



17 September 2021

The Hon Shannon Fentiman MP
Attorney-General and Minister for Justice
1 William Street
BRISBANE QLD 4000

CC: Legal Affairs and Safety Committee

By email: attorney@ministerial.qld.gov.au

Dear Attorney General,

Re. Justice Legislation (COVID-19 Emergency Response – Permanency Amendment Bill)

I write to you regarding the *Justice Legislation (COVID-19 Emergency Response – Permanency Amendment Bill)* (**the Bill**) which has been recently introduced into Parliament in response to the ongoing COVID pandemic and its impact on Queensland society.

I wish to raise a concern relating to Part 5 of the Bill introducing amendments to the State's *Liquor Act 1992* to allow subsidiary on-premises licensees to sell takeaway liquor permanently on application to the Commissioner for Liquor and Gaming.

The current version of the Bill presents an issue in allowing customers to purchase up to two bottles of wine with a takeaway meal from on-premises businesses, and discriminates against beer and spirits categories with no apparent evidence base by prohibiting their sale.

Amendment 67AA Sale of particular takeaway liquor:

The current wording in the Bill states:

(2) The commissioner may impose a condition on the licence authorising the licensee, for each sale that includes the provision of a takeaway meal, to sell takeaway liquor that consists of wine in a quantity of not more than 1.5L in total.

It remains unclear why the spirits and cocktails category has been removed from the drafting.

In contrast, I note that the Liquor Control Reform Amendment Bill 2021 currently being debated in the Upper House of the Victorian Parliament contains a similar ability for restaurant and café licences to sell takeaway alcohol with food; however, the quantity limits imposed on on-premises licences included in the Victorian Bill do not discriminate between beverage categories.

I would urge the Queensland Government to amend its Bill to prevent the discrimination of spirits and cocktails categories. The harmful effect of risky drinking does not distinguish between beer, wine and spirits, and neither should legislation that seeks to address these harms. Moreover, it is objectionable that Queenslanders would be able to purchase wine, which is almost always produced in other states or imported but cannot obtain Queensland-made pre-mixed spirits or bespoke local cocktails. This channel should be open to local distillers to sell with an appropriate quantity limit.

I would welcome the opportunity to meet with you to discuss this amendment at the earliest convenience and can be contacted on [REDACTED]

Yours faithfully,



Greg Holland
Chief Executive

CC: Legal Affairs and Safety Committee: The Hon Peter Russo MP, The Hon Laura Gerber MP, The Hon Sandy Bolton MP, The Hon Jonty Bush MP, The Hon Jason Hunt MP, The Hon Andrew Powell MP.





Submission

October 2021

Justice Legislation (COVID-19 Emergency Response – Permanency) Amendment Bill 2021

About Spirits & Cocktails Australia

Spirits & Cocktails Australia is the peak body for the Australian spirits industry. Our vision is to promote a safe and vibrant spirits sector, which supports Australia's mature drinking culture and creates opportunities for economic growth and industry development.

We represent spirits producers involved in the manufacture, marketing and sale of spirits throughout Australia. Our industry directly supports over 5,000 jobs in all states and territories and supports a further 15,000 jobs from farm to glass, with our supply chain stretching from primary producers to the hospitality and tourism sectors.

Queensland State Development and Regional Industries Committee

Spirits & Cocktails Australia welcomes the opportunity to comment on the *Justice Legislation (COVID-19 Emergency Response – Permanency) Amendment Bill 2021*, and will focus its comments on the liquor reforms contained in the Bill.

As detailed in the Explanatory Notes accompanying the Bill, the Bill amends the *Liquor Act* to provide a permanent ability for licensees holding a subsidiary on-premises licence (meals), principally restaurant licensees, to be authorised to sell a limited amount of wine for takeaway or delivery with a takeaway meal.

The Notes advise that the liquor reforms proposed by the Bill aim to reduce regulatory barriers for restaurants and support the recovery of small business from the economic impacts of the pandemic. The amendments are also anticipated to deliver a tangible public benefit by reflecting contemporary food service standards and changing customer expectations.

The reforms differ from the current COVID-19 temporary takeaway liquor authorities, removing the ability of licensees to sell, inter alia, takeaway cocktails and pre-mixed spirit-based drinks, also known as Ready-To-Drink beverages or RTDs. The Notes advise this change is to reduce the potential for harm and provide greater regulatory control, however, no detail is provided around how these changes achieve this objective.

Spirits & Cocktails Australia urges the Government to keep the temporary measures intact as it moves to make them permanent to allow licensees to continue to sell cocktails and pre-mixed spirits with takeaway meals.

Harm minimisation measures

We note that the current proposal allows up to 1.5 litres of wine to be sold with takeaway meals. Given the average bottle of wine contains around 7 to 8 standard drinks where one standard drink is defined as 10 mg of alcohol (ethanol),¹ this means that consumers can purchase up to 16 standard drinks with their meal.

In contrast, a six pack of pre-mixed spirits-based beverages contain between 6 and 12 standard drinks, depending on the alcohol strength of the drink and the size of the container. This is well below the maximum number of standard drinks the Government is proposing to allow through the purchase of two bottles of wine.

There is no medical evidence or research which holds that the potential harm of injury, disease or death through over consumption of alcohol is any different among the different categories of beverage. Ethanol found in wine is the same chemical compound as ethanol found in distilled spirits and pre-mixed drinks. Issues around harm relate to the total amount of ethanol (alcohol) consumed, not whether the consumption was of wine, spirits or other types of alcoholic beverage. This is confirmed in advice provided by the National Health and Medical Research Centre.² Harm minimisation strategies may support limiting the maximum sale of a beverage with a takeaway meal, but there is no health or harm minimisation justification for the Government to direct consumers towards one category (wine) over other types of alcoholic beverage. In fact, such a decision may give consumers a false sense of safety around the consumption of wine being less harmful than the consumption of other alcoholic beverages.

Discrimination against Queensland industry

Spirits & Cocktails Australia welcomed the recent passage of the *Liquor (Artisan Liquor) Amendment Act 2021*, designed to remove regulatory barriers for Queensland craft brewers and artisan distillers to grow sustainably and responsibly. Queensland is the home to a burgeoning local distilled spirits industry, as well as the centre of Australia's most iconic spirits producer, the Bundaberg Distilling Company.

It is therefore unfortunate, and counterintuitive, that the Government has decided to restrict this channel of sales – takeaway alcohol with meals – to the wine industry, thus primarily benefiting wine producers in other states, rather than Queensland's beer and spirits industry. This proposal will mean that Queensland consumers will be able to buy interstate wines, but be denied the opportunity to buy premium local cocktails and pre-mixed spirits to support Queensland industry.

Approach of other states and territories

Across Australia, Victoria, South Australia and New South Wales are also legislating to make permanent arrangements which commenced during COVID-19 to allow licensees the ability to sell or delivery takeaway alcoholic beverages with meals. All three States have proposed allowing for the sale of cocktails and/or pre-mixed spirits as part of these legislative reforms. Only Queensland is restricting the category of drinks sold to wine.

Such a restriction applying only to Queensland consumers appears antithetical to the liberalisation of licensing laws ahead of Queensland positioning itself as a premier national and international tourism and hospitality destination, including as a future host of the Olympic Games. Takeaway away cocktails and RTDs offer another alternative, one that consumers see as modern and vibrant, and one that allowed licensed venues to pivot during lockdowns to provide a more premium and

¹ <https://www.qld.gov.au/health/staying-healthy/atods/alcohol/standard-drinks>

² <https://www.nhmrc.gov.au/health-advice/alcohol>

sophisticated experience to takeaway meals.³⁴ The innovation and ingenuity of venues to create and provide these to consumers to stay solvent during the pandemic crisis will now be taken away from them.

Other measures in the Bill

Spirits and Cocktails Australia supports other parts of the Liquor Act reforms, namely the limitation of takeaway liquor to transactions that include a takeaway meal made between the hours of 10am to 10pm; the requirement of adequate systems for the responsible service of takeaway alcohol; and conditions the Commissioner determines necessary to ensure the responsible service of takeaway alcohol.

Our recommendation

Spirits & Cocktails Australia welcomes the decision by the Queensland Government to make permanent some of the temporary measures introduced as a result of the COVID-19 pandemic to stimulate growth for Queensland's hospitality sector, and in particular its licensed restaurants. However, there is no policy justification for restricting the sale of alcohol beverages to the wine category, from either a harm minimisation perspective, or an industry and economic perspective. In fact, the Bill's proposed continuation of the take away with meals measures solely to wine not only hurts Queensland distillers, including the iconic Bundaberg Rum and significant RTD producers, who directly employ Queenslanders, but allows for higher amounts of alcohol to be sold (via two bottles of wine) than is contained in a six-pack of pre-mixed spirits. Therefore, we recommend that licensees continue to be allowed to sell pre-mixed spirits with the sale of takeaway meals, up to a maximum of a six-pack, thus meeting the twin aims of promoting economic recovery while ensuring minimisation of harmful consumption of alcohol.

For more information on this submission, please contact

Greg Holland,

Chief Executive

Spirits & Cocktails Australia

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³ <https://theweekendedition.com.au/food-drink/brisbanes-best-take-home-cocktails/>

⁴ <https://www.theurbanlist.com/brisbane/a-list/brisbane-bars-serving-takeaway-cocktails>