



Speech by

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Hansard 31 May 2001

LIQUOR AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (12.47 p.m.): In speaking to the Liquor Amendment Bill 2001, I will say at the outset that the opposition will be supporting this bill. This bill primarily arises as a result of the national competition policy review of the Liquor Act 1992 but also includes a number of other administrative amendments.

The bill has a fairly lengthy history. Consultation on some aspects went back to the time of the previous coalition minister. Those 1997-98 proposed amendments were introduced to parliament but lapsed due to the 1998 state election. Ironically, the current bill was also tabled in the parliament before an election and lapsed—together with another 35 bills—upon the dissolution of the parliament upon the calling of the 2001 state election.

When considering laws regulating the sale of liquor, most people would understand that it is subject to different restrictions from those placed on other products in the marketplace because, I suppose, potentially it can have a deleterious social impact if misused.

Queensland's Liquor Act was first introduced in 1912, and the Licensing Commission was established in 1935. Since that time there have been numerous amendments to the act before a full review saw the 1992 overhaul of legislation which abolished the Licensing Court and Licensing Commission and created the Liquor Licensing Division to administer the law.

As noted in the national competition policy review of the Queensland Liquor Act as published on 5 August 1999, historical references to regulating liquor go back to as early as 4,000 years ago. I also note that, in that 1999 document, there were some very interesting references made to harm reduction and control strategies by Dr Ann Roche of the University of Queensland and, in particular, to the issue of alcohol availability and youth. I commend that document as reading to other members of the House as it raises issues which I believe we as parliamentarians need to consider further.

The current act, the Liquor Act 1992, a federal-state agreement signed by Premier Goss, required that under the national competition policy these regulations be subject to review to test that they were not anticompetitive and, where restrictions remain, that they be justified on the basis of the public interest.

Changes arising from this review that are included in the bill are: the abolition of the payment of premiums for general and special facility licences; an increase in the allowable distance between a detached bottle shop and the main licensed premises from 5 kilometres to 10 kilometres; abolition of the 18 litre per member per day take-away limit for clubs and a reduction in the current distance for casual visitors from 40 kilometres to 15 kilometres; allowing casual drinking in on-premises (meals), on-premises (cabaret) licences before 5 p.m. and the restaurant part of the residential licences, provided that the business conducted on the premises or part of the premises continues to meet the primary purpose of providing meals; an exemption for small bed and breakfast and host farm-style operations catering for up to six guests from the requirement to obtain a liquor licence; the introduction of a limited take-away facility for restaurants for patrons who have dined and wish to purchase a single bottle of wine for consumption off the premises; and the strengthening of the provisions relating to public interest for a licence to ensure that the interests of the community are fully considered before the approval of a new licence.

Other sundry changes that will be made to the act which have not resulted from the NCP review are: a restriction on trading between 5 a.m. and 7 a.m.; the improvement of the provisions relating to the administrative review of the decisions made under the act; the strengthening of primary purpose provisions for each licence type; improving the process relating to disciplinary action; and improving enforcement and administrative provisions relating to noise emanating from licensed premises.

I am pleased that the government has accepted public concerns and submissions which were the basis of the NCP review that recommended against the sale of liquor being further deregulated to also include supermarkets and corner stores.

The National Party opposition also had concerns about the negative impact that this potential change would have had upon existing jobs, particularly in rural and regional Queensland. I understand that there are also submissions from people in the health industry who are concerned about widening the avenues of access. The major supermarket chains already have a significant market share, and it was felt that a further concentration of the market in the sale of liquor would not have been in the public interest. However, I guess what has been occurring in the marketplace is that there have been moves by some of those larger chains to buy out hotels, so the marketplace is continuing to change.

I understand that, in drafting the bill, some due weight was given to concerns that there were already extensive outlets where people could purchase take-away liquor. Those aspects have been taken into consideration. Having said that, there are some changes in this bill which will make liquor more available in certain circumstances but still subject to some governing controls. I believe that is a recognition of changing lifestyle habits, particularly in the tourism industry. This is the provision allowing people to purchase a single bottle of wine from their restaurant. This will meet a public need for convenience, mainly to assist diners in purchasing a bottle of wine which they may have enjoyed during the meal and want to take home with them. The reality is that, in the marketplace, they will not get that bottle of wine cheaper than they would through other outlets anyway. So it is not envisaged that this provision will have a huge impact upon the sales of other existing outlets, but it will be more an issue of convenience to the public.

The provisions relating to non-diners purchasing alcohol in restaurants will be further relaxed, but I believe the point is well taken in briefings from the department that the current 20 per cent non-diners provision has difficulties in practical application and that the intention in the way this bill is drafted is to make the law more enforceable in regard to establishments which are not abiding by the primary purpose, such as providing meals. The bill seeks to outline a clear definition of the primary purpose of a venue, such as a restaurant or cabaret, and to make that the basis of regulating the sale of liquor to non-diners in restaurants and cabarets.

In noting the opposition's support for these provisions, I will say that we will be monitoring how effectively they are implemented, as I am sure the government will be, particularly in light of the changing marketplace and consumer trends which require ongoing review of legislation. I urge the minister to report back as these new changes are implemented so that we are able to have some feedback also from a departmental view as to the effectiveness of the new provisions.

There are other provisions in this legislation which are controversial though well publicised. They relate to the retrospective banning of take-away licences for clubs. As I understand, it was not the intention of the previous legislation to provide that, but through consequent appeals there have been establishments—certainly in Mount Isa—that have established take-away facilities. This will be removed by this particular bill, and I will be asking further questions of the minister at the committee stage, but I would be interested to have feedback as to whether any compensation issues arise in regard to retrospective legislation removing that particular provision and how many licences currently are caught within that net.

I mentioned earlier Dr Roche's studies, which I thought were beneficial. Alcohol has always been part of the lifestyle of the human race. It has always been recognised that alcohol is not an evil thing in itself; however, there are cases of alcohol abuse. We have a regulatory regime to try to ensure that there are some controls on where and how alcohol is distributed. I would like to quote from the research of Dr Roche that was supplied to the NCP review. She stated—

Although overall mean consumption levels in Australia are decreasing, the pattern of consumption for young and very young people is the reverse. There is increasing concern over the doubling of hazardous drinking patterns of young people reported over the past decade. Young people also prefer certain types of alcoholic beverages, namely spirits and full strength beer. Many young people report drinking intentionally to get drunk. In geographic regions where there are high concentrations of young people, and especially where this is coupled with social disadvantage in the form of high unemployment levels or economic or social deprivation then particular care is needed in relation to the availability of alcohol. Ease of access to alcohol is associated with increased consumption by youth and increased hazardous consumption.

There was also reference in that research to advertising. It was said that—

Advertising is acknowledged as having a potentially powerful impact on behaviour (even if the association is difficult to prove). Hence, advertising of alcohol products has specific restrictions regarding targeted young people, and using them in visual advertisements.

I want to flag that this continues to be an issue of concern, even if there are changes in the way that beverages are advertised. This is an issue that I believe as a community we will have to tackle, because unfortunately it is the young—those who are vulnerable—who often feel they are bulletproof, but we are increasingly seeing a problem with youth drunkenness. While there are laws to restrict the access of young people to alcohol—and we would always welcome new and better ways of doing so—the issue of alcohol advertising and the increasing hit rate of young people taking up binge drinking has to be of concern. I believe we need to start considering further restrictions on advertising to deal with binge drinking and alcohol abuse by young people.

There are others within the hotel and the general liquor industry who are regulated by this bill. We recognise that different sections of those industries have different concerns. With the changing of the premiums, one comment made to me by a hotelier was that, of about 1,200 hotels, about 300 go broke each year. They have been critical of some of the processes whereby others were able to gain other types of licences, which meant that they would 'continue to go broke', as one particular operator said. There is now quite a marked change in the way government collects revenue from licences in this regard.

The other matter to which I wish to draw attention is the public need in regard to new licences. This is quite an important aspect of the legislation. There has been a change from the public need to the public interest. I will be seeking feedback from the minister on this matter. We all recognise that the current provisions had their restrictions in the way that people could oppose the establishment of a licensed premise in particular areas in their communities. That is why this particular clause, clause 72, which is amending section 116 of the act, has been drafted. I understand that is the intention. But I will be particularly interested to see this provision in application. In implementing a new measure, we are keen to ensure that there are no unintended consequences. We want to ensure there is a fair mechanism whereby the community's voice is heard and whereby recognition is given to the community view of appropriate and inappropriate locations for the establishment of a licensed premise.

The opposition thanks the minister and the minister's staff for their briefing on this legislation. As I said before, it is recognised that many elements of the industry are affected by the liquor licensing regime. Certainly it also impacts upon the tourism industry. We support the legislation.
