



Speech by

John-Paul Langbroek

MEMBER FOR SURFERS PARADISE

Hansard Wednesday, 23 November 2005

LIQUOR AND OTHER ACTS AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (4.10 pm): I rise to speak to the Liquor and Other Acts Amendment Bill—a bill that the opposition will be supporting. This bill will amend three acts: the Liquor Act, the Property Agents and Motor Dealers Act 2000 and the Body Corporate and Community Management Act 1997. First of all, I would like to deal with the PAMDA provisions and I would like to thank the minister for having incorporated those. I have had correspondence with the minister about a particular case that, I think, instigated the review of the PAMDA legislation. The case was MNM Developments Pty Ltd v. William Alan Gerrard. The gentleman involved was a constituent of mine. It was a quite a significant matter. I refer to my letter to the minister, which states—

This matter concerned the definition of attachment of a warning statement, particularly with regard to a faxed contract. Until this decision, trial judges had interpreted the above sections in a manner that protected the contract. This decision, however, makes it difficult for agents and sellers to enforce contracts.

I note the comments from the member for Yeerongpilly, who said that he had spoken to people from the Real Estate Institute of Queensland. Of course, they were greatly supportive of changes to the Property Agents and Motor Dealers Act. I had had correspondence from the solicitors for this particular constituent. The matter was very upsetting and, as I understand it, it is still in the process of being appealed because unfortunately—or fortunately, I suppose, because I am not someone who is necessarily in favour of retrospective legislation—there were a number of contracts that were in danger or could be in danger of being terminated simply because of, as it happened in this court case, judges literally referring to the dictionary definition of the word 'attachment'.

Mr DEPUTY SPEAKER (Mr Wallace): Is this before the courts at the moment?

Mr LANGBROEK: I think it has been—

Mr DEPUTY SPEAKER: You be very careful if it is before the courts.

Mr LANGBROEK: Thank you, Mr Deputy Speaker. As I say, I am glad to see that the Property Agents and Motor Dealers Act has been amended.

I now turn to the amendments to the other acts. The reaction by the government in addressing this issue was aptly described by my colleague the member for Currumbin as 'knee-jerk'. While there has been a lot of talk about the minister's 17-point plan—and I remember it being instigated after some incidents last year on the Gold Coast following some incidents in Brisbane—making our nightclub precincts safer is obviously a priority, I think the state government is kidding itself if it believes that it has made substantial ground in the ongoing battle to make our nightspots safer.

One major problem with this government's bill and, indeed, its overall policy to make our nightspots safer is the red tape that is preventing implementation. For example, the problem of a chronic shortage of security guards in our entertainment hubs is being compounded by the red tape that is stopping businesses from rapidly hiring new security guards. Another concern I have is that under the proposed legislation there will be no avenue to appeal decisions and that will make it more difficult for businesses to go about their day-to-day operations. Under current arrangements proprietors can appeal against decisions.

There are other matters that the member for Currumbin has gone over that will seriously affect nightclub proprietors and businesses, while not necessarily making our nightclubs safer. There is also an issue about the cost and the ability of providing closed-circuit TV on property that is not the property of the business owner. I ask the minister to clarify paragraph 142AH(a), which states—

'It is a condition of the licensee's or permittee's licence or permit that the licensee or permittee—

- (a) must have closed-circuit television equipment at each entrance and exit of the licensed premises or premises to which the permit relates that provides access for patrons of the premises during the trading period;

Obviously, there are times when closed-circuit TV is going to have to be provided in areas that the business owner may not necessarily have access to because they do not own those areas. I will be interested to hear what the minister has to say in addressing that matter.

As the member for Surfers Paradise, I obviously have a great interest in matters relating to the safety of nightclub patrons. I urge the government to keep looking for ways of, and I will obviously give bipartisan support to, making nightclubs safer for our younger people.