



Liquor Amendment (Parliament House) Bill.

Second Reading

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [10.03 a.m.]: I move:

That this bill be now read a second time.

Before speaking to the bill, on behalf of the Liberal Party, but in particular on behalf of the former member for Albury, Ian Glachan, and his wife, Helen, I welcome the Showgirls and Rural Achievers, who are in the public gallery, to the Parliament. Ian and Helen passed a message to me yesterday to ensure that I dropped in to the morning tea with the Showgirl and Rural Achievers at 10.30 today, in particular to say hello to Miss Albury, Angela Steinke, who is competing in the Royal Agricultural Show Showgirl contest. I wish her well on behalf of not just the Liberals and The Nationals in this place but also Ian and Helen Glachan and the Albury community.

The legislation before the House is important. I do not intend, unless provoked, to review the circumstances which led to the suggestion of the need for this legislation, other than to say that, following a notorious incident a fortnight ago, the Leader of the Opposition made two calls. The first call was that we ought end the exemption of Parliament House from the application of the Liquor Act. The second call was that the Greens motion dealing with members of Parliament who may or may not be in the Chamber in an inebriated state be sent to the Parliamentary Ethics Advisor to provide the House with practical advice. The second issue is important because, as all honourable members are aware, the Greens sought to play politics with a motion. That motion sought to pray on a perception that after dinner members of Parliament are frequently inebriated, but at no stage did it contain any mechanism to determine how the suggested change to the standing order would work.

The Government and the Opposition, following the calls of the Leader of the Opposition, referred the Greens motion to the Parliamentary Ethics Advisor. This took the matter out of the hands of partisan members of the other House and sought from the Parliamentary Ethics Advisor practical advice on how to apply the suggested tests. The fatal flaw in the Greens proposal is that where a government has, say, a one-seat majority in a Chamber like this, unless there is an impartial, appropriate and practical means of determining who was or was not inebriated, partisan members could use their numbers to have non-government members removed from the Chamber, increasing the majority of the partisan members and ensuring that what might have been a difficult vote for them was an easier vote for them. That is the Realpolitik, the practical implication, the reason we need serious advice from the Parliamentary Ethics Advisor on how such a motion could be applied.

As I said shortly after the events of a couple weeks ago, I have had two occasions in nine years to stand at this lectern and complain about members who I believed were behaving inappropriately in this Chamber, who were certainly acting contrary to standing orders, and who, if their colleagues had been better looking after them, would have been ushered from the Chamber. Two occasions in nine years does not lend weight to the Greens attempts to portray this Parliament as a place in which after dinner many members in both Chambers are inebriated. As someone who was ejected from this Chamber for what he did a couple of weeks ago, I am happy to make it clear—as I did in all the interviews I did after that event—that I do not believe that alcohol is any worse a problem in this place than it is in the wider community.

I say again, as I said in those repeated interviews: I think the incidence of alcohol use and abuse in Parliament House has significantly reduced in recent decades, as indeed it has in the wider community. It is anomalous that in this Parliament's 147-year history the Liquor Act has never had application over the operation of this parliamentary precinct. Why is that anomalous? In the first instance, I have always believed that politicians should be prepared to do what they say other people should do. Not to do that is to open us to a charge of hypocrisy, and it is an easy charge to make about politicians.

[Interruption]

I am happy to respond if the honourable member for Kiama wishes to continue his interjection. However, he should be forewarned, because I know the records. A charge of hypocrisy is an easy charge for others to make about members of Parliament. It is important that, as we go about our roles, we do not set ourselves up for that appellation to be made against us. In applying this legislation to Parliament House there is a motivation to remove from ourselves the charge of hypocrisy because we are requiring others to do something that we will not do ourselves.

This important legislation is necessary also because Parliament House is a public building. But it is more than a public building; it is a building that is used regularly by many groups in our community. In the time that I have been either working here or a member, the dining facilities are occupied significantly more than they were 10 or 15 years ago. On an annual basis, I host lunches for the opera society and the opera foundation, and many functions involving the scout movement and other charitable organisations are held in the dining facilities. The continued use of those facilities by

outside groups is a good use of Parliament House and a continuing attempt to ensure that this Parliament of all parliaments, the oldest Parliament in Australia, is as much a part of the public as possible.

Alcohol is largely served at those functions, although I am sure that it is not served at all functions. Alcohol is often served as a precursor to pre-dinner drinks. Certainly, at most of the functions I attend, it is served as an accompaniment to the meal; indeed, at times alcohol has helped one to get through the speeches. Not only do members of Parliament and their staff, and departmental advisers have access to the bars and dining facilities in Parliament House, but also members of the public have access to those facilities in which alcohol is served.

I make the point that the Liquor Act applies to all bar, restaurant and catering facilities in this city and State that are available to the public, which is why this legislation should also apply to Parliament House. Another reason is that currently under the leadership, care and management of the catering manager at Parliament House, David Draper, we seek to practise the Government's policy of the responsible service of alcohol, which was introduced by the former Minister for Gaming and Racing in 1997. At present the policy is practised in Parliament House as a voluntary code, although it is practised in all other licensed premises across the State as a mandatory code that is statutorily laid down by the Liquor Act 1982.

The Liquor Act sets out the penalties if the code is breached. I am satisfied that David Draper and his staff endeavour to abide by the responsible service of alcohol provisions, particularly in relation to functions held in Parliament House involving members of the public. However, I am concerned that, because the code is voluntary and not mandatory, and because effectively there is no back-up to it, the nature of this place can thwart the intent of the responsible service of alcohol. The responsible service of alcohol code is intended to ensure that inebriated people no longer have access to alcohol. That is set out in section 125C of the Liquor Act 1982, which describes "responsible service" thus:

- (1) The regulations may make provision for or with respect to requiring or encouraging the adoption of responsible practices in the sale, supply, service and promotion of liquor.
- (2) In particular, the regulations may make provision for or with respect to the following:
 - (a) restricting or prohibiting the conduct of promotions or other activities (including discounting or supply of liquor free of charge) that could result in misuse or abuse of liquor, such as binge drinking or excessive consumption,
 - (b) the standards to be observed on licensed premises in the sale and service of liquor, for the purpose of preventing misuse or abuse of liquor,
 - (c) requiring licensees, managers and other persons engaged in the sale, supply, service and promotion of liquor and other activities on the licensed premises to undergo courses of training that will promote responsible practices in those activities.

The penalties set out in clause 4, which applies under the Liquor Act, applies to all other licensed premises in the State that serve alcohol but are not mandatory in Parliament House. David Draper seeks to abide by the code in a voluntary manner but there is no backup for him or his staff. The reality became clear to the Leader of the Opposition and myself after the events of a fortnight or so ago. To be blunt, the Parliament is set up to support the activities of members of Parliament. Staff are employed to assist and support members of Parliament within this precinct, and I believe there is an unequal relationship. Frankly, it is reflected in the way most staff address members. I can tell people until I am blue in the face to call me by my first name, but they still call me Mr O'Farrell. That is the approach they are expected to take, and that is the attitude that exists in this place. My concern is that if I am sitting at a table in the dining room, and I am inebriated or on the way to being inebriated, and I ask for another bottle of chardonnay, because that is my wine of choice, a staff member may decide—

Mr Tony McGrane: Blackie.

Mr BARRY O'FARRELL: The honourable member for Dubbo has exposed the member to whom I am referring.

Mr Gerard Martin: No, he has not. You are talking about yourself.

Mr BARRY O'FARRELL: No, the honourable member for Dubbo said "Blackie". If the frequent flying member for Bathurst would like to sit tight, I will take him on a trip in a minute. My concern is that if I am close to or over the edge in relation to my level of inebriation the staff in any other licensed premise in the State would refuse to serve me, and if I insisted I might be asked to leave the premises. However, because of the unequal relationship between members of Parliament and the staff, no matter how well intentioned those staff are, if I as a member of Parliament were to press the envelope, I suspect that I would get the additional bottle of chardonnay.

The major importance of the legislation is that it will provide staff with the protection to say "no" to me and any other member in this place, and to know that when they say "no" to me they have the full backing of the law and the full support of the courts in the administration of law in this State. By no means is this an attack upon those who work in this place: it is designed to support them and give their application of the responsible service of alcohol code the backing of the law that is enjoyed by those who operate in pubs, clubs, restaurants and bars across the State. It might be a novel concept 148 years in the making. When one considers the early history of the colony of New South Wales

and that we sit, at least in part, in a building that was constructed through the proceeds of the import of rum into the colony of New South Wales one could argue that what goes around has finally come around. It is pioneering legislation.

One of the more interesting things I did a few weeks ago was to go back through the Liquor Act to discover that over the past 148 years the Liquor Act in all its guises has never applied to this Parliament House. Less than 10 years ago there was no responsible service of alcohol code in the policies of the State Government of New South Wales. But time has moved on and it is time for us to address this issue. I know those who are in the hospitality industry, restaurant and catering, pubs and clubs and those who represent the Australian Hotels Association would be supportive of politicians applying to themselves the same rules that we seek to apply to others. During last year's Alcohol Summit a number of representatives of the hotel industry tried to describe to the summit the difficulties with which the policies in the legislation were being ascribed.

A publican from the northern beaches took me aside, to point out in particular that although staff may have stopped serving a drunk or someone who they thought was drunk, if that person was sitting quietly in a corner with his mates who were still sober when police visited that hotel and the person who had been stopped responsibly from buying further alcohol was assessed by police as being drunk then that publican was liable to be issued with a major fine. I thought the results of the Alcohol Summit were largely creditable, but at no stage during any of the consideration, recommendations or extra requirements, for instance, on the hotel industry did any Minister attempt to try to explain to the hotel industry, the patrons and, more importantly, the staff who at the end of the day have to administer the responsible service of alcohol guidelines, how their lives would be made easier when publicans who practise the responsible service of alcohol can be penalised for doing the right thing.

Perhaps one of the unintended consequences of applying the Liquor Act to New South Wales Parliament House is that parliamentarians, those who make the laws and advisers who visit this place, will gain a better understanding of the impacts of the laws and in future draft them in ways that seek to meet the same admirable goals that we all want but in a far more practical way—not just for pubs, clubs, restaurants, bars and the like but for activities involving alcohol within this Parliament House. For the benefit of the honourable member for Bathurst, who I said I would take on a trip, I was in Melbourne last week with two of his colleagues.

Mr Gerard Martin: And you were also in Taiwan, in San Francisco—

Mr SPEAKER: Order! The honourable member for Bathurst will cease interjecting.

Mr BARRY O'FARRELL: Keep going. I have his, too. Last Friday when I opened the *Herald Sun* in Melbourne I was greeted by the headline "Spring St sly grog corked". For the first time in 147 years the first liquor licence was issued for the Victorian Parliament, an initiative taken by the Speaker of the Victorian Parliament, Judy Maddigan, who said that the Government had always been strict on the rest of the community when it came to liquor laws, and it was now Parliament's turn. That is the first argument I made. Ms Maddigan said:

We are cleaning up our act and making sure we are legal—it's just taken us 147 years to do it.

She went on to say that regulations controlling the supply of liquor at Parliament under the Liquor Control Reform Act were currently vague. Although she did not believe that Parliament had been supplying alcohol illegally, she wanted to ensure that Parliament House did the right thing. We now have a precedent for the legislation, which removes any argument that it is inappropriate to apply the liquor laws to this Parliament House. Two weeks ago the Leader of the Opposition announced that we would introduce the legislation. That week I sought to give notice of motion to introduce this very simple bill, which removes from the Act section 6 (1) (a), which states:

(1) Nothing in this Act applies to or in respect of the sale of:

(a) liquor in Parliament House under the control of the proper authority

First, the bill seeks to remove section 6 (1) (a) of the Liquor Act. Second, it seeks to provide this place with a governor's licence. In that regard some residual amendments are made to the Liquor Act. The governor's licence exists at a number of other facilities and premises around the State. For instance, it applies to the Trust Box at the Sydney Cricket Ground and the Sydney Football Stadium. More importantly, it ensures that my principal objective is met, which is that the responsible service of alcohol provisions are applied mandatorily in this Parliament House with the same penalties, provisions and sanctions as are applied to any other purveyor of liquor across the State.

After I gave notice of motion of the legislation the Minister for Gaming and Racing had a number of conversations with me, which culminated on Tuesday in having discussions with him and his adviser, John Whelan. It is fair to say that at that stage the department was proposing that we seek to achieve all of this through a memorandum of understanding. However, I was concerned that a memorandum of understanding between you, Mr Speaker, and the Commissioner of Police was no more than the voluntary code that David Draper currently seeks to effect responsibly within this Parliament House.

I pointed out, because I do not think the department had pointed out to the Minister, what had occurred last week in Victoria. When that was pointed out the Minister quickly agreed that the way to resolve this issue was to apply the provisions of the Liquor Act to New South Wales Parliament House. I welcome the Minister's announcement yesterday

that that is precisely what will be done. I am grateful that Parliamentary Counsel was able to so quickly put together this relatively simple legislation, which seeks, through schedule 1 item [1] to remove section 6 (1) (a) of the 1982 Act to exempt Parliament House and through schedule 1 item [2] insert proposed section 19 (1) (a1) to ensure that the system of governor's licences applies in premises known as Parliament House New South Wales.

Irrespective of the events of two weeks ago, this legislation is long overdue. The legislation can only improve the operation of this place for all those who work in it, those who visit it and those who seek to use its licensed facilities in support of their organisations, big and small, across the State. It should not have taken the events of two weeks ago to do so, but if this is the outcome, even the events of two weeks ago will have had a silver lining.

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