

LIQUOR CONTROL AMENDMENT BILL 2018

Introduction and First Reading

Bill introduced, on motion by **Mr P. Papalia (Minister for Racing and Gaming)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR P. PAPALIA (Warnbro — Minister for Racing and Gaming) [3.04 pm]: I move —

That the bill be now read a second time.

The Liquor Control Amendment Bill 2018 includes amendments that will deliver the McGowan government's election commitments to liquor reform. The amendments in this bill further deliver on our government's plan for jobs by growing opportunities. Our tourism and hospitality sector already employs over 109 000 people. It is essential to our economy and must be supported through effective laws that support job and business growth and drive visitation to our wonderful state. Importantly, this bill builds upon the revolutionary legislation, introduced by the Carpenter government in 2007, that saw the growth of small bars in Perth and ushered in a significant change in Perth's hospitality landscape. The bill also addresses a number of remaining recommendations from the 2013 review of the act and several technical and operational amendments that will reduce regulatory burden.

This bill will free up licensing restrictions for licensees by amending the act to authorise all producers to trade in the same manner; for example, wine, beer and spirit producers will all be authorised to sell liquor for consumption on and off the licensed premises. The bill also amends section 50 of the act to simplify the process for restaurants' applications to obtain an extended trading permit to serve liquor without a meal. To address concerns of established venues and accommodate modern consumer expectations and the increasing popularity of pop-up bars, the bill will streamline licensing arrangements for existing, established, local licensees to cater at temporary and pop-up bars at short-term events such as micro-festivals. In relation to club licences, the bill includes provisions to allow clubs to sell and supply liquor to people who are visiting a club. For the purposes of this amendment, a visitor must pay a fee to the club for the use of its facilities and must be at least 40 kilometres from their place of residence. This will stop clubs having to turn away genuine tourists and visitors to our state, and bring us closer to other jurisdictions under law.

To further complement the McGowan government's focus on a tourism-friendly hospitality culture the act will be amended to allow the licensing authority to take into consideration any effect an application might have in relation to tourism, community and cultural matters. The bill also establishes a mechanism that will allow the chief executive officer of Tourism Western Australia to introduce evidence or make representations regarding the tourism benefits of an application or other matters relevant to the proper development of the tourism industry. The amendments will give tourism a greater opportunity to be heard during the decision-making process.

In the area of reducing regulatory burden, the bill amends section 38 of the act so that only prescribed applications will be required to satisfy the licensing authority that the grant of an application is in the public interest. This will significantly reduce the impost for low-risk licence applications such as restaurants and small bars. Those applications considered high-risk, such as hotels, liquor stores and nightclubs, will still be subject to the current public interest assessment requirements to ensure responsible development in Western Australia. Additionally, licensed clubs will no longer be required to have their constitution or rules approved by the licensing authority as a prerequisite for the grant of a club licence. Instead, the licensing authority will rely on the issue of a certificate of incorporation by the Commissioner for Consumer Protection as evidence that a club's constitution is acceptable.

A number of recommendations resulting from the 2013 review of the act had an emphasis on harm minimisation. In this regard, a new secondary object of encouraging responsible attitudes and practices in the promotion, sale, supply and consumption of liquor further supports and complements the primary object of the act to minimise harm. In addition, to reduce the likelihood of liquor being delivered to juveniles, the bill provides for a head of power to enable regulations to be made to prescribe requirements relating to the delivery of liquor. It is the aim of the bill to ensure no juvenile receives alcohol through a legitimate business.

Expanding on this, the McGowan government is concerned about the impact that a proliferation of large packaged liquor outlets can have on the community. To address this issue, the act will be amended so that the licensing authority will not be able to hear or determine an application if the proposed premises is larger than a prescribed size and an existing packaged liquor outlet that also exceeds the prescribed size is located within a prescribed distance. In addition, 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.

The government's commitment to reducing harm caused by liquor, particularly in remote Aboriginal communities, is often thwarted by the practice of sly grogging. Sly grogging typically occurs in the Pilbara and Kimberley regions in areas in and around dry communities, or towns subject to some form of liquor restrictions. To address this serious issue, the bill will amend the act to make it an offence for a person to carry liquor above a prescribed quantity in prescribed areas anywhere in the state. In this regard, the act will contain a head of power to allow the quantities of liquor and areas of the state to be prescribed. Such regulations will be developed based on advice from the Western Australia Police Force to target areas where sly grogging is occurring, and consultation will be undertaken with relevant stakeholders. Importantly, these provisions will empower police to do their job to protect vulnerable people.

The new provisions provide a defence for a person carrying liquor for the purpose of a lawful sale, such as liquor being delivered to the holder of a liquor licence, and also provide for appropriate defences to be prescribed in the regulations. In this regard, depending on the area of the state, a defence for the carriage of liquor by genuine tourists may be prescribed.

Finally, the bill contains a number of technical and operational amendments to accommodate contemporary business practices and improve the administration and application of the act for both customers and the licensing authority. I undertook extensive consultation throughout the development of this bill with several key stakeholders from the small business, hospitality and tourism sectors, including the Australian Hotels Association Western Australia, the Tourism Council Western Australia, Clubs WA, the Small Bar Association, the McCusker Centre for Action on Alcohol and Youth, and the Liquor Stores Association of Western Australia. I want to thank them all for their valuable input and support. I acknowledge that each of these organisations had to balance their own members' views and undertake analysis on what was in the best interest of Western Australia. I believe this bill achieves a good balance between the responsible consumption of liquor, together with the tourism and employment benefits of a dynamic and prosperous hospitality industry, while also recognising the potential harm that liquor can cause in the community. I commend the bill to the house.

Debate adjourned, on motion by **Mr A. Krsticevic**.