

Ian Walker MP

Member for Mansfield
Shadow Attorney-General
Shadow Minister for Justice,
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Mr Mark Furner
Chair, Legal Affairs and Community Safety Committee
Parliament House
BRISBANE QLD 4001

Dear Mr Furner

Mark,

Liquor and Fair Trading (Red Tape Reduction) Amendment Bill 2015

I refer to your invitation to brief the Legal Affairs and Community Safety Committee to assist in its inquiry into the *Liquor and Fair Trading (Red Tape Reduction) Amendment Bill 2015* (the Bill) on 20 July 2015.

As I indicated, unfortunately I am unable to attend a meeting of the Committee on that day due to another commitment on the Sunshine Coast at that time, however please accept this written brief to assist you in your consideration of the Bill.

I trust this information is of assistance.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Ian Walker".

Ian Walker MP
Member for Mansfield
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Briefing to Legal Affairs and Community Safety Committee to assist in the Inquiry into the Liquor and Fair Trading (Red Tape Reduction) Amendment Bill 2015.

Ian Walker MP, Shadow Attorney-General and Shadow Minister for Justice, Industrial Relations and Arts

Context:

Liquor amendments -

- As part of its commitment to reduce the red tape burden on business and get Queensland's finances back on track, in September 2012 the former LNP Government appointed an expert panel consisting of industry, government and community representatives to review the regulation of the liquor and gaming industries as part of its commitment to revitalise the tourism industry in Queensland.
- The appointment of the expert panel was a result of the inaugural DestinationQ forum in Cairns in June 2012 and recommendations from industry representatives.
- The expert panel assisted in compiling a consultation discussion paper, *Red tape reduction and other reform proposals for regulation of liquor and gaming* (the discussion paper), which was released in February 2013.
- The purpose of the discussion paper, as stated in the foreword was to:

“...obtain industry and community views on a regulatory framework for liquor and gambling that is:

 - a) Flexible enough to accommodate changing circumstances and expectations’
 - b) Balanced, transparent and enforceable;
 - c) Integrated and consistent with other laws;
 - d) Cost effective and efficient; and
 - e) Clearly understood by industry and community.”
- In its July 2009 report, *Blueprint for Fighting Queensland's Over-Regulation*, the Chamber of Commerce and Industry Queensland found the Office of Liquor, Gaming and Racing (as it was then known) to be the state government agency with the highest level of red tape.
- As the last major red tape review of the industry occurred in 1996 and technology has advanced considerably since that time, there were many current regulatory controls that were considered to be obsolete and unnecessary in ensuring that appropriate harm minimisation measures were in place.
- The discussion paper received over 300 submissions, all of which were considered by the expert panel, in their deliberations over several months.
- The expert panel then provided the former LNP Government with two reports, making recommendations on each of the issues listed in the discussion paper.

- As I mentioned in my explanatory speech, this Bill had been introduced in November 2014 by the former LNP Government and due to the state election the previous Bill had lapsed.
- That Bill was the fourth Bill as part of that red tape reform process which helped achieve over 60 red tape reduction initiatives.
- Given the work that had been undertaken by the expert panel and also the important initiatives contained in this Bill, the LNP thought it was worthy of re-introduction.

Fair Trading amendments –

- The repeal of the 14 church and community organisation Acts are based on the recommendation and work undertaken by the Queensland Law Reform Commission (QLRC).
- In December 2013, the QLRC presented a report to the former LNP Government, *A Review of Religious and Certain Other Community Organisation Acts*. The report was tabled in the Legislative Assembly on 4 March 2014.
- The QLRC was asked to undertake the review by the former Attorney-General in July 2012.
- In summary, the QLRC was asked to review 29 Acts relating to various religious and community organisations with a view to recommending whether any of the Acts are obsolete and can be repealed, or if there was an opportunity for consolidation.
- As the QLRC noted, most of the Acts were introduced at the request of the particular religious or community organisation to facilitate the vesting or management of the organisation's property, or provide for a governance structure for that organisation.
- The repeal of section 96 of the Fair Trading Act follows on from significant reforms that were made by the former LNP Government in relation to directors' liability.

Comments on submissions:

Queensland Hotels Association –

- We acknowledge the comments of the QHA in relation to specific red tape measures that are generally welcomed and it should be noted that the QHA were represented on the former Government's expert panel.
- In terms of the amendments relating to allow the sale of craft beer at promotional events, I think it is important to re-iterate the following points:
 - a) To ensure the safe and responsible supply of craft beer at promotional events, the Bill regulates the manner in which, and to whom, craft beer may be sold at such events;

- b) The existing obligations and offence provisions under Part 6 of the Liquor Act will, for the most part, apply to licensees and permittees who sell or supply craft beer at promotional events, including the provisions relating to responsible service, supply and promotion of liquor, preservation of amenity and prohibition to minors;
 - c) Elements of Part 6 of the Act, such as the requirement to have an approved manager and to display signage containing the licensee's information will not apply to the sale of craft beer at promotional events as not to impose unnecessary red tape;
 - d) The Bill requires the licensee or permittee to maintain records in relation to craft beer sold, supplied or ordered at promotional events;
 - e) As referred to in Clause 18, the total volume of craft beer that may be sold and supplied to each person at a promotional event, for consumption away from the event, is 9 litres;
 - f) The Commissioner also has the ability to impose conditions on the licence in relation to:
 - i) The total volume of the licensees craft beer that may be sold to each person at a promotional event, for consumption away from the event;
 - ii) The total volume of craft beer that may be supplied to persons at a promotional event for the purpose of sampling the craft beer; and
 - iii) The volume of the individual samples that may be supplied to persons at the event; and
 - g) It is important to recognise that any samples provided at a promotional event must be free of charge.
- Given these requirements, we believe that this will provide a new opportunity for the craft beer market to promote its product, with the appropriate safeguards in place.
 - While legislation and regulation differs from state to state, the Committee may like to review the changes made in New South Wales in 2014 which provide brewers in that state with the same rights under their producer/wholesaler licence as wine makers.
 - These were similar to the issues raised with the former LNP Government by craft brewers in Queensland.

Clubs Queensland –

- We acknowledge the comments from Clubs Queensland, which support the re-introduction of the Bill. Clubs Queensland were also represented on the former Government's expert panel and it should be noted that their attitude towards the overall benefit of red tape reduction for the tourism industry is highly commendable.

Bar Association of Queensland –

- I note the concerns raised in relation to Clause 26 and Clause 42 of the Bill.
- In relation to Clause 26, it is important to note that the Bill and more broadly the Act has to constantly balance the interests of licensees and harm minimisation measures and matters of public safety.
- In relation to Clause 42, the explanatory notes state that the documents in question may include types of records such as CCTV footage, incident registers, staff rosters and training registers.

- The purpose of this Clause is to make the process easier for licensees and investigators under the Act, for the broader interests of public safety and harm minimisation.
- It should be noted that neither Clause 26 nor 42 breach fundamental legislative principles and that administrative decisions made by the Commissioner are judicially reviewable.
- It should also be noted that neither industry bodies which represent licensees, being the Queensland Hotels Association and Clubs Queensland provide submissions which oppose or have concern with these two clauses.

Queensland Coalition for Action on Alcohol (QCAA) –

- In relation to this submission, it is important to note that the main purposes of the Liquor Act are not being amended and fundamentally govern the way the Act is applied and the industry is regulated in Queensland.
- Clause 3 of the Liquor Act is as follows:

3 Main purposes of Act

The main purposes of this Act are—

- (a) to regulate the liquor industry, and areas in the vicinity of licensed premises, in a way compatible with—
- (i) minimising harm, and the potential for harm, from alcohol abuse and misuse and associated violence; and
 - Examples of harm—
 - adverse effects on a person’s health
 - personal injury
 - property damage
 - (ii) minimising adverse effects on the health or safety of members of the public; and
 - (iii) minimising adverse effects on the amenity of the community; and
 - (b) to facilitate and regulate the optimum development of the tourist, liquor and hospitality industries of the State having regard to the welfare, needs and interests of the community and the economic implications of change; and
 - (c) to provide for the jurisdiction of the tribunal to hear and decide reviews of certain decisions under this Act; and
 - (d) to provide for a flexible, practical system for regulation of the liquor industry of the State with minimal formality, technicality or intervention consistent with the proper and efficient administration of this Act; and
 - (e) to regulate the sale and supply of liquor in particular areas to minimise harm caused by alcohol abuse and misuse and associated violence; and
 - (f) to regulate the provision of adult entertainment; and
 - (g) to provide revenue for the State to enable the attainment of this Act’s main purposes and for other purposes of government.

- The Bill does not deal with the regulation of liquor trading hours and the extensive explanatory notes adequately explain our position in relation to the matters canvassed in the QCAA submission.

Mr Mike Webster (Scenic Rim Brewery) –

- The submission highlights the reasons for the changes in the Bill that relate to the sale of craft beer at promotional events.