

**LIQUOR CONTROL AMENDMENT BILL 2018**

*Consideration in Detail*

Resumed from 20 March.

**Clause 19: Section 37C inserted —**

Debate was adjourned after clause 18 had been agreed to.

**Mr J.E. McGRATH:** I raise this matter on behalf of the Deputy Leader of the Opposition and member for Scarborough, who will be here shortly. Proposed section 37C seeks to establish a register of licensed premises. I ask the minister to outline the reasons that the government has decided that the director of Liquor Licensing may keep a register that contains information about the licensed premises, the licence number and the type of licence. The member for Scarborough believes this is a good idea. However, the member for Scarborough is wondering whether it would be possible to also include in that register the name of the licensee.

**Mr P. PAPALIA:** I thank the members for South Perth and Scarborough for their observations on this proposed section. I am advised that we cannot make a commitment at this time to add an additional level of information with respect to a person's name, but we can explore that during the development of the regulations. I cannot make that commitment at such short notice, noting that it is of a personal nature and there might be some unforeseen consequences.

**Mr J.E. McGRATH:** As I have said, the member for Scarborough is very supportive of this. She believes it is a good proposal. Can the minister explain the reasons that the public should be given access to information regarding licensees in their area?

**Mr P. PAPALIA:** I am advised that this proposal emerged from the Department of Racing, Gaming and Liquor. The motivation is to provide people with additional transparency and an opportunity to access information about liquor licensing.

**Mrs L.M. HARVEY:** I understand, minister, that this legislation also proposes to remove the requirement to advertise applications for liquor licences, and the requirement that the names of licensees be published as part of the application process. I am wondering why the register would not also identify the owner of the licence. It seems to me that anyone can walk around an area and know the name and address of a licensed premises. If they read the brass plaque or the certificate, they can also know the licence number of the premises. Most people want to know who is ultimately responsible for the premises and what company owns the data. I do not understand why the minister would have a public register that does not identify the owner of the licence. Last night, we talked for hours about how Dan Murphy's, Coles and Woolworths have different product branding. A lot of people like the idea of buying Western Australian brands. However, plenty of people would not know that some of these brands are linked to big corporations like Coles Pty Ltd and Woolworths Pty Ltd. It seems silly to have a register if people cannot identify the owner of the licence and the name of the entity that owns the licence. That would seem to me to be a key piece of information. We are not asking for the names and addresses of the individual who is responsible for the premises. We are just asking for the name of the company or individual who owns the liquor licence.

**Mr P. PAPALIA:** I understand what the member is asking for. I am saying I am not prepared now, because of the short notice of the member's proposal, to commit to doing that. I am willing to have the agency investigate that during the consultation around the regulations. I am not saying that what the member has suggested is unreasonable. I am just saying that I do not want to commit to it at this point. I think it is a great thing. I think the member would acknowledge that creating a publicly available register that was not in place before now is a positive step. It is a good thing. I am just saying that I am not willing to commit at this point to do what the opposition asks.

**Mrs L.M. HARVEY:** In seeking to amend this clause, I move —

Page 12, after line 26 — To insert —

(d) the name of the person or entity that holds the licence.

I think this is a great initiative; I am very supportive of it. However, I would have thought anyone seeking to search a database or register like this would want to know key information such as who is the owner, the company or the entity that is responsible for the licence and therefore responsible for the operation of the premises. There are people out there who want to make choices about where they spend their money. They might want to spend it at a Western Australian-owned business or at a family business or some other such entity. These days, given the way retail operates, large companies have many different forms of branding where, ultimately, the profits go back into one pool. I put to the house that this kind of data will be of great value to consumers and indeed people wanting to enter the industry. For example, someone wishing to open a takeaway liquor outlet or a pub within the vicinity of one of the major multinational or national corporations, might think twice about it given those types of corporations would have the capacity, if you like, to undercut pricing, and go really hard to ensure the new business

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does not do very well when the new owner opens up with very high overheads. A very big corporation will have the financial backing or the financial capacity to run a program of cheap meals, free entry, free music—all those sorts of things—so that a competitor coming into the market could pretty much be cobbled at that entry point.

I would say that knowing the name of the entity to which a new owner might be opening up their licensed venue next door would be of great value to people. I think I have made the case why I think this is important. I see the omission of the name of the person or entity holding the licence as an oversight. I hope the minister will entertain accepting this amendment or, at least, if he is not going to accept it now, do some work between the legislation passing this house and being transmitted to the other place to have this amendment accepted when the bill is dealt with in the other place. If the minister looks at what I am suggesting, he will see that it is very logical information to make available to the public. It is in keeping with what I perceive is the intent of this register. I applaud the department for bringing this amendment forward; it is a terrific idea. But this one insertion will enhance the information that the minister is seeking to make available to the community at no risk to any individual involved because it is about only the business premises, not about where someone lives, their personal address or any other personal information except that they own one of the licences granted to them by the government provided they act in an appropriate manner.

**Mr P. PAPALIA:** I am not suggesting that what the member is proposing is not necessarily a good idea or not a reasonable thing. But because she has raised it only now at the conclusion of a significant amount of consultation and some of the amendments standing in my name and others that might be moved have been subject to legal advice and advice from within the industry, I am not prepared to accept this amendment without having the same opportunity to seek input from the very large range of people within the sector whom we have consulted to determine whether it will have some unforeseen impact on the people most directly affected. That is all. I am not rejecting it because I am being nasty. I think I need to seek that advice and I do not want to compel my agency and my office to achieve that in the next couple of weeks between now and when this enters the upper house. I am comfortable that should it be determined that this is a future valuable amendment, I will pursue it. This is not the only time I intend amending the Liquor Control Act. I know it has not been amended much in recent times but there is nothing to say we cannot make minor amendments beyond what we are doing now. I expect some of the things we have done will be worthy of reassessment in the near term to determine whether they have gone far enough or too far and the like and we might be tweaking them or changing some of the things we have introduced. This may be, for instance, one of the things we could do but I am not prepared to accept it at this stage.

**Ms M.M. QUIRK:** I hear that the minister will get some instructions about whether the amendment will be acceptable. I wonder whether during those instructions he could determine whether the word “licence” should be spelt with an S or a C. My understanding is it should be a C.

**Mr P. PAPALIA:** Thanks member. That is right.

**Amendment put and negatived.**

**Clause put and passed.**

**Clause 20: Section 38 amended —**

**Mr J.E. McGRATH:** The bill refers to “licence of a kind prescribed”. What licences will be prescribed under this proposed section?

**Mr P. PAPALIA:** The nature of the licences to which it refers are those at the front of the bill. Sorry; I have misunderstood.

With respect to what are deemed low-risk premises, the actual nature of the premises yet to be determined are subject to discussion and consultation around the regulations. I have indicated a number of times publicly that the type of venue that might be included would be a small bar, a sporting club or a race club—venues of that nature or some other description that represent a low risk.

**Mr J.E. McGRATH:** The minister always looks at me when he is talking about race clubs. Why is that?

**Mr P. Papalia:** I see horses when I look at you.

**Mr J.E. McGRATH:** He sees the Melbourne Cup, Bart Cummings and famous Australians.

**Mr P. Papalia:** I do. I see a Melbourne Cup winner in your future.

**Mr J.E. McGRATH:** I gather this is the section in which the minister and the government are saying they are very focused on tourism in our state at the moment and will give tourism a seat at the table for decision-making with regard to liquor applications, which we in the opposition think is a good idea. We support tourism and we have to make our city and our state the premier tourism place to be. Proposed section 38(4)(b) states —

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whether the amenity, quiet or good order of the locality in which the licensed premises or proposed licensed premises are, or are to be, situated might in some manner be lessened; ...

It is about the lessening of amenity, quiet or good order. But then proposed subsection (ca) will insert —

any effect the granting of the application might have in relation to tourism, or community or cultural matters; ...

How much weight will the tourism aspect be given if there are concerns about amenity, quiet or good order in the locality where this venue is applying for a licence? How will it be weighed up? If the government states that a facility would be fantastic for tourism and has great tourism value, but the locals who live nearby say that it will affect the amenity, quiet and the good order of their locality and they do not want this, how will the two be weighed up?

**Mr P. PAPALIA:** Currently, when considering a public interest assessment, the director takes into consideration a number of things, including harm or real health that might be caused to people or any group of people due to the use of a liquor; whether the amenity, quiet or good order of the locality in which the licensed premises or proposed licensed premises are, or are to be, situated might in some manner be lessened; whether offence, annoyance, disturbance or inconvenience might be caused to people who reside or work in the vicinity of the licensed premises or proposed licensed premises; and any other prescribed manner. We are specifying that any effect the granting of the application might have on tourism, community or cultural matters is being included in an effort, as the member acknowledged, to elevate the consideration of tourism and give the director the opportunity to consider those benefits and determine, subject to all of their other considerations, whether they will approve the proposal. In the past it has not specified the tourism benefits. We are specifying and giving them that consideration. It is a signal indicating to the director that we value those outcomes and we are endeavouring wherever we can to insert them as considerations that need to be observed.

**Mr J.E. McGRATH:** It reminds me of a recent licence application for a floating bar on the river opposite South Perth. A lot of members of the local community were against it.

**Mr P. Papalia:** Blokes who own soccer teams were against it.

**Mr J.E. McGRATH:** I did not get involved in it because it was going to be a fair way off the South Perth foreshore and I noticed that the approved model was the smaller model, not the bigger model. If the wind blows from the west, we would not be hearing anything, because the sound would be going to the other side of the river. There was a community backlash against it, and I notice it got approved. That is fair enough; that is the process. In making that decision, would the director general say whether the opposition to this proposal was taken into account but that the director general also thought that consideration was outweighed by the tourism value that this venue would bring to the City of Perth? Would that be outlined in the reason for the finding or does he not have to give a reason for the finding?

**Mr P. PAPALIA:** I am informed that the director does indicate the reasoning. In this case it is under the standing legislation, so clearly it would not have incorporated this particular subclause as a component of the consideration. By the way, the large one got a liquor licence but it did not subsequently receive approvals from other agencies for other reasons.

**Mr J.E. McGrath:** The Swan River Trust and such things?

**Mr P. PAPALIA:** Yes. It was the approval from Department of Biodiversity, Conservation and Attractions that did not get up. As a consequence, it did not go ahead, but the smaller one I think may still be seeking a liquor licence. It got its proposal approved in advance of a liquor licence, I think. I am not sure about that, so do not quote me. With regard to the application—because it is an interesting particular example that the member gives—I am aware there was public commentary on the benefits from a tourism perspective because the Tourism Council WA supported it. I am pretty certain the agency may have also supported it, but it was not given the opportunity, or the director was not necessarily given the guidance, that is provided by this proposed subclause at that time. I am told that the director general does outline the reasoning.

**Dr M.D. NAHAN:** As I understand it—the minister can confirm it—this amendment is to provide a space to exempt prescribed uses from the public interest test process.

**Mr P. Papalia:** Which one is the member referring to?

**Dr M.D. NAHAN:** Clause 20 amends section 38(1), to provide only licences of a prescribed kind need to satisfy the licensing authority.

**Mr P. Papalia:** That is not the component the member for South Perth was talking about.

**Dr M.D. NAHAN:** Yes. Is the minister going to therefore identify certain classes of venues or services as prescribed and allow others to be non-prescribed to go through without a public interest test? Will there be classes,

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like the minister mentioned, and prescribed types, as I understand it, that will not need to go through a public interest assessment?

**Mr P. PAPALIA:** The prescribed kinds of premises will be required to conduct a public interest assessment and go through it. However, even if a non-prescribed type of venue is deemed by the director to be worthy of some public interest assessment, they can compel it to comply and conduct one or submit themselves to one. It does not exclude them completely if the director believes there is a necessity.

**Dr M.D. NAHAN:** The minister mentioned racecourses a couple of times—when he looked at the member for South Perth—and clubs; they vary immensely. I want to see how this would be implemented. I am not against it; it is a good idea to deregulate, but I just want some description of how a class will be identified and would it be difficult to get a blanket exemption. I am not sure, especially for racecourses or clubs. Clubs vary so much. How would that be worked through?

**Mr P. PAPALIA:** When I say clubs, I am talking about footy and sporting clubs and the like; I am not talking about nightclubs.

**Dr M.D. Nahan:** I am talking about footy clubs and RSL clubs.

**Mr P. PAPALIA:** The Leader of the Opposition is right; there is diversity amongst those different categories; however, the discretion to submit a proposal or a proponent to a public interest assessment will always reside with the director. There will always be the opportunity for the director to determine that they might put a bit more scrutiny around a particular proposal, and that is a flexible way of doing it. The intent, though, is whenever possible to exempt and determine through the consultative process what we view as being a low-risk proposal from the public interest assessment.

**Dr M.D. NAHAN:** If a club was identified—let us say a footy club, of the un-prescribed type—does it need to go to the director of Liquor Licensing and say it wants a liquor licence? So, they still have to get a licence, but is the minister saying that it is the prerogative of the director whether it has to go through a public interest test or not?

**Mr P. Papalia:** Yes.

**Dr M.D. NAHAN:** What about pop-up bars; how do they fit into this? Are they covered by this?

**Mr P. Papalia:** No.

**Dr M.D. NAHAN:** No. Do pop-up bars need a temporary liquor licence?

**Mr P. Papalia:** Yes.

**Dr M.D. NAHAN:** Where are they covered in this bill?

**Mr P. Papalia:** They are not in this clause.

**Dr M.D. NAHAN:** I know, but where in the bill?

**Mr P. Papalia:** Pop-up bars are covered in the bill. In fact, we discussed them earlier. Do you want me to stand up?

**Dr M.D. NAHAN:** Yes.

**Mr P. PAPALIA:** We talked about pop-up bars earlier in debate on the bill. Our intention for pop-up bars in this amendment to the Liquor Act, as opposed to some other measures to address concerns about the impact of pop-up bars in established venues, was to empower established venues and give them an additional opportunity to engage in the pop-up market without having to meet some of the obligations that pop-up operators who do not have an established venue have to meet now. We are giving a little bit of a hand to established venues with a view to trying to enable them to overcome some of the challenges they have encountered since the scale, size, frequency and regularity of pop-up bars has increased in recent times.

**Mr J.E. McGrath:** Is that clause 32, is it?

**Mr P. PAPALIA:** Yes.

This bill is not doing anything to limit pop-up bars. I know that most people in this place would have been canvassed by established venues expressing concerns about the impact on their businesses, and I am sympathetic to their concerns. As a measure of response, we have tried to empower them and give them a bit more of an opportunity. I think there needs to be a further response to the impact of pop-up bars on established venues, but we are not doing that with this bill. It is not necessarily the right place to do it, because a lot of the responsibilities reside within local government. The government is working on measures to address that challenge at the moment.

**Dr M.D. NAHAN:** One of the complaints of established bars, particularly in Northbridge, including small bars and others, is that the pop-up bars do not have to meet the public interest test or adhere to the same standards that

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they do. There is a whole range of other complaints about them—for example, they cherry-pick the time of the year they open; they operate not just on an event basis, but on a rolling basis; and they create their own events. The data shows—the minister would have been provided with this data too—that current capacity for pop-up bars in the CBD of Perth is 15 900 patrons as of February this year, and that compares with the capacity for 7 900 patrons in all the pubs in Northbridge, so the pop-up bar capacity in February this year was the equivalent to 45 suburban taverns, which is a large increase in overall capacity. There are issues. One of the issues is that they do not need a public interest test and that is why I raised it in this capacity.

**Mr P. PAPALIA:** We have obviously been consulting through this process with all the parties impacted by pop-up bars at the moment. I can tell the Leader of the Opposition that we are convening a forum of all affected parties to tailor our response to the challenges posed by pop-up bars in the near term—I think in two weeks' time. I think my office is hosting it. That issue was raised with us as recently as this morning by peak bodies. I am aware of that issue and I am aware of a lot of the other obligations that operators of pop-up bars who do not have an established venue do not have to meet. I do not think that in many regards they incur anywhere near the same sorts of costs. It could be argued that they do not make the same sorts of contributions to the community by training people, employing them long term and paying rates. I think that is an issue. I absolutely agree and we are working with industry and peak bodies across government portfolios to come up with a solution, and it will be near term. This legislation will not address that. There might be some criteria around the nature of what is deemed to be a pop-up bar, what is deemed to be a festival and that sort of thing, and whether or not they are subject to public interest assessments. All of those things will be ways of addressing the issues. We do not have to put it in this legislation right now. If we do need to amend this legislation further, we will and we will do it rapidly, because I do not think it would be a significant amendment. We need to do that consultation. We need to get all the players together and determine the best way forward, but we are very sensitive to that issue.

**Dr M.D. NAHAN:** I turn to another issue. Let us say a sporting club is an un-prescribed venue and that gives the director the ability not to have a public interest test and it is allowed to open. I do not think too many of them are opening—they are pretty well established now—but let us just use that example. What happens is that the nature of the club changes. In New South Wales, the Returned and Services League of Australia and sporting clubs, particularly when they have pokies, get huge and they change; sometimes things change in this instance. Is there an ability for the director to review the requirements of a licence if the nature of the premises or service changes?

**Mr P. PAPALIA:** I am advised that there would be a number of obligations under the conditions of its licence. Its licence conveys upon it not just rights and opportunities, but also obligations, so if things shift and the nature of the operation changes significantly in the way the member referred to, it would be subject to a reappraisal by the director. As I said before though, the director retains the ability at any time to apply a public interest assessment on any of these types of licences. We are not precluding them from doing that; we are just trying to remove the automatic obligation on a whole lot of lower risk applications.

**Mr J.E. McGRATH:** On that subject, I do not know what club it was, but it was raised with me one day just in passing that there was a local amateur footy club and it applied for a liquor licence.

**Mr P. Papalia:** Sorry, which club?

**Mr J.E. McGRATH:** It was a local amateur footy club in the western suburbs somewhere—it might have been Wembley; I am not sure. The local residents opposed it and the club had a lot of trouble getting the licence. I still do not know whether it got one. It was a big club. Some of those clubs need licences. They are not really high risk. They have responsible service of alcohol and all that stuff; they are not like nightclubs. Sometimes there is a group in the community that does not want something over the road from their house or their district and that will make it difficult. When the minister says to us that this legislation is possibly looking at footy clubs and all those clubs—we understand small bars—can he give us some example of what it might entail? What sort of questions have been asked of the minister? What might this amendment to the act be able to deliver to these clubs?

**Mr P. PAPALIA:** The whole objective and intent of this amendment bill is to reduce the burden of red tape on people and to reduce the process. As far as possible, we will identify what categories of licence might be worthy of being considered low risk. That will be done through the consultative process. I have already stated many times that I view things such as football clubs as potentially being deemed low risk. It is always subject to whether the director might have brought to their attention a history of bad behaviour or bad incidents, but generally I would expect something like a football club to be exactly the type of entity that will benefit from what we are trying to do here, which is remove unnecessary obligations. It will also assist the director because it will remove the burden of having to conduct public interest assessments on a range of licence applications. Both sides will benefit—not only the applicant, but also the administration. I cannot specify exactly but I have stated quite regularly that I would view a football club of the type the member described as being that sort of beneficiary.

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**Mr J.E. McGRATH:** When the government prescribes these various outlets or facilities, does the minister intend that sporting clubs or football clubs or whatever might be under that prescription?

**Mr P. PAPALIA:** Yes. Again, the director will always have the opportunity, should something be brought to their attention or if they become aware of a need, to apply a public interest assessment, but generally the intent is to remove the categories so that we speed things up and make them more flexible and liberal, to encourage vitality and vibrancy, and to save people time and effort.

**Ms L. METTAM:** The minister mentioned that pop-ups might be determined according to some categories utilising regulation through a departmental process. Will the government's new approach to pop-ups guide in which cases public interest assessments will be applied? What sort of categories is the minister talking about?

**Mr P. PAPALIA:** That is not in this bill. Pop-ups, as they relate to this bill, empower established venues to engage in the pop-up market. It will remove obligations that they might otherwise confront and will give them a little bit of an advantage. We are trying to balance the field in a way. The conversation I had with the Leader of the Opposition was about a forum we will have in two weeks' time outside of this process. It will be a forum with industry and other government agencies to discuss how we might deal with the pop-up issue. I anticipate that the best thing will be to have this pop-up category that will apply to established venues—with a set of criteria around them, which will allow them to engage in those opportunities that they currently cannot or that currently incur a lot of costs—and some other category dealing with pop-ups, the likes of which there has been much concern around, which are run by people who do it as a business but infrequently and just for festivals or on sites that are not related to an established venue. I imagine that there will be two categories, but the consultation will be a separate process that we will be doing in two weeks' time.

**Ms L. METTAM:** Will there be scope to refine the definition of what constitutes a tourism need or event? The minister talked about the industry's concern. Though we are looking at reducing the burden on the temporary bars, there has been a significant impact, which the minister obviously recognises, on established venues, which have to jump through all the hoops, train staff and go through public interest assessments that temporary venues or virtual bars are not required to do. Will there be an opportunity to refine the meaning of a function in section 3 of the act to address the concerns of the tourism sector?

**Mr P. PAPALIA:** There may be and that might emerge from the discussions with the forum we will conduct in a couple of weeks' time, but it is not in this amendment bill. We do not intend to address the issue that the member referred to in this amendment bill. More work needs to be done in consultation with a lot of different players about how we can address the wider issue of pop-ups. I am sensitive to the whole thing. I have met with people who have been impacted by pop-ups and I have a great deal of sympathy for established venues that have been impacted. It will be a process of drawing on the support of other agencies such as local governments. Other players are involved. We want to bring them together with the peak bodies and the representatives of the people who are affected.

**Ms L. METTAM:** What confidence could the industry have that the minister will take their concerns on board and make adjustments or support it in the current environment given that we are in consideration in detail at the moment and the minister is talking about having a comprehensive level of consultation after the fact?

**Mr P. PAPALIA:** We have met with the Australian Hotels Association, small bars, nightclubs and the big-end—all representative peak bodies. I met with the AHA as recently as this morning and discussed this very matter. These groups are aware that it is not in this legislation. They are also aware that we are taking measures in this legislation to support and enhance opportunities for established venues with regard to pop-ups, but they are aware that we do not view this as the time to address the specific matter the member for Vasse has referred to. All the matters she raised are legitimate. I have heard them from a number of different players. We want to engage in a consultative process that will bring an across-government response to it and will seek out the views of industry and will address its concerns, but it is not being done in this bill. They are comfortable. They can be assured that we recognise the concerns. I am very sympathetic to it. That is why we put the things I believe we could do in this bill. There are potentially other avenues to address the matters the member is talking about. We will do whatever we can to come to a fair resolution of the challenge.

**Mr J.N. CAREY:** Following on from the member for Vasse's comments, my understanding is that through the roundtable discussions it may not necessarily require significant regulation. I give the example that some of these pop-ups are on land that is controlled by the government and the Metropolitan Redevelopment Authority. In fact, perhaps the MRA overstepped the mark in allowing some pop-ups—for example, at Elizabeth Quay. I understand that one event was given up to 8 000 people, which is half of the 15 000 for pop-ups. Through roundtable discussions we could see some caps introduced on government-owned land that would cater for more than 50 per cent of the pop-up season this year. Could the minister indicate whether they are part of the discussion? We seem to be focused on regulation as opposed to looking at existing land use and caps.

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2018]

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**Mr P. PAPALIA:** Yes, member; that is exactly right. There is more than one agency and more than one avenue to address the challenge. I recognise that, which is why I do not want to incorporate it into this bill. It is not the appropriate place to deal with it. We have used this bill to empower established venues—give them more opportunities. With our roundtable conference and engagement with industry, we are seeking to come up with a solution that might incorporate a whole range of different avenues to address it. It may well be the land use by the Metropolitan Redevelopment Authority or some of the proposals that the member for Vasse raised. That may then lead us to make further amendments to the Liquor Control Act if we need to make any further changes, but they will not be huge, onerous or time-consuming. I do not think we will have to fear that the response will not be rapid enough. I think we can do things that will address some of their concerns in the near term and come up with a fair solution by seeking advice from and working with industry, other agencies and other ministers. I will reiterate, as requested by the member for Vasse, and put on the record again our recognition of the problem. It is an issue. I am sympathetic to established venues. I believe it is in all our interests to have vibrant and sustainable entertainment precincts. They are essential for tourism; I have an interest in that. These are all small businesses and, as I indicated earlier, they make a significant contribution by training people, employing them full-time and contributing in rates and the like, which other players may not be doing. I think we have a duty to address their concerns, but it needs to be balanced. The community has embraced the concept of and opportunities represented in pop-ups so whatever we come up with needs to be fair. I think that the roundtable and working with industry is the solution. That meeting is in two weeks; it is not something that I just made up. It will be addressed. People in the industry can be comfortable that we are responding to their concerns.

**Mr J.E. McGRATH:** I am happy to hear about the roundtable conference and might I ask that the minister invites the City of South Perth to come along? I see the Minister for Local Government here and I think a lot of us are forgetting that local government can play a very important part in this pop-up argument because a lot of pop-ups happen on local government land and they have to get approval from the local government to erect their structures in the first place before they can even apply for a licence. In South Perth, quite a lot of construction was going on in the Mends Street precinct, which impacted very heavily on local traders. At about the same time, the Embargo Container Bar made an application to the City of South Perth for a pop-up bar. With all due respect to Elizabeth Quay, I must say that I think the Embargo Container Bar was the most popular of all bars because it was in South Perth with a great view. From the Embargo bar, people could look at the city; from Elizabeth Quay, they look at the other side of the river.

**Dr M.D. Nahan:** They look at South Perth.

**Mr J.E. McGRATH:** Yes, they look at South Perth; a great precinct! It was hugely popular and it had a massive impact because people were going there not only to drink; they could get food and all that. Thousands of people went there. When Embargo applied to come back again the following year, the City of South Perth said, “No, we can’t have you. We’ve got to support these traders.” The Town of Victoria Park accepted their request and Embargo bar was forced to go up there near the Causeway Bar. Councils will have a big say in the future of pop-ups and I personally think that there is a place for them but some definitions have to be put in place, which I am sure will come out in our discussions. What is a carnival? What is an event? For the Fringe World Festival, I have no problem with pop-ups; it is a festival. But for a pop-up to say that it wants to start a bar down on the South Perth foreshore for 12 weeks of the year in the middle of summer, that is not an event. Can the minister make sure that the City of South Perth is involved in those discussions because as it is for the MRA, it is an important process that has happened in the city that I represent in my electorate? Some big questions hang over the future. I am sure that the minister’s discussion will be at least a step in the right direction but, as I said before, pop-ups are a bit like Uber and Airbnb. They are a new phenomenon, which I think has snuck up on us since the review was done under our government, otherwise it would have been in that review and some recommendations would have been made. I am glad that the minister has given us an assurance that he will come back to this issue.

**Mr P. PAPALIA:** I would not commit to getting the City of South Perth but I will say that we will get the Western Australian Local Government Association as the peak body, because whatever solution is arrived at has to be something that can be applied right across the state and the member has a specific interest there. It is of importance to his city, but it is also important to other local governments and I think our solution needs to accommodate seeking WALGA’s input as a peak body. That will be all right; I will ask WALGA to ensure that the City of South Perth is consulted as part of the process. I concede and agree to all the things that the member said. The intent of the roundtable is to determine a way forward to help established venues and still allow pop-ups, but that is different from the pop-ups that are in this bill and I think, ultimately, the solution that we arrive at will identify two types of pop-up. There will be the ones that are associated with established venues and there might be these other ones that are like businesses attached to festivals and the like. There might be a range of definitions around obligations that they have to fulfil to be a pop-up.

**Extract from Hansard**

[ASSEMBLY — Wednesday, 21 March 2018]

p1111a-1123a

Mr John McGrath; Mr Paul Papalia; Mrs Liza Harvey; Ms Margaret Quirk; Dr Mike Nahan; Ms Libby Mettam;  
Mr John Carey; Mr Peter Katsambanis

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**Dr M.D. NAHAN:** I understand that local governments have an impact and the member for South Perth said that the MRA has significantly supported pop-ups. They are often spun away from events. They are very popular, so it is a big issue. I wonder why they are not addressed in this bill. The legislation is a major piece of reform. It deals with a whole raft of issues and this has been going on for two years according to the people in Northbridge. They have had the worst two years, including this year, of services ever in terms of results and it is in part—only in part—due to the proliferation, particularly in the last year, a very large pop-up venue for over 5 000 people. I wonder why this was not addressed in the bill.

**Mr P. PAPALIA:** I will restrain myself. The proliferation and expansion of pop-ups was largely under the control and at the behest of the MRA under the Leader of the Opposition's government. It is undeniable that the reason —

**Dr M.D. Nahan:** You've been in government for 12 months.

**Mr P. PAPALIA:** Hang on a minute. It is undeniable that the reason the MRA was pursuing pop-ups with such vigour was that there was a big expanse of grass down near the river that cost half a billion dollars and nothing was going on there. There was an intent to try to make it look like something was happening—that the taxpayer had not in fact invested half a billion dollars for some grass near the river, but that some sort of tourism precinct had been developed. The truth is that it was a bad business model. Unfortunately, members opposite created it. To suggest that it has happened only in the last 12 months is an extraordinary aspersion that is completely ridiculous and defies all logic. If anybody in the industry is suggesting that the last 12 months is when their problems have occurred, the Leader of the Opposition can send them to my office and they can come and thump the desk in front of me. I will happily meet them and explain the reality. I know that the industry players we have consulted and all the peak bodies that represent every one of the players in Northbridge are thankful that we are doing something about empowering them. They would like pop-ups to be addressed but they do not attribute blame to us for the pop-ups. They do not attribute blame to us for the costs to their businesses. For eight and a half years—actually, that is not true; for five years under the Leader of the Opposition's government, pop-ups proliferated because the MRA drove the whole pop-up agenda to make it look as though something was happening at Elizabeth Quay. That is an undeniable fact. Ask anybody in the industry and they will confirm that. The previous government has responsibility for that.

It has been just over a year since we got into office. We are bringing to Parliament some legislation to help pop-ups. We are having meetings across other portfolios because the way to deal with this issue will reside mostly in other portfolios; it is not just associated with liquor licensing. There are more avenues to address this and multiple measures can be employed across multiple portfolios. The proper way to do it is to consult and then determine a way forward.

I cannot believe the Leader of the Opposition had the bald-faced affront to stand in Parliament and make that suggestion. I have introduced to Parliament some measures to help established venues. I was the only one talking about this issue. I did not hear you guys talking about it. I talked to the sector about it. I assured those in the sector that I was trying to help them out. I have been meeting some of the players in the member for South Perth's electorate who have been damaged significantly by Embargo Container Bar and the like. They would have me ban it altogether, but I cannot do that. I have said that we will try to provide balance and opportunity for them. There are other measures that we will take in consultation with them and other players in the industry to develop a fair way forward so that the community that has embraced pop-ups as a phenomena and as an opportunity that provides them with alternative venues gets the opportunity to attend those sorts of venues, but it is done in a way that is more controlled and has less impact on our established hospitality venues and also our established hospitality precincts, because they need to be sustainable. I cannot believe that the Leader of the Opposition had the temerity to do that. It is just extraordinary. It was just a ridiculous assertion. The previous government almost single-handedly destroyed some of those businesses through some of the works that were done down the road on Barrack Street and, at the same time, it enabled pop-ups to rip their clientele out of Northbridge and send them down towards the river for the summer months so that it could make the ridiculous claim that more people went there than to the Colosseum, because their mobile phones were being registered on a phone tower. It was a silly thing to say.

**Mrs L.M. HARVEY:** I get up after that spray from the minister. We have raised an issue that the minister has said industry has been raising with him for five years. The premise of the Leader of the Opposition's question was that if it has been raised with the minister over a period of five years, why did it not form part of this reform agenda? That was the only question and the minister has taken great umbrage at being asked it. He has said that this has been an issue for the last five years. That is why we are saying that, logically, the minister should be trying to resolve that with his first piece of amending legislation rather than just giving the Leader of the Opposition a spray for asking the question. We have been speaking to the big end, the WA Nightclubs Association and the hoteliers in Northbridge and they have no issue with Elizabeth Quay.

**Mr P. Papalia:** Who have you spoken to?

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**Mrs L.M. HARVEY:** We met a group. The members of that group said that they do not have a problem with pop-ups at Elizabeth Quay, Fringe World Festival or other festivals. Their biggest issue is that, in an economy that is struggling, discretionary spend has been limited. In Northbridge, a rolling licence has been given to the same operator, who changes the name of the event that it is running pretty much every three weeks. The event has run throughout summer, catering for 5 000 people and acting as a virtual bar, but with none of the public interest test requirements and the checks and balances that the bricks-and-mortar premises have. That happened over the 2017–18 summer. We got tossed out at the election in March 2017. A rolling occasional virtual bar licence has been granted to the same operator—I think it is Noodle Palace—from November 2017 through to the current time. That is the issue that the traders in Northbridge have brought to us. Those patrons who would ordinarily go to licensed premises in Northbridge just hang out in the street at Noodle Palace. In the context of declining discretionary spending, which is being felt across the retail and hospitality sectors, that has caused them a lot of grief. That is why we have raised the issue. They have said that it has been the worst this summer because turnover is down anyway. It has made a big dent. The minister has said that it has been an issue for five years. I think it was a perfectly reasonable question to ask. A lot of really good things in this legislation were recommendations of the 2014 review by the former government. Some new things have clearly come from the minister’s engagement with the various sectors in the industry and this omission of managing the pop-up scenario is glaring. We have pointed it out. We accept that the minister has a meeting in two weeks and that those businesses in Northbridge will need to wait even longer. When it comes to a pop-up solution, why on earth would a business spend 52 weeks of the year trying to get people into their premises and then operate a pop-up and drag people out of those premises to go somewhere else?

**Mr P. Papalia:** Member, if you’re not going to address the clause, you’d better sit down, because you will be sat down by the Acting Speaker.

**The ACTING SPEAKER:** Minister, thank you.

**Mrs L.M. HARVEY:** I think we have made our point. However, what I would like to say about proposed section 38 is that it will completely remove the public interest test requirement for every licence, except licences that are prescribed. Is that correct?

**Mr P. Papalia:** Do you want me to speak?

**Mrs L.M. HARVEY:** Yes.

**Mr P. PAPALIA:** Firstly, it is just incredible for members of the opposition to assume that they suddenly fell out of the sky and landed on earth to find that none of the things that they are responsible for are their responsibility. It is one thing to do it with regard to the debt, but it is extraordinary to do it with regard to pop-ups. The opposition needs to understand that it caused this problem. We are working on the solution.

**Mr S.K. L’Estrange:** What is the solution, minister?

**The ACTING SPEAKER:** Minister, through me. Please address the question asked by the member for Scarborough.

**Mr P. PAPALIA:** In an effort to make it look as though something was happening at Elizabeth Quay, the previous government engaged the Metropolitan Redevelopment Authority to spend taxpayers’ money to get pop-ups to expand down at Elizabeth Quay. That is what happened. As a consequence, people established businesses around the pop-up idea and were able to pursue that in other locations around the city, but, ultimately, it was caused by that decision of the previous government. We are dealing with the mess. Anyone in the hospitality sector who thinks there is a simple solution to this issue that can be addressed through the opposition proposing on the floor of Parliament some sort of amendment to an act that has been worked on for some time now is deluding themselves.

**Mr S.K. L’Estrange:** So you’re saying that your bill is perfect and can’t be scrutinised.

**Mr P. PAPALIA:** I am saying that we are addressing giving established venues opportunity. It is nice that the member has woken up and is paying some attention to the debate now. As I stated during my response to the second reading debate, we are addressing empowering established venues through this legislation. Addressing the challenges confronting established venues through the proliferation of pop-ups elsewhere and the runaway efforts of pop-up operators as a consequence of the previous government’s policies will take time. It requires not just one portfolio to respond; it requires other government agencies to respond, it requires local governments to respond and it requires industry bodies to provide advice and assistance in developing a solution.

That takes a little bit of time. It is not in this bill. We can do more than one thing at a time. Whilst the bill is going through the upper house, we will be working with industry on the solution, more broadly, for pop-ups. This is not the end of legislation in the liquor portfolio either. There is no reason we cannot do further amendments, particularly if they are not onerous in scale and complexity. But we need to consult with people. We need to talk to the people and players involved in all the industry to seek out their advice. Yes, the opposition reflects the views of people who feel they need an immediate response to have pop-ups shut down. I have met with people like that.

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Other people advocate for unfettered pop-ups. There is a solution, but it is not a simple one that will be arrived at through one portfolio. It is not going to happen through this bill, because we are doing this legislation now. We are empowering established venues—we responded. The previous government did nothing for eight and a half years, having caused the problem about five or six years ago when it started it. We have a response and we are helping established venues. In the meantime, we will meet with all interested parties and people affected to work on a solution.

**Dr M.D. NAHAN:** I think the minister is deluding himself, and that is our concern with this legislation. First, as the Deputy Leader of the Opposition indicated, the government claims that this issue has been out there for five years. According to the industry, it has been a serious issue for two years—it also says more—and it was accentuated this summer. In case the minister does not know, he was in government and he was the minister. We are puzzled that we are going through major legislation that deals with a whole range of things and one of the major issues affecting people with bricks and mortar, which the government is accentuating—it did not cause or originate it—which we have been told, is that the size of the venues has increased substantially, particularly this summer, over what they were before. It is not just Elizabeth Quay; there were two major Melbourne Cup events at Kitchener Park, which thousands attended, and Suited Up at McCallum Park, in South Perth.

**Mr J.E. McGrath:** It was at Sir James Mitchell Park.

**Dr M.D. NAHAN:** Yes, it was Sir James Mitchell Park.

These events are outside the Metropolitan Redevelopment Authority and the City of Perth, and the various pop-up originators are outside venues altogether. Our concern is that the government is not up to addressing the fundamental issue confronting the industry. We want some indication of what the minister thinks. If he thinks it was just under the past government, it is not happening here and it is just the MRA, he has the diagnosis all wrong. This is a fundamental issue. Why is this issue not addressed, at least in part, in this bill?

**Mrs L.M. HARVEY:** I return to the removal of the public interest test. Obviously, over those years that I was Minister for Police, I suspected that police may have had some objections to the removal of the public interest test. I am curious whether the minister expects that there might be more objections, or interventions, as a result of the removal of this test for certain types of licences.

**Mr P. PAPALIA:** Member, WA Police Force has not objected to the removal of a public interest assessment for low-risk categories.

**Mrs L.M. HARVEY:** Further to that, we are trying to get some clarity around the kind of licences that would be prescribed for having a requirement to satisfy a public interest test. Could the minister please give us some examples of the sorts of licences that would fit into the high-risk category as opposed to the low-risk category of licences that would fall outside the remit of this new amended section 38?

**Mr P. PAPALIA:** All the ones that are not low risk would be subject to a public interest assessment. All we are doing is removing public interest assessment obligation from the low-risk categories. So it does not matter what definition of category the other licences are; they will be subject to the public interest assessment because they currently are subject to it. We are trying to help the whole process. We are trying to liberalise and help small business. We are trying to remove onerous obligations from those categories deemed low risk, which will be determined in the consultation process.

**Mrs L.M. HARVEY:** Further to that, so that we can get an idea of the sorts of licences the minister is talking about, are the higher risk licences likely to be for a large takeaway alcohol outlet? Are they likely to be for larger venues that cater more to younger people? Are they likely to be a licence for a tavern in a regional town that might have a history of alcohol issues? Are they likely to be in lower socioeconomic areas or higher crime rate areas? How will it be determined which ones are high risk and would need to satisfy a public interest test and which ones are low risk? Is it determined on the history of the manager or the owner of the licence? Is it determined on the history of the venue? I am not having a go here; I am trying to get some sort of understanding of what licences are likely to be subject to the public interest test once the majority of low-risk licences are removed.

**Mr P. PAPALIA:** Currently all licences are subject to a public interest assessment. We are removing those that are deemed low risk. As I have identified many times, and I have explained to members, that will be determined in a consultative process during the development of regulations. So, those ones will be removed. All the others, as they are now, will be subject to a public interest assessment.

**Clause put and passed.**

**Clause 21 put and passed.**

**Clause 22: Sections 41A and 41B inserted —**

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**Dr M.D. NAHAN:** This clause does a number of things. Firstly, it establishes a new class of licence for small bars, limits the number of persons who can be on those licensed premises to 120, excluding authorised and responsible persons, and prohibits the sale of packaged liquor from this class of licence for small bars. Why was the figure of 120 chosen? Is there something specific about that? Secondly, why did the minister decide to prohibit the sale of packaged liquor? Some of these small bars might feel that that is a really good niche for them. They might specialise in, let us say, Margaret River wine. People might go to that bar to test wines from that region and might like to take some home. It seems to me a logical extension, particularly focusing on small bars, to enable small bars to allow people to take maybe a limited, not large, volume of packaged liquor home. I am interested in how the figure of 120 came about.

**Mr P. PAPALIA:** The 120 is an extant limit that was in place under the former government. I imagine that it can probably be traced to when the small bar legislation was passed in 2005. That is where that figure comes from.

**Dr M.D. Nahan:** Minister, have you looked at altering that at all? Did you get feedback from small bars on whether there was any need to alter that figure?

**Mr P. PAPALIA:** Some submissions suggested that they would like to increase the number. At this stage, we are not prepared to do that. Small bars receive benefits by virtue of extant legislation and potentially they will accrue benefits as a consequence of this legislation. In the event that we were to extend the scale and size, we would want a closer look at the implications. In the event that a venue wanted to sell packaged liquor, it would have to seek a different licence. That is reasonable, because the sale of packaged liquor is a different activity. The intent of the small bar legislation was to create small bars and the intent of this legislation is to empower them further to add to the vibrancy and diversity of our entertainment sectors, not to allow them to pursue another opportunity for a completely different activity. If they want to do that, they must seek a different licence.

**Dr M.D. NAHAN:** They are very diverse. There are way over 100 of these small bars now and they provide different things. Some of them struggle and are not, as I understand it, wildly profitable. They provide entertainment and outlets for a whole range of distributors of wine and other alcohol. It seems to me that it could be an extension of what they do. They could potentially specialise, as I said, in Margaret River wine, and it might be of economic value to them if they can not only have it on the premises, but also let their customers take it home. That seems to me to be a potential extension of their business. The feedback I get is that many small bar businesses need whatever extensions and enhancements they can get to be viable.

**Mr P. PAPALIA:** I do not think we have received any submissions about the capacity to sell self-packaged liquor, beyond having to get another category of licence. I agree that running a small bar can be challenging and that is why we are trying to make it easier for people to engage in the practice of establishing a small bar and benefiting from it. There are changes to some provisions to ensure that as much as possible they get to exploit their full capacity. We are removing people from the 120-person capacity—such as the licensee, managers, employees, agents and crowd controllers—so that small bars can go to full capacity. That is one little additional support that we are providing. I think the biggest single step forward will be the removal of the public interest assessment for applications. I think proponents of small bars around the place will see that as the big positive. That is the big positive they will view from this legislation. I do not think we are missing anything. I still think the potential risk associated with packaged-liquor outlets justifies a different category of licence if someone wants to pursue that.

**Mrs L.M. HARVEY:** Proposed section 41B(3)(a) states that the licensing authority can, of its own motion, cancel a tavern restricted licence and issue a small bar licence. In what circumstances is that likely to occur? Why has that provision been included in the bill?

**Mr P. PAPALIA:** I am advised that that provision is trying to help. A smaller sized venue with a tavern licence may find it attractive to shift the category of its licence from what it is currently to that of a small bar. We are trying to make being a small bar operator attractive and we are trying to give them some flexibility, and that is something they would appreciate the opportunity to achieve without great, onerous administrative obligations in changing licences. That is what that provision is trying to achieve. Beyond that, I do not think there is any motivation. It is there to assist people who might want to change their category to a small bar.

**Mrs L.M. HARVEY:** I understand the restriction on the sale of packaged liquor. I understand that amendments to the legislation will allow people to take home half-drunk bottles of wine that are not consumed on a premises by the end of their meal. Obviously people often buy bottled wine in the small bar environment and have a small meal of tapas with it. Is that same provision afforded to those patrons?

**Mr P. PAPALIA:** Yes, it is. It is very specific so that we do not allow them to become a bottle shop. Other interested parties were concerned that these amendments would create a problem, cannibalise business or create a competitor that is not fairly operating. If someone wants a packaged-liquor outlet licence, they have to get a different category of licence. In this case, yes, we have intentionally accommodated that.

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**Clause put and passed.**

**Clause 23: Section 44 amended —**

**Mr P. PAPALIA:** I move —

Page 16, lines 5 and 6 — To delete the lines and substitute —

- (b) supply, without charge, packaged liquor on the premises referred to in paragraph (a) as part of —
- (i) an accommodation, restaurant or dining service provided on those premises; or
  - (ii) a function or promotional activity conducted on those premises.

**Mr J.E. McGRATH:** Can the minister explain why this amendment has been moved? Is it to do with Crown Perth casino? If people go to Crown casino and their package includes a bottle of champagne upon arrival and they do not drink it, apparently it is illegal to take that bottle home. Will that provision apply to other hotels because there are deals with other hotels, or is that not against the law?

**Mr P. PAPALIA:** It specifically relates to the casino licence. It was drawn to our attention. In fact, I was standing outside the casino one night last year chatting to a couple of Canadians who had been staying and they made the point that it seemed very odd that although they had been given a complimentary bottle of wine, they were not allowed to take it back to Canada. The issue, which the casino raised with us, is real. What we have done is entertain the opportunity for the casino to also use its function facilities and the like and to have promotional gifts of wine that can be taken away. But we are not allowing it to sell alcohol to take away. It is not a packaged-liquor outlet. That is not the intent of what we are doing. There was some concern in the wider community that that would happen. That will not happen, but we are facilitating casino guests being allowed to take their complimentary alcohol with them.

**Mr J.E. McGRATH:** What would happen if I stayed at a hotel and I was given a bottle of champagne? Can I take that away with me?

**Mr P. Papalia:** You can do that now.

**Mr J.E. McGRATH:** Why could it not happen —

**Mr P. Papalia:** Are you talking about the Crown hotels?

**Mr J.E. McGRATH:** No, just any hotel.

**Mr P. Papalia:** Any other hotel can do that.

**Mr J.E. McGRATH:** Is Crown under a different section?

**Mr P. PAPALIA:** It was prevented specifically from doing that. We are fixing that.

**Mr P.A. KATSAMBANIS:** Yes, this applies to the Crown casino, but the regime for accommodation hotels is different. What is the regime for things such as bed and breakfasts and Airbnbs, which often provide a complimentary bottle of local wine, perhaps wine from Margaret River in the south west? What rules apply to them at the moment?

**Mr P. PAPALIA:** I am told that B&Bs are included in the exemptions to the act. This applies only to the casino's hotels. Until now its hotel guests have not been allowed to take away any complimentary bottles of champagne. This amendment addresses that. Did the member ask about Airbnb?

**Mr P.A. Katsambanis:** Yes, and now, I guess, to add to B&Bs, you also have Airbnb. Would the same rules apply as normal B&Bs?

**Mr P. PAPALIA:** They do not hold a liquor licence.

**Mr P.A. Katsambanis:** But they can give a bottle of wine as a gift. Is that legal?

**Mr P. PAPALIA:** They can, and so can the member give a bottle of wine as a gift and we do not regulate that. The member, though, has identified an issue with Airbnb: there are not many regulations governing them, and I share concerns around that fact. But with respect to alcohol, it is not as though we give them an Airbnb licence, so they are not currently subject to it. If they break the law with regard to alcohol in some other fashion or some other part of the act applies, they will be subject to the law. But with respect to it being an accommodation venue, I would imagine it is just like the member or me giving alcohol to someone.

**Mrs L.M. HARVEY:** I support the amendment because the way the clause read previously it looked as though the casino was going to be able to sell packaged liquor anywhere in its premises. Qualifying it by including “an accommodation, restaurant or dining service” or “function or promotional activity” clarifies the clause

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specifically and this amendment will not allow the casino to sell packaged liquor on or from the premises referred to in paragraph (a). It is a good amendment. I support it. I do not think anybody believes that a venue the size of the casino should be able to sell packaged alcohol from any bar within its scope.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 24 put and passed.**

**Clause 25: Section 48 amended —**

**Mr P. PAPALIA:** I move —

Page 18, after line 6 — To insert —

(ba) after paragraph (e) insert:

(ea) an up-to-date register of visitors (as defined in subsection (2B)) be continually available for inspection at the club premises; and

**Mrs L.M. HARVEY:** Who did the minister consult with prior to putting this amendment on the notice paper on Tuesday?

**Mr P. PAPALIA:** We consulted with Clubs WA and the Australian Hotels Association; they are specifically affected by the amendment.

**Mrs L.M. HARVEY:** You consulted with Clubs WA and the AHA prior to the amendment being lodged for inclusion on the notice paper on Tuesday? It was lodged, I understand, at 11.25 am.

**Mr P. PAPALIA:** Clubs WA and the AHA along with a range of other peak bodies have been consulted throughout this process. The specific nature of this amendment addresses what I think are very legitimate concerns regarding the need to monitor clubs' obligations around genuine travellers. We should be able to audit who is going to and being served at clubs and who is benefitting from the changes that we are making. Clubs WA is very happy that we are accommodating genuine travellers in the legislation and enabling it to do that. What we have done with a register of some description is to replicate what is extant in other jurisdictions, wherein they have genuine traveller provisions. It is not something that is extraordinarily onerous or unfounded. The consultation took place on the same day as the lodgement of the amendment; for Clubs WA, it may have been after the time of the lodgement, but it was that day. The AHA consultation was, obviously, on the same day as well.

**Mrs L.M. HARVEY:** I am glad that the minister has clarified that, because I am in receipt of a letter from the AHA dated 15 March, requesting that this occur. The amendment was lodged on 15 March at 11.24 am, which basically is complying with the AHA's request. Drafting an amendment takes time. I think it would have been appropriate that Clubs WA was called prior to the amendment being drafted and lodged on the notice paper. The minister has talked during consideration in detail of the bill a lot about the extent of the consultation the government has had, which is why we were somewhat surprised to find upon arriving at this place on Tuesday three additional amendments, including one that has been drafted and placed on the notice paper at the specific request of one of the participants in the industry without consultation with the sector of the industry that it is affecting. I put it to the minister that that is not a good look.

I know Clubs WA is supportive of this amendment now that it understands, having been contacted by the minister's office after finding out that this amendment had been lodged, that this is not going to be an onerous obligation on them. They have to keep a visitors' book anyway. The visitors' book will be expanded to include the registration of visitors who comply with the remit in the new subsection (2B). They are doing that. But I wanted to make the point that it would have been appropriate had consultation taken place prior to the lodgement of the amendment on the notice paper.

**Mr P. PAPALIA:** I think the consultation took place about an hour after lodgement. As the member has indicated, it is not an onerous obligation. It is exactly the sort of thing they already do. They keep a visitors' register. It is just a visitors' register. The AHA raised the matter with us, which legitimately raised the concerns of their members that clubs, particularly in country areas, should not be establishing themselves as alternative pubs. I think that it is quite legitimate for it to raise that as the peak body. It was a reasonable provision and a reasonable suggestion. I accepted that. I would have accepted it regardless of Clubs WA objecting to it. I would still have accepted it. I asked my office to talk to it and notify it of the additional amendment. It is not the grassy knoll or anything. It is an ongoing process. We have been receiving lobbying, proposals and suggestions from a lot of the players involved in or impacted by this legislation right up until today. I am sure that we will continue to receive those suggestions between now and when the legislation goes to the upper house. That is the nature of liquor legislation. It has an impact on a lot of people. There is a lot of interest in it. A lot of interested parties do not get

**Extract from *Hansard***

[ASSEMBLY — Wednesday, 21 March 2018]

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Mr John McGrath; Mr Paul Papalia; Mrs Liza Harvey; Ms Margaret Quirk; Dr Mike Nahan; Ms Libby Mettam;  
Mr John Carey; Mr Peter Katsambanis

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their proposals together until after a longer period of time than we would have hoped. The consultation has been prolonged, deep and effectively positive right throughout the sector. I do not think there is anything bad in it or a need to be disturbed by the fact that the consultation occurred an hour after the lodgement of the amendment. We cannot do everything at once.

**Mrs L.M. HARVEY:** I am mindful of the time so we might have to hold this over until after question time. Could the minister please outline what clubs will be required to record on the register as part of the registration process?

**Mr P. PAPALIA:** I am informed it will be date, name and place where the visitor is from and the signature of the visitor.

**Mrs L.M. HARVEY:** How did the minister arrive at the distance of 40 kilometres for the purposes of the definition of a “visitor” to a club? I understand we need to come up with arbitrary figures from time to time as we are drafting legislation. However, 40 kilometres could mean that people within a suburban electorate would be able to go to a club that might be running a promotional activity.

**Mr P. PAPALIA:** I am advised that the appropriate measure was deemed to be the distance between Perth and Yanchep and Perth and Mandurah, because we are trying to identify genuine visitors.

Debate interrupted, pursuant to standing orders.

[Continued on page 1146.]