

10 April 2012

Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013 - Submission 005

The Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Committee Members

We, *Lives Lived Well*, support the submission in reference to the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013* made by the National Alliance for Action on Alcohol (NAAA).

In May 2012, the Alcohol and Drug Foundation Queensland, the Gold Coast Drug Council and the Queensland Drug and Alcohol Council merged to establish Lives Lived Well (LLW). LLW's services extend across Queensland and include both residential and non-residential programs.

As a NAAA member, we have been invited to inform the NAAA position and this latest submission to your Committee, through an online consultation. We support the NAAA submission as it captures the key issues of concern.

In particular, we offer support for the following:

- A broader consultative process, given the apparent absence of expertise in issues associated with the health impacts of alcohol.
- That the requirement for community groups to obtain a liquor permit should be maintained given that alcohol is a potent drug with an alarming array of side effects if consumed to excess, or too often, or too early in life.
- Caution in establishing greater access to alcohol in hospitals, particularly given the fact that a very significant number of hospital admissions are related to alcohol and/or other drug use.
- The retention of requirements under the Liquor Act of a risk-assessed management plan (RAMP).





In addition to the submission from the NAAA, we also enclose a copy of our submission to the Queensland Government's discussion paper – Red tape reduction and other reform proposals for regulation of liquor and gaming – which is also of relevance to the proposed Bill.

Yours sincerely

Mitchell Giles
Chief Executive Officer

SUBMISSION

Red tape reduction and other reform proposals for regulation of liquor and gaming Discussion paper

March 2013

Dealing with addiction. Passionate about the possibilities.



Introduction

There is no doubt that the intention of the discussion paper put out by the Queensland Department of Justice offering a range of "reform proposals for the regulation of liquor and gaming" has the potential to streamline the regulatory framework within which commercial liquor and gambling interests operate.

Any action that reduces the administrative burden and financial costs of doing business is commended. Ordinarily, initiatives that rationalise business processes and reduce red tape do not result in outcomes that have the potential to impact on the social welfare and health status of consumers and are straightforward in their application.

However in this case, the proposed red tape reduction measures are inextricably linked to a regulatory framework that is designed to provide a protective safety net to consumers.

As currently proposed, the changes described in the discussion paper have the potential to weaken the integrity and effectiveness of the regulatory regime which seeks to manage the tension between the commercial viability of licenced premises and the prevention of alcohol and gambling related harms.

It is our contention that discovery, debate and decision making around changes to the regulatory regime should include as a matter of course, a consideration of the known facts concerning the adverse personal and social impacts and costs associated with alcohol consumption and gambling behaviour.

A Broader Context

Most government policy is developed in a complex environment of competing, and at times, conflicting objectives and stakeholder concerns. To manage these tensions, trade-off and compromise are inherent to the process.

The regulatory framework in which licensing operates has evolved into one that is inclusive of a broad stakeholder base, including health, local government, law and order, general community and industry interests with each claiming a legitimate and rightful seat at the policy making table.

Such inclusiveness is a strength but also creates tensions between stakeholders with respect to their legitimate aspirations, values and goals together with their preferred strategies for pursuing these.

Lives Lived Well

Lives Lived Well has a mission to reduce the level of harm occasioned by potentially addictive behaviours, including alcohol consumption and gambling.

Alcohol

The links between harm and outlet density and trading hours (both implied by-products of this proposal) are unanimously agreed.

A large number of Australian studies have examined the effect of increased trading hours and almost all have shown that they have been accompanied by significantly increased levels of alcohol consumption and/or harms (Chikritzhs and Stockwell, 2006; Chikritzhs et. al., 2007).

Lives Lived Well does not advocate a zero tolerance or a prohibitionist approach. We do believe, however, that the commercial and consumer environment needs to be constrained and that any regulatory regime should unashamedly and unequivocally be designed and operate in favour of *minimizing personal and social harm*.

It is our view that the immediate impacts of the proposed changes as described in the discussion paper may not be or appear to be substantial, immediate or obvious. However, it is when these changes are considered in the context of the additive effect of incremental and apparently innocuous adjustments to the system that their real impact will be felt in the form of a reduction in the

effectiveness of those parts of the system that have been designed to protect the social and personal health of communities.

By way of illustration, the discussion paper proposes a change to the standard hours of trade for takeaway liquor outlets. As a stand-alone initiative this proposal may appear inconsequential, but when considered as one element in a set of other changes which increase the availability of alcohol, the outcomes may, and stated more forthrightly, are likely to have more profound impacts.

Gambling

Problems associated with gambling are irrefutable and the popular media is filled with cautionary tales.

Research demonstrates that problem gamblers often experience a state of mental dissociation ('zoning out'), similar to an intoxicated state.

It has been demonstrated that during play, problem gamblers are more likely to experience a narrowing of attention and are not likely to be able to make informed decisions. It has also been proven that any strategies that interrupt this "dissociative state" are useful and beneficial in returning the problem gambler to reality and in reducing the impact of these behaviours on the social and personal health of the individual.

According to Tse, Brown and Adams (2003), the maintenance of the current load up limit will not affect recreational gamblers but will slow problem gamblers down.

We would therefore encourage the retention of cash input limitations as a punter's attention is forced away from the machine more frequently and they will be more likely to make better decisions in regard to their gambling.

Other Observations

- a) The foreword to the discussion paper might also include an additional dot point that reads: "Prioritizes a harm minimization focus".
- b) There is a propensity to view alcohol as just another commodity (e.g. the statement that opening hours are "not aligned with community shopping hours and habits" as a rationale for relaxing restrictions on opening hours) rather than a potent drug with an alarming array of side effects if consumed to excess, or too often, or too early in life (Babor et.al., 2003).

- c) There appears to be a failure to recognise and address the critical role of culture in shaping the patterning and context of consumption (e.g. "Remove the trading hour restrictions to allow normal trading on Anzac Day, Good Friday and Christmas Day"). The liquor industry (through marketing, opening hours etc.) and also regulatory control have a significant capacity to forge attitudinal and behavioural change at a cultural level.
- d) There is research evidence to support the effectiveness of lockouts here in Queensland and elsewhere (Giesbrecht and Greenfield 2003; Kypri et.al., 2010; Mazerolle et.al., 2012).
- e) There is increasing community concern at the level and seriousness of alcohol related violence and other harms – both in public and private settings – with a consequent level of community support for decisive action to be taken by government and other bodies. We would encourage night time economies and attractions that are not alcohol dependent.
- f) Burden of proof should be on the gaming industry to provide independent and valid research that demonstrates proposals to expand gaming services are in the public interest, instead of relying on 'ball park' estimates and figures.

It is our view that a more detailed analysis of the literature is required, with the view to providing clear community impact statements as to the outcomes of the proposed changes.

- g) The move to endorse earlier opening hours could increase accessibility for problem gamblers, and thereby encourage exacerbation of problem gambling.
- h) We reiterate the importance of considering the cumulative impact of incremental regulatory reform on the integrity and potency of the regulatory regime.

Recommendations

While changes to legislation that reduce the burden on business are welcomed, such changes must **not** contribute, either directly or indirectly, to an increase in the personal and social costs associated with "doing business".

We support economies and attractions that are not reliant on alcohol and gaming.

Recommendation 1

Harm minimisation as a priority should be included as an essential outcome in any consideration of reform in the regulatory framework.

Recommendation 2

We do not support any initiative related to trading hours or otherwise for alcohol which leads to a further and wider availability of alcohol in the community and therefore will almost certainly increase related harms.

Explicitly stated we do not support:

- a) Adjusting the standard ordinary hours for takeaway liquor.
- b) Re-examining liquor trading hours, lock-outs and drink safe precincts.
- c) Removing the trading hour restrictions to allow normal trading on Anzac Day, Good Friday and Christmas Day.

Recommendation 3

We support the retention of cash input limitations and operating hours for gaming venues.

Recommendation 4

Any reform to gaming should be preceded by clear community impact statements as to the outcomes of the proposed changes.

References

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