

**LIQUOR BILL 2019
(Serial 95)**

I thank the Economic Policy Scrutiny Committee for their work going through this Bill and the report they provided. I thank the Chair of the committee, the Member for Brennan and all committee members. The committee made 22 recommendations. Recommendations 1, 3, 4, 5, 7, 11, 12, 13, 14, 16, 17, 18, 19, 20 and 21 are approved.

Touching on some of those in detail, recommendation 3 – the committee recommends clause 39(2)(c) be amended to only allow the provision of complementary drinks. Recommendation 4 – the committee recommends the department develop separate community impact assessment guidelines tailored to the different types of a licensed authority.

Recommendation 5 recommends clause 51 be reworded to be more precise and contemporary. Recommendation 7 – the committee recommends regulations prescribing conditions on time of operation make appropriate standard provisions for annual events such as New Year's Eve and Anzac Day.

Recommendation 11 – the committee recommends clause 105 be amended to minimise the burden on business while meeting the intent of the Reilly Review recommendation, and only apply to licensees who have a wholesale authority.

The first half of recommendation 12 – the committee recommends the Bill be amended to remove the director's power to vary an accord on the director's own initiative. The committee for recommendation 13 recommends the Bill be amended to either consolidate clauses 132 or 282. If there are reasons for retaining two separate offences, then it be amended to ensure consistency with terminology and penalties.

The committee recommends clause 217 be amended to include an additional subsection under subsection 3, stating the court is to consider the health of the person and the capacity of the person to comprehend the nature and effect of the exclusion order.

Recommendation 17 – the committee recommends clause 233 be amended to provide police with the power to search a person's clothing and property in the person's immediate control. Recommendation 18 – the committee recommends clause 272 be amended to make the time by which the application must be lodged the date after proceedings have ended, or otherwise provide a procedural mechanism that appropriately provides for the prompt return of the vehicle.

Recommendation 19 – the committee recommends the Bill be amended to achieve an appropriate balance between allowing for sufficient time for investigation and avoiding prolonged seizure of vehicles when forfeiture is not appropriate.

Recommendation 21 – the committee recommends clause 409 proposed regulation 15D be amended by removing subsection B club authority.

Recommendations 2, 9 and 10 were approved in-principle. Recommendation 2 – the committee recommends clause 11(1) be amended to insert 'suitably qualified' before the words 'public sector employee'. Recommendation 9 – the committee recommends clause 72 be amended by inserting a subsection after subsection 5 stating it is a defence to a prosecution for an offence against subsection 4 if the person has a reasonable excuse.

Recommendation 10 – the committee recommends, and I did pick up on the deputy leader of the Opposition's comments, that clause 86 be amended to remove the phrase 'and in a neat and tidy appearance'. In relation to this provision, I note the provision has been previously contained in if not all, most, liquor licenses as a condition. The condition has been inserted into the Bill to standardise the condition.

The intention of the provision is to ensure the premise is safe and free from hazards such as glasses left on tables or glass on the floor. The wording of the provision will therefore be amended to reflect the intention. I am sure we will talk about that in the committee stage. The reason they were approved in-principle rather than completely, is the underlying issue was accepted.

The department has worked with the Office of the Parliamentary Counsel on a solution that would fit the drafting of the remainder of the Bill, or reflect similar provisions contained in other legislation. It is interesting that this has been a condition for 40 years in licences, and upon looking into in other pieces of the Bills people

discover it like it is the first time. I can assure people it came from the OH&S point of view—those points I just made.

Recommendation 12 had two parts. The first was approved to remove the director's power to vary an accord of their own initiative. The second part was to provide for minimum consultation for varying its accords. This part of the recommendation was not approved as it was considered that the accords should be generating variations and determining the appropriate levels of consultation.

A point of order, Madam Speaker! Pursuant to Standing Order 43, I move an extension of time to continue my remarks.

Motion agreed to.

Ms FYLES: Accords are community driven and change should be driven rather than imposed by the director.

Recommendations 6, 8, 14 and 15 were noted. Recommendation 6—the committee recommends that clause 53 be amended so the director has the discretion to exempt any application for a community event authority or special event authority from the public notice. It is to provide in regard to licence if it is a well-known event that is held every year, and to be efficient in providing licences.

The committee recommends that the Bill include a clause separate from clause 55, setting out how an application for a transfer of licence should be considered, including that the director must refer any application that is accepted to the commission; the time frame for such a referral and the matters the commission must consider when considering the application, including the financial stability, general reputation and character of the applicant, and whether the applicant is a fit or proper person.

Recommendation 14—the committee recommended that clause 147(1)(4) be amended to provide for the Director to give the licensee written notification of a period over which the audit will take place rather than notifying them of a specific date.

Recommendation 15—the committee recommends that a regulatory framework be developed for the sale and storage of inedible alcohol substances and a clause inserted after clause 150 stating that inedible substances containing more than 1.15% of ethyl alcohol by volume must be stored and sold in accordance with the regulations.

Recommendations 6, 8 and 14 noted as it is considered that the primary issue was addressed in another way in the Bill.

In relation to recommendation 15, it is noted that it is considered that the clauses and controls contained in the Bill are new and the response to those provisions will not be known until the Bill is operating.

Clause 150 of the Bill covers the consumption of inedible alcohol products in public such as mouthwash. The Bill permits a person consuming such a product to be searched by police for the substance to be seized and disposed of as if the product was liquor.

In addition to the provisions for inedible substances contained within the Bill, the government is working with businesses regarding the storage of these substances. It is noted that many businesses have adopted a storage practice voluntarily without the legislative requirement. At the 12 month technical review the department will be able to assess whether these controls are sufficient or if further controls may need to be considered.

I just wanted to provide that feedback to thank the scrutiny committee for its work.