Speech by

Dr DAVID WATSON

MEMBER FOR MOGGILL

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LIQUOR APPEALS TRIBUNAL, CHEERS TAVERN

Dr WATSON (Moggill—Lib) (11.27 p.m.): In the debate on matters of public interest on 19 February I indicated that the decision by the Liquor Appeals Tribunal in the case of the Cheers Tavern appeal was based on flawed logic and thus incompetent. In order to judge the Cheers Tavern decision in the context of other liquor tribunal decisions, I reviewed all of the determinations arising from its hearings from 1997 onwards. I paid particular attention to cases where the appeal was against a refusal by the CEO of the Liquor Licensing Division of an application for a general licence. Eight cases fitted this category. Of the eight cases, five appeals were upheld and three were dismissed.

Of particular interest in each case was how amenity and need were treated and how locality was defined for each of these dimensions. In three of the five cases where the appeal was upheld the tribunal appears to have defined locality consistently for amenity and need. In addition, two of the three had no objections and the other had only two objectors. On the remaining cases—namely, applications at Loganholme and Highland Park—it appears the tribunal has made the same logical mistake as in the Kenmore case, although the extent of the mismatch between locality for amenity and need do not seem as great as at Kenmore. Again, there were relatively few objectors to each application. In the case of Loganholme the written support for the application vastly outweighed the objections. So it is possible these logical errors did not have serious practical consequences for the respective communities.

I now turn to the three cases in which the appeal was dismissed. One is irrelevant as it was based on section 60 of the act and did not address the issues of need and amenity. The other two were applications for licences at Trinity Beach and Kewarra Beach, both near Cairns. In both of these appeals the amenity and need localities appear to coincide and are restricted to suburbs on or adjacent to the beaches. The tribunal considered broadening the amenity locality in the case of Kewarra Beach, but this was not done. In both cases there was a significant number of objectors but well short of the number of objectors to the Kenmore Tavern.

The Liquor Appeals Tribunal decision in the Cheers Tavern Kenmore application differs from the other decisions in two significant ways. The first is the sheer disparity in the number of objections to the respective proposals. The second is the overwhelming distortion of the evidence by the vast mismatch in the definition of locality for each of the dimensions of amenity and need.

These critical differences should have rung alarm bells for any competent tribunal. After all, Ms Lindon was the presiding member on both the Kewarra Beach and the Trinity Beach hearings, as well as the Cheers Tavern hearing, while Dr O'Donnell and Mrs Spender sat on the Trinity Beach and on the Kewarra Beach hearings respectively, as well as the Cheers Tavern hearing. Their previous deliberations simply accentuate their incompetence in this latest decision.