked about how approximately five young Australians aged 15 to 25 years die every week due to alcohol-attributed injury or disease and another 200 are hospitalised. They are really scary figures. From another document, I found that one in four hospitalisations of 15 to 25-year-olds happen because of alcohol and four Australians aged under 25 die due to alcohol-related injuries in an average week. This is a significant problem, and all the research shows that a significant number of people who binge drink, drink to get drunk. This issue needs government intervention to the extent that is possible.

Obviously, I am very concerned that it has taken this long for the bill to come before the house. Clearly, this issue has been called for and debated and has had broad community support for quite some time, so it is disappointing it has taken so long for the legislation to get before the house. Other members have mentioned the impact of this legislation on school leavers this year. This year is the first year when there will be a significant cohort of leavers who have already attained the age of 18 years and therefore alcohol becomes a problem. When Labor was in government, I was very involved in formalising leavers' week and ensuring that we provided protections that were needed for leavers to have leavers week in as safe an environment as we could possibly provide for them, and also to protect residents in those areas where leavers' events are held from damage to their property from drunken rampages that were occurring at the time. The Office of Crime Prevention took the role of lead agency in that work. Police were very involved; in fact, Superintendent Peter Hatch of the south west district was very involved. He was not a superintendent at that point, but he was very involved in the work that was being done. A lot of good work was done. We ensured there was transportation to events. We put on special events to attract leavers to alcohol-free events, which helped to reduce the exposure of these leavers to alcohol. A lot of good things were put in place. This year over 40 per cent of leavers will be 18 already and there has been a fair bit of discussion about how that will be managed and what impact that will have. My understanding is that events that will be put on during leavers will still be alcohol free, so it will be interesting to see whether the attraction for those 18-year-olds of being at an event listening to a band with their mates is greater than the attraction of staying home and drinking. Time will tell.

The other issue here is that as Hon Liz Behjat pointed out, a lot of 18-year-olds will be pressured to buy alcohol for their under-age mates at leavers and other times, which is a huge concern. My concern with these laws is that we are still to hear from the minister whether they will be in place in time for leavers. If they are, that is good because it will enable those 18-year-olds to say they cannot do that because of the impact of the penalties if they supply their mates with alcohol. My concern is how we are going to communicate that to 18-year-olds. Most 18-year-olds I know do not listen to Parliament, do not read the newspaper and never pick up a piece of legislation, so depending on whether this is enacted and becomes law prior to leavers week, I do not know how the government is going to communicate that message effectively and well. I would like to understand how the government proposes to do that. That is a significant issue, because if those laws are in place and an 18-year-old can fall foul of those laws, we need to have done everything that we can to make sure they are informed. I acknowledge that ignorance of the law is not a defence; nevertheless, there is an onus on government, when

introducing new laws, to make sure that people know those laws are in place and the penalties that can arise if people break the law. If they are not in place, all of those other issues come to play and police are going to need to be instructed on how to manage the situation, depending on what scenario plays out, as well as all the volunteers involved in leavers. There is a huge organisation that is gearing up for leavers that needs some direction on these laws, and a huge amount of work needs to be done if they are to come into effect. It is a shame the government has waited so long to bring them into play.

I was a bit concerned about provisions in the bill. Proposed section 122A(3) reads —

Where under subsection (2)(b) a person has obtained the consent of the parent or guardian of a juvenile to supply liquor to a juvenile on unlicensed premises, the person must not supply the liquor —

...

(c) if the person is drunk;

Most drunk people do not actually know that they are drunk, and we might be talking about an 18-year-old making that judgement call who may not have had a lot of experience with being drunk in any event, so that is a bit interesting. I would like an explanation from the minister as to how some of these provisions will apply. A person cannot supply a juvenile with alcohol if the juvenile is drunk, so we are now asking an 18-year-old to make an assessment about whether their mate is drunk or not. That is very interesting.

It is proposed subparagraphs 122A(3)(c) and (d) that concern me the most. Paragraph (d) reads —

if the person is unable to supervise the consumption of the liquor by the juvenile —

Then they should not supply it. If an 18-year-old has the consent of their friend's parents to supply liquor, they buy the liquor, they have a couple of drinks, and they then go to sleep, are they required to actually lock up that liquor to stop their mates from drinking it while they are asleep? What capacity will they have to do that if they are in a rental place during leavers week? I think there are some pretty real implications in this legislation that we need to be across, particularly if it is going to be in place for leavers' week. I can see some real problems in how this legislation will apply.

Paragraph (e) provides that a juvenile cannot be supplied with liquor, even with parents' consent, "in circumstances prescribed by the regulations." It is clear that a whole lot of additional circumstances are intended to be prescribed by regulations. We, as a Parliament, have not seen those regulations and we do not know what they contain. The likelihood of that 18-year-old at leavers week knowing the regulations is pretty slim, and we do not even know whether the regulations will be in place before then. There are a whole lot of concerns here, and I would really like an explanation from the minister as to what circumstances are likely to be prescribed in the regulations that are not prescribed in the legislation itself, because there is clearly an intention that there will be other circumstances.

As a slight diversion that I hope Mr Acting President (Hon Simon O'Brien) will entertain, but I will come back to the point, last week I received a representation from representatives of Red Bull. They came to see me to raise the concern that in a number of cases in which liquor licences were being granted to premises, conditions were being imposed on those licences to prevent them from selling Red Bull. The argument that has been mounted by the Department of Health is that Red Bull masks the effects of alcohol. In my very limited understanding and experience of this issue, I found that a bit curious because it is my view that alcohol masks the impact of alcohol, so if we are going to prohibit the sale of Red Bull on that basis, we should prohibit the sale of alcohol, period. It does not ring true. The representatives of Red Bull made the argument that the most recent studies say that that is not actually the case and that there is no evidence to support the view that Red Bull masks the effects of alcohol. The most curious aspect of all this is that the Liquor Control Act is designed to control alcohol, and there is no alcohol in Red Bull, yet the Liquor Control Act is being used to regulate the sale of Red Bull. I think it is actually beyond the power of the people who are imposing these conditions to do so, not that I am an advocate for Red Bull! I just think this is a concern that the minister might like to look into. If they are reaching beyond the provisions of the Liquor Control Act, that is actually an abuse of power, and that needs to be addressed. I am told that the amount of caffeine in Red Bull is the equivalent of a cup of coffee—I do not drink coffee and I have never drunk Red Bull, so I really do not know—and that the amount of caffeine in Red Bull is also the equivalent of two cans of Coca-Cola, yet there are no conditions under liquor licences that proscribe or prohibit the sale of Coca-Cola. It just makes a bit of a nonsense of that legislation. If we get to the stage where, under the Liquor Control Act, we are actually regulating non-alcoholic drinks that are being used as mixers, how do we know that these prescribed regulations that are going to be made under proposed section 122A will not be in a similar vein? I would be concerned if we were saying, "Well, even if you've got the consent of the parent, you can't mix it with Red Bull or some other non-alcoholic drink". We have a very small window of opportunity to alert 18-year-olds before leavers week and, in any event, it is going to be a hard job educating 18-year-olds and getting that message out to them, even if we are looking beyond leavers week. We as a Parliament are being

asked to endorse this legislation—the Labor opposition supports it—without knowing what is in the regulations. At the same time, I am being told that under the Liquor Control Act, licence conditions are being imposed that are, on the face of it, apparently beyond the power of the act to enforce. I would really like some clarification from the minister about that. Is he aware of the situation with Red Bull? I assume that there are other energy drinks that are affected in the same way. What is the justification for it, how is the Liquor Control Act being used to impose those restrictions, and do we intend some of those conditions to actually form regulations that will be included under proposed section 122A? How are we going to communicate that message? I think it is really important, whatever decisions are being made, that they be made based on scientific fact, and Red Bull certainly provided me with a scientific report that indicated that there is no evidence of the masking element in Red Bull.

There are a whole lot of issues here and I strongly support the secondary supply provisions; I think they are very, very important. I am concerned about how they are going to impact on 18-year-olds because everyone has been in a situation in which they have been pressured to supply an alcoholic drink to a mate who was not quite 18, and the ramifications were quite significant and substantial if they got caught. I appreciate that there is, under the legislation, an alcohol intervention scheme for minor alcohol-related offences. Again, it is not clear what constitutes a minor alcohol-related offence, so it would be good to get some clarification from the minister as to the circumstances under which those alcohol intervention programs will be used and whether it is intended that they be used as an alternative to the penalty that is proposed under proposed section 122A.

In summary, as a member for South West Region, a lot of leavers events occur there and a lot of the support that is provided is provided by volunteers, and I think everyone is looking for some direction on what the law is actually going to be and how it is going to be applied and communicated ahead of leavers week.

HON COL HOLT (South West — Minister for Housing) [6.08 pm] — in reply: At the outset I thank all members for their contributions and their general support for the bill and its provisions. I will just start with a comment made by Hon Darren West about the Goomalling connection. We find ourselves debating this bill on opposite sides of the house and, in a way, to look at our backgrounds, one could quite reasonably say that we are both on the wrong side! My dad voted for Labor all his life and I am pretty sure my mum still does, and Hon Darren West comes from a farming background. It could easily be argued that we should be on opposite sides, which is an interesting twist! I thank Hon Darren West for that reminder of that connection.

Hon Alyssa Hayden: You could discuss it over a beer!

Hon COL HOLT: Discuss it over a beer? Yes, thank you!

There have been comments around getting the bill to the house. I came into this at the end of what has been a long process. A well-structured review of the act was undertaken to get to this point. It went over a long period, and some thanks should be given to Hon Terry Waldron, the previous Minister for Racing and Gaming, who instigated the review. I also thank John Atkins, who chaired the review, and the members of the committee, Ian Stanley and Nicole Roocke, for the role they played in contributing to the bill through that review.

It was a long review with a comprehensive set of terms of reference, and it actively sought and received a lot of submissions. Members have canvassed some of those submissions during the second reading debate, with quite a focus on the McCusker Centre for Action on Alcohol and Youth and what it offered. There were 149 written submissions and 141 recommendations out of the review, only some of which apply to legislation. We aim to bring a couple of tranches of legislation to this place. This is the first; the second is well advanced. I would love to be able to bring it to the house early next year, so that we can get that second tranche through.

The contributions of members—it was also what was tackled during the review into the act—reminded me of the balance that has to be struck in this portfolio. A lot of the debate has been about harm and exposure to the effects of alcohol on our young, but there have also been comments around business opportunities, tourism opportunities and red tape reduction, in a way, to help with the liquor supply in some of those instances. On reflection, it is about a balancing act. I think the portfolio of liquor is around a balancing act to minimise the harm by promoting the enjoyment of alcohol in a responsible way, and also the opportunities it provides in employment, business opportunities and, obviously, tourism. We need to consider all those aspects.

While listening to the debate, I was struck by the fact that we have liquor restrictions in some of the Kimberley towns as a result of that harm minimisation approach. In Halls Creek the outcomes of the liquor restrictions are clear to see.

Hon Robin Chapple: Yes.

Hon COL HOLT: There is more to do, but they are clear to see, as Hon Robin Chapple would admit. Yet even people within Halls Creek think we do not need liquor restrictions there.

Hon Helen Morton: Even on radio this morning.

Hon COL HOLT: Even on radio this morning. I did not hear it, but —

Hon Helen Morton: Yes, the CEO.

Hon COL HOLT: So, even a community such as Halls Creek, which knows the value of liquor restrictions and the balance we are trying to achieve, reckons it does not need it. That goes to the whole balancing act, in my view, and where we are coming from.

Hon Robin Chapple interjected.

Hon COL HOLT: Yes, that is right. There are plenty of reasons behind that, are there not? I am just saying that although there are clear results from having some restrictions on liquor through the act, that still does not please the whole of society, even when people are indirectly benefiting from the improved health outcomes, domestic violence outcomes and policing outcomes.

Hon Robin Chapple: It's interesting that you see that in those supports, but you are seeing that the impact of alcohol is actually lower in the Indigenous community. But where it is in there, it is in crisis mode. So it is that that really masks a whole range of problems.

Hon COL HOLT: Yes, exactly.

There was also mention of the private member's bill that was read in the other place in 2013, and I think this bill is a genuine reflection of that bill. I do not think it was supported by government at the time, mainly because this review was underway that had some very clear, structured terms of reference and a very clear way of gathering information to provide a balanced representation of the different community views. The private member's bill was not supported, but we have come out the other end of the review with a recommendation on secondary supply and some provisions around the responsibility of an adult in this matter. I think that process has resulted in a better outcome. That is why it was a worthwhile process to go through. In fact, the McCusker Centre for Action on Alcohol and Youth, which was quoted in a number of members' contributions, gave the Liquor Act Review Committee the award for the "Government in Action" category. One of its comments was that the report achieved "a balanced view, encompassing a wide range of perspectives". It was worthwhile to do a structured review to achieve an outcome that has been recognised by an organisation that clearly promotes harm minimisation in our communities.

Hon Adele Farina touched on some of the provisions in the Liquor Legislation Amendment Bill 2015 that are a little different from those in the 2013 private member's bill. I will not go through those, because they have been covered. It is interesting to note that secondary supply is one of those issues about which there will be questions on how it will be policed and enforced. The intention of the legislation is to address situations in which adults intentionally supply liquor to juveniles without the consent of their parents. That would include an 18-year-old supplying liquor to a juvenile friend, and school leavers week is a classic example. I have no doubt that will be the greatest risk for 18-year-olds in this current year after the half-year cohort has gone. We are into the situation now whereby 40 per cent of school leavers will be 18 years old, and it will be the biggest risk for them. We need to make sure that we do everything we can to make sure that they are aware of the provisions of the amended act.

I think it is an educative provision, rather than an enforceable or a punitive provision. I think it is about sending a clear signal to adults in our community that they just cannot supply alcohol anymore to a visiting juvenile for whom they are responsible, without the permission of their parent or guardian. It sends that clear signal. They also have to do it in a responsible way if they are going to do it. I think that is why it is an educative provision. Maybe in the early stages of implementation, the police could think of it as an educative provision as well, and use that opportunity during school leavers week. I still think we can get this bill through both houses of Parliament and enacted before school leavers week. School leavers week will start on about 23 November. I would have loved to get it through today, but we will come back tomorrow and, hopefully, answer all the questions that have been posed. This house can celebrate the passage of this bill tomorrow, and then we will get it into the other house at some point next week. That will give it time to pass the legislation and for us to enact it, and then the work will begin of promoting it and making sure everybody is aware of this new law that will be in effect before school leavers week.

I want to talk about the educative approach to this. I will quote from a paper delivered by Chief Justice Wayne Martin to the McCusker Centre for Action on Alcohol and Youth during the Action on Alcohol Awards 2015. Do I have time, Mr President?

The PRESIDENT: You have one minute—that is all—before I interrupt the debate, but there is always tomorrow.

Hon COL HOLT: Yes, okay, Mr President. Thanks. I might start it.

The Chief Justice was writing about the introduction of secondary supply laws. He stated —

I very much welcome the secondary supply laws which are shortly to be introduced into the State Parliament. If passed, these would prohibit the supply of alcohol to persons under the age of 18 in addition to the existing prohibition on the sale of alcohol to such persons.

I think Hon Alanna Clohesy talked about the restriction of the sale of alcohol to juveniles. She referred to them hanging around outside a large liquor store. No-one can sell liquor to someone under the age of 18 anyway. That is part of the restrictions. The Chief Justice continues —

Critics of those laws have observed, correctly, that enforcement of the laws will be difficult. I do not for a minute suggest that we want a society in which police attend every party in which persons present are under the age of 18, for the purpose of ascertaining whether they have been illegally supplied with alcohol.

The Chief Justice is recognising the fact that it will be very hard to police. He continues —

However, it seems to me that, with respect, this criticism misses the point. Laws perform a number of functions. One of those functions is to specify the standards of behaviour which are considered to be acceptable in the community governed by those laws.

Debate adjourned, pursuant to temporary orders.