



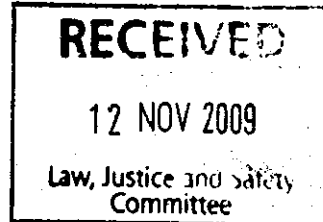
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NOOSA WATERS RESIDENTS ASSOCIATION (INC.) IA 17666
 P.O. BOX 197, NOOSAVILLE, 4566

12 November 2009

By email to ljsc@parliament.qld.gov.au

The Research Director,
 Law, Justice and Safety Committee,
 Parliament House
 BRISBANE QLD 4000



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Dear Sir/Madam,

**ADDITIONAL SUBMISSION TO THE LAW, JUSTICE AND SAFETY
 COMMITTEE INQUIRY INTO ALCOHOL RELATED VIOLENCE**

I refer to my submission to the Committee of 19 October 2009.

In view of the potential ramifications of the High Court's decision on 10 November in C.A.L. No 14 Pty Ltd v Motor Accidents Insurance Board; C.A.L. No 14 Pty Ltd v Scott [2009] HCA 47 would you bring this letter to the Committee's attention.

The High Court has now shifted responsibility for drunken actions on to the individual. They have also determined, inter alia, that

"persons in the position of the Proprietor and the Licensee owe no general duty of care at common law to customers which requires them to monitor and minimize the service of alcohol or to protect customers from the consequences of the alcohol they choose to consume".

We therefore also recommend that:

In addition to other penalties that may be imposed, where an individual is twice found guilty of drink driving within say a five year period that they forfeit to the State their motor vehicle or motor bike. The State would then sell the motor vehicle or motor bike and keep the proceeds of the sale.

We believe that adopting this recommendation would have a significant impact on drink driving similar to the successful hooning legislation. This would also help prevent unlicensed drivers continuing to ignore the restrictions placed on them.

It is clear that following the High Court's decision it is now absolutely necessary to implement the recommendations of the Noosa Waters Residents' Association and others to reduce trading hours. Given that the onus of enforcing the poorly effective risk mitigation strategies to reduce violence are no longer linked to any dereliction of duty in the safe service of alcohol and that licensees will no longer consider that they have this obligation, then the only way to impact alcohol related violence is shorter trading hours.

I confirm that we are available, if required, to attend the Committee to discuss the issues, in particular the difficulties that communities face in responding to applications by big corporations for a licence or extension.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'G. Trevithick', enclosed within a circular stamp or seal.

Gary Trevithick
President
Noosa Waters Residents Association Inc.