



## TOWN OF PORT HEDLAND

### SPECIAL COUNCIL MEETING MINUTES

**27 FEBRUARY 2017 AT 6:30PM**

### COUNCIL CHAMBERS, MCGREGOR STREET, PORT HEDLAND

*Agenda Item:*

*1. Council's Position Concerning the Application under Section 64 of the Liquor Control Act 1988*

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**“A nationally significant, friendly city that people are proud to call home”**

*David Pentz  
Chief Executive Officer*

*Distribution Date: 9 March 2017*

I wish to call a special meeting of council on Monday 27<sup>th</sup> February at 5pm, to discuss an item I wished to bring to council at the OCM on Wednesday 22<sup>nd</sup>, to establish council stance on the application of the South Hedland Police to enact section 64 of the liquor licensing act 1988.

Troy Melville



Name: Cr

Louise Newbery

Signature:



Name: Cr

JULIE ARIF

Signature:



<b>Item 1</b>	<b>Opening of Meeting.....</b>	<b>6</b>
<b>Item 2</b>	<b>Acknowledgement of Traditional Owners.....</b>	<b>6</b>
<b>Item 3</b>	<b>Recording of Attendance.....</b>	<b>6</b>
	3.1 Attendance.....	6
	3.2 Apologies.....	6
	3.3 Approved Leave of Absence.....	6
	3.4 Disclosure of Interests .....	6
<b>Item 4</b>	<b>Attendance by Telephone/Instantaneous Communications.....</b>	<b>7</b>
<b>Item 5</b>	<b>Public Time .....</b>	<b>7</b>
	5.1 Public Question Time.....	7
	5.1.1 Ms Lauren Shannon.....	7
	5.1.2 Mr Richard Knight .....	8
	5.1.3 Ms Jessica Taylor .....	8
	5.1.4 Mr Chris Skelton.....	9
	5.1.5 Ms Caroline Anderson.....	9
	5.1.6 Ms Gloria Jacob .....	9
	5.1.7 Ms Nicola Mason.....	10
	5.1.8 Ms Gabby Casey.....	11
	5.1.9 Ms Mary Attwood .....	12
	5.1.10 Mr Bruce Thomas.....	12
	5.1.11 Ms Susan Cheson.....	12
	5.1.12 Mr Peter Wilson.....	13
	5.1.13 Local Resident .....	13
	5.1.14 Mr Chris Brown .....	13
	5.1.15 Local Resident .....	14
	5.1.16 Ms Michelle Te Aho-Woodbrook .....	14
	5.1.17 Mr Raymond Wells.....	14
	5.1.18 Ms Heather Potter .....	15
	5.1.19 Ms Jan Ford .....	15
	5.1.20 Mr Ron Attwood .....	15
	5.1.21 Ms Debbie Daccache .....	15
	5.1.22 Ms Michelle Knight .....	15
	5.1.23 Mr Paul Marshall .....	16
	5.1.24 Mr Tony Huckerby.....	16
	5.1.25 Ms Raylene Button.....	16

5.1.26	Mr Mitchell Payne.....	17
5.2	Public Statement Time.....	17
5.2.1	Ms Vickie Brooks.....	17
5.2.2	Mr Darryl Brown .....	17
5.2.3	Mr Bruce Booth .....	18
5.2.4	Local Resident .....	19
5.2.5	Mr Roger Higgins .....	19
5.2.6	Local Traditional Owner .....	20
5.2.7	Mr Richard Knight .....	20
5.2.8	Ms Janelle Clifton.....	21
5.2.9	Ms Jan Ford .....	21
5.2.10	Mr Peter Wilden .....	22
5.2.11	Mrs Mary Attwood .....	22
5.2.12	Ms Margaret Ramirez.....	23
5.2.13	Ms Raylene Button.....	23
5.2.14	Local Resident .....	24
5.2.15	Ms Gloria Jacob .....	24
5.3	Petitions/Deputations/Presentations/Submissions.....	25
5.3.1	Mr Chad Stewart – Director of Regional Services Reform .....	25
5.3.2	Mr Dougall Ethell - Minderoo Foundation.....	27
5.3.3	Senior Sergeant Dean Snashall - South Hedland Police .....	28
5.3.4	Mayor Camilo Blanco .....	30
<b>Item 6</b>	<b>Questions from Members without Notice .....</b>	<b>30</b>
6.1	Councillor Troy Melville .....	30
6.2	Councillor Jan Gillingham.....	30
6.3	Councillor David Hooper .....	30
6.4	Councillor Julie Arif .....	31
6.5	Councillor Louise Newbery.....	31
<b>Item 7</b>	<b>Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting.....</b>	<b>31</b>
<b>Item 8</b>	<b>Reports of Officers.....</b>	<b>32</b>
8.1	Office of the CEO.....	32
8.1.1	Council’s Position Concerning the Application under Section 64 of the <i>Liquor Control Act 1988</i> .....	32
<b>Item 9</b>	<b>Matters for Which Meeting May Be Closed (Confidential Matters) .....</b>	<b>41</b>
<b>Item 10</b>	<b>Closure.....</b>	<b>41</b>

10.1 Date of Next Meeting ..... 41

10.2 Closure ..... 41

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**Item 1 Opening of Meeting**

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The Mayor declared the meeting open at 5:35 pm.

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**Item 2 Acknowledgement of Traditional Owners**

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The Mayor acknowledges the traditional custodians, the Kariyarra people and recognises the contribution of Kariyarra elders past, present and future, in working together for the future of Port Hedland.

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**Item 3 Recording of Attendance**

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**3.1 Attendance**

Mayor Camilo Blanco  
Deputy Mayor Troy Melville  
Councillor Jan Gillingham  
Councillor David Hooper  
Councillor Julie Arif  
Councillor Louise Newbery  
Councillor Lincoln Tavo  
Councillor Richard Whitwell – entered the meeting via telephone at 6:37pm

**Officers**

David Pentz	Chief Executive Officer
Ray Davy	Acting Director Community and Development Services
Peter Keane	Acting Director Works and Services
Louise O'Donnell	Governance Officer/Minute Taker
Grace Waugh	Coordinator Governance

Public	100+
Media	1
Officers	8

**3.2 Apologies**

Nil

**3.3 Approved Leave of Absence**

Nil

**3.4 Disclosure of Interests**

Nil

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**Item 4 Attendance by Telephone/Instantaneous Communications**

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**CM201617/157 COUNCIL DECISION****MOVED: CR NEWBERY****SECONDED: CR MELVILLE**

**That Council approve Councillor Richard Whitwell's attendance to the Special Council Meeting being held on Monday 27 February 2017 at 6:30pm via telephone while he is in Perth, Western Australia.**

***CARRIED BY ABSOLUTE MAJORITY 7/0***

6:37pm Councillor Whitwell entered the meeting via telephone.

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**Item 5 Public Time**

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*Important note:*

*'This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the presiding member to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.'*

*In accordance with section 6.7(3) of the Town of Port Hedland Local Law on Standing Orders, members of the public are required to complete a question form and place the completed form in the tray provided.*

The Mayor opened public question time at 6:40pm.

**5.1 Public Question Time****5.1.1 Ms Lauren Shannon**

*Have any Council representatives consulted with local health care providers, social workers and other service providers to see if they are adequately prepared for a change in the communities needs should the proposed restrictions be effective on our current alcohol related antisocial behaviour crisis to ensure that they are all prepared for a sudden influx of patient/clients and can the Council provide a list of these facilities that the Town have in place in the event that section 64 is adopted?*

The Mayor advised that the Council have recently made the decision to reactivate the Port Hedland Community Safety and Crime Prevention Working Group which will be looking at all these areas.

*Have Council members had adequate correspondence with other community leaders from other areas around Western Australia and the rest of the country that are experiencing or have experienced similar antisocial behavioural issues to assist in providing an informed decision as to whether adopting Section 64 is the best course of action to combat the towns current problem?*

The Mayor advised that Section 64 will be reviewed by the Director General of the Department of Racing, Gaming and Liquor who will be determining whether Section 64 is adopted and that this meeting has been put in place to discuss the position of the Councillors support for Section 64.

*What are the names of the three Councillors that requested this Special Council Meeting?*

The Mayor advised the three Councillors that requested this Special Council Meeting were Councillor Melville, Councillor Arif and Councillor Newbery.

### **5.1.2 Mr Richard Knight**

*What evidence supports that limiting certain substances will not just move the ethics to a different substance thereby creating the same problem?*

The Mayor advised that the Port Hedland Community Safety and Crime Prevention Working Group will be investigating all avenues to create solutions to this problem and that currently there are no resources available from the Town but the working group will distinguish what is required.

*How can the Council make a decision to support Section 64 without evidence?*

The Mayor advised that it is evident in the Police statistics that anti-social behaviour is rife as a result of alcohol abuse in South Hedland.

### **5.1.3 Ms Jessica Taylor**

*Has the Council considered the multitude of negative economic problems that the town may face, due to the proposed Section 64 liquor restrictions, with the impending closure of many long term local businesses, the consequential loss of employment for many hospitality industry workers and the effects the restrictions may have on attracting new families and tourists to the Hedland region. If so, what strategies will be put in place to help remedy these issues?*

The Mayor advised that the Director General of the Department of Racing, Gaming and Liquor will consider all these issues raised before a decision is made on Section 64. The Council will consider both the business and the anti-social behaviour aspect before making any decisions. The strategy put in place by the Council is the reactivation of the Port Hedland Community Safety and Crime Prevention Working Group which will look into all areas of the anti-social behaviour that South Hedland is currently experiencing.

*According to the Western Australian Local Government Act 1995, section 2.10 states that the role of a Councillor is to represent in the interests of electors, rate payers and residents of the district. Considering how the proposed Section 64 restrictions would affect so many of the town's residents, would the Council members consider holding a local poll or referendum as described in part 4, division 12 of the Act before deciding their stance on the application?*



The Mayor referred to the *Local Government Act 1995*, section 2.10 (b) which states the role of the Councillors is to provide leadership and guidance to the community in the district which he acknowledged he is fulfilling. He outlined that there is currently a survey being complied which will include all of those questions.

#### 5.1.4 Mr Chris Skelton

*Why are members of the majority of the public, irrespective of race, colour, and religion, disadvantaged as a result of the lawless minority?*

The Mayor advised that in this democratic world these issues need to be tackled together to gain results.

*Why can't a zero tolerance approach to public drinking not be enforced? I recommended that Council look up the results of Port Augusta in South Australia under the leadership of the late Joy Baluch.*

The Mayor advised that the issues he referred to is a Police related issue who have the responsibility to quelling any anti-social behaviour that occur in the community.

*The goal of the Hedland community is to shop local, however if Section 64 is forced upon the community it will result in local residents travelling to Karratha to buy alcohol and there is nothing stopping them from purchasing their grocery shopping in Karratha also?*

The Mayor advised that all Mayors in the Pilbara have agreed that something needs to be done with the anti-social alcohol fuelled problems and are included in all discussions to find solutions to these issues.

#### 5.1.5 Ms Caroline Anderson

*I read all of the attachments to the agenda item on this issue. I recognise that alcohol is the problem in a lot of instances that are recorded in the attachments, however, it is not research. When will this be taken into consideration whether or not Section 64 is going to work?*

The Mayor advised that there will be evidence after the trial is completed.

*How long will the trial be for, and can there be a specific time period put on it?*

The Mayor advised that the trial will go for as long as the Director General of the Department of Racing, Gaming and Liquor requests it to go on. Anyone can put in a submission to the Director General of the Department of Racing, Gaming and Liquor or phone them and request more information in regards to Section 64.

#### 5.1.6 Ms Gloria Jacob

Ms Jacob introduced herself as President of South Hedland Business Association, 32 year resident of Port Hedland, a business operator as well as a volunteer in many different positions which included being a Town of Port Hedland Councillor.

*Has the Town provided any support letters or reports to other agencies relating to other issues that contribute to the anti-social and violent behaviour in the community?*

The Chief Executive Officer advised that this level of support has not been requested from other agencies, however the Council have recently resolved to reactivate the Port Hedland Community Safety and Crime Prevention Working Group and thus have taken a leadership role which will deal with all those aspects that will bring all parties involved together where this discussion can be had at a forum to identify solutions.

*Can the Town acknowledge that the statistics that have been presented at the Special Council Meeting relate not only to alcohol but also on drug related instances?*

The Mayor advised that he could not guarantee that the statistics are 100% related to alcohol.

*Will the Council consider having a survey or referendum to ascertain how the community feels about these alcohol restrictions before making a decision on their submission to Section 64 application?*

The Mayor advised that he would not put this motion forward but stated that all other Councillors have the option to put this motion forward. He further added that the community elect their representatives to make the decisions for the community.

Ms Jacob stated that she does not think that Section 64 is in support of the Police but only in support of a restriction that effects the whole community.

#### **5.1.7 Ms Nicola Mason**

*Has Council realised that if the Section 64 restrictions are placed on everyone's licence, it will be near impossible to remove them as it is not a trial period?*

The Mayor asked Ms Mason if you can apply for your licence to be amended after Section 64 is imposed.

Ms Mason replied stating it would be possible but very difficult for that to happen.

*To clarify, is the Section 64 restriction a trial?*

The Mayor stated that this question is a matter for the Director General of the Department of Racing, Gaming and Liquor to answer.

*Why are there no representatives listed on part 5.3 of the Agenda who oppose the restrictions set out in the Section 64 application?*

The Mayor advised that they were not specifically invited but noted that it clearly stated in part 5.3 of the agenda that "further deputations will be accepted on the night".

*If these restrictions do come into place, has the Council consulted with the Police how they are going to monitor and control the black market alcohol sales?*

The Mayor advised that this is dealt with by the Police and the agencies supporting the Police. The Town is currently monitoring some areas with CCTV and information is passed onto the Police from captured footage.

### 5.1.8 Ms Gabby Casey

Ms Casey introduced herself as a resident of the town for 6 years and a former employee of the Pier Hotel.

*While I worked at the Pier Hotel, I have seen the restrictions put on licenced venues stating that no energy drinks were to be sold with alcohol. These restrictions are still in place. Has the Council considered the ongoing consequences for local businesses with the adoption of Section 64?*

The Mayor advised that he submitted a support letter to the Director General of the Department of Racing, Gaming and Liquor in his own capacity as a Mayor. He continued to state that he has considered the impact of Section 64 on the community. He stated that the liquor industry is creating huge dramas for other local businesses that are around that area. These businesses are suffering and their income is being reduced to a point where they are going bankrupt because of the issues caused by the liquor industry.

*What affect is Section 64 going to have on businesses that solely rely on takeaway alcohol?*

The Mayor advised that Section 64 will have an effect on these businesses, however, the industry itself is being consulted by the Director General of the Department of Racing, Gaming and Liquor and the community will be also be consulted by the Director General of the Department of Racing, Gaming and Liquor.

*Why is the majority of the community being punished for the actions of the minority?*

The Mayor advised that the majority are currently not being punished. He suggested for the community that oppose the Section 64 application to submit their opinions directly to the Director General of the Department of Racing, Gaming and Liquor.

The Chief Executive Officer clarified that it is not the Council or the Town that has put in Section 64 application. He continued to state that the Council is considering their stance at the Special Council meeting whether to put in a submission of support, objection or amendment to the Commissioner.

*Has an application been made to the judiciary system to review the punishments for alcohol fuelled violence on the streets?*

The Mayor advised that the Town has been in discussion with higher-ranking Police on this issue.

*If the Council support Section 64, has the Council considered the likelihood of the community members that do drink heavily resorting to illicit substances to replace legal alcohol and what support programmes will be put in place to deal with these issues?*

The Mayor advised that the Council is not responsible for putting these programs in place. The Mayor has been talking to the key government agencies whom have the responsibility to deliver these services. He added that Federal Ministers have been in contact stating that they want to help the current situation.

### 5.1.9 Ms Mary Attwood

*At a recent Aboriginal forum there were 150-200 people invited from organisations who provide services. These agencies are supposed to be helping Aboriginal people. They are getting paid a lot of money to do it. Mining royalties and big money comes into this town. Hundreds of millions of Dollars. Why aren't Aboriginal people being serviced? Why are they living on the flats? Why aren't they getting help to help these kids get off the streets? Why is there no Aboriginal Liaison Officer who can speak with them and talk their language?*

*I request that the Council make the responsible organisations accountable. Why aren't these organisations being held accountable to help Aboriginal people?*

The Mayor advised that these questions need to be redirected to the State government.

*How much money does these organisations get and who monitors them and holds them accountable?*

The Mayor advised that these organisations receive \$4.9 billion dollars in Western Australia.

*If this money was spent on Aboriginal people, this problem would not exist now. Why have the Police taken away the Aboriginal Liaison Officers?*

The Mayor advised that this question was for the Police but added that his understanding is that they have employed 3 Liaison Officers.

### 5.1.10 Mr Bruce Thomas

Mr Thomas stated that Aboriginal people are losing their young people and are not happy about this. They want to teach the young people their language. He further added that traditional communities educate the youth in culture and language but the youth are in white man's world now. He suggested to bring them back to the communities as they are lost. Young Aboriginals don't know the law and the old people are getting older.

### 5.1.11 Ms Susan Cheson

*With regards to the Safety Committee that is currently being put in place, has the Council considered how they are going to make it an equal representation across the board of all community members?*

The Mayor advised that there has been a range a people from all different backgrounds that have put themselves forward to be involved.

*What timeframe does the public have to put a submission into the Director General of the Department of Racing, Gaming and Liquor to give their opinion on the restrictions?*

The Mayor advised that the public can provide submissions up until 7 April 2017.

*How will the restrictions work at sports clubs or at events where one person will be buying all the alcohol?*

The Mayor advised that he is unclear how this would work but stated that the Director General of the Department of Racing, Gaming and Liquor or the Police would be able to answer this question.

#### **5.1.12 Mr Peter Wilson**

*There is only a minority that is causing the problems, why does the majority of the community have to suffer?*

The Mayor advised that the item on the agenda tonight is on Section 64 and will only take a question regarding this item.

*In supporting the Section 64 application, has the Council considered fly-in fly-out workers?*

The Mayor stated that his understanding is that these workers have even stricter restrictions imposed on them where they are only allowed 3-6 mid strength beers a day.

*Is the community is allowed do a petition against the Section 64?*

The Mayor advised that a petition can be done and accepted if done as in accordance with the Local Government Act 1995.

*Where can I get a copy of this Act?*

The Mayor advised that if he phones the Towns administration he would be provided with a copy of this Act.

#### **5.1.13 Local Resident**

*Where is the evidence proving that these restrictions will make a difference to the anti-social behaviour that is occurring, and at what point does the community have a say on Section 64 restrictions?*

The Mayor advised that this question is for the Director General of the Department of Racing, Gaming and Liquor to answer, but also stated that the community can submit their opinions on the restrictions directly to the Director General of the Department of Racing, Gaming and Liquor.

#### **5.1.14 Mr Chris Brown**

*Did the Mayor, as the representative of the Town, consult with the Council before putting in the support for Section 64?*

The Mayor advised that the Police asked for a letter of support, which he provided.

*The sale of alcohol at sporting matches are a main source of revenue for local clubs and if these restrictions are put in place, how will these clubs financially survive?*

The Mayor commented that in his opinion he thinks that sporting clubs would be more focused on sports rather than the sale of alcohol.

**5.1.15 Local Resident**

*Has the Council considered any other options apart from Section 64 to tackle the same problem that has happened in other parts of the country?*

The Mayor advised that the Council has not considered anything as this was a submission put forward by the Police for Section 64 to reduce alcohol consumption.

*Why was this meeting inadequately prepared as questions are not being answered?*

The Mayor advised that the meeting was adequately prepared and he does not have the jurisdiction to answer questions on behalf of another governing body such as the Director General of the Department of Racing, Gaming and Liquor.

**5.1.16 Ms Michelle Te Aho-Woodbrook**

*When the Mayor wrote his letter of support, was it written as Mayor or was it written as a member of the public?*

The Mayor advised that he wrote his letter of support as the Mayor.

*Why did the Mayor decide to write his letter of support for Section 64?*

The Mayor advised that this will be answered later as there is film footage to be shown which will answer why he supported the Police in their Section 64 application.

Ms Te-Aho Woodbrook stated that she does not support Section 64 application.

*As a member of the elect, would the Mayor support her?*

The Mayor advised that he will be supporting Section 64 application.

**5.1.17 Mr Raymond Wells**

*Have the Council considered the Take-away Alcohol Management System (TAMS)?*

The Mayor advised that the Council have considered it and has had many conversations with the Liquor Accord which they did initially support, however recently the Mayor advised that he cannot get any response from the Liquor Accord and they have not taken any actions to put the TAMS system forward.

Mr Wells stated that by imposing these restrictions, it is taking away the freedom of choice, and that the people that are offending should be looked at.

The Mayor stated that there is no way getting past discrimination when a specific population is targeted, the Mayor stated that he understood his issue however this is an issue for the Police.

*Section 64 application is requesting to stop all sales of full strength beer, why is 4.6% alcohol beer proposed to be prohibited from takeaway alcohol sales when the purchase of spirits such as Jim Beam at 40% alcohol can still be purchased?*

The Mayor advised for Mr Wells to submit his views directly to the Director General of the Department of Racing, Gaming and Liquor.

#### **5.1.18 Ms Heather Potter**

*Are Council actually considering all of the 3 options as shown in item 8.1.1 'Council's Position Concerning the Application under Section 64 of the Liquor Control Act 1988'?*

The Mayor advised in the affirmative.

*What amendments would the Council propose?*

The Mayor advised the amendments would be based on what the Councillors put forward but advised that he had no amendments.

*How can these amendments be considered if there are no amendments existing, if there are amendments, can the public agree with them?*

The Mayor advised that it is up to the Councillors to put the amendments forward.

#### **5.1.19 Ms Jan Ford**

*I have read the agenda and would like clarification. My understanding is that the community present at this meeting could make a recommendation on the restrictions put forward, for example the recommendation could be 'not to include full strength beer in the restrictions'?*

The Mayor advised in the affirmative.

#### **5.1.20 Mr Ron Attwood**

*Does the Council think that alcohol is a bigger problem than drugs in the town?*

The Mayor advised that this question can be answered through the Police statistics where 80-90% of all calls to the Police are related to alcohol but acknowledged that drugs is a problem in the town.

Mr Attwood stated that there are a lot of suicides in the town from drugs that are not reported because families are keeping it quiet which does not give a true reflection on the effects of drugs.

#### **5.1.21 Ms Debbie Daccache**

Ms Daccache stated that she has seen more discrimination in this town since Section 64 restrictions have been announced and that there are decent Aboriginal families that are suffering and being treated like second class citizens because of this.

#### **5.1.22 Ms Michelle Knight**

*Will the Councillors be making a decision tonight given the level of debate on this item or will there be a referendum?*

The Mayor advised that Councillors can put this motion forward if they wish.

**5.1.23 Mr Paul Marshall**

*Is the decision by the Director General of the Department of Racing, Gaming and Liquor final on the Section 64? If the answer is no, can the Mayor state if he will pursue this avenue through some other legal loophole?*

The Mayor advised that he is not pursuing it at all, he has supported the Police's application of Section 64 and if the Director General of the Department of Racing, Gaming and Liquor does not decide to go ahead with it, then that is his decision. The Council always look at ways of improving the lives of people in the town and if there are problems in the town the Council will consider options to mitigate those issues.

**5.1.24 Mr Tony Huckerby**

Mr Huckerby stated that people are suffering because of alcohol poisoning, there use to be a drying up centre available where people were taken out of town and treated to gain some dignity. Now people are just left on the ground. Mr Huckerby further added that these restrictions are not going to fix any problems in town.

The Mayor asked Mr Huckerby if he has a solution.

*Can a sobering up centre be created?*

The Mayor advised that this is not his decision to make. He added that he decided to support the Police. He stated that a lot of people declare that they support the Police. He further added that the Police are on the frontline everyday while other community members are at home watching TV.

*What is the Mayor going to do to support people with a drug and alcohol affliction?*

The Mayor advised that the committee will have a look at this, State and Federal government agencies are also looking at it and they are all looking at the town very closely which has not happened previously.

Mr Huckerby requested the Mayor to stop stating that for the last 30 years nothing has been done to fix these problems and commented that the Mayor is not the only guy that has sat in that chair.

**5.1.25 Ms Raylene Button**

Ms Button introduced herself as the local Aboriginal woman from this area. She stated that the minority that everyone is talking about here at the town centre are her family, they sit there 24/7 and drink. She adds that the Aboriginal community are in agreement that there is a problem here and that alcohol and drugs are killing her people and culture. Ms Button stated that Aboriginals are in support of Section 64, as they want to see their community and their people still thrive.

*Will the Council and the Police support the Aboriginal community in enforcing Aboriginal law and governance to address Aboriginal issues? If the Aboriginal community had their own laws and governance, they would be able to control all indigenous issues?*



### 5.1.26 Mr Mitchell Payne

*Why did the Mayor put forward his support for Section 64 application with his Council title without getting approval from Councillors or the public of the town where he was elected in?*

The Mayor advised that firstly he was elected by the people to represent the people and secondly his support to the Police for Section 64 was in principle support but this meeting is for the Council to discuss whether or not they should support Section 64 application.

The Mayor closed Public Question Time at 7:55pm.

The Mayor opened Public Statement Time at 7:55pm.

## 5.2 Public Statement Time

### 5.2.1 Ms Vickie Brooks

Why now are we having another restriction trying to be forced on us, why, because of a few people who aren't doing the right thing win, and the majority lose? If there are trouble makers, restrict them, not the whole community, it doesn't matter where or who they are. Break the law, you're the one punished, not the innocent person wanting to have a quiet BBQ or late decision to go camping.

It's bad enough that locals can't buy alcohol at normal hours, then there are tourist station workers, who arrive and are shocked when they're told about the restrictions already in place. Why would they want to come if it is made any harder?

In December I went to buy cooking sherry for the Christmas trifle, only to be told I had to wait until 2pm as it was a restricted bottle of liquor, so I stood back and watched the full trolleys of beer, wine and spirits walk out the door, in the end, so did I, empty handed and in disgust.

It's time our Mayor and Councillors took a look at how many of the community they really represent, the few bad eggs, or the majority. I for one, can't wait to see who puts their name to this, remembering that the Mayor position comes up for re-election this year and Councillors won't be that far behind.

### 5.2.2 Mr Darryl Brown

One claim that I would like to make to the Police, Council and everybody in this room. Prohibition of any form has never worked anywhere in the world. If you ban full strength beer, it will be trucked up from Perth in truckloads, and create a black-market. All it will do is put the bottle shops under stress. You can still buy full strength beer in pubs and clubs in glasses, and they will drive home, or they will drive down to Karratha. It will increase drink driving, isn't a drunk driver a lot worse than somebody being a nuisance at the shops?

Today I went to three businesses and I was alcohol tested each time before I was allowed in. Wouldn't it be smart for the shopping centres to have a breathalyser? Wouldn't it be smart for the Police to do more policing? Take the alcohol off these people. If I walked down the street with a can of beer in my hand, it would be gone every single time, without fail. Prohibition does not work.

Let's get to drugs, they're illegal. Most of the problem with the people going into the shopping centre are influenced by alcohol and 'Ice' [methamphetamine]. It's Ice that's making them go crazy, but they're not tested for Ice. Drugs are rife in this town, and they're illegal. Is this going to work? No its not. It will just create a black-market, and more crime.

Before you vote tonight, think about the people you represent, because we vote, and we remember.

The end of Sunday trading; that was a trial, it didn't work and the trial is still going. Even that didn't work.

Act for the town, not for your egos.

### **5.2.3 Mr Bruce Booth**

Drugs are on the table, you just can't see it. It is just the alcohol you can see. I am talking about my people in town walking around in the hot sun drinking alcohol. To fix the problem, we are here as Aboriginal people and there are 10 Aboriginal people here.

I am only one person, but we did something like this restriction in Nullagine. There is only one pub there and we spoke with the owner of the pub and asked how they would still be able to make money. They said they make more money in the pub than from takeaways.

I am for this. We had a restriction in Nullagine. In Nullagine, full strength beer is sold from 12:00pm to 1:00pm, and from 1:00pm to 5:00pm mid strength is sold. The town is quiet and there are no fights. The Police report comes back to the community showing that people being charged for violence has dropped.

It is the drugs that is hidden under the table that we can't see, but we can see the reaction of people coming to our house. I want to support the Section 64 application, we need to work together to try and get the best outcome for our people.

I call the Police every night about 50 times to come to my house, the Police tells us their going to list our house as a violent house and was told that we have to fix the problem first. The drugs calm people down, I can see it in the reaction of them, and it's the alcohol that makes them want to fight my partner and wants to fight me. I called the Police and the Police came 2 hours later, and Homes West comes to me and say that my house is too violent.

Together, we want to fix this problem, we are all families that live in one town, People like to drink, we like to drink but where's the big problem now? Did the white people cause it or did the black people cause it. We got the problem, we see our problem so we have to get together to fix this problem.

The Mayor asked if the speaker supported the Section 64 restrictions.

Yes I support it, I supported it in Nullagine, we are here to share the stories of our dry communities in the desert, we need to work together.

### 5.2.4 Local Resident

I now live in South Hedland, my partner has a health problem, and it is not looking good for us. Where we came from was quieter, there we could sleep and now we can't sleep. We sit up all night and the Police can only do so much. Our people carry the burden of our younger people dying. The people that sell grog [alcohol] don't care. I thank the Police, they do their part, but as a whole, we need to fix the problem. We are all human.

### 5.2.5 Mr Roger Higgins

I speak as a health professional. I have been here for 5 years. There has been a lot of passion here tonight. Our speakers just a moment ago, referred to the fact that what we need is a co-operative effort to deal with the problems that we all know are here.

The thing that stands out to me as a health professional, in this letter from the WA Community Health Service, written and signed by the Operations Manager of East Pilbara Bryan Wilson, there is a very small part sentence where he is talking about a number of incidents of violence that they have had within the hospital precinct recently, from people admitted because of either a drugs or alcohol problem. In that sentence, he says "While we strive for a safer workplace, we also want the reputation of the Hospital and health industry to be one in which we can attract new staff, if potential clinical staff are aware that Hedland Health Campus is a non-desirable location, then our ability to find and retain skilled staff is all the more difficult'. What is under threat here is the health service.

I met with the Director of the Emergency Department recently, he said that at the moment the cost of four strong drinks at the bar, is about \$40, and that for less than that, people can buy Ice [methamphetamine] and have a hit that lasts way longer than four drinks would. He said, the problem we've got in the ED is that the hospital is turning into a babysitting service because people come in with children and say that they have some medical issue, which forces the hospital to admit them, while the parents go off and party. The children are at the hospital for a day or two, and there is really nothing wrong with them. The hospital has to find a bed for them, so the workers have to cull the wards of people that aren't quite ready to be sent home, in order to find bed space for these children.

It is a combination of both a drug and alcohol problem. I ask everyone in the room here to bear this in mind, because I know what I am talking about, but what is at risk here is the health of one of your family, who is admitted to the hospital, and is asked to vacate the bed earlier than is necessary in order to meet this need, which is merely just a convenience for the people that are going out to party.

I am also disturbed of the fact that we have had a number of people come up to the podium and acknowledge the work that the Police do. But in this very extensive document from Sergeant Snashall, I sense his frustration. Please take on board what I have said about the hospital and all that are affected by it. We have excellent health professionals here.

I understand that there was a former Mayor that was in the liquor industry, and it was recommended that the Town adopt the system that they have in the Northern Territory where the Police have the numbers on the ground to deal with the issues, our Police here do not have that.

I sent a copy of an email I sent to Melissa Price to three of our Councillors, on the 22<sup>nd</sup> of January. I didn't get a response to that email until last Monday, which was from some Politician

in Canberra dismissed the idea. I will read an extract: "We need support in the community for what is going on, in that submission I propose the formation of a Civil Obedience Auxiliary". The Pilbara region does not have regular number, and has problems with border protection, smuggling and contraband.

The Mayor reminded Mr Higgins that his five minutes has ended.

### **5.2.6 Local Traditional Owner**

I live in South Hedland, I am one of the local Traditional Owners. I support the alcohol restrictions, and I support Camilo. I knew that when Camilo was elected as Mayor that things were going to be addressed with indigenous issues in our community. It has been like this for years, but the end of last year and this year has been the worst. The things you see on TV is just the tip of the iceberg.

Unfortunately with this restriction, the majority of the town will have to suffer, but I have to support anything that will help my people, and the community.

The alcohol is the problem and it needs to be addressed in a hard way. If there are no restrictions, it will get worse.

I worked in the health department for 14 years as a renal nurse and what I saw was my people coming in and out and dying every day. One of the reasons I left the health department was because it was frustrating seeing my people just die because they don't want to give up the alcohol.

I support this restriction on my community. I am a hard person to shock, but what I've seen lately is unreal and getting out of hand.

### **5.2.7 Mr Richard Knight**

I have watched these problems, being new to town, but I also understand your mobs issues. No-one tonight has stated how or if these restrictions are going to work. We have heard a lot of bad things, and I don't disagree with them, and we need to do something about it. We need some real research and development, working with government groups, working with states and territories, we need to compile those things and put them together properly. This is not going to solve the problem. We are going to have more substance abuse.

A small restriction like this is only hurting other people. It's not going to stop the drinking. Coming from a science background, and as a representative of the public, you should be representing them, and looking for some science to this. This Council tonight has not been able to offer this to us.

The Police and other agencies are looking for options, to help them with their job, they're not just after one thing. They are willing to work with the community, and as a Town, that's what we should be looking for, a lot more thought process should go in to this.

**5.2.8 Ms Janelle Clifton**

I am not here on behalf of Telethon, but I would like you all to know what Telethon are doing. Currently in Hedland, the Telethon Kids Institute are carrying out research and programs in response to the community identified need for help in relation to Fetal Alcohol Spectrum Disorders (FASD) that occurs in some women who drink alcohol while pregnant.

To answer some of the questions there is research available. Many community services are fully aware of the situation and are trying to come together to address these issues.

In regards to alcohol, when it crosses the blood between the baby and the mother, it does a lot of damage to the brain. It does more damage than heroin and cocaine. Because of many different factors, it is safest that alcohol isn't consumed during pregnancy. When we tell pregnant mothers this, 80% will stop drinking immediately, it's the 20% that we are trying to target.

Aside from Telethon, it is my personal belief that a drastic situation requires a drastic solution. It is time to think of the others; the most disadvantaged members of our community and their children.

Telethon has much research on alcohol in pregnancy, but as drugs are illegal, it is very difficult to obtain information on the effects of these.

An online survey would be biased to those who have access to computers.

Ms Clifton also provided the Town with information on FASD.

**5.2.9 Ms Jan Ford**

Firstly, Mayor Blanco, thank you for standing up for the things that the community complained about after you were elected.

One of these things was antisocial behaviour. I don't believe anyone here tonight expected a solution, they just wanted you to fix it. What I hear from people that go to the South Hedland Shopping Centre is that they don't like what they see. When it comes time to do something about it, I don't think we like that either. I don't know if I'm unlucky or lucky that I don't like beer, maybe because I drank too much when I was 14, and got too sick. I look around and see people laying in the gutter and I know how they feel, but I am surprised tonight that everyone is so convinced and committed to not give up that freedom to drink it.

What I would like to see is the people in this community who supported you as our community elected Mayor, thank you for being tough, because that is what we wanted.

Everybody here has an opportunity read through the full agenda item tonight. There are 10 recommendations that the Police have the courage to write and send to this Council for support. Now it is time for Council to decide if they will support it.

All of you here who are part of my community, are part of the solution and part of the problem. If you agree with any of the recommendations, please write to the Director of Liquor and Gaming and let him know what you agree with.

I ask that we do not come here and attack the person who is taking the hard stand, he is attacked enough every day. I ask that we stand as a community and all clean up, do it legally, responsibly and please respect the leaders that we have because that's what they have been elected to do.

#### **5.2.10 Mr Peter Wilden**

I was the Coordinator Ranger Services at the Town for nearly 10 years. During that 10 years my wife and 2 kids have been up here, we have seen a lot of changes, met some wonderful friends, and bonded with the community.

My experience in Ranger Services has covered not only the Town of Port Hedland, but ranger patrols and community work in Nullagine, Yalgoo, Mount Magnet, Waroona and Meekatharra. There is a lot of beautiful people in these communities all wanting the best.

As a Ranger, I've seen a lot. I've been down to the Shopping Centre, giving people first aid. I have physically cried with emotions, because all I could do is put a bandage on an Aboriginal woman's arm that had been beaten up. I've seen people inebriated from alcohol abuse and possibly drugs. Everyone is saying there is an issue there and we need to stand up. We know we can see that it is predominantly in a lot of cases, an Aboriginal issue, it is a Caucasian issue as well.

As a community we shouldn't have to put up with the behaviour at the shops. People have called me racist because of the work I used to do, and I have said to every one of those people, whether it be in Mount Magnet, Waroona, Yalgoo, Kalgoorlie, I was a Senior Ranger there, out in the sun, sitting and talking with people, hearing their stories, you turn around and tell me what colour shadow you've got. Why are we making differences here? I'm a white Pakeha that came from New Zealand, and here's an indigenous Australian, who cares? Who cares where we came from, and what we've done. It's what we do that is important.

I'm still sad that I can't fix it, as a Ranger I couldn't fix it. Sometimes you would get in touch with a support agency, sometimes they could help, sometimes they couldn't, and sometimes I would wrap up a woman's arm, and take her to the hospital. What more could I do?

There's a problem and we need to deal with it. One of these problems is alcohol. One of these issues is drugs. What the Mayor is putting forward is a proposal to look at Section 64. In my heart, we've got to start somewhere. If we walked past someone under the influence, would we kneel down beside them and ask them what we could do to help? Often people don't, and turn a blind eye.

I support the implementation of the Section 64.

#### **5.2.11 Mrs Mary Attwood**

I was born in this area. I am over 70 years old. I have seen everything here. I have seen the development of the iron ore industry, I was here when Aboriginal people got their rights in 1967.

In 1967, we got our rights to drink, before that our people couldn't go to the pub, they couldn't come in to town, couldn't work, couldn't live in the town, couldn't vote, and couldn't get educated. I am angry because ever since then, we've been struggling in order to survive.

My great grandfather was charged with killing Mr Shay? Mr Shay and Mr Miller would go picking up Aboriginal people to work and dive for pearl shells. My history is written by the government, not by me.

What I think the problem is, is that all the money that is coming in to this town to the sum of \$4.9 billion.

The Mayor advised Mrs Attwood that the sum she stated was for the State of Western Australia.

On top of that, there is about \$67 million coming in from Native Titles, and yet our people are still sleeping in the streets and still getting inebriated and have nowhere to go. They have nowhere to have a shower. Why aren't we building houses? Years ago we had transitional houses, now we are dealing with another generation of people. I used to visit the communities that used to be fully serviced with health and education, shopping. The social problems are happening here because the government has pulled all the funding, and they want our people off the land so they can exploit it.

This is a band-aid treatment whether you like it or not. Until you deal with the real issues, and employ our young people, helping our people with housing, you're never going to solve the problem. They drink because they have nothing else to do, and a lot of the time it's because they're hungry. Until you deal with the real issues, you will never solve this problem.

I am not in support of this application, because I don't think it will help us. Certainly, I think we need to deal with it, alcohol is a problem in the white community too, but it's just not visible. It's like you coming and taking away my rights. I don't drink, and I don't do drugs.

#### **5.2.12 Ms Margaret Ramirez**

I work with FASD and Telethon kids. What I would like to address is that alcohol is affecting all of our children and it is prolific in all of the world. It's not just Aboriginal people. Every time that a woman has a can in her hand, that can goes straight to the baby. At six weeks, when women don't know that they are pregnant, they have effected their baby. Please think about all the children that are affected.

#### **5.2.13 Ms Raylene Button**

I am going to propose that the Town of Port Hedland, Council and the Police work with our community, Aboriginal people, and the leaders here. Some of us have come here tonight to voice our opinions. We have had a system for many years before the western laws came in to play. We've had our own laws and Aboriginal governance that's been controlling our people for so long, when that was abolished and our people were told that there is only one law is Australia, which is why we have the antisocial problems today.

Unless you let us take control of the Aboriginal issues in our town, you aren't going to fix the problem. That is my family sitting out there. Those antisocial problems that you see every day outside that shopping centre. They are there because you have not let us take control of our issues. Until you give us back that empowerment and let our people rise up and take control, you are going to suffer with our problems in this town. You look at is as a minority, and we are, but we want to deal with our issues. My community does support the section 64, we don't want alcohol in our community.

We are the leaders in our community, we speak for our people, we are out there talking to them, we are the ones that they come back and give us problems, and we have to deal with it in an everyday basis. Let us take control and deal with it. Support us.

#### **5.2.14 Local Resident**

I've sat here tonight and listened to all these concerns, and some I've had problems with. I've been a public servant for 30 years. I went through all the bureaucratic [expletive] that we had to undertake, and the one thing that became very obvious is that no matter what role you go into, you need to be trained. You need to have the skills given to you to be able to deal with the situation.

You need to learn from your community. We are giving you messages here tonight, and I think they are all relevant to our situation regardless of how it's been put across by each individual. I lived in Alice Springs for quite a few years, I've seen people in humpy's trying to sleep, and we have non-indigenous people flying through the area on their four wheel drives bulldozing those humpy's down while there are people in them. We will get like that if we're not careful.

The point is, as previously stated, it's about a consultative process that we need to get. You need to show leadership. I am a long term resident here, I've been through the politics of other agencies, and now I'm seeing things that just aren't sitting right tonight to make things better in our town. At the moment alcohol is targeted. Alcohol is an underlying problem for a lot of things. I've got a daughter that is buying drugs in the town. I can't get any help for this. I've also lost a family member to alcohol.

The problem still sits here, but there are a lot of things in this community that we still need to fix, so if you don't talk to us, the traditional owners of this town, I don't think you will get a result. We need to have some leadership.

There are people here tonight that have lived here for years, but I haven't heard them say anything. Do they have a voice? Can they have a voice? Obviously not.

As far as I'm concerned, there is no leadership because you're not listening to your team. If you don't talk to the community, you won't learn what it is they want, instead of shoving things in their faces.

#### **5.2.15 Ms Gloria Jacob**

If you take on board what you've heard from the community expressing their concerns tonight, including support for local business, employment, tourism, invasions of people's rights as law abiding members of this town, there are a lot of things. Today you've heard from the likes of Uncle Bruce, Tony, Ron, Mary, and Bruce Booth, and Ms Ray Button, who are all indigenous leaders in support of what you're suggesting.

They've also said to you that this is affecting my people. Everyone acknowledges that the majority of people affected by this, is the indigenous brothers and sisters in our community.

The community at large feel like there is an invasion on rights by the Town proposing to accept or support the Section 64. It's not the solution, especially in this case. It's a multi-faceted and complex issue, and it's not based around alcohol, it's based around other contributing factors including drugs, the itinerants and the homeless. There are far more things that need to be addressed as part of this whole scenario.



As the president of the South Hedland Business Association, I can be here and say to you that you are targeting, through support of this application, one industry. They are law abiding, they have a liquor licence, they don't sell to people who are drunk and they are not allowed to.

The point I'm trying to make is that, when people's livelihoods get impended, it's unfair for you to speak about restricting an industry just because they are part of the alcohol industry, when everyone else knows that there are far greater issues that need to be addressed along with the alcohol issue. I think everyone here agrees there is a problem with alcohol, but everyone also agrees there is a problem with drugs, there are many more things that contribute to the antisocial behaviour and violence.

You have just heard your local indigenous leaders ask us to empower them and give them the right to deal with their issues. What Ray Button said earlier was absolutely right, there was a system that by law was handled in their community within their culture. They have been talking about reinstating this for a number of years. Council should support those discussions with her. Council should be putting State and Federal government to the table to make them accountable for their role in providing the means to culturally deal with their issues.

White man's law is great, there is one law. The solution is not restricting alcohol. The solution has to be far broader and more encompassing. What we need is measured restrictions. You, as a Council, need to show leadership. You need to show more options for the community. You have said that the alcohol industry is contributing to people going bankrupt. Those types of statements are not correct.

If Council is to make a decision, it needs to be a decision that engages with the right people, meaning the traditional owners.

The Mayor closed public statement time at 9:05pm.

### **5.3 Petitions/Deputations/Presentations/Submissions**

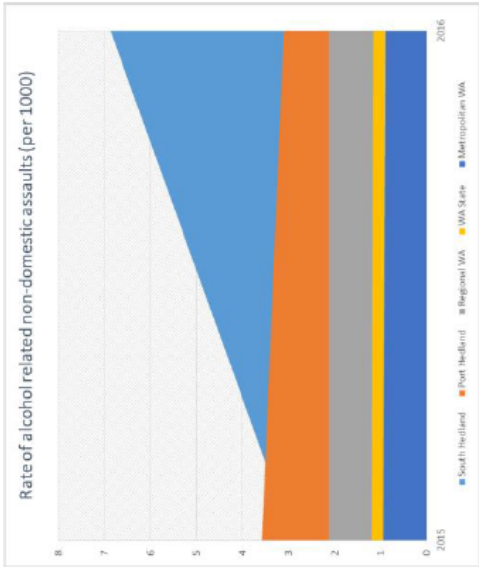
#### **5.3.1 Mr Chad Stewart – Director of Regional Services Reform**

The Mayor outlined the following statistics on behalf of the Director of Regional Services Reform.

resilient families • strong communities

www.regionalservicesreform.wa.gov.au

### The Pilbara Experience

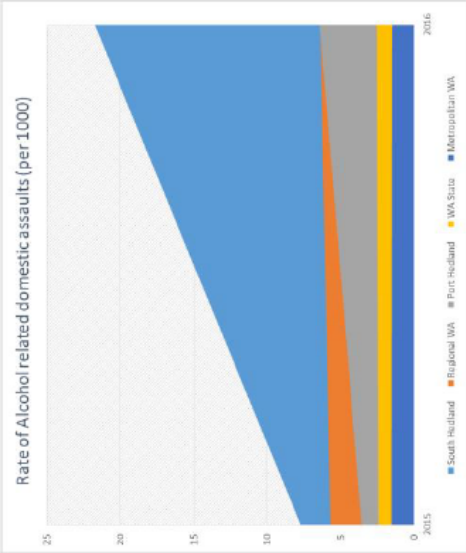


40%

Amount of pure alcohol consumed per person per year in the Pilbara above the state average.

↑26%

No of assault related callouts - St John Ambulance Hedland between 2015-2016



↑50%

Domestic violence incidents referred to Hedland - Pilbara Community Legal Service - 2016

202

Hospital presentations directly related to alcohol to Hedland Hospital 2015/16

### Kimberley Experience – after liquor restriction

↓45%

Reduction in hospital admissions in Fitzroy Valley post restrictions.

↑14%

School attendance in Fitzroy Crossing after the introduction of restrictions.

↓70%

Reduction in number of people visiting the Halls Creek Sobering Up Shelter.

↓58%

No of assault related in Halls Creek following the introduction of restrictions.

### Not a silver bullet but a circuit breaker.

There is good evidence that restricting the quantity of alcohol that a person can purchase per day has very positive individual and social impacts, so long as you have an electronic takeaway alcohol management system in place across all retailers to monitor purchases.

### 5.3.2 Mr Dougall Ethell - Minderoo Foundation

The Minderoo Foundation is a Philanthropy organisation set up by Andrew and Nicola Forrest. Mr Ethell gave a background about himself and why he works for the Minderoo Foundation.

He has four daughters and one of his daughters phoned him and announced that she was pregnant. Her boyfriend named Edward was trialling for the Cowboys rugby league team. Edward is an Aboriginal man. They got married and one of the things that Edwards's dad said to him is that Edward is going to look after this baby.

Mr Ethell said he has a close connection with his two Aboriginal grandchildren. Three years ago Mr Ethell was talking with Edward as he was really concerned with the amount of methamphetamine (ice) that was in the local communities. Mr Ethell said to Edward if Ice gets into the Aboriginal community it is going to destroy them. Edwards has a big family and he would go home to Ice rolled up on the central burner. Edward stated to Mr Ethell "Dougall it is already there". Mr Ethell stated that his heart bled for his Aboriginal family.

In 2014, Andrew Forrest was asked by the Prime Minister to look at the disparity that exists between people like Mr Ethell and the disadvantaged. Mr Forrest was asked to write a report about creating parity and closing that gap.

In May, there were 27 recommendations made to the Common Wealth government. The first recommendation was about prenatal early childhood and education. He questioned how his grandchildren gain the same opportunities as Mr Ethell got. Mr Forrest in his recommendations stated that just one way to improve prenatal early childhood and education for the disadvantaged is to stop the amount of cash that is spent on drugs, alcohol and gambling. Mr Forrest came up with the recommendation of the cashless card/ healthy welfare debit card. This card provided that anyone on welfare except whose on an aged pension or veterans affairs pension would receive 20% in cash to spend as they wish and the other 80% was put on their debit card which could not be used for gambling or alcohol purchases.

Governments decided to trial this card in various places. In Wyndham, in 6 months of this cashless card trial, there was 69% lower admissions into the sobering up centre. In Kununurra, St John's ambulance call outs decreased by 28% in September 2016 compared to September 2015.

Mr Ethell stated that this card is not the silver lining but what it does do is take away that access to cash. People did not like being told what to do, they seen it as an invasion of their rights but welfare is about putting your hand up and not your hand out. It about giving people that chance of adult lifestyle but not for this welfare to be blown on the day of payment being received on several trips to the bottle shop.

Mr Ethell stated that he is more than willing to return to Port Hedland and talk about these options to the community leaders and family leaders.

Mr Ethell discussed with his daughter that he was going to Port Hedland to discuss the cashless debit card. The daughter stated that she did not know how beneficial the cashless cards really are as one of her friends who has a welfare card went into a bottle shop to buy a bottle of wine and was refused. Mr Ethell explained that the bottle shop attendant refused the sale as her friend is on welfare and is given payments to help her go to school and study. Mr Ethell further added that the friend soon realised that this was not about her, it is about building communities and making them stronger.

Mr Ethell finished with this statement “let’s get onside and do it, not in isolation, let’s do it together”

### **5.3.3 Senior Sergeant Dean Snashall - South Hedland Police**

Mr Snashall introduced himself as Officer in charge of South Hedland Police representing the Pilbara district Police office in relation to the Police’s application to Section 64.

Mr Snashall acknowledged the importance of the community interaction at the meeting as it is an important part of this process whether or not Section 64 gets adopted.

Mr Snashall stated that he wanted to set the record straight in that the Police are responsible for putting Section 64 application in for review by the Director of Liquor.

Mr Snashall stated that he has been working with the Police for 22 years, 15 of these years in regional and remote areas in Australia and has seen the harm that drugs and alcohol has had on communities. He further added that South Hedland is a town in crisis and is as bad as he has seen in 22 years despite working all over. He arrived in South Hedland 2 years ago and declared that he would make a difference and try to place the focus on the anti-social behaviour that is occurring around South Hedland shopping centre and he has tried to do this with no impact whatsoever.

He raised his concern that there is a fair bit of desensitisation in the community where what they are experiencing is considered the norm. He strongly stated that this is not normal behaviour and 90% of this behaviour is related to alcohol and not drug related. He further added that cartons of export beer can be seen littered throughout the parks.

He confirmed that drugs is a problem but everyone that is put into lockup are fully intoxicated with alcohol that is the problem. Police are spending 99% of their time trying to move on drunks in the towns square and if this is continued Police will not be able to tackle the drug problem.

Mr Snashall discussed that Section 64 is not a total ban on alcohol, he confirmed that there is some restrictions around content and what people can assess but this is about reducing harm in the community and not about taking alcohol away from the community.

He further added that the biggest focus at this meeting is the sale of full strength beer. He stated that this is one condition on the licence that the Director of Liquor may or may not implement. He stated that it is up to the community to lobby this concern if this is what is causing the grief. These conditions were put forward by the Police in consultation with a number of agencies and they are the maximum restrictions of what the Police would like to be implemented not what will be implemented.

He added that the community need to make a decision whether they think alcohol is a problem in town and causing harm. If there is an agreeance that it is causing harm then the community can have their say on the restrictions and what will work for the community as a whole as the Director will listen to all propositions put through.

Mr Snashall stated that he had to seek permission to discuss Section 64 application prior to the Special Council Meeting from the Deputy Commissioner as he wanted to let everyone know why this is being put forward and answer any questions that the community may have. Mr Snashall further added that in these restrictions, it does not restrict spirits, one person can buy 18 bottles of wine, 6 bottles of spirits and 6 cartons of beer in a week. If a person needs more than this amount of alcohol then that person has a big problem.

Mr Snashall stated that the reason why he has gone down the path of a Section 64 application, he arrived 2 years ago and have issued over 1200 move on notices, they have issued hundreds of infringements notices, they have arrested 1000 people a year in town, they have run 17 operations at the shopping centre and still despite all that, he could go down to the shopping centre today and still get himself into a fight at the shops off duty which is a daily occurrence.

Mr Snashall discussed the processes of the Police, he stated that loitering or public drunkenness is no longer an offence. When the government introduced move on notices, they were a great tool for the Police. He added that his officers go down to the shops and issue several move on notices and the offenders come back and they get arrested. These offences of drunk and disorderly conduct and fighting are not arrestable offences. The Police can no longer lock people up and keep them in jail for these reasons.

He further added that the Police are hand strung on what they can do and they cannot solve these current problems which is why he has opted for a Section 64 application to see if it will reduce the harm even if it is a little bit. If the Police can restrict a person's level of intoxication, it may save someone life and prevent domestic violence and significant injuries.

Mr Snashall stated that the Police issued 100 liquor infringements in October and November 2016 of which only one was paid by a taxi driver.

This year domestic assaults are up 217%, 180 more assaults reported so far this financial year compared to last year, 550 kids under the ages of 15 in 19 nights picked up on the streets after 10pm last year. The Police surveyed the kids asking them why they are on the streets, the general answer was because they didn't feel safe at home. The reality of it is that the gambling, alcohol and domestic violence at home are a causing factor for this.

Mr Snashall gave his opinion that after 22 years, these kids need help getting an education, they need to be in school and if this is not done then another generation is going to be wiped out. Kids are not going to school as the impact of family life is so significant based around alcohol and drugs. He further added that the restrictions are a last resort to try and resolve these issues.

He noted that a starting point is for service providers to come in and assist as there is no way in the current state that people who are heavily intoxicated 24/7 have any ability to do counselling or attend other services. He stated that the community need to make hard decisions if they want the town to continue as it is or make decisions to change what is going on which may or may not work.

Mr Snashall finished by stating that alcohol impacts on the community at large as everyone who goes down to the shops is impacted due to the excessive consumption of alcohol. He further added that something different needs to be tried and with no other option Section 64 application has been applied for. He ended by asking if Council thought that the town has an alcohol problem and if so for them to take this into consideration when deciding on whether to support this application instead of thinking of the set of restrictions that the Police have submitted to the Director as they can change significantly by the time the Director has considered them.

Mr Snashall answered questions from the community present at the Special Council Meeting.

### 5.3.4 Mayor Camilo Blanco

The Mayor showed a video which showed evidence of violence and anti-social behaviour in South Hedland Shopping Centre as a result of alcohol abuse.

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## Item 6 Questions from Members without Notice

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### 6.1 Councillor Troy Melville

*In my original email to the Town seeking a Special Council Meeting, I included options similar to option 2, and would like to know why the sporting part was removed?*

The Chief Executive Officer advised that the officers put in options that were more general.

### 6.2 Councillor Jan Gillingham

*On page 8 of the attachment, there are 10 points put forward, are these the points that are in Section 64 application and also on point 5 what percentage of beer is it referring to?*

The Mayor advised that these are the 10 points the Police have put forward in their application for Section 64 and advised that in these 10 points contains the removal of takeaway sale of full-strength beer as per point 4 and 5.

### 6.3 Councillor David Hooper

*At a recent meeting with the Premier of Western Australia, did the Mayor get to raise the question about the alcohol and the domestic abuse issue in the Section 64 application with the Premier?*

The Mayor advised in the affirmative.

*Were Council members invited to attend that meeting?*

The Mayor advised that the invitation was received on Saturday afternoon and the Premier arrived on Sunday.

*Was the Mayor aware that other Councillors did not get invited?*

The Mayor advised that he got the invite.

*When are these issues and other possible solutions going to be discussed by Council?*

The Chief Executive Officer advised that the request for the Special Council Meeting was raised by Councillor Melville. He further advised that Council can lay this item on the table and have a separate meeting behind closed doors.

Councillor Hooper advised that he was not referring to another Council meeting, he was referring to a workshop with all interested parties so that Councillors can assess the item.

The Mayor advised that the consultation is being put together.

**6.4 Councillor Julie Arif**

*How many meetings did the Chief Executive Officer, Mayor and Town employees have with Police before the Mayor wrote his personal letter of support?*

The Mayor advised the he has had many meetings with the Police.

*Why were Councillors not invited to attend some of these meetings with the Police?*

The Mayor advised that he was invited to these meetings and attended them. He further advised that if Councillors wish to attend these meetings, they can request an invite off the Towns administration to all meetings that the Mayor has with the Police.

**6.5 Councillor Louise Newbery**

*On page 11, it states that the "Town" has been working closely with the Police, she asked if this is referring to the Town's administration?*

The Mayor advised that the Mayor, Chief Executive Officer and Town employees have had continuous meetings with the Police and all other associated agencies over the current issues.

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**Item 7 Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting**

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The following Elected Members declared that they had given due consideration to all matters contained in the agenda:

- Mayor Camilo Blanco
- Deputy Mayor Troy Melville
- Councillor Jan Gillingham
- Councillor David Hooper
- Councillor Julie Arif
- Councillor Louise Newbery
- Councillor Lincoln Tavo
- Councillor Richard Whitwell

**Disclaimer**

*Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.*

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**Item 8 Reports of Officers**

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**8.1 Office of the CEO****8.1.1 Council's Position Concerning the Application under Section 64 of the *Liquor Control Act 1988***

File No:	03/08/0001
Applicant/ Proponent:	N/A
Subject Land/ Locality:	N/A
Date:	23 February 2017
Author:	David Pentz, Chief Executive Officer
Authorising Officer:	N/A
Disclosure of Interest from Author:	Nil
Authority/Discretion:	<input checked="" type="checkbox"/> Advocacy – when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

## Attachments:

1. Letter from the Police to the Department of Racing, Gaming and Liquor on the Section 64 Application (Under Separate Cover)

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**OPTION 1/ MOTION****MOVED: CR TAVO****SECONDED: MAYOR BLANCO**

That Council:

1. Support the application by the WA Police to the Director General of Department of Racing, Gaming and Liquor, to utilise Section 64 of the *Liquor Control Act 1988* to impose a set of restrictions in the Town of Port Hedland on take-away liquor, in addition to the existing restrictions;
2. Continue to implement the Port Hedland Community Safety and Crime Prevention Plan, including the Port Hedland Community Safety and Crime Prevention working group whose aim is to undertake a coordinated approach with government, not-for-profit agencies and community members to address anti-social behaviour, domestic violence and other associated issues;
3. Continue to collaborate with but not excluding: Port and South Hedland Police, Department of Housing, Department of Child Protection, Department of Racing, Gaming and Liquor, the yet to be formed Port Hedland Community Safety and Crime Prevention working group, local businesses, local leaders and corporations and all other interested or relevant stakeholders to identify long term solutions that address all aspects of current anti-social and domestic violence behaviours;
4. Acknowledge education is the key to any reform process and commit to engaging with relevant agencies and services in the development of an education/rehabilitation assistance programs to provide affected individuals an opportunity to recover, reform and integrate into society;



5. Request the Chief Executive Officer provide updates on this issue to all Elected Members regularly.

**LOST 5/3**

For: Mayor Blanco, Councillor Tavo, Councillor Gillingham

Against: Councillor Arif, Councillor Newberry, Councillor Hooper, Councillor Whitwell, Councillor Melville

## **OPTION 2**

That Council:

1. Not support the application by the WA Police to the Director General of Department of Racing, Gaming and Liquor, to utilise Section 64 of the *Liquor Control Act 1988* to impose a set of restrictions in the Town of Port Hedland on take-away liquor, in addition to the existing restrictions;
2. Continue to implement the Port Hedland Community Safety and Crime Prevention Plan, including the Port Hedland Community Safety and Crime Prevention working group whose aim is to undertake a coordinated approach with government, not-for-profit agencies and community members to address anti-social behaviour, domestic violence and other associated issues;
3. Continue to collaborate with but not excluding: Port and South Hedland Police, Department of Housing, Department of Child Protection, Department of Racing, Gaming and Liquor, the yet to be formed Port Hedland Community Safety and Crime Prevention working group, local businesses, local leaders and corporations and all other interested or relevant stakeholders to identify long term solutions that address all aspects of current anti-social and domestic violence behaviours;
4. Acknowledge education is the key to any reform process and commit to engaging with relevant agencies and services in the development of an education/rehabilitation assistance programs to provide affected individuals an opportunity to recover, reform and integrate into society;
5. Request the Chief Executive Officer provide updates on this issue to all Elected Members regularly.

### **CM201617/158 COUNCIL DECISION**

**MOVED: CR MELVILLE**

**SECONDED: CR HOOPER**

**That Council:**

1. **Not support the application by the WA Police to the Director General of Department of Racing, Gaming and Liquor, to utilise Section 64 of the *Liquor Control Act 1988* to impose a set of restrictions in the Town of Port Hedland on take-away liquor, in addition to the existing restrictions;**
2. **Continue to implement the Port Hedland Community Safety and Crime Prevention Plan, including the Port Hedland Community Safety and Crime**

Prevention working group whose aim is to undertake a coordinated approach with government, not-for-profit agencies and community members to address anti-social behaviour, domestic violence and other associated issues;

3. Continue to collaborate with but not excluding: Port and South Hedland Police, Department of Housing, Department of Child Protection, Department of Racing, Gaming and Liquor, the yet to be formed Port Hedland Community Safety and Crime Prevention working group, local businesses, local leaders and corporations and all other interested or relevant stakeholders to identify long term solutions that address all aspects of current anti-social and domestic violence behaviours;
4. Acknowledge education is the key to any reform process and commit to engaging with relevant agencies and services in the development of an education/rehabilitation assistance programs to provide affected individuals an opportunity to recover, reform and integrate into society;
5. Request the Chief Executive Officer provide updates in our monthly catch up on this issue to all Elected Members.
6. Request the Chief Executive Officer to investigate the Project STOP Programme run by the Pharmacy Guild to examine the prospect of a similar programme for liquor control.
7. Request the Chief Executive Officer to issue media release providing details for public to make personal submission to director general.
8. Request the Chief Executive Officer to implement an online community survey to ascertain community support for/against any application for Section 64.

***CARRIED BY ABSOLUTE MAJORITY 6/2***

For: Councillor Melville, Councillor Hooper, Councillor Arif, Councillor Newbery, Councillor Gillingham, Councillor Whitwell  
Against: Mayor Blanco, Councillor Tavo

### **OPTION 3**

That Council:

1. Support the application by the WA Police to the Director General of Department of Racing, Gaming and Liquor, to utilise Section 64 of the *Liquor Control Act 1988* to impose a set of restrictions in the Town of Port Hedland on take-away liquor, in addition to the existing restrictions, as per points 1 to 10 on page 8 of attachment 1 with the following amendments:  
.....  
.....  
.....
2. Continue to implement the Port Hedland Community Safety and Crime Prevention Plan, including the Port Hedland Community Safety and Crime Prevention working group

whose aim is to undertake a coordinated approach with government, not-for-profit agencies and community members to address anti-social behaviour, domestic violence and other associated issues;

3. Continue to collaborate with but not excluding: Port and South Hedland Police, Department of Housing, Department of Child Protection, Department of Racing, Gaming and Liquor, the yet to be formed Port Hedland Community Safety and Crime Prevention working group, local businesses, local leaders and corporations and all other interested or relevant stakeholders to identify long term solutions that address all aspects of current anti-social and domestic violence behaviours;
4. Acknowledge education is the key to any reform process and commit to engaging with relevant agencies and services in the development of an education/rehabilitation assistance programs to provide affected individuals an opportunity to recover, reform and integrate into society;
5. Request the Chief Executive Officer provide updates on this issue to all Elected Members regularly.

#### **OPTION 4**

That Council not provide a submission to the application by the WA Police to the Director General of Department of Racing, Gaming and Liquor, to utilise Section 64 of the *Liquor Control Act 1988* to impose a set of restrictions in the Town of Port Hedland on take-away liquor, in addition to the existing restrictions.

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#### **EXECUTIVE SUMMARY**

This report recommends that Council agree on a position in relation to the official submission from the Town of Port Hedland as part of the public comment period for the WA Police's application to the Director General of the Department of Racing, Gaming and Liquor, to utilise Section 64 of the *Liquor Control Act 1988* and impose a set of restrictions within the town on take-away liquor, in addition to the existing restrictions.

The alcohol-fuelled anti-social and violent behaviour in our community has received state and national media coverage over the past three to four months, leading to local Police and government leaders contributing to the conversation and setting into motion a set of actions.

Section 64 of the *Liquor Control Act 1988* authorises the Director General of the Department of Racing, Gaming and Liquor to act in the public interest to impose, vary or cancel restrictions on the sale of liquor from licensed premises to address alcohol-related harm in any part of Western Australia.

#### **BACKGROUND**

The Town has the option of submitting a response to the WA Police's Section 64 application to impose additional restrictions on take-away liquor sales.

Over the past six months, the Town has been working closely with the South Hedland Police discussing ways to resolve ongoing issues present in South Hedland.

The Town acknowledges that resolving the anti-social and violent behaviour in the community is not straightforward – it is complex and multi-faceted, requiring an understanding of the underlying issues behind substance abuse and there is a need for a multi-agency and all levels of government coordinated response.

Recent reports and statistics provided by the South Hedland Police and St Johns Ambulance shows that incidences of alcohol-fuelled anti-social and violent behaviour has increased over the past 18 months, to the point where it can be defined as a 'crisis'.

A number of previous forums coordinated by the Town of Port Hedland have identified heightened concerns about the safety of the Port Hedland community resulting from increased public anti-social behaviour.

Community safety incorporates numerous factors in addition to substance abuse including such matters as crime and road safety, graffiti, vandalism and littering. A coordinated response across numerous agencies is also important given the legislative responsibilities for various issues affecting community safety which are not within the powers of Local Government.

Council recently made the decision to reactivate the Port Hedland Community Safety and Crime Prevention Working Group with the Town advertising for a Community Safety Coordinator.

The purpose of re-establishing this body will be to develop and implement strategic initiatives (including advocacy for state and federal intervention regarding crime and substance abuse) to improve the safety within the community.

The Town also has an existing Council Policy – Consumption of Alcohol on Town of Port Hedland Owned and Managed Land, endorsed by Council in 2006. Under the *Liquor Control Act 1988* it is an offence to consume liquor on a Council reserve, facility or public open space without approval by the Local Government Authority.

The Town will only grant permission to consume and sell alcohol at the Town's recreation reserves, facilities and parks when they have been booked in accordance with the Town's policies and procedures.

This policy alone is not enough to prevent alcohol being consumed on Town property. There has been numerous Police arrests and move on orders given to persons consuming alcohol at the South Hedland Town Centre. Alcohol and drugs are predominately the cause of violent assaults in South Hedland and is putting the community at risk.

Furthermore, the Town adopted the *Public Places and Local Government Property Local Law 2016* with the purpose to provide for the regulation, control and management of activities in public places and thoroughfares, and the regulation, control and management of activities and facilities on local government property within the district. Some activities are restricted or prohibited and some are permitted only under a licence or under a determination. Offences are created for inappropriate behaviour in or on local government property.

Under this local law the following sections have been put in place to protect the community:

- Section 4.4: a person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.
- Section 4.5: a person must not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.
- Section 6.3: states the following:

- (1) *A person must not consume any liquor or have in his or her possession or under his or her control any liquor on a thoroughfare unless—*
  - (a) *that is permitted under the Liquor Control Act 1988 or under another written law; or*
  - (b) *the person is doing so in accordance with a licence.*
- (2) *Subclause (1) does not apply where the liquor is in a sealed container*

Despite this local law, there are still members of the community drinking alcohol without a licence on government property which has led to members of the community expressing their anger at being forced to endure the consequences of alcohol and drug abuse including feeling unsafe in public spaces. The Section 64 application needs to be considered within the broader context of the issue as well as with respect to existing measures being undertaken to tackle the alcohol and drug abuse in our community.

The letter from the Detective Superintendent from the Licensing Enforcement Division to the Director General of the Department of Racing, Gaming and Liquor requesting changes to the liquor restrictions includes a number of statistics comparing Port and South Hedland to metropolitan areas, regional areas and the state as a whole. The letter outlines the Police's reasons as to why they are requesting the restrictions. The letter is provided as attachment 1.

Town officers have provided four different options for Council to decide on. These options in brief are:

1. Support the application
2. Not support the application
3. Support the application with amendments
4. Not provide a submission

## CONSULTATION

Community forums held in November and December 2016 have given the Town of Port Hedland clear support to establish actions to reduce the harm caused by alcohol and drugs in the community.

Ongoing community consultation will be incorporated in the Port Hedland Community Safety and Crime Prevention working group as well as through the development of the reviewed Strategic Community Plan.

## LEGISLATIVE IMPLICATIONS

Section 64 of the *Liquor Licensing Act 1988* authorises the Director General of Department of Racing, Gaming and Liquor to act in the public interest to impose, vary or cancel restrictions on the sale of liquor from licensed premises to address alcohol-related harm in any part of Western Australia.

Sections 5.3(1), 5.4, and 5.5(2) of the *Local Government Act 1995* apply as they outline the process for calling and convening Special Council meetings.

The Town has given public notice of the meeting by issuing a community notice which is then emailed to the Town's distribution list and posted on Facebook.

## POLICY IMPLICATIONS

Policy 6/006 'Consumption of Alcohol at Town of Port Hedland Owned and Managed Property' relates to consumption of alcohol on Town of Port Hedland property.

## FINANCIAL IMPLICATIONS

There are no known financial implications relating to this item.

## STRATEGIC IMPLICATIONS

The Town of Port Hedland's Strategic Community Plan 2014-2024 sets out its vision in building a unified, balancing out built and natural environment and vibrant community and leading the community as key pillars. This proposal meets the key deliverables including:

- 1.2 – A Vibrant community rich in diverse cultures
- Work with key agencies and our community to reduce antisocial behaviours and improve community safety

The Town of Port Hedland has a Hedland Community Safety and Crime Prevention Plan that applied between 2006 and 2009. This plan will be reviewed through the Port Hedland Community Safety and Crime Prevention working group.

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

### *Economic*

Local business are currently being affected by the alcohol related antisocial behaviour particularly in the South Hedland CBD area.

If there are further restrictions on the sale of alcohol put in place, this may have an economic impact on local businesses.

### *Social*

Restrictions to the sale of alcohol could lead to less violence and result in a safer community.

### *Risk*

Risk	That the Council do not support the submission to the WA Police to the Director General of Department of Racing, Gaming and Liquor, to utilise Section 64 of the <i>Liquor Control Act 1988</i> resulting in further alcohol related issues in the community.	That the Council support Section 64 application of the <i>Liquor Control Act 1988</i> and the anti-social behaviour in the community continues.
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Risk Likelihood (based on history and with existing controls)	Possible (3)	Possible (3)
Risk Impact / Consequence	Moderate (3)	Moderate (3)
Risk Rating (Prior to Treatment or Control)	High (10-16)	High (10-16)
Principal Risk Theme	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile
Risk Action Plan (Controls or Treatment proposed)	Accept Option 1 or 3	Accept Risk

Risk	That the Community not support the Council decision supporting the application.	That the Community not support the Council decision not to support the application
Risk Likelihood (based on history and with existing controls)	Possible (3)	Possible (3)
Risk Impact / Consequence	Moderate (3)	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)	Medium (5-9)
Principal Risk Theme	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile
Risk Action Plan (Controls or Treatment proposed)	Accept Risk	Accept Risk

Risk	That the Community not support the Council decision supporting the application with amendments.	
Risk Likelihood (based on history and with existing controls)	Possible (3)	
Risk Impact / Consequence	Moderate (3)	
Risk Rating (Prior to Treatment or Control)	Medium (5-9)	
Principal Risk Theme	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	

Risk Action Plan (Controls or Treatment proposed)	Accept Risk
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### Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 9 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

### CONCLUSION

Council is requested to agree on a position in relation to the WA Police's application to the Director General of the Department of Racing, Gaming and Liquor, to utilise Section 64 of the *Liquor Control Act 1988* and impose a set of restrictions within the town on take-away liquor, in addition to the existing restrictions. This is a result of alcohol-fuelled anti-social and violent behaviour in our community over recent months.



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**Item 9 Matters for Which Meeting May Be Closed (Confidential Matters)**

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Nil

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**Item 10 Closure**

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**10.1 Date of Next Meeting**

The next Ordinary Meeting of Council will be held on Wednesday 22 March 2017, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 15 March 2017, commencing at 5:30pm.

**10.2 Closure**

There being no further business, the Mayor declared the meeting closed at 10:54pm.