



Speech by

HARRY BLACK

MEMBER FOR WHITSUNDAY

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LIQUOR (EVICTIONS, UNLICENSED SALES AND OTHER MATTERS) AMENDMENT BILL

Mr BLACK (Whitsunday—ONP) (4.26 p.m.): I will not take up much of the time of the House because One Nation supports the Liquor (Evictions, Unlicensed Sales and Other Matters) Amendment Bill 1999 as we all agree that the liquor industry needs better control mechanisms with regard to the responsible sale and supply of liquor. As the Minister advised in his second-reading speech, this Bill will clarify and strengthen existing provisions of the Liquor Act in relation to the eviction of patrons from licensed premises and the unlicensed sale or supply of liquor.

Licensees are required to manage their business in a manner that ensures a safe environment for their patrons. Some of the common control mechanisms used by pubs and clubs include the removal of drunk and disorderly patrons from the premises as well as refusal of entry to people who are observed to be unduly intoxicated, troublemakers or underage. Under the Liquor Act, a person who is refused entry or evicted from licensed premises must immediately vacate the area when instructed to do so. However, it is generally expected that not all patrons will cooperate when advised to leave, often creating a disturbance to other patrons at the venue. That has resulted in several civil suits against licensees for not protecting their patrons against harm.

The amendments in this Bill clarify the rights of licensees, permit holders, employees or their agents to remove disorderly patrons from licensed premises, using such force as is necessary and reasonable if the person refuses to leave. Police involvement is not feasible in most cases; therefore, it is accepted that this amendment is necessary to ensure that remaining customers are safeguarded from harm.

I agree in principle that licensees should be permitted to use necessary and reasonable force to remove unruly patrons from their premises; however, I ask the Minister whether any safeguards are in place to protect patrons from what could be classed as unreasonable force. I ask that because the most common side effects of being under the influence of alcohol are impaired judgment and altered perceptions and emotions. In some cases, a person who is not normally verbally aggressive or violent may become hostile when confronted with force by bouncers or bar staff. As a result, bouncers generally become angered themselves, reacting by using more force to control the patron. Even if that example were applicable to only one out of every 100 troublesome patrons, there is still that one person—most commonly a woman—who may be the victim of what could be classed as "bouncer abuse". Considering that licensed clubs and pubs exist for the purpose of the consumption of alcoholic beverages, bouncers and bar staff should be more considerate of the effects of alcohol on the individual. Perhaps bouncers and staff could pay particular attention to the approach they use when addressing a disorderly patron, in particular the level of force used, which may not be classed as appropriate under the circumstances. Somehow a balance needs to be achieved.

This Bill also addresses the issue of unlicensed sale and supply of liquor. I support the provisions to strengthen the penalties for unlicensed trading, such as increasing fines to include jail terms, as well as disqualifying a convicted person from holding a licence or a permit for a specific period of time. The power for investigators to seize liquor and associated equipment is another worthy provision to help control the illegal sale of liquor. Often, unlicensed operators resume trading within hours of an investigation. Therefore, the seizure of property to prevent further sales is very appropriate. I believe that the amendments proposed in this Bill should satisfactorily address the identified problems. I commend this Bill to the House.