Speech by

Dr DAVID WATSON

MEMBER FOR MOGGILL

Hansard 19 February 2002

LIQUOR LICENSING

Dr WATSON (Moggill—Lib) (12.18 p.m.): On 11 January 2002, the Liquor Appeals Tribunal handed down a decision which overturned the decision of the Chief Executive Officer of the Liquor Licensing Division to refuse an application for a general liquor licence for a Cheers Tavern at Kenmore. In its decision, the tribunal seemed to accept the fact that the amenity of residents near the proposed facility would be degraded. But the tribunal, referring to legal precedent, was persuaded to place greater emphasis on need rather than amenity.

Logically, if a tribunal was indeed making that trade-off, it would seem fundamental that the evidence used to assess need must be based on the same locality as the evidence to assess amenity. If the evidence is other than this, no logical comparison can be made. Once the tribunal accepted a particular definition of 'relevant locality' and accepted evidence of need based on this definition of 'locality', its failure to elicit evidence on amenity over exactly the same locality was incompetent.

Worse than this, in a game theory sense it was not a fair game. The objectors' case was primarily based on the amenity impact—and this is what the CEO considered in his decision—of a general licence in a broad area around the proposed facility but not too widely drawn. The applicant's case was based upon need over a much wider area. Accepting the applicant's definition of 'locality' automatically biased the case against the objectors, this bias was evident right throughout the tribunal determination. For example, the evidence presented by Dr Brannock failed to understand this distinction. In analysing the objections, she concluded that this sample was biased because the demographic make-up of the objectors did not match the demographic make-up of the locality. Anyone with a modicum of wit would have understood why. The demographics of the area from which the objectors were primarily drawn—that immediately surrounding the proposed facility—are different to the demographics of the total area accepted by the tribunal.

Being an educationist, Dr Brannock could have recognised this by looking at trends in school enrolments across the area—a fact I would have told her if she had bothered to come and talk to me about the issue. In fact, she failed to talk to any of the local members—myself or the local councillors. But more importantly, it does not logically follow that the attitudes towards the proposed tavern exhibited by the objectors are necessarily different to those of the broader locality population simply because they differ on some demographic variables. To answer that question, empirical evidence would have to have been collected across the whole area—something which both Dr Brannock and the tribunal conspicuously failed to do. If the amenity was defined as Queensland but the need was defined as New South Wales, one could see the logical inconsistency of this. But the same principle applies in smaller areas that are not coincidental.

Not only is the tribunal incompetent, its arrogance is beyond comprehension. Over the past two weeks it has failed to answer some simple questions put to it by the Parliamentary Library on my behalf. I will examine the tribunal's attitude and performance at another time. Earlier, its members refused to alter their program to accommodate my presenting oral evidence in this case. Unfortunately, their hearing dates clashed with parliamentary sittings, but I did offer to make myself available at any time on their final sitting day, 14 December 2001. Apparently, the tribunal only wanted to hear final submissions on that day. But I would have thought the tribunal members could have gotten off their collective backsides, forgone their second cup of cappuccino and convened their hearings 30 minutes early. I would have been only too willing to point out the fallacy of their reasoning at that time rather than now.

In conclusion, I trust this sorry saga is not repeated by the Queensland Gaming Commission. Given the government's policy with regard to community consultation, let me be unambiguous. The community, as demonstrated by my own surveys, is firmly against gaming machines in both this locality and other sites in the electorate of Moggill. The local councillors representing the area, Councillor Margaret de Wit and Councillor Jane Prentice, are also against the proposal. Finally, as the member for Moggill, I am also against the application. Unless the government's policy with respect to gaming machines is a total sham, the application for gaming machines should be totally rejected by the Gaming Commission.