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

Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013- Submission 009

Dear Committee Members

### **Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013**

The National Alliance for Action on Alcohol (NAAA) is pleased to provide a submission on the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013* that was introduced into Queensland Parliament on 19 March 2013 and has subsequently been referred to the Legal Affairs and Community Safety Committee for detailed consideration. **In addition to this written submission, we also request an opportunity for representatives of the NAAA to appear as witnesses before the Committee.**

The NAAA is a national coalition of more than 70 health and community organisations from across Australia that has formed with the goal of preventing and reducing harms caused by alcohol. Our members include several Queensland-based organisations, including:

- Alcohol and Drug Foundation of Queensland (part of Lives Lived Well);
- Australian Medical Association (AMA) – Queensland;
- Centre for Youth Substance Abuse Research at the University of Queensland;
- Drug Arm;
- Independent Order of Rechabites Queensland District No. 87 Inc.;
- Public Health Association of Australia – Queensland Branch
- Queensland Network of Alcohol and Drug Agencies;
- Queensland Alcohol and Drug Research and Education Centre; and,
- Russell Family Fetal Alcohol Disorders Association.

The NAAA, and especially our Queensland-based members, are very concerned about the adverse impacts on community health and wellbeing if the Government's proposed legislative reforms to liquor regulation are implemented. We urge the Committee and the Queensland Government to thoroughly consider the submissions made by the Queensland-based members of the NAAA, along with our own submission, detailed below.

In addition to the submission from the NAAA below, 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 we believe will also be of interest to the Committee. In that submission we expressed our concern that, for the purposes of only reducing 'red tape', the Queensland government is seeking to weaken several important liquor regulations that are in place to protect the interests of public health and safety.

Below we provide (i) summary information regarding alcohol related harm in Queensland, (ii) our concerns about the consultation process to date, and (iii) our comments on the proposed legislative changes set out in the Bill<sup>1</sup>, the First Reading Speech<sup>2</sup>, and the Explanatory Notes<sup>3</sup>.

## 1. ALCOHOL RELATED HARM IN QUEENSLAND

The adverse effects of alcohol consumption are enormous:

- Alcohol is a part cause of more than 200 different health problems, including cardiovascular disease, cancers, diabetes, nutrition-related conditions, overweight and obesity.
- In young people, drinking can adversely affect brain development and lead to alcohol-related problems in later life.
- Alcohol can trigger or worsen pre-existing mental health conditions (e.g. anxiety, depression, schizophrenia).
- Alcohol is a greater factor than speed, fatigue, weather or road conditions in fatal road crashes in Australia, responsible for more than a third (34%) of road deaths<sup>4</sup>.
- Nearly half of all homicides in Australia are preceded by alcohol consumption, either by the victim or the offender<sup>5</sup>.
- Prenatal exposure to alcohol can result in learning difficulties, a reduced capacity to remember tasks from day to day, anger management and behavioural issues, impaired speech and muscle coordination, and physical abnormalities in the heart, lung and other organs<sup>6</sup>.
- Alcohol is responsible for 30,000 hospitalisations in Queensland each year and around 2.5% of emergency department presentations, principally for mental and behavioural disorders related to intoxication<sup>7</sup>.
- Alcohol is known to be directly associated with alcoholic liver cirrhosis which kills about 160 Queenslanders each year.
- Overall, excessive alcohol consumption accounts for 19% of the total injury burden in Queensland.
- The harmful effects of alcohol consumption cost the Queensland community \$3.07 billion each year<sup>8</sup>, including costs to health systems, law enforcement, lost productivity, and pain and suffering.

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<sup>1</sup> *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013*. Accessed from: <http://www.legislation.qld.gov.au/Bills/54PDF/2013/LiquorGamingRedTapeAmB13.pdf>

<sup>2</sup> Bleijie JP. *Explanatory Speech*. <http://www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/130319/Liquor.pdf>

<sup>3</sup> Queensland Parliament. *Explanatory Notes*. Accessed from: <http://www.legislation.qld.gov.au/Bills/54PDF/2013/LiquorGamingRedTapeAmB13E.pdf>

<sup>4</sup> Bureau of Infrastructure, Transport and Regional Economics (BITRE). *Fatal road crashes in Australia in the 1990s and 2000s: crash types and major factors*. Department of Infrastructure and Transport, Canberra. 2011.

<sup>5</sup> Chan A and Payne J. *Homicide in Australia: 2008–09 to 2009–10 National Homicide Monitoring Program annual report*. Canberra: Australian Institute of Criminology. 2013

<sup>6</sup> Standing Committee on Social Policy and Legal Affairs. *FASD: The Hidden Harm - Inquiry into the prevention, diagnosis and management of Fetal Alcohol Spectrum Disorders*. Parliament of Australia. 2012. Accessed from:

[http://www.aph.gov.au/Parliamentary\\_Business/Committees/House\\_of\\_Representatives\\_Committees?url=spla/fasd/report.htm](http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=spla/fasd/report.htm)

<sup>7</sup> Queensland Health. *The Health of Queenslanders 2012: Advancing good health*. Fourth report of the Chief Health Officer Queensland. State Government of Queensland. Brisbane. 2012. Accessed from: [www.health.qld.gov.au/cho\\_report](http://www.health.qld.gov.au/cho_report)

## 2. CONCERNS ABOUT THE CONSULTATION PROCESS

The NAAA notes, as per the information provided on page 26 of the Explanatory Notes, that there have been no targeted consultations with any organisations that have a special interest and/or expertise in the public health issues associated with alcohol. Nor are any such groups represented on the Expert Panel assembled by the Government. We also note that even the Government's own health department (Queensland Health) is absent from the Expert Panel. In contrast, the Government has consulted extensively with several alcohol industry bodies including Clubs Queensland, Queensland Hotels Association, and the Queensland Casino Operators and Caberets Association. We also note that the Bill in question was introduced into Parliament only days after the closing date for submissions on the Governments' discussion paper.

As a result, the NAAA and is aware that many parts of the health and community sector view the Government's consultation on the Bill as disingenuous. The NAAA is especially concerned that the public health issues related to the Government's proposed legislative changes around liquor regulation have been overlooked and the interests of public health and safety have been downgraded to secondary concerns.

We strongly recommend that the Committee address these shortcomings in the consultation process by holding dedicated public hearings where individuals and organisations who have an interest and/or expertise in the public health issues associated with alcohol are invited to present as witnesses.

We also recommend that the Queensland Government invite stakeholders who have an interest and/or expertise in the public health issues associated with alcohol to join the Expert Panel on red tape reduction.

## 3. COMMENTS ON THE BILL

### Clause 127.

#### **Exemption for the sale of liquor at a fund raising event**

The NAAA is concerned that the stated rationale for this legislative change is flawed, particularly how it has been articulated by the Attorney-General and Minister for Justice The Hon Jarrod Bleijie MP. During the first reading of the Bill on 19 March 2013, Minister Bleijie stated "the liquor and gaming industries suffer from high levels of red tape, stifling their development and opportunities". In relation to the proposal to exempt organisations from requiring a community liquor permit for fund raising events, Minister Bleijie stated:

This is a common-sense amendment, allowing organisations such as school parents and citizens associations, Rotary and Lions clubs, the Cancer Council, Red Cross to sell liquor as part of simple fundraising events without requiring them to jump through unnecessary regulatory hoops and pay additional unwarranted costs<sup>8</sup>.

The NAAA has a number of serious concerns here. It is apparent that Minister Bleijie is unaware that, increasingly, many schools and charitable organisations are rightly concerned about the adverse impacts of alcohol in their communities and many do not sell or supply

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<sup>8</sup> Based on 20.1% (QLD pop.) of the total cost to the Australian community of \$15.3 billion per year. Source: Collins D and Lapsley H. *The Costs of Tobacco, Alcohol and Illicit Drug Abuse to Australian Society in 2004/05*. Australian Institute of Health and Welfare. Canberra. 2008.

<sup>9</sup> Bleigie J. Explanatory Speech: Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013. Legislative Assembly, Queensland Parliament. 19 March 2013. Accessed from: <http://www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/130319/Liquor.pdf>

alcohol at their fund raising events. When schools use alcohol as part of fundraising, this raises a whole range of health and social issues that have recently been highlighted in an information paper<sup>10</sup> by the Australian National Council on Drugs (ANCD). The ANCD has written an open letter<sup>11</sup> to all school principals in Australia to seek their assistance and co-operation in not permitting the use, sale or promotion of alcohol products in school fundraising activities. This action was prompted by community concerns raised with the ANCD, including:

- Students being used as couriers between school and home for advertising material, forms and payment for the purchase of alcohol as a fundraising activity;
- School newsletters being used to promote alcohol sales as part of a fundraising activity;
- School administrative staff being involved in tasks such as copying, handling and collection of paperwork on alcohol related sales associated with fundraising activity;
- Parents being advised to encourage friends, relatives and neighbours to support the alcohol related fundraising activity by purchasing alcohol;
- Wine tasting events being organised on school premises;
- Alcohol products being labelled with the school name and logo to encourage greater sales.

We also wish to highlight that, contrary to what Minister Bleijie has stated, Cancer Councils do not sell alcohol for fundraising purposes, given the known links between alcohol consumption and increased cancer risk.

The proposal to exempt community events from requiring a liquor permit implies that selling and supplying alcohol is akin to selling and supplying bbq sausages, for example. Alcohol is a potentially harmful product and special controls on its sale and supply exist to reflect this. The requirement for community groups to obtain a liquor permit is an important way of reinforcing a message to the community that alcohol needs to be cautiously managed; removing this requirement sends a message that the sale and supply of alcohol at community events needn't be taken seriously.

Furthermore, it seems quite implausible that exempting community groups from requiring a liquor permit for their annual or very occasional events will somehow contribute to reducing the so-called "red tape" that Minister Bleijie states is "stifling" the liquor industries' development and opportunities.

### **Exemption for the sale of liquor as part of a fund raising raffle**

Similar to our concerns expressed above, the NAAA is very concerned that exempting the sale of liquor as part of a fund raising raffle from the requirements of the *Liquor Act* shows complete disregard for the potentially harmful impacts of alcohol. This exemption implies that providing a person with a prize of alcohol to the value of \$1,000 is no different to a prize of a holiday package to the value of \$1,000, for example. Alcohol is a potentially harmful product and special controls on its sale and supply exist to reflect this. We note that the Explanatory Notes for the Bill states that there will be "safeguards to ensure tickets are not sold to, or the prize delivered to, a minor or a person who is unduly intoxicated". However, it is unclear how any such safeguards might be put in place if raffles are exempt from all requirements of the *Liquor Act* and raffles would therefore occur without any notice provided to the relevant authority.

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<sup>10</sup> Australian National Council on Drugs (ANCD) *School fundraising and alcohol*. ANCD. Canberra. February 2011. Accessed from: <http://www.ancd.org.au/images/PDF/Positionpapers/schoolfundraisingalcohol.pdf>

<sup>11</sup> Australian National Council on Drugs (ANCD) *School fundraising and alcohol – Open Letter to School Principals*. ANCD. Canberra. February 2011. Accessed from: [http://www.ancd.org.au/images/PDF/Positionpapers/principalsletter\\_alcoholfundraising.pdf](http://www.ancd.org.au/images/PDF/Positionpapers/principalsletter_alcoholfundraising.pdf)

The NAAA is also concerned that this exemption conflicts with other existing sections of the *Liquor Act 1992* that prohibit competitions and promotions offering large volumes of alcohol for reduced prices, such as the sub-sections of Sections 142AJ and 148B:

### **142AJ Conditions about drinking practices**

It is a condition of the licensee's licence that the licensee must not conduct on the licensed premises—

- (a) a competition or game in which—
  - (i) contestants or players consume liquor on the premises; or
  - (ii) free or discounted liquor is given as a prize for consumption on the premises; or

*Examples of a competition or game—*

- 'drink to win'
- 'last man standing'
- 'all you can drink'
- 'skolling competition'

- (b) another activity, prescribed under a regulation, that may encourage the rapid or excessive consumption of liquor or promote intoxication.

### **148B Control of certain advertising by licensees or permittees**

- (2) A licensee or permittee must not advertise or cause to be advertised—

- (a) the availability of the following for consumption on the licensee's licensed premises or the premises to which the permittee's permit relates (each the advertised premises)—
  - (i) free liquor;
  - (ii) multiple quantities of liquor; or

*Example—*

- 2 drinks for the price of 1

- (c) a promotion that is likely to indicate to an ordinary person the availability of liquor, for consumption on the advertised premises, at a price less than that normally charged for the liquor.

*Examples of promotions for paragraph (c)—*

- 'happy hours'
- 'all you can drink'
- 'toss the boss'

The NAAA is also concerned that the proposed exemption will lead to situations whereby suppliers of liquor can effectively sell a large volume of alcohol to persons below the cost price (e.g. a person could win \$1,000 worth of alcohol by purchasing a raffle ticket for \$1.00). This is particularly worrying given the scientific evidence which shows very cheap alcohol is usually consumed in a harmful pattern, often by young people or people who have existing alcohol related problems.

Overall, this proposed legislative change appears to be poorly conceived, potentially dangerous, and unnecessary.

## Exemption for hospitals

The NAAA is very alarmed by the proposal to exempt the supply and sale of liquor to hospital patients from the *Liquor Act*. Around 30,000 Queenslanders are hospitalised each year because of injuries and diseases attributable to alcohol consumption. The NAAA is astonished that, in the face of this enormous drain on the State's hospital system, the Queensland Government is considering ways to increase the access and availability of alcohol to hospital inpatients. This is a senseless proposal and should be abandoned.

## Other Exemptions

The NAAA is also concerned about several other proposed exemptions for a number of businesses and organisations that are listed under Section 14B of the Bill, but we shall not detail all of these in this submission due to the limits of time. However, of particular concern to the NAAA is the exemption proposed for Australian Defence Force (ADF) canteens. The severity of alcohol problems within the ADF have been widely reported in recent years and the recent report of an Independent Advisory Panel on Alcohol in the ADF specifically recommended that alcohol outlets at ADF bases work towards greater consistency with the relevant alcohol laws of States and Territories (see Recommendation 7 of that report)<sup>12</sup>. We urge the Committee and the Queensland Government to consider this report and its recommendations and reassess the appropriateness of exempting ADF canteens from the Queensland *Liquor Act*.

## Clauses 133 and 134.

The NAAA strongly supports the retention of requirements under the *Liquor Act* that a risk-assessed management plan (RAMP) is required for:

- New licence applications
- Extended trading hours approvals
- Permanent variation of licence applications
- Permanent changes in licensed area
- Transfers of existing licence
- Restricted liquor permits.

RAMPs require licensees to demonstrate that they understand their responsibilities under the *Liquor Act* and are an important tool to assist the Commissioner in considering an application. An applicant is required to address the following matters in a RAMP:

- Responsible service of alcohol (RSA)
- Lighting
- Noise mitigation
- Security
- Transport services
- Training of staff
- Dealing with minors on the premises
- Dealing with unduly intoxicated and disorderly patrons on the premises
- How the impact of the business on the amenity of the community will be limited
- Consultation with community
- Ensuring the conduct of business at the premises complies with the Act and other laws

The NAAA does not support exempting certain alcohol outlets (cafes/restaurants) from the requirement to prepare and submit a RAMP. Allowing some licenses an exemption from

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<sup>12</sup> Independent Advisory Panel on Alcohol. *The Use of Alcohol in the Australian Defence Force*. Department of Defence. Commonwealth of Australia. 2011. Accessed from: <http://www.defence.gov.au/pathwaytochange/docs/useofalcohol/index.htm>

submitting a RAMP is akin to allowing some people to obtain a driver's license without ever demonstrating they know the basic road laws. Alcohol is a potentially harmful product and those who seek to obtain a license to sell, serve and supply alcohol should first demonstrate that they have the requisite knowledge to do so in the safest possible way. The NAAA believes that the amount of information that an applicant is required to compile and prepare into a RAMP is not unreasonable and does not constitute significant "red tape". Furthermore, RAMPs are an efficient way of identifying potential problems in a license application from the outset, rather than discovering these at a later time when it can be more difficult, time-consuming and costly to take steps to resolve. In other words, rather than being a source of "red tape" RAMPs serve to prevent unnecessary administrative burdens for licensed premises that can be avoided if RAMPs are prepared by all applicants and approved by the Commissioner in the first place.

### **Clauses 137, 138 and 142**

The NAAA strongly supports the retention of requirements under the *Liquor Act* that a Community Impact Statement (CIS) must be lodged with an application for the following types of liquor licences:

- New licence (except for community other)
- Variation of licence
- Extended trading hours approval on a regular basis to include trading between 12 midnight and 5:00am.

A CIS provides information on how activities on the licensed premises will impact on the amenity of the community in which it is located. The NAAA believes that this approach is important irrespective of the type of license being sought. A CIS must contain the following information:

- the existing and projected population and demographic trends in the locality.
- the number of persons residing in, resorting to or passing through the locality, and their respective expectations.
- the likely health and social impacts that granting the application would have on the population of the locality.
- an assessment of the magnitude, duration and probability of the occurrence of the health and social impacts.
- the proximity to identified sub-communities within the locality of the proposed licensed premises or proposed premises to which the proposed permit is to relate - for example, schools and places of worship - and the likely impact on those sub-communities.

The NAAA believes that all of the above are highly relevant considerations for the Commissioner in considering an application. The NAAA does not support the proposed legislative change that would allow the Commissioner to waive the requirement for an applicant to prepare and submit a CIS for certain alcohol outlets (cafes/restaurants). Alcohol is a potentially harmful product and those who seek to obtain a license to sell, serve and supply alcohol should demonstrate that they have properly considered the impact of their business upon the local community.

As per our comments in relation to RAMPs (see above) the NAAA believes that the amount of information that an applicant is required to compile and prepare into a CIS is not unreasonable and does not constitute significant "red tape". Like RAMPs, a CIS is an efficient way of identifying potential impacts of a license premises from the outset, especially the adverse impact on communities, rather than discovering these at a later time when it can be more difficult, time-consuming and costly to take steps to minimise the harmful impacts.

## Clauses 139, 140 and 141

The NAAA does not support the proposed exemption of applications for certain types of licenses (cafes, restaurants, detached bottle shops) from the requirements in the *Liquor Act* to notify the local community through advertisements. As Minister Bleijie himself plainly described it in the First Reading of the Bill:

“the bill removes the requirement for these operators to advertise for public objection”

The NAAA is surprised and concerned by this proposed change to the Act, as it appears to be at odds with the proposal in the Government’s own recent discussion paper on liquor regulation, which proposed that local communities be given a greater say in liquor licensing decisions. Clearly, the latter will be significantly undermined if large numbers of license applications are exempt from notifying the local community through advertisements and thus virtually denying local community members an opportunity to object. As per the NAAA’s comments on the Queensland Government’s discussion paper [see attached submission], we strongly support providing local communities in Queensland with a greater say in liquor licensing decisions [refer to section 2.6 of the discussion paper]. Local communities are often well placed to inform decision-making in relation to local alcohol matters, particularly liquor licensing, as they often have in-depth knowledge of the local circumstances and context. Furthermore, the NAAA strongly supports the recommendations of the Queensland Law, Justice and Safety Committee’s final report of its inquiry into alcohol related violence in 2010<sup>13</sup>, particularly the following:

29. *That there be legislative amendment to ensure a greater emphasis on community consultation and opinion in the application process, with a licence to be granted only if, on balance overall, the grant of the licence will benefit the community.*
31. *That conferences be made a mandatory part of the process of considering applications for all licences under the Act where an objection to an application is made.*

On behalf of the NAAA, thank you for the opportunity to provide a submission on the *Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013* that was introduced. If you require any further information please contact the Executive Officer of the NAAA (email [Brian.Vandenberg@cancervic.org.au](mailto:Brian.Vandenberg@cancervic.org.au) or phone 03 9635 5384).

Yours sincerely



**Professor Mike Daube**  
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**CO-CHAIR – NAAA**



**Mr Todd Harper**  
Chief Executive Officer  
Cancer Council Victoria  
**CO-CHAIR – NAAA**

Attached

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<sup>13</sup> Law, Justice and Safety Committee. *Final report: Inquiry into alcohol related violence in 2010*. Legislative Assembly of Queensland. Brisbane. 2010