



6 October 2021

Ms Stephanie Galbraith,
Committee Secretary
State Development and Regional Industries Committee
Parliament House
BRISBANE QLD 4000
SDRIC@parliament.qld.gov.au

Dear Ms Galbraith,

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

Thank you for the opportunity to provide a submission to the above enquiry. Our submission focusses on changes to the *Liquor Act 1992* (Liquor Act) within the above Bill.

The Foundation for Alcohol Research and Education (FARE) is a not-for-profit organisation working towards an Australia that is free from alcohol harm. We approach this through developing evidence-informed policy, enabling people-powered advocacy and delivering health promotion programs. Working with local communities, values-aligned organisations, health professionals and researchers across the country, we strive to improve the health and wellbeing of everyone in Australia.

The *Justice Legislation (COVID-19 Emergency Response - Permanency) Amendment Bill 2021 (COVID-19 Permanency Bill)* makes permanent certain aspects of the temporary laws made in response to the COVID-19 public health emergency. These changes include amendments to the Queensland Liquor Act. Some of these changes were foreshadowed in a consultation, (that included FARE), on a draft COVID-19 Permanency Bill in June 2021, and further, limited consultation with stakeholder groups that supported the draft Bill.

The original draft Bill amended the Liquor Act to bring licenced restaurants into line with other takeaway liquor licence types in regards to trading hours (i.e. 10am and 10pm) to prevent licenced restaurants from selling takeaway alcohol between 10pm and 12 midnight, (as alcohol being supplied late at night into homes increases the risk of harm). However, as we stated previously, this restriction of trading hours does not negate the increased risk of harm through increasing the density of outlets, nor does it recognise that these measures were only ever meant to be temporary during COVID-19.

FARE indicated in its response to the earlier consultation that it did not support making these changes permanent as they would increase the risk of harm as a result of increasing outlet density. We acknowledge and welcome the fact that the current Bill has further amended some of the



provisions of the draft Bill, to somewhat reduce the risk of harm. These changes include reducing the amount of alcohol able to be sold to 1.5 litres (of wine only), requiring that it be purchased with a substantial meal, and requiring the venue to have 'adequate', (although undefined) systems for the responsible service of takeaway alcohol. However, the current Bill still increases takeaway alcohol outlet density, and so it increases the risk of harm from alcohol.

We also recognise that the fact that the COVID-19 pandemic has changed the way that alcohol is sold, (including increased risk of alcohol harm by bringing more alcohol into the home). Making temporary changes permanent that will have a negative public health impact will further increase the risk of alcohol harm. This is especially the case now. Online sales and delivery of alcohol has grown substantially during COVID-19, as has the harm from more alcohol in the home, with recently released data showing an increased number of alcohol-related deaths during COVID-19.¹

It was disappointing to note that only stakeholder groups that supported the previous draft Bill were invited to provide further feedback on their views regarding the current amended Bill. This is not adequate consultation, especially as twice as many stakeholder groups opposed the draft Bill, and the proposed amendments did not address the concerns raised by these organisations. The organisations that opposed the draft Bill included the Queensland Coalition for Action on Alcohol, Drug ARM, the Queensland Network of Alcohol and Other Drug Agencies, the United Workers Union, the Queensland Hotels Association, Retail Drinks Australia, RSL and the Services Clubs Association Queensland Incorporated.

FARE opposes the proposed amendments to the Liquor Act within COVID-19 Permanency Bill because they will increase the availability of alcohol and increase the risk of alcohol harm to people in the home. More specifically, as we previously stated:

1. These measures were always intended to be temporary.
2. Increasing the density of alcoholic product outlets increases the delivery of alcohol into homes, and the risk of harm.

These points are elaborated upon further in the sections below.

1. These measures were always intended to be temporary.

It is clear from the *COVID-19 Emergency Response Bill*² which established these temporary measures, that this measure was intended primarily to “support the ongoing viability of businesses operated in licensed premises that have been disrupted by the COVID-19 emergency”. Any public health benefit to “reduce the risk of harm relating to the COVID-19 emergency to persons residing in restricted areas” is presumably about encouraging people to be socially distanced.

In the March 2021 Public Briefing for the Inquiry into the *COVID-19 Emergency Response Amendment Bill 2021*³ that extended these measures, Melissa McMahon MP questioned Executive Director David McKarzel, about the impact on hotels and takeaway outlets of allowing cafes and restaurants to also sell takeaway. In response Mr McKarzel said:



“The provisions as they stand now have to hook back into the Chief Health Officer’s direction in order for the commissioner to issue the notice. If come September or even July those density arrangements are gone and there is no other Chief Health Officer direction that affects those businesses—in other words, they can then operate as they did prior to when the whole pandemic started—the power cannot be exercised. The power is linked directly to a direction being in place. Whether this provision is extended from 30 April, when it expires now—that is, the ability to make the notice for temporary liquor authority—or whether it is an extended to 30 September, if the Chief Health Officer’s direction ceases and restaurants and cafes are no longer affected by that then a further notice cannot be issued. Under these provisions, because they are temporary, because they are COVID related, once the COVID issue is gone these provisions cannot be used.”

This makes it clear that these temporary, COVID-19-related provisions were always intended to be linked directly to the COVID-19 health directive, and not to continue beyond it. The end of COVID-19 restrictions should also mean an end to these temporary emergency measures.

It is also important to note that the increased sale of alcohol into homes increases the risk of alcohol harms such as family violence, chronic diseases and alcohol use disorders. Making these measures permanent fails to consider the public health harm that will result in the increased availability of alcoholic products.

2. Increasing the density of alcoholic product outlets increases the delivery of alcohol into homes, and the risk of harm.

Making permanent the ability for cafes and restaurants to sell takeaway alcohol on an ongoing basis increases the density of off-premise alcohol outlets. There is an established body of Australian evidence demonstrating that increased density of takeaway alcohol outlets is correlated with greater assaults, traffic crashes and domestic violence.^{4,5,6,7,8}

Alcoholic products are also being sold and delivered to people who are intoxicated. During the pandemic there have been sharp rises in alcoholic product deliveries, particularly rapid deliveries (within two hours of ordering).⁹ FARE’s 2020 Annual Alcohol Poll, carried out in the January prior to the COVID-19 restrictions, found that for Australians receiving alcohol deliveries within two hours of ordering, 70 per cent drank more than four standard drinks that day¹⁰ (above recommended government health guidelines),¹¹ and of this group over a third (38 per cent) drank 11 or more standard drinks the day of delivery, putting themselves and those around them at heightened risk of harm.

The more intoxicated a person is, the more likely they are to harm themselves or others. Alcohol intoxication increases the risk of death¹², suicide¹³, disease and injury¹⁴, violence¹⁵, domestic violence¹⁶, mental illness¹⁷, road accidents¹⁸, child neglect and abuse¹⁹.



During COVID-19, people who have increased their alcohol intake are reporting that they are doing so to cope.²⁰ They are also reporting increased daily drinking.²¹ People who have become unemployed or decreased work hours have also increased their drinking during the same period.²²

As mentioned above, alcohol being supplied directly, and late at night, into homes can contribute to a greater risk of harm. Alcohol-related assaults increase substantially between 6pm and 3am, with 37 per cent of alcohol fuelled assaults occurring in the home and more than half (57 per cent) of those being family violence.²³ Suicides and sudden or unnatural deaths involving alcohol predominantly happen at night, in the home environment.²⁴ The rapid delivery of alcoholic products to the home, late at night, only further exacerbates these known risks. This requires strengthened measure relating to online sales and delivery, not making temporary COVID-19 measures permanent.

The Queensland Government needs to amend the Liquor Act to incorporate common sense restrictions on online sales and rapid delivery. These would include:

- restricting alcohol deliveries between 10pm and 10am (to reduce the risks of family violence),
- introducing a two-hour delay between order and delivery (to stop the rapid supply of alcoholic products),
- introducing online age verification through digital ID checks (to ensure alcohol is not sold to children)
- ensuring there are no unattended deliveries of alcohol, (to ensure alcohol is not sold to children and people who are intoxicated).

Conclusion

The Queensland Government needs to implement alternative ways to support hospitality businesses impacted by COVID-19, without increasing the risk of alcohol harm. The Queensland Government also needs to implement common sense restrictions on the online sales and delivery of alcohol.

FARE recommends the proposed amendments to the Liquor Act to make temporary measures permanent within the COVID-19 Permanency Bill 2021, be abandoned as they will increase the risk of alcohol harm among families and communities across Queensland.

Yours sincerely,

CATERINA GIORGI
CHIEF EXECUTIVE OFFICER



References

- ¹ Clun, R (2021) *Fewer suicides, but alcohol-related deaths rose in first pandemic year*. The Age, 29 Oct 2021. <https://www.theage.com.au/politics/federal/fewer-suicides-but-alcohol-related-deaths-rose-in-first-pandemic-year-20210929-p58vpn.html>
- ² Qld Government (2020) *Justice and Other Legislation (COVID19 Emergency Response) Amendment Act 2020* <https://www.legislation.qld.gov.au/view/pdf/asmade/act-2020-016>
- ³ Economics and Governance Committee (2021) *Public Briefing—Inquiry into the Covid-19 Emergency Response and Other Legislation Amendment Bill 2021* <https://documents.parliament.qld.gov.au/committees/EGC/2021/COVID-19-EROLAB2021/trns-PB-22Mar2021.pdf>
- ⁴ Treno AJ, Johnson FW, Remer LG, Gruenewald PJ (2007) *The impact of outlet densities on alcohol-related crashes: a spatial panel approach*. Accident Analysis and Prevention, 39:894–901.
- ⁵ Livingston M (2011) *A longitudinal analysis of alcohol outlet density and domestic violence*. Addiction, 106:919–25
- ⁶ Chikritzhs T, Catalano P, Pascal R, Henrickson N (2007) *Predicting alcohol-related harms from licensed outlet density: a feasibility study, Australia*: Monograph, National Drug Law Enforcement Research Fund Hobart
- ⁷ Morrison C, Smith K, Gruenewald PJ, et al (2015) *Relating off-premises alcohol outlet density to intentional and unintentional injuries*. Addiction, 111:56–64
- ⁸ Taylor N, Livingston M, Coomber K, et al (2021) *The combined impact of higher-risk on-license venue outlet density and trading hours on serious assaults in night-time entertainment precincts*. Drug and Alcohol Dependence Volume 223
- ⁹ Woolworths Group (2020) Annual Report, https://www.woolworthsgroup.com.au/icms_docs/195794_annual-report-2020.pdf
- ¹⁰ FARE, Annual Alcohol Poll 2020, <http://fare.org.au/wp-content/uploads/ALCPOLL-2020.pdf>
- ¹¹ National Health and Medical Research Council (2020) *Australian guidelines to reduce health risks from drinking alcohol*. <https://www.nhmrc.gov.au/health-advice/alcohol>
- ¹² Lensvelt E, Gilmore W, Liang W, Sherk A & Chikritzhs T (2018) *Estimated alcohol-attributable deaths and hospitalisations in Australia 2004 to 2015*. National Alcohol Indicators, Bulletin 16. Perth: NDRI, Curtin University. <http://ndri.curtin.edu.au/NDRI/media/documents/naip/naip016.pdf>
- ¹³ AIHW (2018).
- ¹³ Borges G, Bagge CL, Cherpitel CJ, et al (2017) *A meta-analysis of acute use of alcohol and the risk of suicide attempt*. Psychological Medicine 47, 949–957; Nortsrom T & Rossow I (2016) *Alcohol consumption as a risk factor for suicidal behaviour: a systematic review of associations at the individual and population level*. Archives of Suicide Research 20(4), 489–506.
- ¹⁴ Impact of alcohol and illicit drug use on the burden of disease and injury in Australia: Australian Burden of Disease Study 2011. Australian Burden of Disease Study series no. 17. Cat. no. BOD 19. Canberra. <https://www.aihw.gov.au/getmedia/34569d3a-e8f6-4c20-aa6d-e1554401ff24/aihw-bod-19.pdf>
- ¹⁵ Briscoe S & Donnelly N (2001) *Temporal and regional aspects of alcohol-related violence and disorder*. Alcohol Studies Bulletin. NDRI and NSW Bureau of Crime Statistics and Research.
- ¹⁶ Livingston M (2011) *A longitudinal analysis of alcohol outlet density and domestic violence*. Addiction, 106:919–25
- ¹⁷ Teesson M, Hall W, Slade T, et al (2010) *Prevalence and correlates of DSM-IV alcohol abuse and dependence in Australia: findings of the 2007 National Survey of Mental Health and Wellbeing*. Addiction 105(12), 2085–2094; Prior K, Mills K, Ross J, & Teesson M (2017) *Substance use disorders comorbid with mood and anxiety disorders in the Australian general population*. Drug and Alcohol Review 36, 317–324.
- ¹⁸ Chikritzhs T & Stockwell T (2006) *The impact of later trading hours for hotels on levels of impaired driver road crashes and driver breath alcohol levels*. Addiction, 101(9):1254–64.
- ¹⁹ Laslett AM, Mugavin J, Jiang H, et al (2015) *The hidden harm: Alcohol's impact on children and families*. Canberra: Foundation for Alcohol Research and Education.
- ²⁰ FARE (2020) *Alcohol use and harm during COVID-19*, <http://fare.org.au/alcohol-use-and-harm-during-covid-19/>
- ²¹ Ibid



²² Biddle N, Edwards B, Gray M & Sollis K (2020) *Alcohol consumption during the COVID19 period: May 2020*, ANU Centre for Social Research Methods, June 10

²³ Briscoe S & Donnelly N (2001) *Temporal and regional aspects of alcohol-related violence and disorder*. Alcohol Studies Bulletin.

²⁴ Darke S, Duflou J & Torok M (2009) *Toxicology and circumstances of completed suicide by means other than overdose*. Journal of Forensic Science 54(2), 490-494; Darke S, Duflou J, Torok M & Prolov T (2013) *Characteristics, circumstances and toxicology of sudden or unnatural deaths involving very high-range alcohol concentrations*. Addiction 108, 1411-1417.