

Mr John McGrath; Dr Mike Nahan; Ms Lisa Baker; Mr Peter Katsambanis; Mr John Carey; Mrs Liza Harvey;
Mr Sean L'Estrange; Mr Zak Kirkup; Ms Libby Mettam; Mr Shane Love; Mr Paul Papalia

LIQUOR CONTROL AMENDMENT BILL 2018

Third Reading

Resumed from 15 March.

MR J.E. McGRATH (South Perth) [5.27 pm]: I rise to speak on the third reading of the Liquor Control Amendment Bill 2018. We have been at this one for a while now; it has stretched over a few weeks. It has been a very interesting debate, as it always is when we talk about liquor licensing because it is very important and affects everyone's lives. Members of Parliament have a lot of constituents who are interested in liquor licensing, and we have to make sure that liquor is well controlled in our community.

We have had a few issues. The opposition agrees with most things in the bill. Obviously, some of it was part of the independent review of the Liquor Control Act under the previous government. As we have said, our government did not get to introduce the full package and the McGowan government, under Minister Papalia, is now introducing the remainder of the package, plus some extras. At times it appeared as though it was legislation on the run because there were many changes. Things popped up that we do not think have been dealt with in this bill that maybe should have been. I will address them a little later. There were a lot of amendments. The minister agreed to one amendment that we put forward. Other amendments were introduced almost on a daily basis. We wondered what happened to the consultation process when, on the morning of the bill coming back for further discussion, amendments came in at the last minute. The minister explained that these things happen. Various stakeholders see things in legislation that they have concerns about and bring it to the minister and he decides whether to agree to an amendment or make an amendment. There was also some confusion about the intent of the bill or the amendments. At times we were not sure whether the intent was to support small business or whether it was to minimise the harm caused by alcohol. That was something that confused us a bit on this side of the house.

Looking at the legislation in general, we were happy to support the amendment to section 50 of the act to simplify the process for restaurants to be able to serve liquor without a meal. That is a no-brainer. We think that is something the community would really embrace. There was also streamlining the process for hotels to be able to compete more with pop-up bars. I will talk about that later. We think this is an area in which the bill is a bit deficient. I will flesh that out as I go through my third reading contribution. There was also the ability for member clubs to be able to serve visitors to their clubs. Obviously no-one is going to pay a membership if a club can just let anyone come in to drink at a club where I am paying a membership. The government has fixed that. Anyone who is outside a 40-kilometre radius of a club and is a visitor to the area can sign up and pay a fee. We are told that the clubs have welcomed that.

The bill has brought tourism to the table when it comes to applications for liquor licences. We have talked today about tourism. We would have to support anything that, in tourist areas, made tourism a consideration when the director of Liquor Licensing is looking at a licence application for the supply of alcohol. Tourism is so important, as we discussed earlier today. We want Perth to be a place where tourists are welcome. The minister has introduced a good mechanism.

No public interest test for restaurants and small bars will be welcomed because they are considered to be low risk. Establishments that are considered to be high risk, such as hotels, liquor stores and nightclubs, will still be subject to the current public interest assessment requirement.

We are not sure how the policing of alcohol being delivered to juveniles will work. We understand that no-one wants juveniles to have access to alcohol because they are underage and that is against the law. The minister is going to try to shore that up by requiring that providers of alcohol have to make sure that the person at the other end receiving the package of alcohol is an adult and can produce their bona fides. I hope that works. I think it might, but we know what juveniles are like—they sometimes find a way, but at least the minister is having a go at it. We have some doubts about the impact it might have on people delivering, the people buying, the process when buying online and all that sort of stuff. We want to see how this will work. That is one of the reasons we said maybe we should have a review clause. I know the act is reviewed all the time, but this is an area that might need to be looked at again.

We made it clear that one thing we would not support was the insertion of section 36B into the act. This relates to existing liquor barns. By regulation, if another liquor provider wanted to apply for a licence to put a liquor barn within a prescribed distance, that would be refused. The minister said that would be via regulation. The parameters might be five kilometres or 400 square metres but that was yet to be determined.

During the consideration in detail stage, the minister accused the Liberal Party of not supporting small business. I was really offended by that. I am a big supporter of small business. The Liberal Party supports small business. We got a bit confused about whether the bill was to support small business or was for another purpose. I quote from the minister's second reading speech —

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... to prevent the further proliferation of small and medium packaged liquor outlets across the state, the act will be amended so that the licensing authority must not grant an application unless it is satisfied that existing premises in the locality cannot reasonably meet the requirements for packaged liquor.

This goes against what the minister said about small business. If I am a small business man and I own one liquor store and I want to apply for another small liquor store, not a big barn, under the act the director might find that existing liquor stores meet the requirements of that community. The Liberal Party sees that that could be a detriment to small business. We have also raised our concerns about that objective because of the unintended consequences of impeding the growth of small and medium businesses. We are raising these concerns because we are thinking of the small businesses that might be affected.

We have also made it clear that some of the proposed amendments in the bill will create an anti-competitive business environment. I will get on to that now. We made a reference to the 2015 national “Competition Policy Review”—the Harper review. I would like to add further comments about this review. The review panel acknowledges the need for liquor retailing to be regulated due to the risk of harm to individuals, families and communities. We all agree with that. However, it also mentions that regulations that restrict the economic and physical availability of alcohol will restrict competition and reduce consumer choice.

The Harper review states that restrictions on liquor licensing regimes should not be designed to benefit particular competitors or classes of competitors but only to achieve the stated public policy benefits. It also states —

Some restrictions on the sale of alcohol ... appear to favour certain classes of competitors to the detriment of consumers. All regulations must be assessed to determine whether there are other ways to achieve the desired policy objective that do not restrict competition.

The Liberal Party has been accused of being anti-small business. We are saying that this part of the legislation the minister is introducing is anti-consumers. We have raised our concern that if large liquor store number two is prevented from opening within a certain distance of existing liquor store number one, the minister is effectively creating an environment in which the large liquor store becomes a monopoly in the area. If there happened to be a large liquor store there and a competitor wanted to open up and compete with it in a proper competitive way, they could come in, so the existing liquor store would not have to do anything in order to dominate the local market. Government regulation will have done the job for it. This outcome is favourable to the large liquor store, which is likely to be owned by big business anyway. Speaking of big business, let us not forget that these are public companies and the members of the public own shares in these companies. We pointed that out during our second reading contributions. Coles and Woolies have a massive shareholder base and most of those are people's superannuation funds. They are not privately owned corporations with concentrated ownership among a few people.

During the debate we also mentioned the interesting statistic that Dan Murphy's, which appears to have been painted as the bogeyman of the liquor industry and is owned by Woolworths, has over 270 000 membership reward cardholders in Western Australia. I have no doubt that some members on that side will probably be cardholders—the Leader of the Opposition is a cardholder and my wife is a cardholder. I do not take those sorts of cards. I go to the IGA and they ask me whether I have a customer card I say, “No, I don't worry about them, I just pay. Tell me what I owe.” But a lot of people in Western Australia are cardholders of Dan Murphy's. We are also told that the rate of membership is increasing by 3 000 members a month, so this is a more popular club than the West Coast Eagles I would say!

We are not convinced of the public policy objective in relation to proposed section 36B, which we are told is harm minimisation based on concrete information and evidence. That was our problem. I know that the member for Maylands says there are a lot of liquor stores in her electorate, but there is no empirical evidence that we have been given with this legislation to suggest that where there are big barns or a lot of liquor stores, there are antisocial or alcohol-related problems. I want to raise something else. One area mentioned was Bicton. I often drive down Canning Highway and I notice that there are about four liquor stores within a kilometre. There is a Dan Murphy's, a liquor store at the bottom of the hill at the old Leopold Hotel —

Mrs L.M. O'Malley: It is First Choice Liquor.

Mr J.E. McGRATH: It is First Choice Liquor. At the top of the hill, at Stammers shopping centre is another reasonably sized liquor store. I have been in there. Then there is another small one on Carrington Street heading out towards Hamilton Hill.

Dr M.D. Nahan: He knows all the liquor stores!

Mr J.E. McGRATH: I know that area. I used to spend a lot of time in Fremantle. I know that the member for Bicton has raised this, but I would like to know whether the police say this is a terrible area for them to police and

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whether they think that most of the problems are caused by people going to one of those big liquor barns and going home with a boot full of booze. The government has not provided us with that information and we are not sure it exists. During the second reading debate we spoke about the Northern Territory where the government brought in a size limit of 400 square metres for big liquor barns, because it had the same concerns our government does. That legislation was brought in and then a review was done and it found that there was no correlation between the size of the barn and the amount of liquor that went out into the community, so in the next session of Parliament the 400 square metre limit was taken away. That is one of the issues we have. We do not really know. None of us want to encourage liquor sales to the extent that there is going to be a lot of harm in the industry, but nobody has said they will ban liquor and make it a banned substance. What we need to do, and what obviously the health people do, is promote good messages about safe drinking, and I think we have achieved a lot in that regard. I think that young people now do not drink and drive as much as they once did. I think people are a lot more careful about those sorts of things and I think there is more responsible drinking. The number of young people drinking now has dropped over the last 20 or 30 years. Young people now have become a lot more responsible.

The other thing that was raised with us is that if a big barn is going to be stopped from coming to an area within five kilometres of another big barn, there is nothing to stop the big barn, whether it be Dan Murphy's or its number one competitor, which is Coles, from selling alcohol into that area online. That could happen. They will probably do that anyway if this legislation goes through, because they are in the business of making money for their shareholders. I would think they would do that for sure.

The government seems to be making the assumption that just because a packaged-liquor store is not a barn, it must be dispensing or selling less alcohol. We are not given the evidence that this is the case. In other words, the government cannot tell us whether this is a correct assumption. There might be a small liquor store run by a very good operator that could be selling more liquor than a big barn down the road run by a big company. It might be like the big ship and the little powerboat. The one run by the small businessman who is a better operator could be getting a lot more alcohol out than the big barn. As part of the development of regulations in relation to proposed section 36B, we look forward to being engaged if there are opportunities to provide input into a submission. The government has told us that it has not decided yet. We know it will consult before it decides whether the limit is five kilometres and 400 square metres or whatever it is. We are aware that the department met with stakeholders during the break, even since we were last debating this in Parliament. I tried to get into the meeting, but I was not let in! It will be interesting to see what comes out of the meeting.

Let me quote the 2015 national Competition Policy Review report one more time —

... restrictions on ... liquor licensing regimes, or gaming licensing, should not be designed to benefit particular competitors or classes of competitors, but only to achieve the stated public policy benefits.

We now call on the government to do a number of things. We want the government to explain to us and the public how the harm minimisation objective of this bill will be measured when it comes into operation. We want the government to declare an intent to review proposed section 36B in practice within three years to ensure that it is meeting its stated objectives at the least cost to consumers and without unduly restricting competition. We are also asking that the government conduct a review drawing on evidence that compares the harm reduction and competition outcomes in different areas impacted by this proposed section of the legislation. This includes the impact of the regulatory restrictions on the ability of businesses of all sizes to compete.

I want to now go back to the issue of pop-up bars. When we discussed this legislation in our party room, the issue of pop-up bars came up and we said that the government had not really looked into this problem. It is obviously a problem that has grown fairly quickly with the growth of pop-up bars and more people coming into the CBD and places like Elizabeth Quay. In my electorate I had the Embargo Container Bar down on the South Perth foreshore for six weeks. That caused a lot of issues for me with the local publican at the Windsor Hotel. He was not happy. He said, "I've spent a lot of money on this pub. I don't make as much money as a lot of people think I make, but I don't see why someone should be able to go down the road and set up a pop-up for six weeks when they haven't had to go through all the approvals and procedures that I went through for my hotel." I know the minister has taken that on board; in the legislation he has tried to support the publicans by allowing them to set up a little pop-up in an area either adjacent to their hotel or at the back of their hotel, or maybe even in an open area where there is something happening, like a festival. He has made it easier for them to go and do that, but we have been told by people in the industry that that really is not enough. They are saying, "Why should we go away from the business that we have created and the bricks and mortar and go down the road?"

The opposition thinks the minister is going to have to do more. I know he had a meeting with the industry a couple of weeks ago; we will be very interested to find out what happened out of that meeting. We will also be interested to know whether the minister might introduce in the upper house some more amendments around pop-ups. He is shaking his head.

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Mr P. Papalia: We're not intending to.

Mr J.E. McGRATH: The minister is not intending to do that.

Mr P. Papalia: We're saying there's more to be done. We're not intending to do it with this bill.

Mr J.E. McGRATH: He is not intending to do it now. That is why we felt there was an opportunity in this piece of legislation to address the situation with pop-ups. I do not think it is a great problem. It is a problem for some people, but I do not think the solution is really so difficult. We think a temporary bar should be an ancillary to an event. If we say, "We'll allow a temporary bar or pop-up, provided it's an ancillary to an event", we might even have as part of that a time limit on how long an event can go. Someone might hold an event for twelve months, and it would be, "Hang on, we think you're stretching it a bit here." We could set a time limit on it—it might be two or three weeks or whatever—and then if someone wanted to go a bit longer or the event was going for maybe a month longer, they might be able to make an application to the director general for a special permit.

The point is that the government and the department are in a very powerful position here. The people who want to set up a pop-up bar still have to go to the government or the department for a licence. If there is no licence, there is no pop-up. That is what happened in South Perth. The City of South Perth said to Embargo, "You can come down here; we'll let you set up on Sir James Mitchell Park for six weeks." They did the deal with the council to pay the rent or whatever the fee was, but then they still had to go and get the licence to serve liquor.

We think there is a possibility for the government to come up with the right formula to allow for pop-ups, which are very popular with a lot of young people. I was told that about 55 000 people attended the bar on the South Perth foreshore, so it was hugely popular, much to the chagrin of the owner of the Windsor Hotel. Surely there is a way, even in Northbridge when there is a big event like Fringe World Festival or something like that, to have pop-ups. There will be so many people going there that the pubs will still get a lot of trade. The event will bring a lot of people to the area, and not everyone can squeeze into a pop-up. We are a bit disappointed that the government did not bring to this place a solution to the pop-ups. I do not think what the government is offering the pubs under these amendments is enough at the moment. I think it needs to exercise more control over the pop-ups and how they operate in the future.

It has been an interesting debate and this is an interesting subject. This legislation will now go to the upper house and it will be interesting to see what happens there. I am sure members in the upper house will be very forensic in the questions they ask about all sorts of things to do with the impact on business and the impact on the consumer, which is very important. Should consumers be able to go wherever they want? The one thing consumers do not like is us telling them where they can shop and putting hurdles in their way. This will go to the upper house and we will follow it through. It has been a good debate to have and, as I said, we supported the legislation; we divided on only one clause, but we supported the legislation because improvement to the liquor system is a step in the right direction.

DR M.D. NAHAN (Riverton — Leader of the Opposition) [5.55 pm]: In the minutes left I will go through this. We had great expectations for this bill. Liquor control and regulation has a long history. In fact, back in the old days, the Labor Party was the party of deregulation for liquor licensing, back when the small bars were introduced following the Freemantle inquiry. During that period, when Labor was in opposition, it pushed us to reform faster than we did. We undertook some changes and improvements. Labor was going to significantly pursue a campaign of deregulation as a tool for vibrancy and the promotion of tourism into Perth and its surrounds.

There are some reforms here. Some of these reforms and liberalisations are from draft work on legislation that we did, but some are new. The member for South Perth identified these. They might not sound large, but they are, such as the ability to serve drinks without a meal, to be able to take home a bottle of wine that has been opened, or for clubs to be open to visitors, which has actually already been widely happening anyway; it was not adhered to. Importantly, these reforms allow tourism and other factors besides police and liquor licensing to decide licences. It is significant, and that is why we support the bill.

But there are some disappointments, including the ones emphasised by the member for South Perth. The government should have done more about pop-ups because, from my observation, pop-ups are being supported by people and they are absolutely essential for vibrancy, but the system is being exploited by people using ready access to temporary licences to open large facilities that are really unrelated to events. That has been exploited. The businesses that have set up are all about contracting, and it is pretty crafty; it shows what entrepreneurs can do, but they are hurting the larger bricks-and-mortar operators. That needs to be resolved. Okay, like much of this, it is a moveable feast, and maybe it can be resolved outside the legislation but, as I think the member for South Perth indicated, I do not think it is that hard to resolve. We support the pop-ups but we have to make sure the temporary licences that are readily accessible for events are not exploited for non-events, and we need to cherry-pick the season and place. This is not a highly lucrative business. Small bars, taverns and pubs are not, as they used to be, highly lucrative businesses anymore. Some are, but they go up and down.

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Another issue we did not address—I think I can understand why—is that this industry is being disrupted by deliverers. It is not just people delivering wine to one's house, as I have it delivered; the Shell petrol station in my electorate also takes deliveries, including for wine. They put it in a locked facility and people go down to the local petrol station to pick it up. There is a lot of that sort of action going on and it needs some sort of regulation because the anecdotal information is that young kids are calling up the local bottle shop and getting a crate of beer to their parents' house, where they drink it. I think that is real. Another one that has come to me that we did not have a debate about is a number of specialised pizza shops that are opening up that are mainly about delivery, and they deliver beer with it. How can that be facilitated? I cannot see any real problem with allowing pizza and beer to be delivered together. It is exceedingly difficult to address now.

Sitting suspended from 6.00 to 7.00 pm

Dr M.D. NAHAN: Just to recap, we had great expectations for this bill and that it would be a truly reformist bill focused on the further deregulation of the liquor industry. Some aspects of it are very positive, and I have mentioned those before. Some aspects were not dealt with adequately, in my view. Before the break I mentioned the large pop-ups and particularly those associated with non-events or concocted events. The government has decided that it will address that issue separately. We will monitor that, take it on board and have our own input into the process. Another area that is being disruptive to the liquor industry is deliveries. It is a growth industry. Almost all aspects of retail and ecommerce are now being ubered; that is, transport is adding to the product that people are selling. That is happening here. I mentioned right before the break that I was lobbied by a group that wants to sell pizzas. They do not sell so much in a restaurant; it is largely at the counter. They want to not only deliver these specialist pizzas—they are not low-priced ones—but also have the delivery of alcohol associated with the pizza. Many people like to drink a beer when they eat pizza. That is not available now. Restaurants, of which this is one, first need to have a liquor licence or they cannot sell packaged alcohol.

That leads me to an area in which I think there has been great deficiencies. Back in 2006 the government of the day liberalised liquor licences to allow small wine bars or small bars. That led to a very rapid growth in small bars. I have been told that there are 118 in and around the metropolitan area, but I think there are probably more. That was a very positive outcome, particularly during the boom times. The boom and the demands of the time, both in income and otherwise, led to large growth in these bars. However, many of them are struggling. I have been told that they are extremely marginal ventures in many cases. They are probably over capacity because they grew up in the very rapid growth times that we had, and many are struggling. They are looking for some other niche to sustain themselves as viable businesses and to grow and whatnot. They have many different dimensions. Some specialise in a certain type of wine and some do music—all sorts of things. It is very good. But I think it is a success story that is struggling financially right now, as is so much of business around Western Australia. One area that I think we should have looked at with this bill—I know the Australian Hotels Association is not keen on this—was that we should allow small bars to sell, to a limited degree, packaged liquor. It fits their business for people to go down and taste wine of a certain type or variety and to take home not only the bottle that they have opened, which this legislation allows, but also, if they like that variety of wine, another bottle or two. We could restrict the quantity so that they do not compete with bottle shops. Many of these bars have unique-tasting and unique types of wine that one would struggle to get at an ordinary bottle shop, because bottle shops have to have a limited range, except the big ones. Some bottle shops do specialise in unique ones, but that is what wine bars particularly specialise in. I do not see any logical reason, in terms of harm minimisation, that the government would not allow small wine bars to sell a limited number—three or four, if members wish—of bottles of wine that people have tasted on-site. That would give the small bars an additional income. It would help these small businesses, which these almost always are. However, that was not in the bill. It should be.

In terms of the pizza shop example I mentioned, we should allow restaurants to also deliver alcohol, with restrictions on who accesses that delivered alcohol—I accept that we cannot have it delivered to minors and we would not want a restaurant to turn into a de facto bottle shop. To be able to sell a couple of beers or more with a pizza delivery sounds sensible for consumers. Those sorts of things are facing the industry. The industry will probably just turn a blind eye and go around these regulations to a large extent. For instance, in terms of the current restrictions on clubs allowing non-members to be there, they just do it, and most restaurants allow people to take home open bottles of wine. If we do not go with the times and adjust to the demands, consumers will find a way around it. That should have been in here. The Liberal Party will continue this reform agenda over the next three years. We will address these three things. If the government has not done it already, we will do it.

One thing my colleague the member for South Perth emphasised was something I was quite surprised at. I understand the driver for it, but it is wrong. The Fremantle inquiry said that liquor regulation has to focus on the consumer and the benefits being driven by the demands of the consumer, as well as controlling underage access to alcohol and making sure that the health aspects of excessive drinking of alcohol are taken into consideration. Those principles were spot-on. The Premier—I forget what his portfolio was way back in 2006; it might have been

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tourism—successfully promoted the idea of small bars. At that time, in that legislation, the real debate was the attempt to restrict the opening hours of stores. The Liberal Party at that time was trying to restrict the opening hours of Coles and Woolies. The now Treasurer, the member for Victoria Park—I am not sure if he was a parliamentary secretary, but he was not a minister—and the now Premier argued vociferously against discriminating against the large outlets of Coles and Woolies. The argument against shopping hours was the needs test for liquor; that is, for shop A to get a licence for a tavern, it had to show that there was need, whatever that meant, and to show need meant getting the agreement of all the pubs in a certain geographic area. Do members know what happened? Very few passed the needs test. No-one wants another competitor near them, particularly if it is a new one with new facilities and new offerings. It took decades to get rid of that needs test. The government, in this legislation, has reintroduced a needs test not so much for pubs but for what it calls large barn outlets. Basically, the government says that large barn outlets have some negative aspects, so it will not allow any more outlets of a certain size within a certain geographic region. As the member for South Perth said, the justification for the needs test that we were presented with simply does not hold water. The member for South Perth pointed out that this was tested in the Northern Territory, where they had exactly the same limitation of 400 square metres. The limitation was put in place with the idea that it would stop people having access to excessive alcohol, but it was thrown out because it did not hold water and it did not apply. We are not quite sure about this, because the government has stated that it has not decided on the limitation, but as an indicative, debatable point government members have said that it will be 400 square metres. It does not make any sense whatsoever. I guarantee members that the large liquor outlets in my electorate, or anywhere else that I have seen, are not surrounded by drunks. The outlets are usually at shopping centres and they have people patrolling the area to move on people they do not want on the premises. There is no basis whatsoever for saying that the big outlets are any more of a concern when it comes to providing access to excessive alcohol than the small outlets or anywhere else. On the basis of rhetoric, we are putting in place provisions that simply do not hold water.

I recognise that over many years the member for Maylands has made clear her view that her electorate has an excessive number of liquor outlets. I do not know her electorate that well. I have been there many times, but I do not live there, so I will not comment. The member for South Perth indicated that the City of South Perth also holds concerns about the density and large scale of some liquor outlets. I accept that the community should have input to that debate, but my electorate does not have that concern. In fact, I believe that my electorate would like one more outlet. I have heard no concerns about this issue. As I mentioned in my contribution to the second reading speech, the biggest concern I had was that the First Choice Liquor outlet closed down when they were rebuilding the Coles shopping centre. The First Choice had to shut down and be rebuilt, and the real worry was that the outlet was not going to be replaced. I think the government came to the idea of controlling liquor access to address issues, such as those in South Perth and Maylands, but it is using the wrong instruments.

Of course, the government then has the five-kilometre geographical limit. That will be a huge windfall for the large shopping centres and the owners of the big liquor barns. I think Coles, or Woolworths—I cannot remember which—has already said that it will withdraw developments from this state. I forgot how much, but many tens of millions of dollars will not be invested because they do not need to; they already have the sites and they do not have to compete with each other. The government's legislation will stop them from competing with each other and it will give them a huge windfall. I talked to some property developers—people who advise on construction pricing and rental requirements to shopping centres—and they said that this will add a 25 to 30 per cent premium on the rental value of existing properties that have big barn licences. That is largely Stockland, the shopping centre owners. In the case of First Choice, which is in my electorate, it is Coles. Who will this hurt? It is going to hurt consumers. That 25 to 30 per cent will have to be recouped. It will be less choice and higher prices.

We all know the subterranean, if you wish, reason for this legislation is that the lobby group representing small bottle shops has lobbied the government to give it some protection. That is what it is; it is old-fashioned protectionism hidden behind concerns about the sale of excessive amounts of alcohol. It is blatant protectionism. It is probably popular with small groups of people, but it will be at the cost of consumers. The Liberal Party supports consumers. The vast bulk of people involved in this industry are buyers. The government of the day will try to brand this as anti-small business. Well, a lot of consumers are small businesses. A lot of consumers buy their alcohol from those big barn outlets. A lot of consumers have restaurants with bring your own and they want their customers to come with their own alcohol. It is not just bottle shops. More importantly, bottle shops do not really fully compete with the big barn outlets; it is a different product. I do not go to Dan Murphy's to buy a bottle of wine to take to visit a friend. I do not go to Dan Murphy's if I am going to a restaurant or to buy a crate beer. I do not drink beer, really, but my son does, so I buy it for him. He is 25. I go to the Bottle-O down the road. It is a different market. The small outlets perceive that anything that will hurt the big guys might help them, but they are wrong. Without doubt, this legislation will give a monopoly right to existing large outlets and stop any new outlets, whether they are Dan Murphy's or First Choice or some original outlet, from coming into the market. Most

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of that monopoly right will go to the landowner—brilliant! We do not support that. We tried to take that out, but the government put it in, and it will, to be honest, rip off consumers, and we do not support that.

The government might hide behind the aegis that it is helping small business, but its arguments actually go both ways. If the government is really worried about the excessive number and the volume of liquor outlets in the community, it should use other instruments. I think that is valid in certain cases, and we would support that, but the government should not go through anti-competitive mechanisms. It is very interesting to read some of the quotes from the debate of 10 years ago. I think the member for Scarborough, the Deputy Leader of the Opposition, and the member for South Perth made statements about Coles and Woolies—admittedly in a different context—that the now Premier and the member Victoria Park, now Treasurer, read out. Coles and Woolies are Australian-owned entities that employ hundreds of thousands of people. Indeed, Coles is owned by Wesfarmers—at least currently—and hires many Western Australians and most Western Australians have superannuation that almost without exception will have shares in Coles or Woolies. Why would the government discriminate against them? The now Premier said that he could not understand why anyone would put in regulations that discriminate against a firm like that. He has obviously done a double backflip for some reason. I know why. We all know why.

The Labor Party has done some good reforms. I give it credit, and we will support those. The legislation does not address many of the underlying issues, but those are ongoing and we look forward to working with the government to reform them. If the government does that, we will support it, or we will do it ourselves. As to the introduction of the needs test, we will seek to rip that out as soon as we can, because it is a retrograde step. That the Premier has put this test in the legislation when he fought so hard and gained a reputation for taking it out 10 years ago is not just ironic, it is odd. Going forward, we will seek to continue and indeed accelerate the pace of reform of the liquor industry. It is something that members will have to watch for.

As I said before, I grew up the son of an alcoholic. I know cold the dangers of excessive alcohol use to not only the individual, but also the family and the community. I also agree, as I think the minister indicated earlier, that we need to change the drinking culture in this state to become more European, which I think was the term he used. That is exactly what we should do. Imposing excessive restrictions in certain cases will do the opposite. We need to progress that more. Too many times, young people think that because alcohol is hard to get and that its consumption is a sign of growing up, they tend to drink excessively. If it is a normal part of life in which young people are taught that it should be used in moderation and with control, they will drink less. On the other hand, a small but significant minority of people are hopelessly addicted to alcohol and we have to look after them.

I am afraid that this Liquor Control Amendment Bill carries a certain theme that has gone through the control of liquor throughout the decades, in that, because too much alcohol can be dangerous and certain people do not believe we should drink it at all and they have a prohibition mentality, interest groups get hold of the regulations and distort them for their interests, not the consumer's interest. Ten years ago the Labor Party championed the consumer. This time it is not. We, the Liberal Party, going forward, will look after both small and large businesses but we will also champion the consumer on the use of alcohol by taking care of both people who are addicted or at risk of being addicted to the stuff, but, most important, those who want to consume it.

MS L.L. BAKER (Maylands — Deputy Speaker) [7.21 pm]: I am very pleased to stand at this point in the evening and speak on the third reading of the Liquor Control Amendment Bill 2018. It has been a long time coming and I start by congratulating the Minister for Racing and Gaming for the level of consultation he has undertaken to ensure that this bill provides a very well-balanced mix between the need for industry to expand and cater to the tourism platform, to encourage sensible and responsible alcohol consumption, and to support the many, many small businesses in all our electorates that have been retailing as bottle shops, restaurants or hotels, to which all the provisions in this legislation will bring some great relief and very positive outcomes.

I will talk a bit about small business to start with and then I would like to recap on the issues that have faced my community because I know that many in this house share the journey that my community has been on in the last 10 years. I have been its voice in Parliament. I suppose the first time I realised this was a big issue for small business was when a small business owner—an IGA owner—from just outside my electorate came to visit me. He quite unexpectedly knocked on my door and he had brought a couple of chocolate muffins with him, for which I will be forever very grateful, and said, "I wanted to come and meet you." I was quite surprised but very pleased to make his acquaintance. When I asked him to what I owed the pleasure of his visit, he said, "I wanted to come and see you because I wanted to congratulate you as a Labor member of Parliament for supporting small business. You are doing a lot more than the Liberal colleagues we have interacted with." I think that person was or had recently been a member of the Liberal Party. He was horrified that the big duopolies were being given carte blanche to take market share, with no checks or balances, and push out the small providers. He said that the bottle shops are particularly important because there are many of them throughout the electorate that are third or fourth generation family businesses. They are experts at their trade. I know, Mr Acting Speaker (Mr R.S. Love), that you

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are familiar with places such as De Vine Cellars and Grand Cru Wineshop and Cellar—not in my electorate but in that of the member for Mount Lawley. Many wonderful families have been working in this industry for a very long time and they know their stuff. We can buy quite an inexpensive bottle of wine from them if we want to or a prosecco or champagne or whatever our penchant. The issue for me and the issue he was very clearly putting on my agenda was the potential for big guys to come into their neighbourhood and open a store more than 1 000 square metres in size to sell discounted liquor purporting to be at the lowest prices, “We will beat any price”. The three criteria of advertising, affordability and the increasing ease with which alcohol is available are the drivers of over-consumption in our community, as has been very well documented over a number of years of research. From a public health perspective, it is quite clear why my community members are deeply concerned when first Coles and, more recently, Woolworths have moved to open stores of more than 1 000 square metres containing discounted cheap alcohol. One Woolworths proposal was to establish in a residential area. Coles was in a commercial area, which was far better suited in my mind, but the community spoke out.

One of the things this bill seeks to do is to pursue and recognise communities’ concerns in the legal process attached to liquor licensing. I brought along—not really a prop—one of six files I have collected in the last two years in the fight against the establishment of a Dan Murphy’s store in a residential area in my electorate. When running a campaign for the community, it does not take much to realise that in a legal process such as that involving the Liquor Commission of Western Australia, we end up with a massive amount of information that has to be pored over. It is a legal process. My community members are not lawyers, albeit some might be, but the ones involved in this fight have certainly not been characterised by law degrees, or as State Counsel or barristers. These are people who simply live and work in the neighbourhood around these bottle shops. I suppose they are very clear about how they get their alcohol in terms of the market. If they want to pursue Dan Murphy’s advertising line of getting the cheapest liquor, “We will beat any price”, they can get on their bike or walk 3.8 kilometres or 4.2 kilometres or catch the train or the bus and buy their alcohol from either of two Dan Murphy’s a very short distance from where a third Dan Murphy’s store will purportedly be built if the Liquor Commission grants it a licence.

When is enough alcohol enough? When is a market big enough or small enough? I have heard arguments around the economics of this. I understand national competition policy very well. I was in charge of policy when I worked on national competition policy in state government contracting. That job in particular was to do with national competition policy, regional purchasing arrangements and the like. I understand how the NCP works, its purpose and its aim to create a level playing field. With the emergence of these two big providers—if you add Aldi, that is three big providers—we are seeing a failure in that market. The door to the entire market share is open to just a few providers. That is not healthy competition; it is monopoly. It is a very different economic argument. My learned colleagues on the other side of the house who are economists will recognise the sense in that.

I have talked with a number of members about why I am so strongly opposed to having this type of destination liquor outlet in a residential area. I have a number of references I will make mention of in my contribution to the third reading debate so that they will be in *Hansard* and my colleagues in the upper house and, indeed, anyone here who wants to pursue it, can follow them up. I will start with some key statistics. Packaged liquor currently accounts for more than 80 per cent of the alcohol sold in Australia. Yes—members heard me right! Supermarket-owned liquor stores promote and sell discounted and low-cost alcohol products. They sell other products as well, but those are the lead lines that they run with and how they get customers in the door. Dan Murphy’s accounts for \$1 in every \$3 spent on alcohol in Australia. That is astounding! As a business, I think it is doing pretty well. I do not think it is going to pull out of Western Australia; it has a pretty good market share. It is going very well. Harm from packaged liquor is likely to occur away from the licensed premises and there is evidence of specific problems associated with packaged-liquor outlets. Outlet density is positively associated with rates of assault, domestic violence, chronic disease and heavy episodic drinking. A total of 593 liquor stores are currently licensed to sell alcohol in Western Australia, with 36 new liquor stores opening in WA in the four years between 2013–14 and 2016–17. The packaged-liquor market is increasingly dominated by chains owned by supermarkets such as Woolworths and Coles. In 2016–17 they accounted for 63 per cent of the Australian liquor retail market share. Alcohol retailers are now one of the biggest groups of alcohol marketers in Australia, rather than any specific alcohol brand or company. Lion used to be a big retailer of alcohol, but compared with Coles and Woolies it is not. My community has been on a journey to have some sense brought into this debate, and to make sure that its safety is secure and that it will not see the kind of crime that is associated, which the police have measured and documented. Anybody who chooses to read some of the decisions from the Liquor Commission over recent years will see statistics from both the Chief Health Officer and the Western Australia Police Force presented in black and white about the links between crime around these big destination liquor stores, such as violence, including domestic violence, and a whole range of other negative issues that accompany the presence of a big liquor store that markets itself as selling the cheapest alcohol people can buy, or that it will beat any price a customer can bring it.

Extract from Hansard

[ASSEMBLY — Tuesday, 10 April 2018]

p1691a-1720a

Mr John McGrath; Dr Mike Nahan; Ms Lisa Baker; Mr Peter Katsambanis; Mr John Carey; Mrs Liza Harvey;
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An Australian study examining the links between alcohol outlet density and chronic alcohol-related problems found that off-premise alcohol outlet density was positively associated with rates of self-reported liver disease. That can be found in an article titled “The neighbourhood alcohol environment and alcohol-related morbidity” in *Alcohol and Alcoholism* in 2009 by Theal KP, Scribner R, Cohen D and others. It was written in 2009.

An article by Hobday M, Chikritzhs T, Liang W, Meuleners L titled “The effect of alcohol outlets, sales and trading hours on alcohol-related injuries presenting at emergency departments in Perth, Western Australia, from 2002 to 2010” was published in *Addiction* in 2015. I make reference to that as a source for members to have a look at. An article by Jiang, Callinan, Livingston, and Room titled “Off-premise alcohol purchasing in Australia: Variations by age group, income level and annual amount purchased” was published in *Drug and Alcohol Review* in 2017. Those are just a few references, but I have provided more to individual members of the upper house. I dearly hope that they pursue them because members need to educate themselves about what this agenda is all about. It is not about only a fair playing field, competition policy and market accessibility. It is also about helping people manage overconsumption of alcohol and minimising harm and the costs of alcohol overconsumption in our community.

Last week I received the results of the annual alcohol poll from the Foundation for Alcohol Research and Education, which is based in the ACT, as I am sure many members did. Its findings included facts such as that 76 per cent of Australian drinkers have been influenced by a promotion when purchasing alcohol. I suspect promotion is the kind of thing people see when they walk into shops. Indeed, small bottle shops use promotions as well. However, I would argue that the saturation marketing by the two giants, Coles and Woolies—I have not seen Aldi saturation marketing at all and I do not think it pursues that strategy as yet—will clearly have a much greater influence than, for example, walking into a small bottle shop in the neighbourhood and seeing a wine bin with a few labels sold for \$5 or \$6. Thirty-seven per cent of Australians have been affected by alcohol-related violence, with 47 per cent of those Australians indicating that they have been affected by alcohol-related violence in the last 12 months. Twenty-three per cent of parents or guardians of children under the age of 18 report that their child has been harmed or put at risk of harm through someone else’s drinking.

I am not here to say, “Don’t drink alcohol!” That would be self-defeating in many respects. I quite enjoy a glass of chardonnay or prosecco. I am saying that many people in the community have a problem with alcohol through an addictive personality, mental health issue, or just life. They do not understand the impact or, if they understand it, go ahead and consume alcohol at a rate that is deeply dangerous. We see the impact flow on to families in the form of domestic violence and diseases such as liver disease.

Some of the other data collected in the annual alcohol poll for 2018 indicated that 61 per cent of Australians believe that the alcohol industry downplays independent research that links alcohol to cancer and other harm. That is not a medical or scientific piece of research into the facts. It is from asking the general public how it thinks the industry performs: “What do they tell you? What’s the story? What’s the messaging?” Again, 51 per cent of Australians support limiting the number of alcohol outlets to reduce alcohol-related family violence. The message is clearly out there, which we have to be very mindful of. I can tell members that there are very few limits to what the big retailers are prepared to do to swing the community to their view of the world.

One thing I have not mentioned, which I want to put on the record, relates to my contribution to the second reading debate in which I talked about the power of the big retailers. About eight or nine months ago during the negotiation process with the Liquor Commission in the fight against Dan Murphy’s, I was working with the applicants and the respondents to the application, my community groups, who deal with the most vulnerable people in the community. There are nine of them within a one-kilometre radius of this particular proposed site for Dan Murphy’s. I have put on record many times that 17 liquor outlets are within a three-kilometre radius; it is not as though we cannot get a drink when we want one! My community groups and I were quite stunned when we received a letter that saw the ALH Group, Woolworths, offering to fund a non-government organisation that deals with alcoholics and overconsumption of alcohol to the tune of \$50 000. It was offering \$50 000 to a group to help deal with a problem that it was creating. I could not quite figure out the logic or how in any universe it would be possible to rationalise that as a responsible business owner and retailer. On the one hand it is saying that if we just behave ourselves, and I suppose the implication is to not object to it—I cannot swear to that but I would think that that would be probably the general impetus—ALH Group will give one group \$50 000 and \$5 000 a year, with no end date on that I might add. I guess dismay was probably the understatement of the century for me when I got a copy of that letter. Indeed, I felt deeply offended that any corporation, a public company in Australia, would stoop to offering money to not-for-profit groups who deal in overconsumption of alcohol and damaged people, and would suggest that they would give them some money in order to continue to do the extra work that it is going to create because it is putting a Dan Murphy’s in my residential area. I felt very disappointed. I think people in my community felt angry, more than anything else. They were pretty horrified that this had happened. Indeed, they really did not believe that it was happening. I do not know what Woolworths intends to do about that promise. I guess we will find out when the hearing is conducted on 26 April.

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Since we originally started this journey, we have seen this bill brought into the lower house and on its way to the upper house, where, I hope, the members of the upper house appraise themselves of the evidence. We are standing in front of one of the two major retailers in this country—63 per cent of the alcohol goes through these two retailers—and a little resident from Maylands is trying to say, “You know what? I really don’t want this in my neighbourhood. I don’t want this next to me. I would much prefer a hotel where I could take my family maybe for dinner and play a game of pool, or whatever, have accommodation or some tourist attraction.” For goodness sakes, Maylands is the centre of the universe and Bayswater is about to be the second part of the universe with the redevelopment of the station that starts next year. For goodness sake, tourism in Maylands would benefit from a residential hotel where people could stay, not from 1 200 square metres of cheap grog that people buy and take home to drink—or, worse still, buy and sit on the curb or at the train station and drink.

I am very grateful that we are seeing this bill in the house. I am extremely grateful to Minister Papalia for getting it here and for its passage through consideration in detail. Some improvements have been made along the way. I really look forward to, but not as much as my community looks forward to, the upper house getting this bill, debating it and passing it as soon as is possible.

MR P.A. KATSAMBANIS (Hillarys) [7.45 pm]: We have seen the Liquor Control Amendment Bill 2018 go through the second reading stage. We have seen the consideration in detail stage and now we have come to the third reading stage. I listened intently to the debates, the contributions of members of all sides and read the ones that I was not here for physically, and nothing has persuaded me that this is a good piece of legislation. As I said in my second reading contribution, this is a mixed bag that does a few things that are good, worthy and ought to be supported, but it then does a lot of other things that reverse 20 years of liquor reform across this state and other states as well. It repudiates the legacy that the Premier likes to claim in his role in reforming liquor when he was the responsible minister in a previous government and it repudiates any claim that he might have that he was the minister who liberalised liquor licensing laws in Western Australia. I went through the good things, such as allowing traditional bricks and mortar operators to compete with modern pop-up bars on a more level footing. I would not probably go as far as describing it as a level playing field, but it is closer to a level playing field. That is a good thing; I make no bones about that. The changes around small bars and allowing restaurants to serve alcohol without food, in some limited circumstances, are good. They will help add vibrancy to inner city locations. They will help provide a better offer for tourism in this state, and the latest figures show that we need to promote this state and attract as much as tourism as we can. They are good changes, but the real elephant in the room, the issue that the government tries to hide, is most of the elements that the government tried to hide.

The ACTING SPEAKER: Members on the right, could you keep the conversations down to a level in which Hansard can hear the member on his feet. Thank you.

Mr P.A. KATSAMBANIS: The issue that this government tries to run away from but cannot, because it is there in black and white in the legislation, is the two-tiered system that I spoke about in my second reading contribution. One system is for inner-city hipsters, for people who can walk from their house to a premises that serves liquor and enjoy that vibrant inner city lifestyle, but there is a completely different system for people in our suburbs and our regions who would like to have access to affordable alcohol as well as other things such as food, clothing and like.

That is what they would like to have, but this government is saying “No, you can’t have that.” The inner-city hipsters can have lots of competition and the government will free-up the rules but when it comes to people in the suburbs going to their bottle shop of choice and buying a few bottles or a carton of beer to take home and share with their friends, perhaps for a lovely, balmy afternoon barbecue or whatever, the government is not going to allow them to have access to competition. It is not going to allow them to have access to liquor at an affordable price. Instead, this government has set up a new needs test, and, not only that, it has also set artificial restrictions. Throughout the consideration in detail stage, the minister was not even prepared to confirm what everyone in the industry is whispering will be the size restriction set for liquor outlets before they are subject to the needs test and the prescribed distance between outlets. I think it is pretty well settled at 400 square metres and five kilometres. I note the minister saying that it is not settled; I hope it is not. I hope that the government takes into account the fact that this is a silly market intervention for no good purpose or reason. I will not repeat my contribution to the second reading debate but I spoke about the evil monster that is raised by all the opponents of competition in liquor; they raise the spectre of Dan Murphy’s. I spoke about how Dan Murphy himself created his empire.

Ms L.L. Baker interjected.

Mr P.A. KATSAMBANIS: My dad’s shop was about 150 metres from Dan’s shop. I would be happy to have one next door to me. I have no problem with that. Under this new licensing regime, there could be no more Dan Murphy’s—none at all—because a person with a small shop who has a vision to grow, works hard, and makes an offer to expand and grow that the public accepts, will not be able to do it. Even if a local liquor provider—the local bottle shop owner—had plans for expansion, this government says they cannot do it. For liquor consumers

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in the suburbs who buy primarily packaged liquor and consume it off premises, the government is going to make it harder to find liquor, they will have to travel longer distances, and they will have to pay more, because restricting competition will inflate prices. It is as simple as that. That is what this government is doing. It is saying, "Inner-city hipsters, go for it—go like crazy!" I support that; I do not oppose that in any way.

Mr J.N. Carey: You're obsessed with inner-city hipsters!

Mr P.A. KATSAMBANIS: For a long time, I was probably considered one of them until I moved to this state, growing up on Chapel Street as I did.

For people in the suburbs who want to buy liquor, the government is going to make it harder and more expensive over time. It is going to restrict competition and restrict choice. Yes, a few people abuse alcohol; we know that.

A member interjected.

The ACTING SPEAKER: Member for Maylands, you are not in your seat.

Mr P.A. KATSAMBANIS: There are a few; they are a minority. If I look around this place, I imagine the majority of members—like the member for Maylands, me and everybody else—would enjoy a drink or two, just like the general public. I do not know everyone's personal habits, but I have never seen anyone in this place abuse alcohol. There might be one or two now and again, but perhaps I frequent the wrong parts of this building. To conflate the problem of the excess consumption of alcohol with the availability of liquor in suburbs —

Ms L.L. Baker: It's a fact!

Mr P.A. KATSAMBANIS: It is not a fact.

Ms L.L. Baker: It is!

Mr P.A. KATSAMBANIS: It is not a fact.

Ms L.L. Baker: It is!

Mr P.A. KATSAMBANIS: It is a contestable point that the member likes to use in her debate. There is no evidence to suggest that having a Dan Murphy's next door increases the abuse of alcohol. It simply increases availability and choice. Where are Western Australian wine producers or spirit producers—whether they are producing vodka, gin or rum—or entrepreneurs brewing beer, more likely to get access to sell their products? Is it through either unique, specialty retailers or large retailers that are able to offer a wide range of stock and perhaps are more prepared to dedicate some shelf space to local products? Unfortunately, a person with a smaller shop is restricted to only the lines that will move really quickly. In his capacity as opposition spokesman on this bill, the member for South Perth pointed out that Dan Murphy's itself and First Choice Liquor, Liquorland and BWS traditionally carry more lines of Western Australian wine than almost any other liquor store in Western Australia, except the niche stores that have found their quality market and specialise in the provision of Western Australian wine. I want to encourage those people. I want to say to them, "I hope you can grow bigger and expand from your 150 square metre shop to a 300 square metre shop, to a 400 square metre shop, and then, hopefully, you might be able to open a 410 square metre shop!" They cannot under this legislation. They have to meet the needs test and go to a tribunal to prove not only that there is a need in the area, but also that there is not another store within five kilometres. They cannot compete with the big boys even if they are prepared to do it and want to do it. That is the problem with this legislation.

The member for Maylands made a very interesting comment that Dan Murphy's sells, I think she said, one-third of all the packaged alcohol in this state. Certainly Woolworths, in total, has more than a 40 per cent market share. I read a slightly smaller figure for Dan Murphy's, but not by much. I will take the member's figure as a third. She also said, "That's not going to stop them; they're not going to pack up and go." No, they are not going to pack up and go because they have invested heavily, but they will be restricted in their expansion, for starters, and who is that going to hurt? It is the consumer because clearly, if there are thousands of liquor stores out there—one on the street corner, a couple in the shopping mall, a big, standalone liquor barn, and a few other smaller stores like BWS, Thirsty Camel and the like—there is significant competition out there. I drive around the streets and I see their signs; I figure a Thirsty Camel store provides liquor. The consumers are voting with their feet, their wallets and their choices. They are patronising Dan Murphy's because it is an offer that is convenient and affordable for them. That is why they are patronising Dan Murphy's. No-one is sitting out there with a big arm, dragging people in saying, "No, you can't go to any other liquor store; come to Dan Murphy's." It is restricted in its advertising, but it is advertised.

Ms L.L. Baker: At six o'clock in the morning waiting to get in with trolleys?

Mr P.A. KATSAMBANIS: If they go at six o'clock, they will be waiting for a long time because it does not open for a long time after that. Generally in our population, we know that a small percentage of people abuse alcohol,

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but we are not going to address that issue by restricting the number of large liquor barns, because those people will access alcohol regardless, because they want to. They crave it—addicted to alcohol is not an unfair term to use. Certain communities in our state have a problem with alcohol abuse. We can address that far better by implementing specific measures that come out of those communities. If those measures include alcohol restrictions, so be it. I am very happy to accept that. If any community of any type in Western Australia says it has a problem with heavy alcohol abuse, leading to social ills such as neglect of families and children, theft, and crime, particularly serious crime, let us address that on a location by location basis, as we already do. Whether that is successful is another matter. However, giving it a shot is better than not giving it a shot.

It is not fair to target everyone in the metropolitan area and in the large regional towns in which Dan Murphy's stores have been set up. With respect, I do not think the Dan Murphy's or First Choice Liquor business models are catered towards remote communities. They are catered to large populations in confined areas. That is how they manage to achieve economies of scale. The government wants to say to people in our suburbs and regional towns, "Sorry, you might want to have a Dan Murphy's or a First Choice Liquor close to you, but, bad luck, you can't have it." People might want to have a John McGrath's liquor store close to them, which opened up shop in South Perth and in a couple of years grew and grew to become a 1 000 square metre shop. In this country there are wonderful opportunities for people with a dream and a vision, and with a hell of a lot of hard work, to achieve that. However, the government wants to say yes to the people in the inner city and no to the people in the suburbs and the regions. The government wants to create a two-tiered system. The government wants to reintroduce the needs test that the now Premier abolished when he was Minister for Racing and Gaming. Well done to him for abolishing the needs test. However, under his Premiership, the needs test is coming back. That is why I keep saying that this is an *Animal Farm*-type bill. Some animals are more equal than others. Unfortunately, the people whom I represent in the northern suburbs in the seat of Hillarys, the people in the southern and eastern suburbs, and the people in the large regional towns, are less equal than the pigs who are sitting at the table in Leederville or Victoria Park or any of those wonderful —

Mr J.N. Carey: What are you talking about—pigs in Leederville?

Mr P.A. KATSAMBANIS: It is an *Animal Farm* reference, member for Perth.

Mr J.N. Carey: I have read the book.

The ACTING SPEAKER (Mr R.S. Love): Member for Perth and member for Hillarys! We do not want this to deteriorate to *Animal Farm*, so just be quiet and listen. Thank you.

Mr P.A. KATSAMBANIS: From time to time, I actually enjoy patronising some of the restaurants in the Leederville strip. However, people want to be given a choice, and they are not being given a choice. It is interesting that the Labor Party has brought in this bill. The Labor Party supposedly stands for the battlers and the working men and women. These are people who, through necessity, need to measure their spending. They seek out a bargain, whether it is in food, clothing or entertainment. I do not know of many families in the suburbs who have an endless supply of income. They need to measure how they spend their money. They enjoy having a drink every now and again. This legislation will make it more difficult for people to access cheap, affordable and convenient alcohol. That is an absolute travesty. It is a repudiation of the Labor Party's legacy, and particularly the Premier's legacy, for no good reason. Will this legislation lead to any decrease in the consumption of alcohol? No. Will this legislation lead to any decrease in the abuse of alcohol by the small minority who currently abuse it? No.

The DEPUTY SPEAKER: How do you know that?

Mr P.A. KATSAMBANIS: I will let that go, Madam Deputy Speaker!

Several members interjected.

The DEPUTY SPEAKER: I do apologise.

Mr P.A. KATSAMBANIS: That is all right. Interjections from the Chair are becoming very common in this place—not from you, Madam Deputy Speaker.

Will this legislation have any impact on the abuse of alcohol in specific communities across this state? Absolutely not. So, why bring in these restrictions? They are absolutely pointless. They will have a negative effect. I hope also that the impact will not be that people will take the old attitude of throwing down a few quick drinks and jumping in the car and driving home, or, worse still, travelling long distances to seek out cheap alcohol. We have spoken in this place about the beer wars in Subiaco, with \$4 and \$4.50 beers. I am happy for people to enjoy that. The member for Cockburn wanted to go to Subiaco with me to have a couple of beers at these cheap places. He was celebrating when he found out about it. I do not want people from Hillarys, Sorrento, Joondalup or Warnbro to drive to Subiaco to load up and then drive home.

Mr J.N. Carey: No-one goes to Subiaco!

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Mr P.A. KATSAMBANIS: The member for Perth makes an interesting point. Remember, I used to represent the North Metropolitan Region, so I know a bit about this stuff. The business owners in Subiaco have been doing it tough.

Mr J.N. Carey interjected.

Mr P.A. KATSAMBANIS: I do not want to put words in the member for Perth's mouth, but he muttered something about the council being a large part of that. There is no doubt that that was the case in the past. However, the businesses of Subiaco are fighting back, not with regulations, and not with legislation, but with competition. They are saying, "Here we are. We have an offer for you." We have read the articles in the paper. I am not here to promote any particular business. I would occasionally pop into the Vic on my way to the footy at Domain Stadium. The fact is that because the businesses in Subiaco are making this attractive offer, people are not just buying a pint of beer but are bringing their friends and buying a meal. Not everyone drinks beer. Some people drink lemon squash or spirits or wine. Those businesses are doing better than they were previously. That is good, because we want to encourage as many businesses in as many areas as we can. I know the member for Perth wants to promote the wonderful businesses in his electorate. Yes, promote them. I want to promote the wonderful businesses, restaurants and cafes in my electorate of Hillarys, to which millions of people come each year to experience our great hospitality. That is what choice does. That is what competition does. It drives innovation. The original Dan Murphy's is a classic example. I spoke about this during the second reading debate, so I will not repeat it. Dan Murphy mainly sold brandy, sherry and beer. But he kept pounding people as they walked into his shop and said, "Try this Australian wine. It's magnificent. Give it a go." Not only did he build his empire, but he helped to build a whole Australian industry. That includes the very important Western Australian wine industry. We want more innovation, not less. We want more people to follow their dream, within the confines of the law. However, the government is proposing to restrict that. To what end? As we have said, it will not reduce the consumption of alcohol, it will not reduce the abuse of alcohol in any way and it particularly will not deal with the specific problems that certain communities across this state suffer from alcohol.

I want to say in the third reading debate, as I have said throughout the debate, that this is the wrong way; go back. The Labor Party should go back to its own legacy that it is trashing and treat people as adults. It should treat people in the suburbs and our regions as adults. It should respect the fact that those people, unless they have proven otherwise, are capable of making good, appropriate choices for themselves and their family. But it does not. It does not respect the rights of individuals to make those choices. It wants to put artificial restrictions on them. It wants to say, "You can't buy liquor when you want it, where you want it and for the price you want it. We will tell you what to do." The way we are going, we are going to end up almost like some of those countries where the liquor store is run by the government and is tucked away in some sort of industrial estate. That is a complete and utter repudiation of one of the best legacies of the previous Labor government. It used to pride itself on getting rid of the needs test and liberalising liquor laws. Go back to that. It was a better Labor Party when it was promoting those virtues and values than is the Labor Party of today, which is basically saying to people, "We don't trust you and we won't let you exercise your consumer choice."

I proudly come to this place and stand up for small business and for people who want to work hard and grow and improve their business and make it bigger and better. I stand up for consumers who—surprise, surprise—always flock to competition and choice and always seek out the best deal for themselves and their family, no matter what they are buying, whether it is a bottle of alcohol, a restaurant meal or even a car. They seek out the best possible price to maximise the utility of their family income. I particularly stand up for people who live in our suburbs and who, through simple geography and planning restrictions in Perth, cannot wander up the street to the local small bar. Yes, there are small bars out in the suburbs, but they are not within easy walking distance of the majority of the population. So people prefer to purchase packaged alcohol. They are the people I am happy to stand up for—small business people and all businesspeople who provide employment and consumer choice. Our consumers are doing it tough and always like to chase down a good deal. In particular, the people of the suburbs of Perth seem to not only have been forgotten in this legislation, but also have been whacked really hard by silly, uncompetitive, unnecessary and, at the end of the day, nonproductive extra red tape.

MR J.N. CAREY (Perth — Parliamentary Secretary) [8.12 pm]: It is my pleasure in the third reading debate on the Liquor Control Amendment Bill 2018 to go over some of the themes that I raised in the second reading debate, but also to highlight—I talked about this before—some of the flip-flopping or the unclear position of the opposition on pop-ups and, in particular, the comments of the members for Vasse and Dawesville, who appeared to take completely opposite positions on pop-ups. This is a good reform bill for Western Australia and for small business and small bars. I regularly meet with small owner-proprietors, many of whom own small bars, cafes and restaurants. There are ups and downs. We know that post the mining boom, there are high vacancy rates in the city and there continue to be high vacancy rates in West Perth and East Perth and even in some of the popular destinations like Leederville, which is probably recognised as the most vibrant and pumping district in the city.

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I am sorry, but it is and I will take some credit for that. A great former mayor cut red tape for small business! It is recognised as a destination, even on weeknights, for retail outlets and cafes and restaurants. I know from speaking to the owners of cafes, small bars and so forth that some of them are struggling and are doing it tough. We know that by cutting red tape, we can reduce costs for small business, and often that can be in waiting times. I referred to this issue in my first speech, but we should not underestimate the level of bureaucracy around a new cafe, restaurant or small bar opening. I do not think that members—no disrespect—appreciate that, particularly from a planning perspective, it can often take a year or more for a cafe or a bar to open. In that time, the owners must pay the leasing costs for that arrangement, the planning consultants, the architects, the fit-out costs and for any delays. These are significant costs for small business.

There are two parts to it. We obviously control one part. The first part is local government. We need local government to cut red tape for small bars, restaurants and cafes. I am pleased to say that many local governments are now taking the lead of the City of Vincent. While I was mayor, it was the first council to abolish alfresco fees and cut red tape. A Labor council cut red tape for small business.

Mrs L.M. Harvey: A Labor council?

Mr J.N. CAREY: A Labor council. That is how the opposition has referred to it in the past, so I will use that terminology. According to the member for Carine, we are the socialist vanguard apparently.

Several members interjected.

Mr J.N. CAREY: That is from the opposition side.

Mr A. Krsticevic: You've exposed yourself.

Mr J.N. CAREY: I note that it was the first council in Western Australia to abolish alfresco fees for small business, not any Liberal conservative councils.

The DEPUTY SPEAKER: Did I hear someone say that the member for Perth had exposed himself on this?

Mr J.E. McGrath: Yes.

The DEPUTY SPEAKER: I think that is probably enough and we should keep this a good discussion and not yell across the chamber. Hansard cannot record this.

Mr J.N. CAREY: The point I am making is —

Mr S.K. L'Estrange: Even the member for Perth is shocked!

Mr J.N. CAREY: I am shocked. I was not exposing myself to anyone. I thank you for your protection, Madam Deputy Speaker. I occasionally wear a bad 1970s outfit at the Mt Hawthorn hub or I dress up in *Star Wars* gear, but that is about it!

Moving right along, the point is that we have to do whatever we can. We need local government to come to the party. I want to put it on the record, and I have said it before, that as part of our planning reform, we are looking at the change-of-use process. If someone wants to change their use from a retail outlet to a small bar or from a cafe to a small bar, it is a deeply complicated and expensive process. As part of the planning reform process, we are looking at how we can make it simpler.

Dr M.D. Nahan: Member, please do it outside the city area too.

Mr J.N. CAREY: It would be. When we are doing planning reform, a change-of-use application could mean, for example, that someone would no longer need approval if they were going to move from a retail outlet to a cafe or restaurant. I think that is reasonable and there is unnecessary red tape. We are moving in that direction in planning reform, but we need local governments to come to the table and cut fees and red tape. What we are doing with small bar reform is exactly the same; we are further cutting red tape for both small bars and restaurants.

We have 118 small bars and they will still tell us that they are doing it tough in the current economic climate. I know that some small bar restaurants and cafes are waiting for these reforms to go through before they put in an application. The most critical change that we are making as part of these reforms is establishing a discretion in relation to the public interest test for small bars. As I have said before on the record—this will be decided in the regulations—there is some room to move and we will have to look at that. I know the member for Scarborough has been approached on this issue. I give the example again of a small 40-square-metre takeaway that is able to sell only wine and seeks to extend to have some fine beers, but not expand its floor space. It would still be 40 square metres and it would have to go through a public interest test. I am hopeful that under the regulations that kind of applicant would not need to be subject to a public interest test, particularly given that it is not expanding its floor space or making a significant change. That business to which I always refer is WA Cleanskin Cellars in Doubleview in the member for Scarborough's electorate, but the owner is P&C president of Mount Hawthorn Primary School and lives in my electorate. The business has not once had a complaint against it in eight years. It has had no complaints, is not changing the floor space, is already selling wine and is asking to sell takeaway fine

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beer. I personally do not think it should be subject to the public interest test and I am hopeful that as part of the regulation changes that could be considered.

Mrs L.M. Harvey: It is quite absurd, and I think you would agree, that the liquor licence would specify the label of a wine that could be sold, but that is the level of specificity. They cannot sell any other wine except cleanskin wine, which is just nonsense.

Mr J.N. CAREY: Yes. I think that business would like to have those fine beer takeaways because in this market it needs to cater for and try to grow in these still difficult times for small business.

The second area that I covered was the police. It was probably rare to see the opposition leader and I be quoted in *The West Australian* together being critical of the WA Police Force. I note that the WA police commissioner made some comments in response and was very rightly able to defend his position. However, I note that I received a letter on the same theme that I talked about, objections. I received a letter from the Australian Hotels Association following the comments I made to respond to some of the issues that the commissioner raised. Commissioner Dawson said —

“I want to very clearly state that police are not objecting to 14,500 applications every year. It comes down to several hundred that we actually have an intervention type process.

“We’ve only objected to four out of the 14,500. I’d be much happier if the facts were put out in the public to actually put some context around the number of times police have actually objected.”

I note that the AHA said —

It is important that this comment is understood as it is likely to give the impression that WA Police play an inactive role in liquor licensing when this is clearly not what occurs in practice.

It is disingenuous and confusing to use the figure of 14,500 applications as this captures all applications (not just new venue licences), including licence transfers, name changes, one off Extended Trading Permits for functions, 1000’s of small occasional licences for private functions, liquor without a meal permits, administrative changes to records and approved manager applications.

While it may be the case that the WA police “*objected*” to just four applications in 2017, by their own admission they *intervened* in several hundred resulting in the majority of new venue liquor licences having WA Police intervene in what should be an uncontroversial process. The bulk of these applications should not require intervention and WA Police contributions should be limited to the extraordinary rather than the norm.

An intervention by WA Police requires a comprehensive written response from the applicant to a range of Police demanded and sought conditions, beyond that which the Act prescribes, before a licence can be granted. Often these interventions are not practicable to the actual application. This creates unnecessary compliance burdens and excessive legal costs, with little to no positive discernible benefit to the community.

I have to agree with that assessment by the AHA. Of course, I come back to that example of the natural wine bar, but I put on the record again that the police did not object. However, they asked for conditions and that included, on a 50-seat bar, two security staff on Friday and Saturday night and also a click counter by staff. More importantly, in the words of the owner himself, who was a doctor who had studied natural wines, this business was selling wines \$20 and above and the police’s objection to it proceeding with its application cost thousands and thousands of extra dollars. I respect the WA police’s rights in this matter, but I kindly ask that they give further consideration when they are making requests for conditions, particularly in the case of the natural wine small bar and other small bars that have gone through similar issues.

I will not speak for the full 30 minutes. The third issue that I want to touch upon is pop-ups and established venues. I touched upon this in my second reading contribution. As the cofounder of the Beaufort Street Festival, I found it a deeply frustrating process by which established venues went through very long processes to receive approval to do pop-ups in front of their businesses. Despite them being part of a large festival, a one-off event, it was still a difficult and costly process. As I mentioned before, as a result, some opted not to go through the process.

It is well known, and members of the other side have also highlighted, that we are proposing reforms that will allow small bars in particular and other venues to operate as pop-ups and compete with the other pop-ups coming around. I note that on the other side there is really no clear position on pop-ups. In fact, two members of the same opposition party argued different positions on pop-ups.

Mr Z.R.F. Kirkup: We have individual views on this side unlike on that side. You deplore individual views; is that what you are suggesting?

Mr J.N. CAREY: No. We had Mr Uber, who is the believer in the disruption of technology, and I understand that. However, he was arguing that he was the champion of pop-ups.

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Mr Z.R.F. Kirkup: Who are you talking about?

Mr J.N. CAREY: I am talking about the member for Dawesville. He also poo-pooed the views of the Northbridge Brewing Company, on the record. He criticised the government in his speech and said that the Minister for Planning and the Metropolitan Redevelopment Authority were apparently squeezing pop-ups at Elizabeth Quay. That is what he said to Parliament. He argued that this was part of our plan to squeeze pop-ups in comparison with permanent venues. He said that pop-ups are incredibly popular and we should support them. He said that he disagrees with the Northbridge Brewing Company, which we know has been out there lobbying the opposition and ourselves, and said that pop-ups are good. Then the member for Vasse came in here and said that there are legitimate concerns with pop-ups and that some of the businesses in her electorate, and outside it, were deeply concerned about the operation of pop-ups, in particular going on well beyond an irregular occasion.

The member for Dawesville wants to see more occur. I am slightly confused by the message of the opposition. We have the champion of pop-ups on one side, who says that the government is strangling pop-ups, and we have the other member who is taking a totally opposite position! They do not know what they are doing. They do not know where they are going on this issue.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr J.E. McGrath interjected.

The DEPUTY SPEAKER: Member for South Perth!

Mr J.N. CAREY: I know that stakeholders are very confused by the opposition's position. Whomever the opposition spokesperson for local government talks to, they give the position that the stakeholder wants to hear. This is the case with pop-ups. We have two different members telling two different things in the Parliament about the opposition's position on pop-ups.

Several members interjected.

Mr J.N. CAREY: No wonder the stakeholders —

Mr Z.R.F. Kirkup: That is exactly why we are here!

The DEPUTY SPEAKER: You will not be for much longer.

Mr J.N. CAREY: No wonder the stakeholders are perplexed. They do not understand where the opposition stands on this issue. Opposition members say they are concerned by it—some of them do. Others, such as the freelancing, free-competition member for Dawesville, do not seem to care at all about the current venues.

Mr J.E. McGrath: He is a hipster.

Mr J.N. CAREY: He is not a hipster, by the way!

Several members interjected.

Mr J.N. CAREY: I am taking lots of interjections because previously I exposed myself.

Mrs M.H. Roberts: That is too much information!

Mr J.N. CAREY: Sorry. The point I want to make is that the opposition is not clear. We have the freewheeling, free-competition, pop-ups-are-all-the-go member for Dawesville. That is his clear position, yet other members of the opposition have expressed concern about the impact of pop-ups on established venues. We are trying to find a way forward on this difficult issue. I do not think we can simply be as carefree as the member for Dawesville. We have to take an approach that recognises that this is serious. The many established venues have gone through complicated processes, have invested heavily in their venues, and play a very important part as part of any main street, whether in Northbridge or on Oxford Street or Beaufort Street. They are longstanding venues that have made important contributions to their communities, whether through sponsorship or being involved in town teams and precinct organisations. Most importantly, they have invested heavily and employ staff throughout the year. We also have pop-ups that come in, maybe for a month or two months. Contrary to the claims wrongly made by the member for Dawesville, I am not aware that there was a cap on Elizabeth Quay. That has been the complaint of the venues in Northbridge. On one night, there were 8 000 people at Elizabeth Quay. My understanding is that there has been an unfettered use of Elizabeth Quay because of a desperate attempt to try to activate it.

Mr Z.R.F. Kirkup: That is absurd.

Mr J.N. CAREY: There has been a desperate attempt to try to activate it. That is true. That is part of the reason.

Dr M.D. Nahan: It wins national awards and you knock it.

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Mr J.N. CAREY: No, I like it. I go down there. I am not knocking it. I am saying that liquor was viewed as the way to activate Elizabeth Quay.

Several members interjected.

Mr J.N. CAREY: Yes, it is; the numbers show it there. There were 8 000 people in one night. The opposition is ignoring the business constituency. There were 8 000 people there on one night. Of course that is going to have consequences for other businesses in the city.

Mr Z.R.F. Kirkup: There are more people in the city; they will enjoy their patronage.

Mr J.N. CAREY: That is completely wrong. I find it extraordinary that the opposite side seems very keen to bash established venues in our city.

Several members interjected.

Mr J.N. CAREY: That is the message from the opposition's freelancing, freewheeling member for Dawesville. His message is, "Get stuffed; don't worry about it." We are taking a more moderate approach. As the member for Perth, I absolutely support pop-ups in our city. I ran the Perth City Summit. We were about activating the city, but also parts of the city that have no activation, such as East Perth and West Perth. We first need to look at where the pop-ups are going and drive activity into areas where there is no activity. That is a commonsense approach. That is East Perth and West Perth, where there are new hotels and much less activity. That is commonsense approach number one, which is ignored by the member for Dawesville.

Pop-ups have an unfair advantage. They do not have to make the same investments as an established venue. That is absolutely true. They can come in for much lower fees at the peak time, which is summer for businesses and venues. They reap all the benefits during the summer and then dash off and leave.

Mr J.E. McGrath: We understand that.

Mr J.N. CAREY: No, the opposition does not. The member for Dawesville is saying, "Stuff 'em. Don't worry about established businesses that have been operating and investing in our city. Get stuffed!"

Dr M.D. Nahan: There are a lot of pop-ups in Dawesville.

Mrs M.H. Roberts: Your member is the pop-up for Dawesville.

Mr J.N. CAREY: The point is that we need to find a middle way. I know that the Minister for Tourism; Racing and Gaming has been meeting with the groups.

Mr J.E. McGrath: We'll do it for you. I'll give you the solution.

Mr J.N. CAREY: Members opposite did not do it for eight years! Give me a break. The member did nothing for eight years; now he is offering solutions. The point is that we will find a commonsense approach to this issue that will seek to balance the demands and needs. We do need pop-ups in our city, but we need to look at the size of those pop-ups and where they are located so that we ensure a fair balance across the market in the city. At the same time, we do not want established venues that have invested heavily in the city to be failing and collapsing. It may be great that we have lots of pop-ups in the summer in the city, yet other venues, because they lose significant revenue, collapse. If that happens, we will not have those venues that are there in thick and thin, during the winter, autumn and spring. I had a meeting last week with a number of liquor businesses that are established venues. I think we can find a sensible way forward that is not the ridiculous "stuff you" approach of the member for Dawesville. We have to recognise that pop-ups have much lower costs. For example, does Elizabeth Quay need to have as many pop-ups as it did this year? I do not think it does. This legislation is about making sure that established venues have an easier path to open pop-ups.

Mr J.E. McGrath: You can go to the Ritz-Carlton when that is built. You won't need the pop-ups in the years to come when these hotels are built around Elizabeth Quay.

Mr J.N. CAREY: The existing venues will tell us that, at the moment, the number of pop-ups is so high that it is having a devastating impact on all the businesses in the area. I love pop-ups; I go to them. They are great for Fringe World; they support Fringe World. They are critical to the health of Fringe World and other arts events such as the Chevron Gardens. We are saying let us look for some moderation about where we locate them.

Mr Z.R.F. Kirkup: Where is the excess?

Mr J.N. CAREY: The excess is at Elizabeth Quay —

Mr Z.R.F. Kirkup: Embargo.

Mr J.N. CAREY: — Embargo and JumpClimbs Noodle Palace, which served 8 000 people in one night.

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Mr J.E. McGrath: You could put it up in Kings Park.

Mr J.N. CAREY: I am not taking any more of the member's interjections.

Let us look at other areas in the city that we can activate that have no activation at all and that will find a middle pathway. Established venues might not like it. I am sure some established venues want all pop-ups shut. That is not going to happen; no-one supports that position. I am arguing that surely we can come to a reasonable compromise that looks at where the pop-ups are in the city, allocates them and the numbers more fairly and ensures they do not take away from the complete cut of established venues in Northbridge and the city. I am trying to find a middle way. As I said, some pop-ups will not like that. Some established venues will not like that, but I genuinely believe—I hope the opposition will support this; I am interested in its views—that we can find a middle way in dealing with pop-ups. These reforms deal with the first part of creating a fair playing field so that established venues can set up pop-ups and have extensions. But I think that perhaps we do not need more legislative reform; rather, we need to look at where the approvals are at the moment and the size of the approvals, and that can be done through existing regulations so that we can deliver that reform.

Overall, though, I am pleased on behalf of all the small bars—I think there are more small bars in my electorate than any other constituency—because this is important in cutting red tape. I hope it inspires local government to match the state government's reform agenda by making it easier for change of use and for cafes and restaurants and for assisting the liquor licence applications for small bars on main streets.

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [8.47 pm]: It gives me great pleasure to rise after the member for Perth's extraordinary comments. Digressing somewhat from the Liquor Control Amendment Bill, it is very refreshing to hear the member for Perth come clean and declare that he was the mayor and in charge of a left-wing Labor council. Well done, member for Perth; you have coughed up the poisoned frog. It is clear; it is on the record. I will now move back to the Liquor Control Amendment Bill.

The DEPUTY SPEAKER: You took the words right out of my mouth.

Mrs L.M. HARVEY: I could not resist that. It is refreshing to hear such truth spoken by the member for Perth.

We raised a number of issues in consideration in detail and in the second reading debate with the minister on this legislation. I have to say that some of the responses we received were quite disappointing. Indeed, the minister's response to a lot of our queries was to basically verbal us, and any clause he was questioned on that he could not answer, he would turn around and say, "This was proposed by your government." I am sorry, but we have not been in government for over a year. This is the minister's legislation. When the minister brings legislation to this house and it is sponsored under his name as the minister responsible for Liquor Licensing, he needs to know about every clause. The opposition was not being mischievous in its interrogation of this legislation. We were interrogating it appropriately, as is our role as an opposition. It was somewhat offensive to be accused of all sorts of ridiculous associations while we went through that interrogation process. One of those particularly offensive accusations was that, because we oppose what is effectively a market-controlled gerrymander on where large retail liquor outlets can be located, we were somehow in the pockets of Coles and Woolworths. The minister was repeatedly asked to provide examples or evidence of any kind of affiliation between any member of the Liberal opposition and the Coles and Woolworths conglomerates but he could provide none. That is because there is none. The opposition was trying to prosecute an argument, which we think we did effectively, but the minister was pretty much all over the place on restrictions on packaged-liquor retail outlets. When we went into consideration in detail, the minister was hopping, jumping and skipping all over the place. When we asked what was the purpose of putting a restriction on any large packaged-liquor retail outlet within a five-kilometre radius of another large retail outlet of a prescribed size, the minister immediately accused us of being against small business. Then we said to the minister, "If we are against small business, this is clearly a market protection device to protect small business." He jumped in and said, "No; this is about empowering communities so that communities can have a bigger say in the size of the liquor outlets that will be located in their communities." We went around and around on this argument and, as part of our interrogation of this legislation, we clearly articulated that the minister is effectively setting up an opportunity for the large retail liquor outlets to monopolise all greenfield developments because they can get their big store in. Once that big store is in a new development beside a big shopping centre or whatever it might be—retail co-location works—they will have a monopoly within which they can operate. They will be the biggest store within five kilometres. To me that would be a significant windfall to any retailer. As a retailer myself—I have been a retailer for over 20 years as part of a family business—that would be manna from heaven and I would be thanking this government for putting in place that monopoly restriction, because it will benefit only the people who are cashed up and have the capital to go into new places and invest, making sure they secure their five-kilometre monopoly rights for packaged liquor in a takeaway environment.

When we went further into detail we saw the arrogance of this minister with his responses, which is quite surprising—he has been in government for only a year. I thought there would have been a bit of humility and

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willingness to engage with the first significant legislation he has brought to this place. What responses did we get? I said the following to the minister —

If the minister has said that by not supporting this clause, we are not supporting small business, clearly he is protecting small business by putting in this clause. He cannot have it both ways.

What did the minister respond with?

I can. I can have it as many ways as I want.

What an extraordinary response. “I can have it as many ways as I want.” Good for you, minister. Let us see how the unintended consequences of this legislation are felt in the community. We will see what the community thinks about him having it as many ways as he wants. Further on in consideration in detail, I received breathtaking responses. We are an opposition; we are members of Parliament elected by our communities to hold this government to account. There are not many of us, but we do the best job we can with the baker’s dozen we have and we work very hard to try to hold this government to account. In interrogating this legislation, what do I get from the minister in response to a question? “I do not need to justify it to the member.” The member does not need to justify his legislation to the member as a representative of the community or of this Parliament. He does not need to justify it to me, the Parliament or anyone else because he can do what he likes. He can have it as many ways as he wants. That is the kind of response we had from this minister. It is a weakness of this minister and we will continue to target that weakness because we know it is an inherent part of his personality.

Some of the amendments the opposition put forward were decent and quite sensible. In one clause of the legislation we were looking at providing for a public register of licensees to be made available at the director of Liquor Licensing’s discretion. We sought to put through one simple amendment so that, instead of having the location of a premises and the address, why not have the name of the individual or the company that owns the licence? That is the information that most people want. They want to know who is responsible for the establishment. People can drive around and see what the establishment is or look it up on an internet search, but it is difficult to find out who the owner of the licence is. If the licensee is behaving badly, a neighbour cannot look them up on a company search or find out who the individual is. The minister refused to contemplate that minor amendment that might have that be a consideration if a public register was put in place. No explanation was given and I expect he has done that because he can. He is the minister now, so he can say no.

Another issue was low-risk venues—that is, particular licence applications being exempt from the public interest test. The opposition was very interested in this. The member for Perth gave an example earlier about a very small retail outlet in Doubleview, which is not far from where I live. All it is applying for is the ability to sell some locally made Western Australian beers to complement its wine offerings. The store is 40 square metres, for goodness sake! We are not talking about any sort of volume turnover. That vendor’s fear is that he would need to put up about \$10 000 for a public interest assessment in order to receive that application.

I would like to have seen some definition—potentially, with that store forming part of it—of a low-risk venue assessment. Perhaps that small business owner who is struggling, given that discretionary spending is down in the economic environment we find ourselves in, will be able to diversify his retail offering and perhaps attract different clientele or higher spending from the clientele who come into his business. However, we could not get that definition from the minister. It will be prescribed by regulation.

Indeed, one of the crabs in this legislation that was not clearly defined was the minister’s reassurance about a clause towards the end of the bill that will amend section 175 to insert the ability to create regulations requiring risk assessments of operating practices of licensees, the control of juveniles on licensed premises, the training of licensees and employees of licensees and the practices of licensees regarding the responsible consumption of liquor, intoxication and noise or other disturbance. That is a very broad regulation-making power. We have been told by the minister that it is a way of reducing red tape, but businesses in the community see the regulation-making capacity of any government or any department as a way to impose additional red tape. We will watch that very carefully. I will flag this with the minister. He keeps giving us reassurances and saying, “It’s not that. Trust me.” In this place we need more than “It’s not that. Trust me.” We need a very clear articulated description of how this will reduce red tape. The minister is putting a regulation-making power into legislation that will allow regulations to be drafted, thereby introducing red tape. That has not been explained. Perhaps in his third reading reply he can explain how introducing regulation-making powers will reduce red tape. I would be very interested to hear that.

The member for Perth talked extensively about pop-ups. He talked about the opposition having different views on pop-ups, but the member has a bizarre view himself. First he went into bat for them, talking about how fantastic pop-ups were and how proud he was, as head of a Labor-affiliated council, to see pop-ups all over the place adding to the vibrancy of his former constituency. Then he went into bat for the establishment, saying that pop-ups get to operate in peak times—they get to choose the best time of the year to operate and get to reap all the benefits of

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trading during the best times of year when people are most active. They have a lower barrier to entry and lower costs and are having an impact on established premises that have a bricks-and-mortar presence in his area. I am sorry, but he had just gone into bat for pop-ups, saying how fantastic they were, but then he said that it really was not fair. They are fantastic, but it is not fair because the bricks-and-mortar people are being affected by them. We have two members with two different views. The government has one member who does not know what his own view is. The member for Perth needs to make it clear whether he is for pop-ups or against them.

Several members interjected.

Mrs L.M. HARVEY: Deputy Speaker!

When the opposition went into bat and highlighted some issues with pop-ups, do members remember what response we got? The response was, “This has been a problem for over five years. This was a problem when you were in government and you did nothing for eight years!” It was five years and then it was eight years! The government said, “This bill has been extensively consulted on”, but nothing is in here for pop-ups. It has nothing about managing occasional licenses to ensure the smooth operation of the various licensees in our entertainment precincts—nothing! It started consultation with owners who have an issue with pop-ups two weeks after consideration in detail of the legislation started, but it said that it has been an issue for five years and that the industry had been talking to it about the issue for five years. But the first piece of legislation that it brought to this place that could correct it is silent on pop-ups. When the opposition raised the issue and started to ask questions about it, we found out the minister was going to have a meeting with those people in two weeks. I suspect there will be more amending legislation. Perhaps an amendment will come through in the other place when this legislation gets viewed by it. Potentially, it could be next week, but it is not likely to be until the spring session. The Council is running out of time to review legislation because over the next couple of weeks its plate is quite full. Then it will have the budget and the budget reply speeches that will take precedence for three weeks. Then it will be into the mid-year recess. This legislation will probably not be seen in the other place until the spring session. I put to the minister that it gives him plenty of time to, once again, amend policy made on the run and bring another amendment in the other place to deal with the pop-up issue. The minister said it was a problem for five years, but in its first year of government it has not addressed it. It is fine for members opposite to sit there and criticise us for not addressing it and say that is why we are not in government anymore. It should have taken the first opportunity it had to address a problem that it recognises has been a problem for five years. Do not verbal us and say that everything we do not understand about this legislation and complain about is our fault because it came out of our review and was our legislation. The government comes in here and sponsors legislation that it says is our problem. That is not how it works. It has the government’s name on it. The government sponsors it; it owns all of it. The bit that it cannot own is some management of occasional licenses to give some kind of reassurance to bricks-and-mortar premises in Northbridge, for example, that have been affected quite badly. They say that the worst year they have had for the proliferation of pop-ups has been this last summer—the last five months. It is the worst year they have had! That is not us saying that; it came from them, and I am sure they will say that to the minister when he meets with them.

The other area I want to raise with the minister is his claims of extensive consultation. Members might remember that I raised in Parliament a letter from the Australian Hotels Association to the minister that requested an amendment requiring clubs to keep a register of all the tourist visitors who come into their venues. This is not such a bad idea, but it did not look great that the amendment went on the notice paper at 11.24 am and the letter from the AHA had the same date. Presumably, it arrived that morning. During consideration in detail, I asked the minister who he consulted. He said he had consulted with AHA and Clubs WA. However, I called Clubs WA shortly after I saw the amendment on the notice paper and asked, “Are you guys okay with this?” Clubs WA said, “We have just been made aware of it.” So it was not consulted prior. I asked the minister when Clubs WA was consulted; it was several hours after the amendment had been placed on the notice paper. That is not consultation; that is being advised of an amendment. Consultation is talking to Clubs WA prior to the amendment being drafted, saying, “We think this will solve that problem you have.” In actual fact, Clubs WA is not unhappy with the amendment, because it gives it a mechanism to ensure that it has a way of keeping track of visitors who are tourists or who are there as guests or as family members of club members. They are not unhappy with it, but the minister should not come into this place and say that he has consulted when he has not. All the government has done is drafted an amendment in response to one of the stakeholder groups and then advised another stakeholder group that things have changed, saying, “How about we talk to you about what this is going to look like?” That is not consultation and the minister cannot come in here and mislead the house with the time line around those sorts of things, because Perth is a small place and the opposition is doing its due diligence. We will catch the government out, and that is what we did.

One of the other amendments that the opposition put forward was around the director having discretion to advise people who have put in an objection or a submission to a liquor licence. The discretion will rest with the director

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about whether he responds and advises people that their application or objection has been received. We put an amendment forward saying that the director must ensure that somebody who has gone to the effort of making a submission receives an acknowledgement that a submission has been made. The minister flatly refused to entertain that. I do not think that is unreasonable. These days 95 per cent of submissions would be done electronically or through a web portal. People get an electronic receipt that states that their objection, application or intervention has been received. It is not a big thing to ask in this day and age, but the minister would not even consider it because it had not been subject to extensive consultation like every other aspect of this bill, except the bit about Clubs WA having a register and the bit about pop-ups. But this had not been extensively consulted on and he could not contemplate that. Once again, that goes down to the arrogance of the minister. We were not asking for much and we thought it was quite a sensible amendment to put forward, but it was not supported. It would be interesting to see whether that flows through to the other place, and whether those very sensible amendments that the opposition put forward are actually contemplated by the other place.

I would also like to go to the hypocrisy of the member for Perth in talking about two of our members having different views on pop-ups. I bring members back to the retail restriction on large packaged liquor outlets. Let me put on the record again the now Treasurer, Mr B.S. Wyatt, from Tuesday, 24 October 2006 on the big box retailers. This was with respect to a change to allow for Sunday trading for liquor outlets and retail liquor outlets. In response to interrogation by the then opposition and the member for Leschenault, as I recall it, the now Treasurer stated —

I assume it is a progression to market caps for Coles and Woolworths.

That sounds familiar.

It is worth noting, at least for the record, that Coles is 91 per cent owned by Australians and Woolworths is entirely owned by Australians. We are talking about half a million shareholders in respect of Coles and Woolworths.

Further on, in referring to a report from the Australian Competition and Consumer Commission, he continued —
...the report found that market caps are unworkable and effectively regulate the consumer. It is worth putting that on record, because these whimsical Deakinite proposals being flung out by the “Independent” members on my right certainly have no basis in law.

Point of Order

Mr P. PAPALIA: I point out that this is the third reading debate and new material is not supposed to be introduced. The member did not read this information during the second reading debate or at any time during consideration in detail and she is now reading an entirely new document into the debate.

Dr M.D. NAHAN: Madam Acting Speaker —

The ACTING SPEAKER (Ms J.M. Freeman): Excuse me, I am dealing with that point of order. Do you have a further point of order?

Dr M.D. NAHAN: Yes, I do.

The ACTING SPEAKER: Points of order are not for debate, Leader of the Opposition. I will make a ruling on it. I have checked with the clerks and I am of the view and I have checked my view that you need to come back to the third reading speech. The third reading is about what is in the content of the bill. You had latitude even before that in terms of the content of the bill. You need to come back to the content of the bill.

Mrs L.M. HARVEY: Just further to that point of order, Acting Speaker, the minister said that I did not introduce this material in the second reading debate. It formed part of my contribution to the second reading debate and I referred to it during consideration in detail.

The ACTING SPEAKER: I was not taking the direction from the minister in terms of my ruling. Even if you mention things in the second reading debate, that is not the rule with the third reading. The third reading is to be on the intent of the bill and what has come before in the bill. If the member recalls, when you were in government, I sat one of your members down at one stage for a third reading speech that went off the point of what a third reading speech is. If you want me to get out Erskine May's *Parliamentary Practice* and read to you exactly what it entails, I am happy to do that.

Dr M.D. Nahan: We will not question the Acting Speaker's memory.

Mrs L.M. HARVEY: Thank you for your direction. It was not my intention to canvass your ruling, just to educate myself on the processes of Parliament.

The ACTING SPEAKER: I am happy to do that at any time, Deputy Leader of the Opposition.

Debate Resumed

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Mrs L.M. HARVEY: To go back to some of the hypocrisy in the debate with the opposition's interrogation of these limitations on the size of retail stores that sell liquor, we were accused of being anti-small business and in the same breath of being in the pockets of Coles and Woolworths, even though it had been articulated by members opposite that Coles and Woolworths are majority owned by Australians as shareholders. Indeed, members opposite had been on the record talking about how these Deakin-type policies have no place in modern consumerism. That brings me back to conclude that I am a person who believes in economic conservatism. I believe in freedom for individuals and consumers to make decisions and choices in their best interests, notwithstanding that there is a small minority of people in the community who have serious problems with alcohol and they need to be dealt with in a specific way. Often that is not an easy task and I acknowledge that. For the vast majority of consumers in Western Australia, if they choose to have a few drinks, they are not a problem. They do not present in hospital waiting rooms because they have had a Christmas party, a twenty-first or eighteenth celebration, or a wedding.

Several members interjected.

The ACTING SPEAKER: Members!

Mrs L.M. HARVEY: Police are not called to their functions. Police are not called to their events. The vast majority of Western Australians who consume alcohol do so in a responsible way that does not require the attendance of police. It does not involve violence, family and domestic violence, or presentations in hospital. Taking away the freedom and the opportunity for those people to purchase alcohol wherever they choose to is not the answer to addressing the serious problem of individuals who cause so much grief and mischief in our community, who beat their wives and children and who drive their vehicles in an incredibly reckless and dangerous manner. Regulating the supply of alcohol will not solve that problem. Solving that problem is a much bigger issue, which is much more complex and involves a significant commitment to mental health. That was one of the areas that the opposition tried to put more focus on when we were in government. It is a big task but restricting the size of a retail outlet, the geographical spread and the market that the outlet can operate in will not be the answer to alcohol-related issues in our community. That is what government members say they are trying to achieve; I do not think they are going to achieve it. I think that further down the track, they will be forced, as the Northern Territory has been, to unwind this ridiculous restriction on retail trade, which is all it is. We know that restrictions on retail trade do not work and that competition does work. The vast majority of people who are cash-strapped at the moment just want to be able to buy a couple of cartons of beer or wine for the 100 or so people at their family gatherings—that is how big mine are; I am not sure about the rest of the people here!—in a cost-effective and convenient way. We will never be a problem for police, we will never be a problem for the hospital system, we will have a good time and none of us will get caught drink-driving when we are driving home because we do not do that either. That is how the vast majority of Western Australians think. Limiting their freedom of choice is not going to fix the problem of alcohol-related harm. It has not over 100 years, so it is not going to do it now.

MR S.K. L'ESTRANGE (Churchlands) [9.10 pm]: The Minister for Racing and Gaming has had 12 months in government and eight and a half years in opposition. He has had plenty of opportunity to get the Liquor Control Amendment Bill 2018 right. He has had the second reading debate and consideration in detail stage to listen to the opposition's concerns, which have been outlined to him. The opposition represents the views of the many stakeholders in Western Australia who have provided information to us on their position on this bill. I think this bill was an opportunity for this minister to shine. This bill could have been a centrepiece of this minister's first term in government, his capacity and his ability to demonstrate that he is able to listen to all the stakeholders, to craft a piece of legislation that will benefit the people of Western Australia, and to look after the interests of all those stakeholders as best he can. Instead, we see nothing more than a very disappointing performance at the first self-set hurdle. The hurdle was set by the minister. He set himself the task. He knew he was going to get this portfolio, yet he has failed dismally to deliver on some key concerns. He has also very much lost a key opportunity to reduce red tape for small and medium-sized businesses in the liquor industry's tourism sector. He has absolutely failed to achieve a sensible, clear outcome for that sector and he has no doubt disappointed members on his own side, as we heard the member for Perth articulate quite clearly how disappointed he is in aspects of this bill. I have no doubt that many other members on the Labor benches are most concerned because they, too, will have received information from their constituency asking, "Why is this minister doing what he is doing to us in our areas?" I will articulate and outline exactly what they are.

As the Deputy Leader of the Opposition outlined to us tonight, the minister has given us an insight into his personality and leadership style. In his handling of this bill, he has demonstrated that he does not want to listen. With this bill, he has demonstrated to everybody in this place that if he is given good advice, he will ignore it unless it is given to him by somebody who he thinks is more important than us. The Premier himself is the only person who I think the minister thinks could make that case. If the Premier had leaned in and said, "Excuse me, minister; I'm not happy with the direction you're taking", he would change it in a heartbeat, but if members

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opposite the minister decide to articulate their concerns, he ignores them. That is an insight into this minister's style. He is not prepared to show flexibility —

Point of Order

Mrs M.H. ROBERTS: As you have advised the house, the third reading debate is restricted to the content of the bill, whereas this member on his feet has just been personally attacking the minister, rather than dealing with the content of the bill. I ask you to call him to order.

The ACTING SPEAKER (Ms J.M. Freeman): Member, you do need to come to order. I have Erskine May's *Parliamentary Practice* now, so I can help you out. It states —

Debate on third reading, however, is more restricted than at the earlier stage, being limited to the contents of the bill, although on occasion debate on the third reading of the Finance Bill has been rather wider;

We do allow you some width, but you need to come back to the content of the bill. The content of the minister is not what is up for discussion here in the third reading debate. The content of the bill is. If you continue to go to his character, I will call you.

Debate Resumed

Mr S.K. L'ESTRANGE: Thank you, Madam Acting Speaker, for that learned advice.

I will move now to what is essentially divisive, populist veneer politics that the minister has outlined through his bill. The first part of the bill where he demonstrates this, which we are most concerned about and which he refused to listen to us on, was of course the impact that proposed section 36B will have on suburban householders who like to exercise consumer choice. In proposed section 36B of the bill, the minister clearly said, "I want to pick winners and I want to pick losers in the suburbs of Perth" for how people can be supplied alcohol when they get in their cars and go down to the shops to buy alcohol for a local barbecue, to have a wine with dinner that night, or whatever. Through these interesting restrictions on size and locations where liquor stores of a certain size can now exist, the minister has decided in proposed section 36B that he will do what is best for suburban households—the mums and dads out there. That is the first thing he has done to distort the market.

Dr M.D. Nahan: That's the wowsler clause!

Mr S.K. L'ESTRANGE: I will get to that in a moment, thanks Leader of the Opposition.

The established bricks-and-mortar market of wine bars and restaurants that serve alcohol is the second market that the minister has distorted by enabling pop-ups to exist very quickly where these venues are established. They are finding their supply is now being challenged and it is impacting on their market. The minister is distorting two clearly distinct markets in this bill, and he has not addressed our concerns about that distortion. The member for Perth picked up on the distortion of that second market, which I will get to in a moment.

The minister has also made a veiled attempt to make the bill look as though it is taking care of health outcomes. He made a veiled attempt to satisfy the member for Maylands' concerns for her constituency regarding large liquor outlets. It was a failed attempt because it actually does not achieve what the minister said it would achieve. He is confused and the bill demonstrates that confusion. On one hand, it indicates that a restriction in supply will be created, which will push up prices and therefore is supposed to achieve some sort of health outcomes, but on the other hand, in the commentary the minister has given in the media on the bill, he said that it will not impact on prices. We are not sure what this bill is supposed to be doing. If he was dinkum about health outcomes, the minister would have addressed them in a section of the bill, but he has not. He has made a failed attempt to satisfy his arguments in and around the changes he is making in the bill without addressing the health concerns that might exist, as raised by the member for Maylands and many others. He has made a failed attempt to portray the bill as improving health outcomes.

I will just touch on the fourth section, because I want to speak only briefly tonight; it is the notion of reducing red tape. Instead of an opportunity to reduce red tape through this bill, all the minister has done is add red tape. I will not go back over my contribution to the second reading debate; I will just highlight that the opposition was most concerned with proposed section 36B because we thought that the minister did not give it due consideration in this bill, although there was an opportunity to make an amendment but the minister chose not to. In proposed section 36B, winners are picked and therefore losers are allocated by prescribing distances between and sizes of stores, which means we now have a situation in which the bill is going to create more problems with red tape than anything else. How will the government decide where a store can be set up and what happens to the retail outlets that already exist in a suburb? We outlined these concerns to the minister, asking, "What happens if part of their business plan, to compete with a nearby large liquor store, was to expand their premises?" They have now basically been told that the door is shut and they will not be able to do that. They will now suffer the economic consequences of the protectionist policy that the minister has outlined. As the Deputy Leader of the Opposition has said, if a large

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company has the wealth and resources to be able to move quickly into an area that does not already have a large liquor outlet and establish a large liquor store, or liquor barn as it is sometimes referred to, it will be able to lock down a five-kilometre radius around that liquor store forever. Again, the government is picking winners, at the expense of a free market that enables good businesses to thrive and businesses that are not doing the right thing by consumers to go by the wayside. The government is proposing to take away that free market mechanism. When the minister was quizzed and questioned on that point, he refused to address it. He tried to play the man and say that members on this side are confused about simple microeconomics. We are not confused. If the government does what it is purporting to do and what this bill says it will do, it will distort the market. It is that simple.

I now want to talk about another lost opportunity in this bill. The government's paternalism towards the suburban market is very different from the attitude it has taken towards the footloose and fancy-free white peach and gin fizz-drinking hipster market that the minister and the Premier are so keen to look after. The minister and the Premier did media and press conferences about how they want to make Perth more like Melbourne. The minister thinks his bill will achieve that. The bill does not address the very real concerns raised by the brick-and-mortar liquor outlets about pop-up bars. It is good that the member for Perth has highlighted those concerns to the minister. Hopefully the government members in the other place will listen to our concerns, and now also the concerns of the member for Perth, and ensure that the government continues to look after the existing liquor businesses. If the government wants to support pop-ups to increase vibrancy in Perth city, or anywhere else in Western Australia, it should ensure that they are focused around an event and do not impact negatively on existing brick-and-mortar establishments. The minister did not articulate how he will achieve that. That is another lost opportunity. I get that the minister wants to be seen by the hipster community of Perth as cool and trendy. The minister could grow a long beard and get a few tats, and I am sure the member for Perth could show him the great venues in and around his constituency. The member for Perth could also show the minister the brick-and-mortar establishments that he is concerned about and what is already on offer to that community. The minister might then better understand the impact of his failure to address pops-ups.

The government's protectionist policy is not a winner, minister. I recommend that when the minister sits with his upper house colleagues, he says—in private, because he does not like doing it in this place—that he has made a few errors of judgement. I recommend that he says that the bill could be improved by focusing more closely on the suburban market so that the restrictions that he is placing on liquor stores that want to establish themselves in those suburbs do not distort the market and have a paternalistic impact on the mums and dads who want to go into the market and buy alcohol for a barbecue they are holding at their house or an event they are going to. The minister should have that conversation with his members in the other place and see whether they can help him make some amendments to the bill in that place. The upper house could then send a message to this place that addresses some of the key concerns that we have raised.

I turn now to health concerns. I have outlined very clearly, and this bill makes it very clear, that the aim is to restrict the number of liquor outlets in order to limit the availability of cheap liquor and thereby achieve better health outcomes. During the second reading debate, the member for Vasse raised the notion that this bill will create the equivalent of Uber by distorting the market and bringing in new internet players. The minister wants to restrict the market by slowing down the brick-and-mortar supply of alcohol in the suburbs. However, how will the minister address transactions that take place through the internet? This bill will have a second or third-order effect by enabling online operators to come into the market. That will not help the small and medium-size businesses. It is highly likely that it will put them out of business. The minister needs to listen to the debate in this place. The role of the Parliament is to assist the government to make good legislation that will benefit the people of Western Australia. The government should not slow things down and make them worse.

That brings me to red tape. I have talked about how proposed section 36B will work. I am sure the other place will look carefully at proposed section 36B. The Deputy Leader of the Opposition has outlined her concerns about the proposed amendment to section 175 of the act and the increase in regulations, and also the capacity for the Department of Racing, Gaming and Liquor to create more and more red tape, unchecked by this Parliament. That is of great concern to businesses in the community. The member for Vasse also talked about extended trading permits. That is another lost opportunity. The minister could have made a simple amendment to this bill to enable extended trading permits to be accessed more readily.

Mr P. Papalia: Wake up! We did that! We moved the amendment, not her. She did not say anything.

Mr S.K. L'ESTRANGE: We said the government could have done more on that. The member for Vasse outlined how the government could have done that. Instead of the minister doggedly digging in his heels and saying it is our way or the highway, he could have listened to the member for Vasse to see whether there is some way of improving that situation.

Mr P. Papalia: You weren't in the chamber at all, were you?

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Mr S.K. L'ESTRANGE: I know what the member for Vasse said, minister.

In conclusion, we know that this was the minister's first go at a serious attempt to move a bill through this place. As I said at the start, this government is 12 months in. The minister has missed an opportunity to make genuine reform to reduce red tape and make a positive impact on the economy of Western Australia in this sector. Instead, the government will increase red tape and distort the market through protectionist policies in the suburbs. The government is also upsetting the existing brick-and-mortar liquor providers in the city with the way in which it is managing pop-ups. That is another lost opportunity in this bill. The minister is getting flustered and annoyed. He does not like listening to the opposition. I suggest to the minister that according to the Westminster system under which we operate, the role of government is to listen to the opposition. The reason the Westminster system has existed for hundreds of years is that it works. That system is designed to ensure that silly ideas are subjected to checks and balances and hopefully are prevented from impacting negatively on the community. We provided that opportunity to the minister. He chose to ignore it. The minister chose to treat our ideas and suggestions as absolute heresy. The minister does not want to entertain any aspect of that, even though it would benefit the people of Western Australia. All we ask is that as this bill moves through the other place, the government treats the consumers, constituents and citizens of Western Australia with more respect. Do not favour one group of Western Australians over another. Do not treat the hardworking mums and dads who might not be members of that hipster community who go to festivals, the trendy bars in town and the pop-ups—the members of that separate community who like to hold their events at home or at local parks in their suburban areas—with disrespect so that they have to just wear it. The government thinks that it can increase prices on them by restricting supply, while city dwellers, with their big bushy beards and tats and who have more disposable incomes and are footloose and fancy free with their gin fizzes, can hang out at these trendy bars.

Mr J.N. Carey interjected.

Mr S.K. L'ESTRANGE: He is getting excited.

The government is quite happy to entertain those people as being the future of Perth. It wants us to be more like Melbourne, so it is creating two classes of Western Australian citizens through this bill. Just because some might wear what the government considers to be groovy clothes and focus on beard maintenance, it does not mean it should ignore others.

Mr J.N. Carey: Groovy!

Mr S.K. L'ESTRANGE: There we go, member for Perth. That is exactly my point. The member for Perth knows exactly what we are talking about.

We also suggest that government members read *Hansard* and sit down with government members in the other place and make sure that they listen to our concerns about the blunt market interference that the government is creating through this bill to achieve some perceived health outcomes that are dubious at best. Members should be very careful to listen to the people in the health sector to make sure that they understand the second and third-order consequences. They should remember what I said earlier: they think that they are distorting a market to increase prices when they are actually opening the door for online sales at cheaper rates to come into those markets, which will have increased negative health impacts on those consumers. We have outlined that very clearly to government members. We have told them which aspects of this bill we think could be improved and what needs to be looked at. We hope that they take our advice, sit down with their colleagues and make sure that they work through it in the other place so that we can reduce red tape and increase red-tape reduction reforms, we can have genuine reforms of the pop-up sector in and around Perth, and we do not have that protectionist policy that distorts the markets in suburban Western Australia.

MR Z.R.F. KIRKUP (Dawesville) [9.32 pm]: I, too, rise to join opposition members in speaking in the debate on the Liquor Control Amendment Bill 2018. Although my leader is not in his seat, I should probably outline that I do not consider myself to be a hipster. I think that was his assertion at one time. I do not think anyone opposite would disagree with that. I join opposition members in condemning a bill that will impose an absolute restriction on the people of Western Australia. This bill contains nothing but amendments that seek to restrict freedom of choice and the market. It is a very obvious indicator to all that those opposite claim to know best about what the people of Western Australia desire. The minister knows best about how people should consume alcohol, where they might purchase it and which venues they might consume it in.

There are two parts that I would like to speak about tonight, not dissimilar to my contribution to the second reading debate—firstly, the packaged-alcohol component and, secondly, pop-ups and the concerns that the member for Perth raised earlier. There are a number of parts of this bill that have not addressed packaged alcohol, which I think is a missed opportunity. I raised those concerns in my second reading contribution and, indeed, during the consideration in detail stage.

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The ACTING SPEAKER (Ms J.M. Freeman): Just as a guidance, member for Dawesville, it does not matter what you have said in your contribution to the second reading stage; your comments need to stay within the contents of the bill.

Mr Z.R.F. KIRKUP: And that is exactly what I was speaking to, Madam Acting Speaker.

The ACTING SPEAKER: I can give you guidance from the House of Representatives. It states —

The scope of debate is more restricted than at the second reading stage, being limited to the contents of the bill—that is, the matters contained in the clauses and schedules of the bill. It is not in order to re-open or repeat debate on matters discussed on the motion for the second reading or during the detail stage, and it has been held that the debate on the motion for the third reading is limited to the bill as agreed to by the House to that stage.

That is just so I can assist you in this matter.

Mr Z.R.F. KIRKUP: I appreciate that, Madam Acting Speaker; you have been in this place far longer than I have. I think I was elected only 402 or 403 days ago. I appreciate your guidance in that respect and, indeed, you reading from Erskine May's *Parliamentary Practice*.

The ACTING SPEAKER: It was from the House of Representatives.

Mr Z.R.F. KIRKUP: The House of Representatives in that case.

It is an important distinction that this bill does not deal with the prevalence of online, and certainly app-based, alcohol purchases. Concerns about how those apps might perpetuate themselves within the younger communities in Western Australia could be better addressed. Clearly, the government would like to suppress Western Australians' choice about where they purchase their alcohol. The member for Hillarys has referred to barn-style outlets, and Dan Murphy's is a good example. Thirty per cent of Western Australians buy their alcohol from Dan Murphy's. That is a significant driver of not just the economic contribution that it might make, but also the job contributions. The Woolworths group has suggested that \$35 million will be pulled out of its investment as a result of the decisions by this minister and this government. Moreover, it is clearly an indicator of where consumers decide to purchase their alcohol. We know that they decide to purchase their alcohol from those outlets because clearly they are cheaper market outlets and they provide a lot of choice, and clearly they are in locations that those opposite seem to have some issues with. I suspect that those locations are largely driven by demand. Again, we see that those opposite are trying to restrict the freedom of choice of those locations and rob Western Australians of the opportunity —

Mr D.T. Punch: Do you want a free-for-all?

Mr Z.R.F. KIRKUP: Member for Bunbury, it is not a free-for-all, and the Liquor Control Act, regardless of these amendments, will ensure that there is never a free-for-all. The reality is that the government is trying to stop access to a choice that is clearly preferred by Western Australian consumers. It is absurd that those opposite have made no real argument about health outcomes or restricting alcohol consumption, but somehow they think they are doing us all a great service by restricting consumer choice.

Mr M. Hughes interjected.

Mr Z.R.F. KIRKUP: I appreciate the member for Kalamunda's counsel.

On the matters that were raised by the member for Maylands about a large liquor barn-style outlet in Maylands, they could easily be dealt with through planning control measures and, in fact, will be dealt with through planning control measures going forward if they come through. As the member for Perth has already pointed out, local governments, empowered by their local communities, could easily implement planning control decisions that would restrict the locations of liquor barns. However, an arbitrary bill has been brought to Parliament to impose restrictions across the state of Western Australia once liquor stores reach a certain floor size, and that will once again restrict consumers' freedom of choice. I think it is an absurd notion. The opposition has a united position of supporting freedom of choice for consumers in where they can purchase their packaged alcohol.

I would also like to again make the point, as I have done in previous speeches, that access to well-priced alcohol—that is, it is not prohibitively expensive—is a good thing for consumers. Moreover, I point to the United Nations "World Drug Report 2014" and the National Drug and Alcohol Research Centre's report respectively that state that if alcohol is priced out of the market, a lot of people will use illicit substances. I again quote Alison Ritter, the program director of the National Drug and Alcohol Research Centre, who said —

"Substitution between substances, whether they're legal or illegal, is very common ...

"That's just sensible consumer behaviour at one level ... It's no different to the choices one makes when shopping in a supermarket."

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Again, when the government is effectively trying to restrict freedom of choice and trying to restrict where a liquor store can go, that will drive up the price of alcohol. As we have seen from the United Nations “World Drug Report 2014” and the National Drug and Alcohol Research Centre’s report, when alcohol is priced out of the market, there may be a tendency for consumer demand to be pushed into other areas. Dr Cameron Duff from Monash University said that young people frequently talk about the price of alcohol when they indulge in illicit drug use. He said —

“The thing that comes through again and again is that party drugs, particularly ecstasy, —

And, I would suspect in this environment, methamphetamines —

are cheaper relative to alcohol,” ...

Those opposite are seeking to push up the price of packaged alcohol in particular by restricting choice, and the opposition does not stand in favour of that at all.

Mr D.T. Punch interjected.

Mr Z.R.F. KIRKUP: It is not bizarre at all, member for Bunbury. This is all about harm minimisation. The reality is that if we price alcohol out of the market, as the United Nations drug report says and the National Alcohol and Drug Research Centre suggests we can push people to indulge in illicit up substances, and I suspect that none of us here would like to see that occur at all—not even the member for Bunbury.

The second part I want to address is pop-ups. I note the member for Perth’s comments and I appreciate his contribution to the house, as always, but he missed a very key point; that is, members on this side are not clones of one another, unlike members opposite. Those on this side can have an individual voice, we can have individual choice, and we can have individual freedom of what our positions might be on a bill. The reality is that it makes the debate in the Liberal Party much stronger. That is why we are the most popular political party since the Second World War.

Point of Order

Mrs M.H. ROBERTS: The member is wide ranging in his debate as is appropriate for a second reading speech. He has had your guidance previously, Madam Acting Speaker, on the need to speak to the content of the bill, which he is failing to do. I ask you to call him to order or sit him down.

The ACTING SPEAKER (Ms J.M. Freeman): Member, you need to keep within what is a third reading speech. I direct you to subscript 100 of standing order 198, which reads —

Third reading debate is restricted to the content of the Bill and is not as wide as the debate on the second reading.

It is not a time to re-prosecute your second reading contribution, so come back to the bill’s contents or I will sit you down as I have sat members down before.

Debate Resumed

Mr Z.R.F. KIRKUP: I appreciate your guidance once again, Madam Acting Speaker.

The ACTING SPEAKER: Absolutely, member, and I have done it before.

Mr Z.R.F. KIRKUP: And it is appreciated, as always. Thank you very much.

I point out that I think the legislation we are dealing with today seeks to restrict the opportunity for pop-ups to exist as they do in the present environment and how they have operated previously. I think it is important that we address the community’s concerns and to reflect community concern and demand for those pop-ups, which has been clear in years gone by. That is why I support those pop-ups and do not support those elements of the legislation that have been brought forward. Very clearly, the government is trying to restrict the freedoms and choices of those who have enjoyed pop-ups and activated those spaces. The member for Perth made a very good point about activating places like Elizabeth Quay. There is a need to do that. The previous pop-ups have not been detrimental to Perth; in fact, if anything, they have added vibrancy. Many people under the age of 35 would agree with those sentiments. It is important when we talk about that; it is very clear to me that according to community consensus, the opposition is on the right side of this argument, especially when it comes to addressing issues contained in this Liquor Control Amendment Bill, which I think unfairly prohibit or restrict those pop-up venues, do they not, minister?

Mr P. Papalia: It doesn’t touch on that. It enables established venues to have pop-ups. It doesn’t restrict anyone else’s pop-up.

Mr Z.R.F. KIRKUP: Sure, so we are not going down the path of restricting pop-ups at all?

Mr P. Papalia: No; I was criticised for not doing that.

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Mr Z.R.F. KIRKUP: At no point in time have comments come from the minister or other members opposite that the way pop-ups are currently operating is wrong; far more attention needs to be paid to how they are set up?

Mr P. Papalia: I will answer you when you sit down.

The ACTING SPEAKER: Again!

Mr Z.R.F. KIRKUP: I appreciate your guidance, Madam Acting Speaker. Thank you very much indeed. In summing up my contribution here this evening, I make the comment to those opposite that the Liberal Party will be doubling down on its efforts when it comes to supporting consumer choice and consumer freedom and how consumers like to go about enjoying themselves and where they purchase their alcohol. The Liberal Party is on the right side of this argument, especially when we consider that the large number of people who participate in those pop-ups are perhaps under the age of 35. We need look only at young districts such as the district of Joondalup, which sits on 0.6 per cent; the district of Wanneroo, which sits on 7.3 per cent.

The ACTING SPEAKER: Come on! You are trying my patience.

Mr Z.R.F. KIRKUP: A moment more, Madam Acting Speaker.

The ACTING SPEAKER: I will sit you down if you try my patience.

Mr Z.R.F. KIRKUP: The Liberal Party will always be on the right side of this argument. We will remind constituencies of those opposite that the Liberal Party stood for freedom and choice. The narrative from those opposite is that people might go to a pop-up such as Banana Social, Noodle Palace or the Ice Cream Factory, and members opposite are seeking to restrict those freedoms, but the Liberal Party stands to protect them.

MS L. METTAM (Vasse) [9.44 pm]: I welcome the opportunity to contribute to the third reading debate of this Liquor Control Amendment Bill. From the outset I would like to state from a tourism perspective that I certainly support the greater role the chief executive officer for tourism, whoever that may be, will have in liquor licensing applications going forward. I would like to make some comments about pop-ups, what is not in this legislation and comments made during consideration in detail. Although there is support—I have great support for genuine pop-ups—it is fair to say that there is legitimate concern in the hospitality sector among the owners of bricks-and-mortar venues, who have invested in those venues and experienced a significant impact not particularly by pop-ups themselves but by what have acted more like virtual bars by way of numbers and time extensions in the areas in which they operate. Those outstanding concerns relate specifically to public interest assessments and what constitutes the definition of events. These concerns were taken on, I think, during consideration in detail by the minister with some understanding of the concern. When questions were asked during that debate on behalf of the industry, which I feel I was speaking on behalf of as well as tourism in this state, some assurance was given that there would be some further engagement with the tourism industry at a roundtable discussion. I understand a policy is being drafted, albeit it is a step away from what was talked about on the floor of this place. The minister pointed to providing a more prescriptive definition of tourism but, as I understand it, the opportunity has been lost to include it in these amendments. I can only assume from the minister's comments in this place during the second reading debate that the issue is too big, too complicated and too hard to deal with. We have lost an opportunity to define a genuine tourism need, function or event. In the meantime, the status quo remains. As others in this place have indicated, there was an outstanding need for these matters to be addressed in the bill, but that opportunity has been lost. I understand these forums have now finished and I look forward to the minister's commitment to take action and to seeing how the industry's concerns about their investment in tourism infrastructure with bricks-and-mortar premises are addressed.

As do others on this side of the house, I certainly support pop-ups for the vibrancy they bring to an area, but there is fair concern about venues that exist for an extended period and operate as virtual bars. There was an opportunity to address this in the bill. As I stated, the minister gave assurances over the last couple of weeks that he would discuss this with the industry. I understand that the minister's staff have met with industry and I look forward to what will be introduced.

Extended trading permits are an issue. They are a bugbear for many licensed venues across the state and, in particular, an issue for liquor stores in regional WA, particularly as we do not have automatic Sunday trading, which is a great issue in larger regional towns such as Busselton and Dunsborough. These reforms to extended trading permits do not go far enough. That issue has been raised before. There is a need to cut the red tape for not only regional businesses, but also others in the hospitality sector. I believe that there is a strong outstanding case for reducing red tape and addressing the timely, costly and anticompetitive process of extending a trading permit. There is a strong case for establishing ongoing extended trading permits, which would mean that such a permit would only change —

Mr P. Papalia: You realise we moved that amendment.

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Ms L. METTAM: Yes, we passed the amendment. We extended the renewal period from five to 10 years, but I asked whether there is an opportunity to ensure that there are ongoing permits instead of extended permits.

Mr P. Papalia: You need a time frame.

Ms L. METTAM: Once an ongoing —

Mr P. Papalia: How many years did you want? Ten years maximum is a pretty long time.

Ms L. METTAM: There is also the argument for not putting a limit on it at all. If the trigger is that there is a change of circumstances —

Mr P. Papalia: Has anyone said that to you or are you just saying this now yourself?

Ms L. METTAM: No, industry has said it to me.

Mr P. Papalia: Has someone honestly said to you that they want unlimited time?

Ms L. METTAM: Once they apply for an extended trading permit, what is the point? Why should they go through a process in five or 10 years?

Mr P. Papalia: Once every decade.

The ACTING SPEAKER (Ms J.M. Freeman): The third reading is also not for debate across the chamber. Can we just be clear that what you are supposed to speak on is what is in the bill. It is not what should have been in the bill or what you would have liked to have seen in the bill. It is what is in the bill.

Ms L. METTAM: Okay.

Several members interjected.

Ms L. METTAM: Yes. There is a missed opportunity. On that, I am about to wrap up. I am making two points. There was an opportunity in this bill to put in another restriction on the process for extended trading permits, which is an issue in relation to the Sunday trading process in regional WA. Also, industry is hoping that the minister will address the issues that he promised he would address on the floor of this place. There was a missed opportunity to address them in the bill. We can only hope that the minister takes on industry's concerns and deals with these issues and gives them consideration.

MR R.S. LOVE (Moore) [9.54 pm]: I would like to make a brief contribution on the third reading of the Liquor Control Amendment Bill 2018. I hope that I do not incur the wrath of the Acting Speaker by straying from the contents of the bill but I think it is important that members can speak freely, and that may involve talking about something that is not in the bill but should be, in my view.

The ACTING SPEAKER: Let us be clear about this, member for Moore. It is not about my wrath. In fact, I am gone in five minutes, so you do not have to care about my wrath. What matters is that standing order 198 provides that a third reading debate is restricted to the content of the bill and is not as wide as the debate on the second reading. We give you latitude. The House of Representatives hardly debates the third reading. It usually passes the third reading. Let us be clear. It is not about what is not in the bill. It is about what is in the bill and that is what you are supposed to focus on. If you want to tell us what is not in the bill, that is the second reading debate or for amendment during consideration in detail.

Mr R.S. LOVE: I am all for that, provided that it is consistent. Thank you, Acting Speaker.

I point out, again at the risk of straying a little, that it was a very lengthy consideration in detail. I think that highlights the concern about and public interest in this bill and some of the difficulties in coming to an agreed position. We are certainly not in an agreed position in this place on some of the clauses that were debated. As I said, that reflects a huge degree of interest in the outcomes of this bill. I will very quickly run through some of the matters that have been raised, including the conditions for pop-up bars. I think it highlights some of the difficulties of brick-and-mortar providers to those people who are a bit more nimble and do not have to go about providing the intensive capital outlay that some of the existing businesses do. The bill provides some flexibilities, but of itself it caused a considerable amount of debate and may well be teased out further when it gets to the Legislative Council. The debate on clause 18 was certainly a marathon debate and was an issue that involved considerable discussion here. There also has been considerable discussion within the community about some of the proposals for liquor outlets and whether they should be approved versus the rights of people to do their business in the most efficient way possible.

We discussed clause 25 and some of that debate related to freeing up some of the conditions for clubs. I acknowledge that that was of considerable interest to people in my electorate who live in small towns with only a single club that is trying to provide a product for the visitors to the town and for local tourism. The current

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restrictions were at odds with them being able to do that. These changes would be welcomed by many of those towns that have only a club and that is the only place where people can go to get a drink and food. It becomes more problematic when there is a club and a tavern or hotel in the same town. I am not sure whether that is setting up some unfair competition between the private business, which has a different cost of capital and probably has to provide its own premises or pay considerably more in rent, and the club, which oftentimes is based on public land or a shire asset and has access to things such as self-supporting loans at much reduced rates of interest. There is a bit of a situation in towns that have moved away from the club being the only provider.

It will be interesting to see what comes out of the discussion in the other place. It may be that, at the end of the day, some of these matters are best dealt with in some sort of committee process, because we have had such a lengthy debate on these matters that it obviously needs to be teased out a bit further. The fact that the government itself made some amendments as the bill went through shows that the bill was not complete when it came into this place. Anybody who looks at something that was not complete when it was introduced and needed to be amended would concede that there is probably room for further improvement. In fact, the member for Vasse highlighted, in the exchange with the minister about some of the things that he is now investigating, that there is already some need for review. There is therefore some merit in the Legislative Council putting this through a committee process in the areas I have just highlighted, to ensure that we get the best outcome we can for the state of Western Australia. With that, I conclude my contribution to this discussion.

MR P. PAPALIA (Warnbro — Minister for Racing and Gaming) [10.00 pm] — in reply: I thank members of the chamber for their contributions to all components of the debate on the Liquor Control Amendment Bill 2018. This amending bill does a range of things. It covers the full spectrum. As I have said on many occasions, amendments to the Liquor Control Act 1988 will do that, because they are by necessity focused on, in our case, liberalising and increasing the opportunities for tourism and hospitality operators to do business in a freer fashion, but they are also, by necessity, at the other end of the spectrum, required to focus as much as possible on harm minimisation. By necessity, they cover that full spectrum. That is just what amendments to the Liquor Control Act do. It does not mean they are contradictory. The focus of this bill has predominantly been on elevating the opportunities for tourism operators, reducing red tape and liberalising the Liquor Control Act. There is a harm minimisation component, much of which we inherited from the work done during the 2013 inquiry. It is not contradictory, despite what the member for Scarborough may have claimed, for me as a minister in this government to accept in a bipartisan fashion work done by the previous government, but not delivered to the floor of the Parliament due to the inability of the then minister to get their act together. To accept that work as being valid and reasonable is a good approach. It represents bipartisanship and recognition of work that has been done in the past. That is what happened with the vast majority of clauses that I referred to as having been inherited by us as a consequence of the 2013 inquiry.

This bill does a number of things. It elevates the focus on tourism. Giving proponents of new premises the opportunity to be represented by a third party, in the person of the chief executive officer of Tourism WA, is a big change and a good change, and it is absolutely welcomed by the entire industry. It has not been questioned at any stage. In fact, that is one of the things referred to by the Tourism Council and the Australian Hotels Association as being the most significant changes that this bill brings to the Parliament. To suggest, as the member for Moore just did, that he will try to stymie this legislation in the upper house as a way of getting some sort of benefit for the people that he represents, against the wishes of the majority of his party, is an extraordinary threat. It is an incredible thing. The implication will be, in the event that the member achieves that, that all the people in the industry who are waiting for these amendments to take effect will be blaming the member for Moore, and asking what his motivation is. That is what will happen. People on the crossbench in the upper house understand this. My office and I have been talking to them about the consequences of sending this legislation off to a committee as a way of delaying its implementation. It will not be seen as making any great contribution to democracy in WA. It will be seen as an attack on the tourism industry of Western Australia. I guarantee that.

As a consequence of this bill passing the Parliament, when that eventually happens, equal weight will be given to representations made by the chief executive officer of Tourism WA, on the tourism effects of an application, alongside those of the Chief Health Officer and the Commissioner of Police. Currently, we only get one side of the debate. They do not consider the benefits for the tourism industry and the community of the creation of opportunities in the hospitality sector. That is not given any weight.

Mr J.E. McGrath: We support the bill.

Mr P. PAPALIA: I am not sure that members opposite do, because I have heard so many different positions on so many parts of this bill that I am not sure what the opposition's position is.

In addition, beer, wine and spirit producers will benefit from changes that allow them all to serve liquor on site at cellar doors as well as serving tastings at farmers' markets. This is another initiative desperately awaited by the

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hospitality and tourism sector. If this bill is referred to a committee in the upper house it will delay progress for those industries and businesses. Changes will allow licensees to visit exhibitions and shows and pour samples of their products, under their licence, and take liquor orders on the day. They cannot currently do that. It is extraordinary that they cannot. This is a long-awaited amendment, and an initiative that will be welcomed by the entire tourism industry and the hospitality sector, and if this bill is sent off to the committee process in the upper house, those sectors will know to whom to attach blame. It will not be seen as a positive contribution.

Sporting and community clubs will now be able to allow temporary members, and as the member for Moore indicated, that is a welcome initiative in his own electorate, and in just about every electorate in the regions. If this bill is sent off to a committee just for the sake of it, to somehow irritate me or whatever the motivation is, the people awaiting these amendments will be upset. I will make sure that they know who is responsible. I will pass that message to the members in the other place, and I will ensure that they get the names of the people who made those suggestions in the lower house.

Risk-based decision-making will be a big part of this bill. The changes to the act will include a move to risk-based decision-making, and this is a significant change that all members should welcome. The director will now make decisions about licence types that are lower risk in terms of harm, safety and community concern. I have suggested that that will apply to small bars and restaurants and possibly even sporting clubs in certain circumstances, and I think that anyone in this chamber would see that as an extraordinary removal of red tape and a liberalisation of the entire process. It is something that will be absolutely welcomed, and people out there are waiting for it to happen. As the member for Perth indicated, people are putting forward their proposals and seeking to enter the process. They are waiting for this bill to be passed. They will not look favourably on delays purely for political purposes. Restaurants with a capacity of 120 people or fewer will be able to serve alcohol without a meal without having to gain a separate permit. This is another incredible initiative that will be widely welcomed, and I promise that people are waiting for it in the tourism and hospitality sector. Everyone in the upper house should understand that they will be under the spotlight. Peak bodies in the community representing the interests of those waiting for this legislation to pass will be watching, and they will be aware of any delays in the upper house that are unnecessary and done purely for political purposes.

There are many other components to this bill. I understand and recognise that the Liberal Party will not support the response in this legislation to liquor barns. I get their argument, but I do not agree with it. I can see that the opposition will not support that aspect.

Mr J.E. McGrath: If you cut that out, it won't go to a committee.

Mr P. PAPALIA: I will not cut it out, and I hope it does not go to a committee just because of that, because the implication will be that all the other good things that people are waiting for will be tied inextricably to that particular clause. There is no cutting one out and sending the rest on. They will all be tied together, and I assure members that peak bodies representing the interests of the tourism and hospitality sector are fully aware of that. I promise members that they are aware of that.

There are plenty of other great things in this bill, particularly in the area of reducing the likelihood of harm from inappropriate alcohol use in remote communities. I think everyone would welcome those measures. I did not get the impression that anyone on the other side really disputes much at all, other than the liquor barn component of the legislation.

I will make an observation about pop-ups. In this legislation we are helping established venues and giving them an opportunity that they do not currently have. I agree that the playing field at the moment is unfair. Members are concerned about the pop-up situation and its impact on established venues. That is why the member for Perth is leading work being done at the moment to look at other considerations. It will not be just the Liquor Control Act. It is also subject to the Local Government Act and the Planning and Development Act. Other implications need to be considered, but we are motivated to assist established venues and make it a fairer playing field—but not make it too skewed. We are not anti-pop-ups—nobody is—but we feel some empathy for the case that has been made so admirably on behalf of the Windsor Hotel and others by the member for South Perth. He is a great guy and I totally agree with his argument. Some of the suggestions made were good ones and will be accommodated in the member for Perth's deliberations. I look forward to this legislation rapidly passing through the upper house and not being delayed in any fashion, because many good things for the tourism sector rely on the bill passing in the other place.

Question put and passed.

Bill read a third time and transmitted to the Council.

House adjourned at 10.10 pm

Extract from *Hansard*

[ASSEMBLY — Tuesday, 10 April 2018]

p1691a-1720a

Mr John McGrath; Dr Mike Nahan; Ms Lisa Baker; Mr Peter Katsambanis; Mr John Carey; Mrs Liza Harvey;
Mr Sean L'Estrange; Mr Zak Kirkup; Ms Libby Mettam; Mr Shane Love; Mr Paul Papalia
