

LIQUOR CONTROL AMENDMENT (PROTECTED ENTERTAINMENT PRECINCTS) BILL 2022

Committee

Resumed from 24 November. The Deputy Chair of Committees (Hon Steve Martin) in the chair; Hon Stephen Dawson (Minister for Emergency Services) in charge of the bill.

Clause 1: Short title —

Progress was reported after the clause had been partly considered.

The DEPUTY CHAIR (Hon Steve Martin): Members, we are in Committee of the Whole House, dealing with the Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022 and I bring to members' attention supplementary notice paper 90, issue 2, regarding this bill.

Hon PETER COLLIER: As I said in my contribution to the second reading debate, I intend to use this bill to bring down the government!

Hon Dr Steve Thomas: Excellent!

Hon PETER COLLIER: That time has arrived!

Hon Sue Ellery: Give it your best shot!

Hon PETER COLLIER: As I said when I started my initial questioning, I can deal pretty much exclusively with my concerns about the bill under clause 1, so I would like to today condense the points I raised last week and get some specific responses to some specific questions. The minister will remember that when I made my contribution to the second reading debate I went through a raft of areas with regard to the capacity of the Western Australia Police Force to actually implement this piece of legislation. In particular, I dealt with police numbers and response times, which reveal that police are already under pressure. That has been reinforced in the time since the house last sat. I went to address the WA Police Union yesterday and one of the biggest issues it has at the moment—especially given that it is dealing with its enterprise bargaining agreement—is with regard to police resourcing and the additional pressures that police are under.

Having said that, at face value this bill has merit, and that is why the opposition is supporting it. We like to think that anything that can be done to remove the last vestiges of crime in our social precincts is to be applauded, but I think there is a serious question mark over whether we can actually achieve that with this piece of legislation. In consideration of the points I have raised with regard to pressure on police resourcing, can the minister confirm that if someone is banned from one of the precincts—say, banned from Northbridge—are they also banned from the other four precincts?

Hon Stephen Dawson: By way of interjection, yes.

Hon PETER COLLIER: That individual will be banned from all five precincts, and this is the point I raised and that we discussed during this line of questioning last week. The Commissioner of Police commented that police know their patch. As I said, I am sure they do know their patch, but we are asking police from five precincts to know a patch that covers all five precincts in this instance. That is the first issue. The second issue is: even if they know their patch, they will be in that patch for only four years before being transferred, and there will be new officers coming in who will have to learn that patch and who is on the banned list. Can the minister advise, with regard to police knowing their patch and recognising the people on the banned list, what other tools will be available to officers to identify people on the banned list, in Northbridge or any of the other precincts?

Hon STEPHEN DAWSON: I actually went through some of this stuff last week, as I recall. I will do it again, but I do not propose to do it too often; I make that point again today.

Excluded persons will be flagged in the police incident management system. This also applies to sex offenders, suspended driver's licences and other warnings and alerts. Officers receive daily intelligence briefings and excluded offenders will be identified to officers. In Perth and Northbridge, those officers receive twice-daily briefings for Operation NightSafe. I mentioned last week that licensees using ID scanning equipment will be able to identify excluded offenders. If someone is issued with an exclusion order, they will be flagged on the incident management system, so if they come to the attention of a police officer somewhere else, they will be identified as an excluded offender. Obviously, there is a penalty associated with breaching an exclusion order, and that should be a deterrent to excluded offenders trying to enter a precinct: a \$12 000 fine and two years' imprisonment. If an exclusion order has been issued, it is mandatory, as per the guidelines, to complete an incident report. This incident report can be flagged on a district awareness dashboard to alert other districts that the named person has been issued an order. Persons with an exclusion order will also have an alert recorded against their name on WA police intelligence holdings, advising police who come into contact with the person that they are in breach of their order.

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Hon PETER COLLIER: I thank the minister, and I was aware that he went through that last week. I thought there might have been some additional information, based on what was provided last week, but there was not. If anything, that just reinforces my concern that I think it is going to be very problematic to implement this piece of legislation, particularly given that the minister has confirmed to the chamber that the number of individuals who will be captured by this legislation will be very small indeed. Having said that, I have a question about police resourcing. I have another question, but this will be the final question that I would like confirmation on with regard to police resourcing. As was confirmed in the briefing and by the minister last week, no additional police resources will be required to implement this legislation. Apart from Operation Heat Shield, which operates in the entertainment precincts, but primarily in Northbridge, what else will be available to the police in the precincts to implement this legislation?

Hon STEPHEN DAWSON: This is another tool that the police will have if they catch a person misbehaving in one of those areas. I can confirm that because of the way the bill is drafted, it is not envisaged that any extra human resources will be required to operationalise this legislation. That will not be needed. WA Police Force has made a significant effort to provide a digital solution in the form of a mobile and desktop application to operationalise the legislation.

Hon PETER COLLIER: Can the minister please tell me how many officers are currently utilised for Operation Heat Shield?

Hon Stephen Dawson: No. Although I have a police person here, I actually have Department of Local Government, Sport and Cultural Industries people helping with the bill. I do not have a generic police person to answer those types of questions. You probably got better answers from asking parliamentary questions than I can give.

Hon PETER COLLIER: I have the numbers for Operation Heat Shield; I am talking about the precincts. This legislation deals with five precincts, which is not an excessive number, with all due respect, and I would have thought that that information would be forthcoming because the police are intimately involved with this legislation.

Is the minister able to answer any questions on the regional operations group?

Hon Stephen Dawson: Ask your question and we will see if we can get you an answer.

Hon PETER COLLIER: I went through this last time, but will the regional operations group be used in any way to support the implementation of this legislation?

Hon STEPHEN DAWSON: I made this point last week. The regional operations group can be used as a surge capacity and can be deployed where needed, which may be at a protected entertainment precinct.

Hon PETER COLLIER: I am coming to a frustrating end, but that is fine. I also went through this last week. It was quite evident from the statistics that I provided during the Committee of the Whole stage last week that crime in the regions is extraordinarily problematic. The increase in the crime rates, particularly in Broome and Kalgoorlie, but across the board in regional Western Australia, far exceeded the increase in the metropolitan area. With that in mind, and as the minister said, consideration will be given to additional precincts in the future, which will be done by regulation. When will the additional precincts be considered?

Hon STEPHEN DAWSON: I am not sure whether the figures the member spoke about are for alcohol-related crime.

Hon Peter Collier: Yes, they are.

Hon STEPHEN DAWSON: Is the member confident that the figures he quoted related to an increase in alcohol-related crime in those places?

Hon Peter Collier: No, and I did not say that at the time.

Hon STEPHEN DAWSON: Okay. I am just clarifying that. The member cannot say it is comparing apples with apples if they were for general crime. The bill before us now is about dealing with alcohol-related crime. As I have indicated previously, other things are happening. Operation Regional Shield has been in operation in regional Western Australia. I spoke about the banned drinkers register and the work that is happening with that. The work on the banned drinkers register is about dealing with alcohol-related issues in the regions in which it is in operation—the Kimberley, the Pilbara and the goldfields regions.

On the expansion of the proposed five areas, it is fair to say that the government will monitor the situation and make a decision at an appropriate time.

Hon PETER COLLIER: It will be nice if people are going to areas where a crime is committed in Northbridge and Mandurah but the offender will not be included in the statistics because the crime was not alcohol related. That defeats the purpose of the bill, surely. Anyway, having said that, I am not going to get anywhere with this. That is my frustration. I will finish with this, and it will not require a response from the minister, unless he wants to respond. I have done an enormous amount of research on the police presence, police numbers and crime statistics in each of these precincts and presented them to this house. It is blatantly evident to me that we will have a problem

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with the implementation of this legislation. Although the opposition and I applaud and support the legislation, I acknowledge that it will be problematic to implement. I am not quite sure how we can overcome that rather than by either significantly increasing police numbers or having CCTV cameras on every single corner of every street in each of the five precincts. The intent of the legislation is honourable and has merit by making those entertainment precincts more family friendly and open to law-abiding Western Australians. However, if the government is relying on our already hardworking and overworked police officers to implement this legislation because the police know their patch, I think the government is setting itself up for a fall. That assumes that in some instances officers who have come into Northbridge, having been transferred from Widgiemooltha, will be expected to know who is on the banned list. I get it. It is exactly the same with sex offenders and a number of other offences, but in this instance it is specific to being in one of the entertainment precincts. The offenders will be able to quite easily precinct hop or go down the road from Scarborough to Hillarys or from Scarborough to Northbridge or wherever it might be. It is all good and well for the minister to say that a certain number of police officers involved in Operation Heat Shield or the regional operations group will be involved, but can the minister tell me how many of those officers will be involved in these various precincts, which I find extraordinary?

I will conclude on this. The minister mentioned at one stage that there had been over 600 expressions of interest from overseas officers, which is interesting. That is good and commendable. I hope we can get at least a couple hundred of those and that they will be qualified and experienced officers. The Department of Education tried to do that about 15 years ago under the previous Labor government and it was an almighty disaster. I hope the government does that and is more successful than the education department was in 2004–05. I also hope the minister gets a hell of a lot more than 600 because, as the numbers that I gave last week showed, 426 officers have resigned thus far this year. We have to assume that the number will be pushing 500 by the end of the year. If it is, and the government has had only 600 expressions of interest, the government will have to lift its game to get more officers on the beat.

The number of officers who are resigning in Western Australia at the moment is at crisis point. The reason it is at crisis point is not because of the amazing opportunities in the resources sector. That will always be an attraction to some people in the service industry, whether it be in teaching, nursing or the police force, but we have another far more serious issue relating to our police officers. Over 2 600 officers do not seek mental health support in Western Australia without there being a problem. That is even more of a problem because only 777 officers sought mental health support in 2019, two years earlier. Our police officers are under an enormous amount of pressure at the moment—they really are. We seem to be adding to their responsibilities.

As frustrated as I am, as I said, it will not dissuade me from supporting the legislation. I think the legislation has merit. However, I like to think that when the government reviews this piece of legislation and when it looks at other potential precincts, it should look at the impact that it has on police and whether it has been successful in identifying individuals on the register who have been banned and not just precinct hopping or making it harder for the police.

Having said that, I could potentially make further contributions as the bill goes through this chamber but at this stage, I will leave my comments there and say that I support the bill but I think its implementation will be problematic.

Hon Dr STEVE THOMAS: I note that my esteemed colleague Hon Peter Collier mentioned Widgiemooltha. Surely all the action in Widgiemooltha happens in upper Widgiemooltha. I am just trying to narrow down the exciting part of that particular township.

Hon Darren West: On a Wednesday.

Hon Dr STEVE THOMAS: Yes, on a Wednesday generally. For those of us who have partied in upper Widgiemooltha, we know that that is the centre of town.

Just before I move on to a couple of other issues, I think it has been indicated that we will certainly get through this bill tonight around the dinner break, or a bit after. I have a couple of lines of inquiry left on clause 1.

I think the minister made the comment—I wanted to confirm—that the focus of this bill is around liquor consumption. I understand that we are dealing with a “liquor bill”. I get the direction that Hon Peter Collier was going. Those crimes would potentially lead to what we would call a perpetrator being excluded. I suppose by the time they are excluded, they are convicted rather than simply suspected. Those things may or may not have an alcohol component. For example, a person could go to a nightclub region, drink zero alcohol beers, which I have taken to myself in recent years—a very handy thing when driving—commit a heinous act, become a rapist, is convicted and is mandatorily banned because of that act. That act does not necessarily involve the consumption of alcohol. That is not to say that I am opposed to the bill or what it is trying to do. I just make the point from the comments of Hon Peter Collier that although it is an alcohol-related bill, it is not necessarily the case that alcohol will have been consumed by some people who are banned from a certain area. I think that is a bit different from the banned drinkers register.

Hon Stephen Dawson: It is very different from the banned drinkers register. I was making that point that there is stuff happening in the regions at the moment. There is the banned drinkers register work and the section 64 work that is happening in relation to the Kimberley and the Pilbara. This is different; it is another tool.

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Hon Dr STEVE THOMAS: I thank the minister for that interjection. We would love to see the banned drinkers register beefed up and empowered. I am not exactly sure how it could be done; maybe it is a debate for another day.

Hon Stephen Dawson: Just on that one, we have actually just finished some consultation on that—we finished early in November—about how we would strengthen it, make it better or whatever. One of the frustrations has been that there have not been as many on the register as could be, so that work is happening at the moment.

Hon Dr STEVE THOMAS: I thank the minister. It is probably a good thing that I was not part of that consultation, being a bit infamous in my intolerance. However, I am happy to proceed in a forthright manner and we will see what the result is.

I will jump to my substantive question. I would basically like to finish off with the areas of monitoring and reporting of the process. I wanted to bring to members' attention something that I found interesting in my newsfeed today relating to news yesterday. It is dated 28 November. It looks like it was posted by one of the commercial television users at 6.31 last night. Headed "NSW man banned from every WA pub fined for fighting at Paramount Nightclub", it states —

A NSW man who was banned from every pub in WA was fined ... for getting into a fight at Paramount Nightclub in Northbridge.

Again, supporting Hon Peter Collier, potentially it is not the easiest thing in the world to keep an eye on everybody. Occasionally, someone will slip through the net. Again, that is not a criticism of the legislation; I am just indicating to the house that it is very difficult to apply perfectly. I am more than happy when it is not necessarily applied to perfection but there will be occasions when people will slip through. As Hon Peter Collier pointed out, it is impossible to know your patch completely—to know every person who should be excluded. I thought it was amusing timing of a television report that said someone slipped through the system, potentially. The person banned from every hotel and liquor outlet in Western Australia was arrested for starting a fight in a nightclub. I thought that was interesting. I do not necessarily expect the minister to comment on that but if he has some information, that would probably amuse me without necessarily going into detail.

I want to get to the monitoring and managing aspects of this legislation. In terms of the monitoring of police who are instigating—I am particularly looking at the short-term exclusion notices because they will be initiated by police on approval of a police officer who is an inspector or above—what is the reporting process when that happens? If a police officer says that John Smith needs to be on the register, the register is enacted and John Smith is excluded from the entertainment precincts for a period of up to six months, as set out in the legislation. Is it likely that a police officer might be able to set a time frame? Can I also check whether that police officer needs to confirm all of that time frame et cetera with the inspector? Let us start with that before we work out where the inspector reports to.

Hon STEPHEN DAWSON: We might have bits of an answer for the member. The member may have to ask his question again.

Hon Dr Steve Thomas: I will do some follow-up on the same area.

Hon STEPHEN DAWSON: A police officer can suggest a time frame. It has to be reasonable. It has to be proportionate. They will go to the inspector. The inspector would sign off and the inspector could vary that if they thought it was appropriate.

I return to the member's earlier comments about the guy from New South Wales. Did the member say he was from New South Wales but he was banned from every licensed facility in Western Australia?

Hon Dr Steve Thomas: Apparently. I am only going on what the news says, and that is always a dangerous thing.

Hon STEPHEN DAWSON: I have not seen it. I am not aware of it. We certainly cannot legislate for stupidity. People out there break the law every day. This legislation is supposed to be a deterrent. Some people will continue to try to break the law.

Hon Dr Steve Thomas: My point was that occasionally some people will slip through the net. I do not have a problem with that because you can't expect perfection and instant identification.

Hon STEPHEN DAWSON: We have great laws on the books generally in Western Australia, but often people break those laws. People do things, regardless of the laws. Even though we have police officers on the roads and speed cameras set up, people still do not wear their seatbelts or they speed. In practical terms, if a police officer sees an idiot doing some of these things in Northbridge on a Friday or Saturday night in one of these areas, they can check the person's name on their incident management system and they will know that the person has been either tagged or excluded from a precinct and they will be able to take action. That is really important.

The process will be that if a person comes to the attention of a police officer in an entertainment precinct, using the Commissioner of Police guidelines the officer will assess whether it is appropriate to issue a short-term exclusion order. The assessment will be based on behaviour or offending and the risk of the person continuing to behave in

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a way that may cause violence or public disorder or impact on the safety or welfare of others. The officer will then seek approval from an inspector. If the officer determines that it is appropriate to issue a short-term exclusion order, approval must be sought from a senior officer at the rank of inspector or above. The officer will need to provide relevant information to the inspector. The third step is that the inspector will give approval to the officer to issue an order, based on the commissioner's guidelines. Approval can be given verbally or in writing. It is not envisaged that orders will be issued on the spot except in exceptional circumstances. It is more likely that the order will be issued at the watch house after the person has been arrested.

The next step is that the police officer will issue an order. If approval is given by an inspector, the officer will issue an exclusion order. The officer serves the order on the recipient and provides information on appeal mechanisms. This process is likely to occur at the watch house after the person has been arrested. The next step is the appeal mechanism. A recipient can seek a review or variation of an order by the Commissioner of Police, with a term of one month or more by the Liquor Commission. A decision of the Liquor Commission can be appealed to the Supreme Court, as I indicated previously, but only on the question of law.

Hon Dr STEVE THOMAS: That was a good, comprehensive answer. The situation may arise when a perpetrator who has been taken to the watch house and has gone through a charge system, has been identified, and a police officer has put an exclusion notice on that person, and that has been ticked off by an inspector or above. I presume that it is not enforceable until the inspector has ticked it off?

Hon Stephen Dawson: Correct.

Hon Dr STEVE THOMAS: That would make sense; it would be awkward otherwise. It is nice to see common sense being applied. Before I get back to how the length of time is chosen—it is interesting that it is a variable amount—I will ask about the perpetrator who is then excluded. In theory, that perpetrator is most likely to be picked up next time if they continue bad behaviour. As the minister said himself, if someone is acting like an idiot, a police officer is unfortunately forced to stop them from doing so. The police officer asks for their identification. They then check it against the register and discover that they are on the list and that they should not be there. I presume that they are then arrested at that point for being in an entertainment precinct illegally. The issue then arises if they are not misbehaving when they are there. The guy from New South Wales probably managed to get into the nightclub, despite that he had been banned, because initially he was behaving, and it is not until afterwards that he was picked up. It is probably too much to expect police to recognise all of those people. Again, not too many will go through, but there is a possibility that they will be in an entertainment precinct and are behaving themselves. I do not think it is realistic to expect police to recognise them. It depends: if five people end up on the register, it is probably reasonable because their pictures should be up on the watch house wall; if it is 50 people, I do not think it is reasonable to expect police to pick them up. For those who turn up at the precincts and are not necessarily misbehaving, is there likely to be a form of crosscheck? I have seen the actions of the Corruption and Crime Commission and know that people's movements can be monitored. There is the possibility of monitoring people's mobile phones. Is that an option to see whether some of these people are arriving at nightclub precincts? They are not identified and they know they should not be there, but unless they cause a fracas of some sort, they are not likely to be excluded. Is there a way of monitoring that or is it simply the case that the police need to wait for them to misbehave?

Hon STEPHEN DAWSON: I go back to the member's earlier comment. If there are small numbers of these people, it will be easier for police to know who they are and to then act if they see them in the precinct. If the person is out on the street and they are not doing anything wrong and we have bigger numbers and the police do not know them, it is hard to know who they might be and whether they might be excluded without them doing something. However, I make the point that if they go into licensed premises, particularly bars and nightclubs, they will have their ID scanned on the way in and at that stage something will pop up to say that the person has been excluded and, therefore, should not be allowed into the nightclub. That would probably be reported to police by the licensee to say that that person was there, and police could then attend and take action—arrest or whatever.

It is my understanding that the person from New South Wales got into a fight with a security guard so it is highly likely that that person was having his ID scanned at a licensed premise by a security guard who saw that the person was banned from licensed premises and was not allowed in. If that is the case, it shows that the system works.

Hon Dr STEVE THOMAS: As I said in my contribution to the second reading debate, I am not a frequenter of nightclubs; my experience is not high. I think I have been scanned once when I have been dragged out on occasion. I suspect the minister is right, and I accept that that is most likely the place that the people will be picked up. I do not know how common that process is, and it is not a question necessary for nightclubs today. I thought that if the nightclub staff had identified a person who was on any of those lists—the banned drinkers register list, this list or any interstate ban—there would be a legal obligation to notify police. Is that the case?

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Hon STEPHEN DAWSON: There is no legal obligation to call the police, but it is standard. The norm is that they do call the police. There are good working relationships between the licensed premises of Northbridge, say, and the police on the beat. They have to work together because at the end of the day they are all dealing with the same people.

Hon Dr STEVE THOMAS: Would the minister like to continue?

Hon Stephen Dawson: By interjection, if the licensed premises were found not to be telling police things, it is likely that liquor enforcement would take action against the licensed premises, so that safeguard is in place as well.

Hon Dr STEVE THOMAS: I am going to date myself a little again, bearing in mind that before I arrived in Perth—maybe they are all solid upright citizens in Perth and a bit different in the eastern states—there was a group of nightclub owners, some of whom I had some experience with, who would probably have flouted that particular rule and allowed certain people in. That may have changed. I am talking about many decades ago when many of those nightclub owners probably had relationships with the department of liquor and gaming in those states that they probably should not have had either. Perhaps those things do not occur anymore, given the various investigations and anticorruption activity that has occurred in the state in the interim. It remains a small risk that I think we should be aware of. Hopefully, we operate in a very different world now, not that I intend to start talking about the seedy underbelly that I experienced in my early days, but we should simply be aware that the risk occurs. The minister does not need to tell us about the seedy underbelly that he has been involved in; we will be fine without that!

Moving on from there, I want to get back to the process. The police officer involved will have had the exclusion order ticked off by an inspector or above—presumably it could be a superintendent. Who will manage the register and what will be the reporting process back to senior police for the running of the register? Presumably, the register will contain a list of names and other information, including date of birth, residence and offences attributed to the perpetrator. Obviously, somebody will run the register. I presume that will be a specific person within the police department. What will be the reporting process around that? Will that person give an annual report to somebody, perhaps to the Commissioner of Police, saying, “Five people were put on the register in 2022–23 and these are the linked offences; two of them were found trying to get into precincts”? What will be the reporting process to measure the success of the register?

Hon STEPHEN DAWSON: A desktop application that will track these numbers is being developed at the moment. Any officer in the Western Australia Police Force will be able to access that and understand how many exclusion orders have been issued. I imagine the minister would ask for a regular update, and I dare say the commissioner, as we move along with the legislation, will want to know how many people are affected by it. It will be a case of constant monitoring. Certainly, it will be on that system and any police officer will be able to access it.

Hon Dr STEVE THOMAS: Just for your information, to ease proceedings, my intention is to ask questions about clauses 2, 8, 11, 15 and 16. I am not at all looking forward to clause 15 as it covers information technology, which is not my area of expertise. I will attempt not to demonstrate my ignorance when we get to clause 15. Perhaps Hon Wilson Tucker, who is much more of an expert in the area, might go into that.

The intent is that there will be a report. It would be interesting to know, in time, whether that will go to the commissioner or a particular section within the department. If the Parliament wanted to access information to work out whether the legislation had been successful, would that take the form of the opposition asking questions or is the information likely to be in the Western Australia Police Force annual report, for example, so that we can see the success or failure of the model?

Hon STEPHEN DAWSON: I am sure something like this would be in the WA police annual report. I am told that the information will be reported in the Department of Local Government, Sport and Cultural Industries annual report, so it may well be in both. The intention is to make this information available. If the Parliament has questions on the numbers, the information will be disclosed.

Hon Dr BRIAN WALKER: As I indicated in my speech in the second reading debate, I think we can all agree that the intent of this bill is admirable and excellent, but the thrust of my speech was that the cause of the devastation, specifically alcohol consumption, has not yet been addressed. As I understand it, people serving behind the bar are guided by fairly strict criteria for determining whether someone is capable of taking further alcohol. Am I correct in that?

Hon STEPHEN DAWSON: The member is correct. There is responsible service of alcohol training, and people who work in licensed premises have to have done that course.

Hon Dr BRIAN WALKER: That is admirable and as it should be, but in my limited experience there are several manifestations of alcohol intoxication. One is the silent drunk who sits there quietly, smiling vacuously and maybe breaking into song. The other is the obstreperous drunk—the one who becomes aggressive. It is simply a factor of alcohol being a depressant of the central nervous system. Those are two very different categories of people.

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When I speak to my patients, I tell them that the main problem comes after the second beer; it is by the third beer that problems occur. That is the time at which the central nervous system depression takes place and our inhibitory mechanisms begin to fail, and that is when our personality begins to shine through. The person who is by nature aggressive and unconstrained would, by the third beer, become difficult to handle. I could imagine, not having been in the situation, that refusing alcohol to someone at their third or fourth beer could be a problem when the aggression begins to rise. What supports are there for those behind the bar to feel safe in refusing alcohol to those who are not blind drunk but are plainly going to become aggressive by their next drink?

Hon STEPHEN DAWSON: As I indicated, the responsible service of alcohol course provides those who work in licensed premises with the tools to deal with people who are under the effects of alcohol.

Hon Dr Steve Thomas: If I could interject, I have done that bar manager's course, and it is an extensive course. I am still a registered bar manager.

Hon STEPHEN DAWSON: I still have my responsible service of alcohol certification, too.

It happens. We were down in Greenbushes last weekend having dinner, and I watched a young bar woman tell a person who was obviously inebriated that she was not going to serve him. She was very clear—I would not say brave. She asked him how much he had had to drink and matter-of-factly said, "No, I can't serve you any more alcohol." People do it on a daily basis. That happens at the moment.

Back to the member's earlier comment about the quiet drunk. The exclusion orders can be sought when a person behaves in an unlawful, antisocial, disorderly, offensive, indecent or threatening way in the precinct. The quiet drunk sitting in the room is not going to be affected by this. It will be those who are acting up and causing offence and those who could cause violence or public disorder or impact the safety of others. I could not imagine someone who is sitting there quietly on their fourth beer being affected by this.

Hon Dr BRIAN WALKER: My feelings entirely—the quiet uncle who is sitting there, smiling quietly, is of no threat to anyone at all.

The next problem I face is imagining the state of the police in Northbridge and other precincts. Often young males, but increasingly females, too—it seems to be a problem of the younger generation—become difficult, fuelled by hormones and with a few drinks under their belt. They may not be drunk but they work in a crowd, one against the other. The person who becomes a problem is simply the point of the spear; the body of the spear behind them is the group of people egging them on. What options do bar staff have before this becomes a problem? Are there any other issues with the serving of alcohol responsibly to crowds of young people?

Hon STEPHEN DAWSON: A licensee can refuse service to somebody if he thinks they are being quarrelsome. Just because a person is part of a group of people, the bar person cannot tell them that they cannot have a drink. The bar person will need to ascertain whether they think that the person has had a lot to drink—they could be over the limit—or is showing signs of inebriation. The bar person would normally do it on a one-on-one basis, but a licensee could decide to exclude people.

I make the further point that high-risk facilities can have conditions put on their licences that they need to provide security guards. That happens in certain places in Northbridge, and, I dare say, in some of those other proposed precincts. They will have security guards on the door, and that is most likely a requirement of their licence.

Hon Dr BRIAN WALKER: That is most clear. I appreciate that. The problem is that despite the best efforts of well-trained staff, security and police, we will have no real recourse to deal with those reprobate people who will do their best to avoid these sensible measures. The only problem is that the alcohol that is served legitimately and legally beforehand allows that situation to exist in the first place. I do not expect an answer from the minister, but I make the point that although the aim of this legislation is entirely honourable and supported by all members in this house, I suspect that the proof is in the pudding and that will be determined by how much the access of families to these protected entertainment precincts is improved as a result of this legislation.

Hon Dr STEVE THOMAS: Is nobody else speaking on clause 1?

Hon Sue Ellery: That's what it looks like.

Hon Dr STEVE THOMAS: That is all right. Let us continue and I will ask my question during the other clauses.

Hon WILSON TUCKER: I want to pick up on a line of questioning last week by Hon Peter Collier and the Leader of the Opposition about the granularity of the data. If we cannot measure the impact of this legislation effectively, we will not be able to determine whether it is working as expected. Can the minister please remind me and the house where we got up to with that questioning? I believe that the granularity of this data was not down to the point of determining that an offence had been committed in a protected entertainment precinct. The publicly available information is fairly broad with a heat map and a general impression of where the crime has been

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committed, but are we not able to determine whether any of these serious offences have been committed within one of these entertainment precincts?

Hon STEPHEN DAWSON: I am told that moving forward the offences will be geocoded and we will be able to tell whether they have happened in one of these PEPs.

Hon WILSON TUCKER: Is that geocoded —

Hon Stephen Dawson: Bearing in mind that the areas are still being defined at the moment, I am told that when they are defined, the system will allow us to geocode and pinpoint that the offence actually took place in a PEP.

Hon WILSON TUCKER: The minister mentioned geocoding. Is that a GPS coordinate? Is it very distinct, or specific, to a location?

Hon Stephen Dawson: By way of interjection, yes, that is what I am told.

Hon WILSON TUCKER: Is that information publicly available?

Hon STEPHEN DAWSON: It is not available at the moment because the precincts are yet to be defined.

Hon WILSON TUCKER: Will that geo-specific information be publicly available?

Hon STEPHEN DAWSON: I do not know whether the geo-specific information will be disclosed. This is operational information that is used by the Western Australia Police Force, but I have indicated that the information on the number of people who will be excluded under this legislation will be available.

Hon WILSON TUCKER: The specific information on where a crime was committed will not be available, but the information on the number of people who commit offences within a precinct will be publicly available. Is that correct?

Hon STEPHEN DAWSON: Information on the number of people who have been subject to an order in a precinct will be available.

Hon WILSON TUCKER: My next question goes to the heart of what the Leader of the Opposition asked about last week around how we determine the effectiveness of this legislation going forward. Can we make a one-to-one comparison? Once this legislation comes into effect and we have collected data from a precinct, do we have any serious offence information from quite a specific location or area with which we can compare the data? We could look at the number of serious offences that have happened in an entertainment precinct—let us say Northbridge—before this legislation came into effect, and then compare that with data taken from a year or two down the line to determine whether the legislation has been effective.

Hon STEPHEN DAWSON: Yes, we will be able to do that. The other element of this legislation is that we hope it becomes a deterrent. Hopefully the exclusion order, the penalty and the potential for a person to go to jail will be a deterrent and stop people from going into those areas and committing serious crimes.

Hon WILSON TUCKER: The minister will have to quickly refresh my memory on this review provision. I believe it is in five years —

Hon Stephen Dawson: Three.

Hon WILSON TUCKER: Sorry, it is in three years. Thank you. When this review is undertaken, what information will be provided by the police in order for the Ombudsman to do the review?

Hon STEPHEN DAWSON: It is up to the Ombudsman to determine what information they want. The Ombudsman will have access to all the data and detail from the legislation that is before us.

Hon WILSON TUCKER: Does the minister foresee any restrictions to the Ombudsman obtaining information in order to comprehensively review this legislation?

Hon STEPHEN DAWSON: No, I do not. The information will be fully available to the Ombudsman and they can do an analysis or an evaluation to see how the legislation is performing.

Hon WILSON TUCKER: Thank you, minister, for clarifying those points. I have some more concerns that I will raise in the clauses as they come up for debate, but the ability to collect this information is important to determine whether the legislation is working as intended and that there will be no unforeseen or negative consequences as a result of it. As I mentioned during the second reading debate, I support the intention of the government and I wish it well. I hope that this legislation works as intended, but I guess time will tell.

Hon Dr STEVE THOMAS: I will take the opportunity to discuss a few last things in clause 1. Has the government assessed the interaction between this legislation and the outlaw motorcycle legislation? There potentially may be some crossover with both pieces of legislation that deal with similar individuals. Has any assessment been done on what that interaction might be?

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Hon STEPHEN DAWSON: No analysis has been done but it is highly likely that some outlaw motorcycle members will be captured by this legislation. I am not casting aspersions, but it is likely that some of those people may well fall foul of this legislation before us.

Hon Dr STEVE THOMAS: I think that is right, minister. They say that the best indicator of future behaviour is past behaviour. One would have to think that it will be likely there will be some crossover. I do not expect the minister to quantify it in any way, shape or form, but I just raise that there might be some interaction, for example, and at some point police might have to choose which piece of legislation to focus on in relation to some activity.

Hon Stephen Dawson: By way of interjection, I do not think police will choose one piece of legislation over the other to deal with these particular people. I am aware that there are some outlaw motorcycle group members who currently have prohibition orders in place because they have transgressed previously, but I do not think this is about using this legislation or that legislation. As I indicated earlier, this is about when exclusion orders can be sought, such as when a person behaves in a particular way and we think that them being in the precinct could cause violence, public disorder et cetera. It is in those cases that we would use this legislation.

Hon Dr STEVE THOMAS: The minister might be right. There might be a hierarchy of legislation, as such, with the outlaw motorcycle legislation, the banned drinkers register and other bits and pieces. I do not think it really matters—it is not a point to get bogged down on and debate—but it is interesting that we might end up with a hierarchy because they all have exclusions. It might be interesting to know whether a person will be excluded under this legislation, the outlaw motorcycle legislation or the banned drinkers legislation, for example, and whether one will be a more useful, more powerful or better adapted piece of legislation. I suspect the minister will not know until this legislation is in use and can be compared with the others. That is more of a statement than it is a question. I am not sure what the answer is and I suspect nobody does, so I am not going to phrase it and demand an answer from the minister.

With my final issue on clause 1, it will be useful to have some words in the *Hansard* about—I almost do not want to say it—some of the public commentary around the misidentification and potential misuse of this legislation around particular groups in the community. As we discussed a little bit earlier, a review process will occur and someone within the police department will oversee it; I think that will be the case. Ultimately, all police actions that might be considered to be or are suspected of being misconduct in any way are investigated by the Corruption and Crime Commission in some way, shape or form. That is part of the Corruption, Crime and Misconduct Act 2003. It is interesting that it is specific to police; I feel a bit sorry for the poor old police, because although there might be some history out there, they are a bit guilty until proven innocent! All complaints of misconduct by a police officer that can be substantiated, whether it is minor or major, are investigated by the CCC. I presume that the WA Police Force would have a similar process to try to make sure that there was no misuse. The minister might want to try to reassure everybody by suggesting that that is the role of the CCC, and there is a parliamentary inspector if people think the CCC got it wrong. The CCC interacts quite heavily with police. The Aboriginal Legal Service has raised concerns and it also interacts pretty heavily with police. I imagine that there would have to be some form of internal monitoring of that. I would be happy if the minister could tell me that that will happen, without going into too much detail about exactly how it will happen. Anything the minister can give us in that regard will provide some reassurance, because, in my view, the legislation, as it is written, does not target any particular group, and as long as the review process is adequate, that should be demonstrable over time. I think it would be very useful if the minister could give us a little reassurance about the overview and review process before we finish clause 1.

Hon STEPHEN DAWSON: I actually spoke about this last week so it is in the *Hansard*; I do not know whether it was on Wednesday or Thursday. When people think there has been an error in the use of the law, the Supreme Court can address that. The CCC can and does investigate police. I sit in here on Wednesdays and listen to the debates on committee reports, and quite often we have a report from the Joint Standing Committee on the Corruption and Crime Commission that relates to an investigation.

Hon Dr Steve Thomas interjected.

Hon STEPHEN DAWSON: Police have their own internal processes as well. If somebody does not adhere to the commissioner's guidelines, that will be investigated internally; that will happen. The commissioner was on the radio this morning re-emphasising that the laws before us will be used in a targeted way against high-risk offenders. This is not about impacting every person on the street; the legislation will be used as a deterrent, and it will be high-risk offenders who will be captured by it.

Hon Dr Steve Thomas interjected.

Hon STEPHEN DAWSON: Hopefully, as a result of having this in place, families will come back into Northbridge and, most importantly, lives will be saved. As I indicated last week, if this saves one life, it will be worth it.

Hon Dr BRAD PETTITT: I have a follow-up question. This is going back a little bit, but where in the legislation does it say that it will be used in a targeted way for high-risk offenders?

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Hon STEPHEN DAWSON: The commissioner has indicated that that is the intention of the government.

Hon Dr BRAD PETTITT: That was not my question. Where in the legislation does it say that? Correct me if I am wrong, but my understanding is that there will be no public visibility of the guidelines; it will be an entirely internal document. Where will it be publicly documented and accountable that this will be used in a targeted way for high-risk offenders?

Hon STEPHEN DAWSON: Proposed section 152ND, headed “Member of the police force may make short-term exclusion order”, refers to a person who has behaved in an unlawful, antisocial, disorderly, offensive, indecent or threatening way in a precinct and whose presence in the precinct could cause violence, public disorder or impact the safety of others. The bill outlines the types of people we will be impacting. We can take it from that, along with what the commissioner and the minister have said publicly on a number of occasions, that this is about high-risk offenders. This is not about every person in Northbridge being impacted by these things. This is about certain people who will have met a threshold by doing one thing and who could also cause violence or public disorder; they are the people who will be targeted by this legislation.

Hon Dr BRAD PETTITT: I just want to follow that up. My understanding of what the minister read out, from my reading of it, is that it is a moment in time. I would have thought that the difference between that and a high-risk person is that it is someone whom we are concerned will have repeated and ongoing issues. What is to stop this legislation being used more broadly? A police officer, with the sign-off of an inspector, may perceive that somebody has behaved in a threatening or antisocial manner at a moment in time. That is very different from targeting particular individuals who, as the minister has previously outlined, have an ongoing reputation in that space.

Hon STEPHEN DAWSON: I will make the point again today. I am not going over old ground. The things that I said last week, whether it was on Tuesday, Wednesday or Thursday, are in the pinks. The member can read the answers; I am not going through them again. I quite clearly indicated how this legislation is intended to be used. Orders will be able to be sought when a person behaves in an unlawful, antisocial, disorderly, offensive, indecent and threatening way in a precinct and the person being in the precinct could cause violence or public disorder, or impact the safety of others. That is what the legislation before us says. It is in those circumstances that the legislation will be used.

Hon Dr BRAD PETTITT: I want to follow up on that. This has come from constituents, since Thursday. There is still a lack of clarity in their minds, and certainly in my mind, about how “antisocial” will be defined. I think there was a lack of clarity last week around how “antisocial” will be defined. Is there a clear definition of that now?

Hon STEPHEN DAWSON: Although the Liquor Control Act 1988 does not include definitions of other types of behaviour that are referenced in the act, proposed section 152NI(3) will require the Commissioner of Police to issue guidelines about the types of behaviour that are unlawful, antisocial, violent, disorderly, offensive, indecent or threatening.

Hon Dr BRAD PETTITT: I think we already know that part, but, of course, as we have heard many times before, those guidelines will not be visible to anybody but the police. How will antisocial behaviour be defined in a more public, open and accountable way?

Hon STEPHEN DAWSON: Although there is no definition of antisocial behaviour in the Liquor Control Act, the Prohibited Behaviour Orders Act 2010 provides the following definition —

anti-social behaviour, by a person, means behaviour that causes or is likely to cause —

- (a) harassment, alarm, distress, fear or intimidation to one or more persons; or
- (b) damage to property;

It is likely that a similar definition will be used in relation to the bill before us.

Hon Dr BRAD PETTITT: Another issue that has been raised by constituents since we last met is an ongoing concern about how protesters and activists, and, similarly, street present and homeless individuals, will be impacted by the guidelines and the bill. The point that makes me nervous is the lack of transparency and accountability around the guidelines on one hand and the quite vague open-ended nature of the legislation on the other hand. There is nothing that sits between those positions. When constituents raise with me their concerns that the bill, or the guidelines, may impact protesters and activists or people experiencing homelessness—I appreciate the minister will say that this not the intention—what assurances can I give them that it will not?

Hon STEPHEN DAWSON: I am not going to the homelessness one because we answered that last week. It was based on letters the member received last week and the same information on that is available this week.

Nonviolent direct-action protesting is part of the democracy that we live in and that is supported. This legislation will capture when a person behaves in a particular way in a precinct and the person being in the precinct could cause

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violence or public disorder or impact the safety of others. If a person is violent and that will impact the safety of others, that person will be captured by the legislation before us.

Hon Dr BRAD PETTITT: In terms of visibility on when the powers are used, another question that has come through from stakeholders is around record-keeping requirements and how that will be reported and made publicly available. Can the minister comment on that, please?

Hon STEPHEN DAWSON: I answered that question earlier today. Hon Wilson Tucker asked those questions. I am not answering it again now.

Hon Dr BRAD PETTITT: I think the minister answered a question from Hon Wilson Tucker about a much narrower context than I am asking about. I think stakeholders are trying to understand how that information will be made publicly available and the manner in which it will be reported.

Hon STEPHEN DAWSON: Prohibition orders and exclusion orders are made available on the Department of Local Government, Sport and Cultural Industries website.

Hon Dr BRAD PETTITT: To clarify, will these orders also be put upon the DLGSCI website; and, if so, how often will the website be updated?

Hon STEPHEN DAWSON: Exclusion orders will be, as the other prohibitions are. I am told that happens daily.

Hon Dr BRAD PETTITT: I have a few more questions on the guidelines and we will probably cover a bit of this at clause 16. If the Commissioner of Police may amend or revoke guidelines, does that mean the guidelines can be changed at any time; and, if so, will there be a way that Parliament or the public is informed of any changes that are made?

Hon STEPHEN DAWSON: I am told that the likelihood of the guidelines changing is slim. It would be only if it were identified that the guidelines were not working—that is, were not capturing the things that we want captured. If the guidelines were to change, that would be done internally by the Western Australia Police Force legal division. Any changes to the guidelines would need to be signed off by at least the Assistant Commissioner of Police.

Clause put and passed.

Clause 2: Commencement —

Hon Dr STEVE THOMAS: Part 1 of this bill is, effectively, the introduction, with the short title and commencement. Clause 2 states —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

I thought we needed to get this bill through fairly quickly. Is this a standard clause? I would have thought we would have jumped in, proclaiming it pretty much straightaway.

Hon STEPHEN DAWSON: It is a standard clause.

Clause put and passed.

Clauses 3 to 7 put and passed.

Clause 8: Section 25 amended —

Hon Dr STEVE THOMAS: I find this clause a little bit interesting. Clause 8 is the review section. It is not overly long. It starts by defining an interested person in relation to a decision. It is a bit complex. Proposed section 25(1A) states —

interested person, in relation to a reviewable decision, means —

- (a) in the case of a decision referred to in paragraph (a) of the definition of *reviewable decision* —
 - (i) the Commissioner of Police; or
 - (ii) the person the subject of the prohibition order ...

That makes sense. I presume that the Commissioner of Police could be represented by another police officer rather than directly involving themselves. I imagine that he or she could delegate that particular discussion. Proposed paragraph (b) is very similar —

... a person who is a party to the proceedings before the Director;

That would generally be those groups anyway. Proposed section 25(1A) continues —

reviewable decision means —

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- (a) a decision made by the Director that relates to the making, variation or revocation of a prohibition order ...

Interestingly, proposed paragraph (b) states —

a decision made by the Director in respect of proceedings before the Director (other than a decision referred to in paragraph (a)).

I am not sure why we need to break that up. I am not sure why there is a distinction between proposed paragraphs (a) and (b). If there is one, maybe the minister could let us know. My critical question on this clause is that it would appear under my reading that the commissioner may seek to review a decision made by the director of Liquor Licensing. Will this provision also allow the commissioner to seek to review a decision, as much as it would the person who is subject to the prohibition order, or will the legislation preclude the commissioner from seeking a review?

Hon STEPHEN DAWSON: I am told the Commissioner of Police could seek to challenge a decision of the director of Liquor Licensing through the Liquor Commission. The Liquor Commission can review a decision of the director of Liquor Licensing. In terms of the interested person, proposed section 25(1A) goes on to say —

- (a) in the case of a decision referred to in paragraph (a) of the definition of *reviewable decision* —
(i) the Commissioner of Police;

I am told this is usually the Assistant Commissioner of legal services.

Hon Dr Steve Thomas: So they can delegate. I do not really mind who it is delegated to, but I would imagine that there would be some form of delegation.

Hon STEPHEN DAWSON: I am told that generally the commissioner's powers can be delegated to an inspector or above but in this case it is likely that it will be to the Assistant Commissioner of legal services.

Hon Dr STEVE THOMAS: This then confirms that there will potentially be occasions when the Commissioner of Police or a delegated person will seek a review of a decision that has been made by the director of Liquor Licensing in relation to an exclusion order. I actually think that is a good thing; I think there should be a review process, and it is reasonable for the commissioner to seek that. Those reviews might be interesting, and I imagine there would be some reporting process associated with them. Is there some way for it to become known that that is the case?

Hon STEPHEN DAWSON: The Liquor Commission has an annual report and this type of information is published in it. Essentially, an "interested person" is the Commissioner of Police or a person subject to the extended exclusion order who is dissatisfied with the decision made by the director of Liquor Licensing, and they may appeal to the commission for a review of that decision.

Clause put and passed.

Clauses 9 and 10 put and passed.

Clause 11: Section 115AC amended —

Hon Dr STEVE THOMAS: This is the amendment that empowers the commissioner or a delegated person under a delegated authority to publish on a secure webpage under proposed section 115AC(1) all the personal particulars in relation to a notice, to the extent that those particulars are in the possession of the commissioner. There is a list under proposed section 115AC(1A) of the personal particulars, including the name and date of birth of the person, a photograph of the person, the address of the person, and the licensed premises to which the notice relates. That makes sense. Again, apologies for my lack of technical expertise in IT, but I presume we are now dealing with a website that will be accessible to people in licensed premises who need to keep a lookout for people who are prohibited from entering an entertainment precinct. I am interested in what sort of secure webpage that will be, if that is the case; if I have that wrong, perhaps the minister can tell me. I am interested in what sort of security will exist around that. I would imagine that the staff of a licensed premises would have access as well, so is there a limitation on the way that access to this might be managed? It may not have been written yet, but is it through a password so that only the manager of a nightclub, for example, can gain access to people's data? I suspect there would be enough data included for their identity to potentially be stolen, not that anyone would want to steal the identity of someone who has been banned from entertainment precincts. Again, this is not my area of expertise, but I presume for that information to be on a secure website, there would have to be some fairly strong security controls. Maybe the minister can give us some reassurance on that.

Hon STEPHEN DAWSON: I am told it will be accessible via login only, and only available to licensees and managers. Only people who need to have access to it for their duties will be able to access it. There are penalties associated with misuse of that information. The department has to abide by the Office of Digital Government and the Department of the Premier and Cabinet's security policies, so it already does that.

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Hon Dr STEVE THOMAS: That largely deals with proposed section 115AC(1). I turn now to proposed section 115AC(1AA), which states, in part —

If a notice given to a person under section 115AA(2) is in effect, the Commissioner of Police or the Director may disclose any of the personal particulars in relation to the notice to —

- (a) a public authority if the Commissioner or the Director (as the case requires) considers that the personal particulars are required by that authority ...

Let us start with that. What public authorities would that transfer go to?

Hon STEPHEN DAWSON: It would allow the information to be disclosed to a public authority for a purpose relating to the administration or enforcement of this or other legislation. There are none proposed at this stage, but it will provide the power if, in future, it is decided that it is needed. That power is available under the legislation. I make the point in relation to the information listed under proposed section 115AC(1) that it is the same process as happens with barring notices and prohibition orders, so that process is being followed.

Hon Dr STEVE THOMAS: Funnily enough, it is also the same information that is generally required for obtaining a liquor licence or becoming a bar manager. I am not overly concerned about that particular information being sought; I am just trying to get a handle on how far it goes. That is proposed section 115AC(1AA)(a); I presume the same thing applies to proposed section 115AC(1AA)(b), which states, in part —

- (i) the further provision of the personal particulars to responsible persons in relation to licensed premises to assist those responsible persons to identify persons in relation to whom notices under section 115AA(2) are in effect; or
- (ii) the creation or provision of equipment, software, databases or any other thing to be used by responsible persons in identifying persons in relation to whom notices under section 115AA(2) are in effect.

I presume that proposed subparagraph (ii) is some sort of catch-all that picks up the use and provision of, I think, CCTV, if there are databases around CCTV. I presume that that is what it is targeted at. This is an empowering piece of legislation that basically allows access across the board, and I presume it is a catch-all and not focused on a particular set of IT; however, if it is, could the minister let us know?

Hon STEPHEN DAWSON: It is not about cameras, honourable member, it is about the scanning technology. As the member has indicated, it has been a while since he gone out rampaging in Northbridge or Widgiemooltha, but as I indicated earlier, to enter a nightclub or bar these days late at night there is a requirement for people to have their ID scanned on the way in. This will allow for that scanning software. I am not sure whether they all use the same technology; different providers provide the machines to the licensed premises that allows them to generally be captured by this.

Hon Dr STEVE THOMAS: It would be far too efficient if everyone used the same software and the same machines; that would work far too well!

Hon Stephen Dawson: Just by way of interjection, there are Western Australian innovation companies—I have my Minister for Innovation and ICT hat on—who make some of these machines locally.

Hon Dr STEVE THOMAS: Again, I ask this out of ignorance, sorry, but I presume that when people are scanned in at a nightclub, the nightclub retains that data. Is there a restriction on how long they can keep it for? It has to be given willingly for people to be able to get in, so if they do not give it up, they will not enter. I understand that; I just do not know whether there are any rules around how long that information is kept and whether it could be used down the track.

Hon STEPHEN DAWSON: I am told that it is wiped within 24 hours.

Hon WILSON TUCKER: I saw the words “secure” and “website” and I got very excited, so I thought I would jump in! Following on the line of questioning of the Leader of the Opposition with regard to the storing of this information in the database, the minister mentioned that information that has been scanned in is retained for 24 hours and then deleted. There are a few provisions that deal with the creation of databases. The database captures information relating to these serious offenders by scanning information to correlate who is and who is not on the database. Will the database be centralised? Will there be one centralised repository for this information on serious offenders that will be retained by the police or in the cloud or somewhere else? Will it all be centrally located?

Hon STEPHEN DAWSON: The list will be held by the Department of Local Government, Sport and Cultural Industries, and the police. The contractor whose scanner it is will ping off or access the name, or the details, from the police and DLGSCI’s website list. That will show on the machine in the licensed premises whether the person is fine or has been issued a barring notice or a prohibition order and then an action will be taken. The list will remain with the police but the information will be available on the machine for 24 hours and then be wiped off.

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Hon WILSON TUCKER: I thank the minister for the clarification. Is it correct to say that the scanning software will scan a driver's licence, I believe? It has been a fair bit of time since I have been rampaging in Northbridge, but I assume the person's driver's licence will be scanned and that the information will be retained for 24 hours and used to verify whether that person is on the serious offenders' list.

Hon STEPHEN DAWSON: It will generally be a person's driver's licence. Of course, some people do not have a driver's licence, so there will be the ability to type in the person's details. It might be a passport, for example. Some people take a passport with them when they go out on a Saturday night if they do not have a driver's licence. As someone who did not drive until very late in life, I certainly had to avail myself of documents other than a driver's licence. There will be the ability to type in the person's details in the scanner. That information will ping off the contractor's equipment and reach into the list held by the DLGSCI and the police to check the details and then it will come back as either yes or no. Under the current policies, the venue can decide to not let someone in. As I said earlier, moving forward, hopefully the venue will be able to provide that information to the police to say that someone has tried to get into the facility who has been excluded under the protected entertainment precincts.

Hon WILSON TUCKER: This information that will be transferred —

Hon Stephen Dawson: It is as simple as a green tick or a red cross. What will come back and be available on the scan is either a green tick—good to go—or, if it is a red cross, obviously it is a red flag.

Hon WILSON TUCKER: Is it a binary decision of either yes or no regarding whether someone is on the list?

Hon Stephen Dawson: Yes.

Hon WILSON TUCKER: Does the minister have any information about the information that will be transferred to verify someone? There are probably quite a few Wilson Tuckers and Stephen Dawsons running around. What else will be used to verify that the person is an individual who has committed a serious offence previously?

Hon STEPHEN DAWSON: On the scanner will be the person's name and date of birth. It could even be the person's driver's licence number, but that will depend on whether they have one. What comes back will simply be either a green tick or a red cross. The information will not come back with what the person had done; it will simply inform the venue whether the person should or should not be allowed in. It will not say whatever the person might have done.

Hon WILSON TUCKER: Clause 11(1) refers to the definition of "personal particulars" and states that under proposed section 115AC, they include —

- (a) the name and date of birth of the person; and
- (b) a photograph of the person; and
- (c) the address of the person;

That is obviously fairly sensitive and private information. Certainly a photograph of a person is. What is a use case for saving a person's photo? The system that will be used describes a person's name and date of birth. That will go to a system to get verified and come back with either a yes or no. When does a person's photograph come into this?

Hon STEPHEN DAWSON: The photo will not go to the police. The photo will be used when the scan is done to make sure that the person who has handed the venue the ID is the person on the ID to verify they are not using someone else's ID. I am further told that some licensed facilities might not have a scanner at this stage, but they might have photos of people who should not be allowed into the licensed premises. They would use the photo and the ID to match up whether the person is someone the venue was told not to let into the premises, but the photo will not go from the scanning machine into the police database. It will not go that far.

Hon WILSON TUCKER: The minister mentioned that this information will be shared with other public entities for the purposes of what is covered under this bill. We talked about retention policies and transferring that information and about how that will be classified. The minister mentioned that existing policies fall under the police, I believe. Can the minister elaborate on where that is currently defined?

Hon STEPHEN DAWSON: As the member knows, the Office of Digital Government sits with the Department of the Premier and Cabinet. The Office of Digital Government has range of policies on cybersecurity and a cybersecurity operations centre et cetera. It also has policies about how data is held and shared. I also pointed this out to Hon Dr Steve Thomas when he asked about this provision and the ability to disclose personal particulars of people with a barring notice to a public authority—that is, another government department. It is not proposed to give that information to an agency at this stage. However, if in the future we decide that it is appropriate for another public authority or government department to have it, the powers are provided for in the legislation that we have now.

Hon WILSON TUCKER: The minister mentioned the policies that are currently in place for the Office of Digital Government. Is there a retention policy? How long will the list of serious offenders, not the scanning information, be retained for?

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Hon STEPHEN DAWSON: The DLGSCI and the government keep information in line with the requirements of whatever the State Records Act says; I do not have it with me.

Hon WILSON TUCKER: We heard some commentary recently regarding the SafeWA app that fell under the State Records Act. I believe that the retention policy is 25 years.

Hon STEPHEN DAWSON: I do not have advisers with me with access to that information, but I am told that the corporate services area of the department is well aware of the requirements under the act. It is a requirement under the State Records Act, as opposed to the Department of the Premier and Cabinet and DGov, that decides how long it will be kept for.

Hon Dr STEVE THOMAS: Clause 6 on page 9 introduces proposed section 115AC(4). Proposed subsection (4) states —

A responsible person in relation to licensed premises does not commit an offence ... if —

- (a) the responsible person discloses the information ... in the performance of duties relating to the person's work on the licensed premises; or
- (b) ... discloses the information ... to another responsible person in relation to the licensed premises for the purposes of enabling the second responsible person to perform duties relating to that second person's work ...

I think we talked about this earlier. Presumably, this is the section of the bill, which will become the act, that will empower the manager of a licensed premise to impart the information to the security at the front desk and, presumably, the bar staff et cetera. I will ask the minister to confirm that. Will there be a limitation on how far that will potentially go? We would have thought that every security officer and bar staff member in a licensed premise would potentially need to know that. Probably anyone working in a licensed premise would need to know it. Will it be as broad as that or is it likely to be restricted? We do not want someone in the purpose of doing their job running afoul of the new act.

Hon STEPHEN DAWSON: It is as the member described—an approved manager would provide the information to bar staff members. They would not need to tell the cleaner, for example. The information needs to be shared to help somebody carry out their duties. That is what the provision will allow.

Hon Dr Steve Thomas: There would be reasonable discretion then and somebody would potentially assess that. If the information is passed on without authority, I presume there is some sort of reasonable discretion measure.

Hon STEPHEN DAWSON: They can share it with bar staff, approved managers and bouncers. It has to relate to their duties.

Hon Dr Steve Thomas: Do we still call them bouncers after all these years?

Hon STEPHEN DAWSON: Colloquially, they are known as bouncers.

Hon Sue Ellery: Crowd managers.

Hon STEPHEN DAWSON: Yes, crowd controllers or crowd managers. They are probably well represented by the United Workers Union. I have probably learnt the appropriate terminology.

How far down this food chain can someone go without committing an offence or disclosing information obtained from the secure webpage under section 115AC(4)? A person who unlawfully discloses information obtained from a secure webpage commits an offence. In this regard, it is lawful to disclose this information if a person does so in the performance of their duties at a licensed premises or to assist another person in performing their duties at a licensed premises. Such disclosure is authorised as far as necessary to ensure that the identity of persons who are prohibited from entering licensed premises is known to the relevant staff. It is an offence for someone to disclose the information obtained or received outside of their duties associated with the licensed premises.

Since this provision relating to barring notices and prohibition orders was enacted in 2010, no-one has been charged with breaching the disclosure provisions in section 115AC(3).

Clause put and passed.

Clauses 12 to 14 put and passed.

Clause 15: Section 152K amended —

Hon Dr STEVE THOMAS: I will kick off. I may have to refer to those far more knowledgeable, particularly Hon Wilson Tucker, when we get to the IT section of this clause. Again, this clause relates to the website and the IT

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around the prohibition order. Let us start with something I struggle to understand. I refer to proposed subsection (1A), which relates to the “particulars”. It states —

personal particulars, in relation to a prohibition order, means —

- (a) the name and date of birth of the relevant person; and
- (b) a photograph of the relevant person; and
- (c) the address of the relevant person; and
- (d) the licensed premises, or class of licensed premises, to which the order relates;

secure webpage means a page on a website that is accessible only by —

- (a) the licensee or occupier of licensed premises;

I might start with “occupier of licensed premises”. I presume that is legal wording rather than meaning that somebody happens to be living in the licensed premises. I presume that means the person to whom the licence applies somehow.

Hon STEPHEN DAWSON: I assume so.

Hon Dr STEVE THOMAS: We will both make that assumption and if we are proved wrong, I guess the *Hansard* will show that we asked the question. The proposed subsection continues —

- (b) a manager of licensed premises;

Obviously, that makes sense.

- (c) a prescribed person, a person belonging to a prescribed class of persons or a person in a prescribed circumstance.

Is there any chance the minister could tell me who they are?

Hon STEPHEN DAWSON: I am told they are the scanning contractors—the people who own the ID scanning machines.

Hon Dr STEVE THOMAS: I have learnt something. Thank you. That is a heck of a description for the scanning contractors and the scanning managers. Could anybody else potentially fall under that description? I presume it has to be prescribed in regulations. In the future, there may be another class of prescribed person or group of persons or prescribed circumstances. Is it the intent of the government at this point to restrict it to the machine operators? We will have to keep an eye out. It might be a good question to ask on notice once a year.

Hon STEPHEN DAWSON: The member is correct. That is the intention at this stage. We all know, especially our good friend Hon Wilson Tucker, how fast technology moves.

Hon Dr Steve Thomas: I do not necessarily.

Hon STEPHEN DAWSON: No. For example, if there is a new fandangled technological way to do this better in the next two years, this could arguably deal with those people who are providing that service—to do it better rather than scanning. At this stage, it relates to those contractors who undertake the scanning. There is no intention to broaden it at this stage.

Hon Dr STEVE THOMAS: The government may be waiting for us all to be microchipped at some point. We are all well controlled. We may have things in our cup of tea, like they did in World War I and World War II.

Hon Stephen Dawson: An occupier could be a temporary licensee.

Hon Dr STEVE THOMAS: Thank you. That helps as well. We are progressing well.

I turn to proposed subsection (2) under clause 15. It is proposed that section 152K(2A) be deleted and a new subsection (2A) be put in place. Proposed subsection (2A)(a) states —

publish on a secure webpage any of the personal particulars in relation to the order;

No doubt they are the personal particulars defined in subsection (1A) that we discussed earlier. Proposed paragraph (b) states —

if the relevant person in relation to the order is not a juvenile — publish, in any manner the Director considers appropriate, any of the following in relation ... —

- (i) the name of the relevant person;
- (ii) a photograph of the relevant person;
- (iii) the town or suburb where the relevant person lives;
- (iv) the licensed premises,

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The difference between “personal particulars” and proposed subsection (2) effectively appears to be someone’s date of birth. It shifts from the address of the relevant person in paragraph (c) of the personal particulars to proposed subsection (2A)(b)(iii), which states —

the town or suburb where the relevant person lives;

Proposed subsection (2A)(b) states —

if the relevant person in relation to the order is not a juvenile ...

Presumably, it is not a juvenile. We are dealing with an adult. For an adult, we are basically allowed to publish the name, we do not need a date of birth, a photograph, the town or suburb, an address and the licensed premises involved. It would appear on an initial reading that because it states in proposed subsection (2A)(b) “is not a juvenile”, a juvenile would have their personal particulars released, which would include the date of birth and the actual address. Can the minister explain why there is a difference?

Hon STEPHEN DAWSON: I am told that we do not publish the information of juveniles publicly.

Hon Dr STEVE THOMAS: I thought that might be the case. Maybe it is just the way I am trying to read the legislation. Proposed subsection (2A) states —

If a prohibition order is in effect, the Director may —

...

(b) if the relevant person in relation to the order is not a juvenile — publish, in any manner the Director considers appropriate, any of the following in relation to the order —

It says “not a juvenile”. I wonder why it does not say “if the relevant person in relation to the order is a juvenile”. If it said “is a juvenile”, surely that would allow the director to publish the name, the photograph, the town or suburb and the licensed premise. It does not make sense to me that it says “not a juvenile”. If the relevant person is not a juvenile, the director is empowered to publish this lesser information, but if it is a juvenile, it would appear to me on my reading that they are required to publish the name of the person or particulars. It reads backwards, as though what the government is trying to do is the reverse of what is in the legislation. Perhaps the minister can explain it to me; I am feeling a bit thick about it. There must be an explanation for that. It looks as though proposed section 152K(2A)(b) should read that if the relevant person in relation to the order is a juvenile, the director may publish that reduced set of identifications. It reads as though the word “not” is misplaced in the bill.

Hon STEPHEN DAWSON: Far be it for me to question the wisdom of Parliamentary Counsel’s Office, but I am told that this is how parliamentary counsel has drafted it. The outcome is that it is the information of only an adult, or a non-juvenile, whose details can be disclosed on a public website. We have never—we do not intend to and we are not allowed to—publish the information of a juvenile publicly on the website.

Hon Dr STEVE THOMAS: Is it possible, not necessarily before the passing of the bill, for the minister to seek from the Minister for Racing and Gaming a more detailed explanation and hand it over behind the chair at a future date as to why it is specifically written that way? It reads the direct opposite of what the minister is saying it is intended to do. I would love to know why. Perhaps there is a specific legal definition. Legal is a bit Latin, and my Latin is a bit lacking. If the minister could provide me with an explanation as to why it is worded the way it is, I would be interested in that.

Hon STEPHEN DAWSON: As the honourable member knows, my aim is to please in this place where I can.

Hon Dr Steve Thomas: You’re a very good minister. I would promote you next week if I had the chance.

Hon STEPHEN DAWSON: Don’t, member—I am happy with my lot.

The advisers beside me read it in a different way from the member. They have read that it says, basically, that if it is not a juvenile, this information can be disclosed publicly; conversely, if it is a juvenile, it cannot be disclosed. However, I am very happy to take away this request from the member and see what I can provide to him at a later stage about why it is drafted in such a way.

Hon Dr STEVE THOMAS: I thank the minister. I am happy to be educated by Parliamentary Counsel on why it is written that way. To the layperson reading it, it absolutely reads as the complete opposite. Proposed section 152K(2A) states that if a prohibition order is in effect, the director may, if the relevant person in relation to the order is not a juvenile, publish in any manner the director considers appropriate any of the following information in relation to the order—the name, a photograph, the town or suburb, and the licensed premises involved. For everybody else, it appears that personal particulars are taken. I look forward to the minister’s advice on that because I could not make a lot of sense of it.

Is there a reason the terminology moves from “child” to “juvenile” in the proposed amendment to section 152K(3)? Is that a legal definition?

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Hon STEPHEN DAWSON: Yes, it is a modernisation of language. The term “juvenile” is deemed more appropriate to use.

Hon Dr STEVE THOMAS: I thought that was the case. I am happy with the other proposed subsections. I am not sure the rest of clause 15(2) is much clearer. Proposed section 152K(2D) states —

... a person who discloses information or a photograph that the person has obtained from the secure webpage ... commits an offence.

I presume that is unless there is an exemption to that under proposed section 152K(2F), which states that a responsible person does not commit an offence under proposed section 152K(2D) if it is in the performance of their duties or if they disclose to a second person. I think this is a repeat clause from the one we discussed under clause 11 that empowers staff. Can the minister confirm that before we move to clause 16?

Hon STEPHEN DAWSON: Yes; that is correct.

Clause put and passed.

Clause 16: Part 5AA inserted —

The DEPUTY CHAIR (Hon Dr Sally Talbot): I draw to the attention of honourable members issue 2 of supplementary notice paper 90 that contains a number of amendments relating to clause 16. I am in the hands of the members in whose names the amendments stand.

Hon Dr BRAD PETTITT: Clause 16 is the meaty one in this bill. I have quite a few amendments on the supplementary notice paper that I will move in due course. The heart of those amendments follows a line of questioning that I began in debate on clause 1 when we talked about the definition of antisocial behaviour. My amendment will remove the references in the bill to antisocial behaviour. I will explain my reasons. The line of questioning earlier was clear on the lack of clarity in that space. There is a real danger that this legislation will put unprecedented power in the hands of an individual police officer and inspector. Given the numbers in this house, it will proceed, but a wide range of stakeholders have a legitimate concern that there is a real scope for overreach when vague and undefined things such as antisocial behaviour are included.

There are two different elements to this, which I have raised previously. One was around what this might mean for people who are street present or are experiencing homelessness. The evidence is clear that the current use of move-on notices, which are up to 24 hours, are disproportionately used for street present people, those experiencing homelessness and also First Nations people. There is a legitimate and real concern that these new powers may also target that group.

The second reason I will move to delete “anti-social” is that police powers have been used against protesters, often in peaceful protests, in this state under the broad guise of this. I will highlight an example. Members might remember that a stone’s throw from where we sit today at Parliament House on the pedestrian bridge at the bottom of Mounts Bay Road some climate activists used chalk to write slogans against Woodside and protest against climate action. That led to early morning house raids of those who chalked that bridge and their arrest, and charges were pressed. It was a very strong police reaction to what I think the courts were pretty blunt in saying was not appropriate. I will quote from a *Crikey* article from that time titled “Charged for chalking: free speech dies in the West” —

In WA ... graffiti is on the long list of anti-social —

I emphasise that word —

activities requiring the full force of the law: specifically, the *Graffiti Vandalism Act*, which imposes a maximum penalty of \$24,000 or two years’ imprisonment ... That includes chalk, and “deface” is wide enough to capture even the most ephemeral disfigurement.

I think that is an interesting point about how these new laws will work and how the term “anti-social” will feed into them. Whether or not members think chalking graffiti is a good idea, I hope we can all agree that the response of police raids is an overreach.

Although, in the vast majority of cases, police behave in a very appropriate and moderate way, the danger is that this legislation will be extremely wide reaching and regulated by guidelines that are invisible to anybody who is not a police officer. “Anti-social” appears three times in clause 16. Omitting this term will still allow the aggressive behaviour that the bill seeks to target to be dealt with. I would also note that “antisocial” is not in the Queensland legislation. Western Australia is going a step further not only in extending the time to six months, well beyond the 10 days of the Queensland legislation, but also in including “antisocial” as part of the requirements that enable the inspector to sign off on the order.

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For these reasons, I think it is appropriate to move amendments 3/16, 5/16 and 7/16, which I seek leave to move together. I move (by leave) —

Page 16, line 32 — To delete “anti-social,”.

Page 23, line 15 — To delete “anti-social,”.

Page 26, line 28 — To delete “anti-social,”.

Hon PETER COLLIER: With due respect to the honourable member, I am little confused about why he has singled out “anti-social” from “violent, disorderly, offensive, indecent or threatening”. I listened intently to the member, and I was not quite sure whether it was because of the *Crikey* article or the definition of “anti-social”. So that we can get a clearer view of the amendments in front of us, could the member explain what it is about “anti-social” that is particularly galling?

Hon Dr BRAD PETTITT: I thank Hon Peter Collier for the question. I think it is a very good question. I am seeking to find a sensible middle ground. I think we all accept that there is no ambiguity about the other words. As I understand it, they are in the Queensland legislation, but I also think they are less ambiguous. I quoted the *Crikey* article because it raises the problem of seeing things like chalk graffiti and people gluing themselves to the front door of a building as antisocial behaviour. People may or may not agree with these activities, but they are nonviolent and they do not threaten the livelihoods of others. I think each of those would go against the intent of this legislation, which I understand is about targeting people who behave violently and aggressively and the like.

Hon Peter Collier: What about “disorderly”?

Hon Dr BRAD PETTITT: I think “disorderly” is probably better defined in police practice, but I will take some direction from others. The feedback we got from the stakeholders we worked with on this legislation was that the term was too broad and not sufficiently defined. I have asked again and again how the term is defined, and it can be defined quite broadly. I think the term broadens the scope of this legislation too far. I hope that, by removing it—noting that the legislation will pass—we can narrow the scope so as not to capture unintended behaviour, such as nonviolent action and other forms of protest. Although they are sometimes perceived by police as being antisocial, I expect no-one in this room would want to see them captured by this legislation. The logic is that removing the ambiguity of the term “antisocial” will ensure that only the intended acts—violent, disorderly and offensive conduct by repeat offenders in entertainment precincts, to use the minister’s words—are captured.

Hon STEPHEN DAWSON: The government is not in a position to support these amendments. We stand by the legislation that is before us now. I will make a point about chalking. Police already have a tool, called “move-on notices”, to use as an option to arrest, and that is what they would do, but if the people who were chalking the bridge in the member’s story started throwing chalk at the cars on the freeway underneath and causing safety issues, they could be captured by the legislation before us. For an exclusion order to be issued, the action would need to take place in a protected entertainment precinct, to be unlawful, antisocial, disorderly, offensive, indecent or threatening, and to risk causing violence or public disorder or impacting the safety of others. That is the situation in which exclusion orders will be used.

I also mentioned earlier that, although there is no definition of “antisocial” in the legislation before us, there is one in the Prohibited Behaviour Orders Act 2010 —

anti-social behaviour, by a person, means behaviour that causes or is likely to cause —

- (a) harassment, alarm, distress, fear or intimidation to one or more persons; or
- (b) damage to property

It is not about chalking; it needs to be one of those things. We believe that including “antisocial” in the bill before us will allow us to capture people who are doing bad things and who should be excluded from these areas when being in the precinct could cause violence or public disorder or impact the safety of others. We will not support the amendments.

Hon Dr STEVE THOMAS: The opposition is unfortunately not convinced that the motion before the house is one that we should support. We are dealing with proposed section 152ND(2)(a), in the first instance, and the others consequentially, which says —

The member of the Police Force must not make the order unless the member is satisfied, on reasonable grounds, that making the order is necessary because —

- (a) the person has behaved in an unlawful, anti-social, violent, disorderly, offensive, indecent or threatening way (whether or not the behaviour arose from, or was related to, the use of liquor);

(b) damage to property;

That goes back to the point we made earlier. It may well be that alcohol is not actually involved in the action that instigates a prohibition order. But in terms of excluding one word, I struggle to see how the word “anti-social” is any worse in that list of definitions than “disorderly” or “offensive”. What I consider to be offensive and what my 18 to 28-year-old daughters consider to be offensive are vastly different things. They have made that known to me in no uncertain circumstances to the point at which my daughters tell me that many fairytales that I grew up with are offensive. Somebody standing on a street corner telling fairytales out of a Brothers Grimm or a Hans Christian Andersen book might potentially be considered to be offensive. I have learnt much from my daughters about the hidden meaning of fairytales that sometimes I wish I did not know. However, I chose to accept fairytales and Disney movies in the goodwill with which I believe they were intended. I think that means that the words “unlawful, anti-social, violent, disorderly, offensive, indecent or threatening” are ultimately a catch-all for all the types of behaviours that might be considered dangerous to the community or individuals within the precincts we are dealing with. The opposition sees no point in pulling out one of those words. There are some definitions of antisocial behaviour. We talk about it a lot. The opposition often mentions that the government does not do enough to control it. We would be a bit hypocritical if we then said we were not going to include it in one of those measures of control. I accept that it is a very broad definition that outlines what behaviour is being targeted by this bill, but I am reasonably comfortable with it. Over time, we need to watch what happens to make sure that the definition is not misused. That is why I have spent some time in debate on this bill talking about and asking questions around its reporting and management. I do not think that the exclusion of antisocial behaviour from that list protects people in the way that the honourable member who moved the amendments thinks it might. I am sure that almost any behaviour that might be picked up, whether antisocial or not, would also be considered offensive by somebody. Restricting it potentially makes things a little more unwieldy and, for that reason, the opposition will not be supporting the amendments put forward.

Hon WILSON TUCKER: I rise to not necessarily support the amendments. The Leader of the Opposition raised some good points about monitoring this situation as we go forward. Putting this level of discretion in the hands of the police could potentially lead to a slippery slope in which many different activities are targeted. The bill makes sense up to this point in its effort to deter serious crime, but labelling antisocial behaviour is a little fraught because it might not be the type of behaviour that will potentially relate to a serious offence. I share the concern of Hon Dr Brad Pettitt about the inclusion of antisocial behaviour in the bill. It would be good to include a more comprehensive list of what constitutes antisocial behaviour in this legislation and not just a reference to other legislation.

If we look towards other jurisdictions, Denmark had similar laws in place with stop-and-search orders. London also trialled something similar. Those jurisdictions found that when this level of discretion is placed in the hands of police and they make these determinations on the fly on the sort of behaviour and which community individuals are targeted, a level of unconscious bias affects us all. We are all human, and those jurisdictions found that marginalised groups and some minority groups were more unfairly targeted than others. This is something we need to watch. I am not necessarily saying that this will happen in Western Australia, but we need to be mindful of it happening. This could potentially be an unintended consequence. If a lot of those short-term exclusion orders are issued and serious crime has not been deterred, it will indicate that something is not working. I would be comfortable with a level of accountability or monitoring of the short-term orders to make sure that we are not unfairly targeting marginalised groups in the community. I support the government’s intention with the bill, but we need to tread carefully and watch the implication of targeting antisocial behaviour.

Hon Dr BRAD PETTITT: I will not take up too much time and quickly respond to those comments. I partly agree with Hon Dr Steve Thomas. We included the word “anti-social” in the amendments after talking with stakeholders about this, but I think that they would equally agree that it would have been good to also remove the words “disorderly”, “offensive” and “indecent”. I support that, and the minister should feel free to move that way, but if the bill focused on the words “violent” and “threatening”, which is at the heart of this legislation, it would give some comfort to those who are concerned about overreach.

I will reflect quickly on my time as the Mayor of Fremantle. Many outpatients from the Fremantle Hospital Mental Health Service, otherwise known as “Alma Street”, would often be seen to behave in a way that might, at first glance, appear to be threatening, offensive, disorderly or antisocial. I have serious concerns that we will unfortunately see this play out. I understand the minister said that no amendments to this bill will be passed, once again. I am yet to see the passing of an amendment from this side of the chamber.

Hon Sue Ellery: You need to check *Hansard*, honourable member, because they have been. Go and check the *Hansard*, mate.

Several members interjected.

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Hon Dr Brad Pettitt

The DEPUTY CHAIR (Hon Dr Sally Talbot): Members! There is one member on his feet and the reason he is on his feet is because he has the call.

Hon Dr BRAD PETTITT: The lack of amendments to make our legislation better greatly diminishes the role of this chamber. I am very happy to have a debate about that. Making legislation better and refining it is at the heart of what we do in the Legislative Council. Sadly, it almost never happens. I am disappointed. Removing the word “anti-social” from these provisions will make for better legislation. It would be a wise and cautious thing to do as we go down this path. I note that there is not much support for these amendments. Nevertheless, I encourage members to seriously consider this and to support the amendments.

Amendments put and negatived.

Committee interrupted, pursuant to standing orders.

[Continued on page 5980.]