



Speech by

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MEMBER FOR SURFERS PARADISE

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LIQUOR AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (5.00 pm): I rise to speak on the Liquor Amendment Bill. In doing so, I seek clarification of one aspect of the bill that I believe is ambiguous and needs to be made crystal clear if we are to help clubs and pubs abide by these new laws, as they want to, to help make the city a safe place at night-time.

The bill provides for the prohibition of advertising of a promotion that is likely to indicate to an ordinary person the availability of liquor for consumption on the advertised premises at a price less than that normally charged for the liquor. The bill goes on to outline some of these. For instance, advertising of happy hours is considered to be in contravention of the act, as are two-for-one, toss-the-boss and all-you-can-drink promotions.

This raises questions about what is advertising and who is the ordinary person. The first point is covered by a subsequent section of the bill which states that advertising, for this purpose, will be by signage or print, oral or electronic advertising. The minister has stated that this is broad because there are many ways in which things can be advertised. Also, there are many different ways in which things will be advertised in the future, and this definition contemplates that.

However, there are some problems where the question is about the substance of what is advertised, not whether a certain promotion is advertised. What if the situation is that a certain comment can be easily conceived as advertising but what is being advertised may not necessarily have induced an ordinary person into believing that the drinks are being sold for a price less than that normally charged, to use the language of the bill? Such a situation could arise with respect to a card that is currently floating around the Gold Coast. No doubt, Brisbane clubs would have similar cards. I have one here from a Gold Coast tavern. It is called the student gold card. It states—

Present your card to receive \$4.50 meals in the bistro all day every day and \$7 jugs of beer and \$12 jugs of basic spirits in the sports bar.

Now, I do not want to table the card, as my young staffer does not want to lose it. However, I seek leave to table a copy of that card.

Leave granted.

Mr LANGBROEK: According to the broad interpretation of the word 'advertising' in the bill, this would easily be conceived as advertising. However, would it induce an ordinary person into believing that the drinks are being sold for a price less than that normally charged, to use the language of the bill? According to the average university student, a \$7 jug is quite cheap, and one is unlikely to find a \$7 jug at any bar during a normal, non-promotional period. However, expecting the ordinary university student to know that would be difficult to sustain. The fact that a jug may be \$2 or \$3 cheaper than at other bars is not highlighted on the card. The promotion does not have a specific name, like happy hour, so it cannot really be classified in the same way as the promotions outlined in the bill. On the flipside, it would seem unnecessary to produce the card unless the prices provided for on the card represent a discount. However, to suggest that an ordinary person would recognise this without the discount being pointed out on the card is, again, a stretch.

The question I ask, for the purpose of aiding statutory interpretation, is: where is the line drawn? Let us say that a bar advertises a certain price for drinks, say \$4 for a premium beer. Let us say, as is the case, that that price is at least \$1 and in many cases up to \$2 lower than the normal price that is paid at most bars for that drink. However, if that bar serves beer at that price all the time, it is simply advertising that it is the cheapest and this is not a promotional discount. Is that in contravention of these new regulations? I would hope not, as this bill should not disable pubs and clubs from advertising the price of drinks simply by virtue of the fact that those drinks happen to be at a lower price than their competitors.

I realise that the overarching concept of the relevant sections is to prevent the promotion of binge drinking. However, what one person sees as binge drinking may not be seen that way by another person. I know that the minister has made the section broad because of the number of possibilities that arise when dealing with this issue. However, that could, of itself, lead this bill into trouble.

Some may see this card as a way of attracting uni students to a particular bar over a competitor's bar, yet to others it may be seen as a way of attracting uni students with cheap drinks. There need to be clearer definitions as to the line between promotions and specials outside of what is considered legitimate by this section and simply trying to gain a competitive advantage over a competitor in the market place. I certainly hope that the right of small business to do the latter is not eroded too much.

Aside from that, I remind members that this idea was rejected by the Premier when it was introduced on the Gold Coast back in 2004. Yet in a true example of policy hopscotch the Premier has introduced it amid a flurry of media and hype to put the public at ease. As I have said many times, it is a valuable tool but it is not the only answer. Police resources, in terms of increased numbers, and an increase in Liquor Licensing inspectors are two other important tools that Brisbane has been allocated and which are needed at the Gold Coast and throughout Queensland.

I warn the Premier that this is not a panacea, and I assure him that we will be watching very closely to make sure that in a year's time, when this comes up for review, a proper review and a decent look at other complementary initiatives takes place. With those comments, I ask the minister for some clarification and I commend the bill to the House.