



Speech by

## John-Paul Langbroek

**MEMBER FOR SURFERS PARADISE**

Hansard Tuesday, 7 August 2007

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### **LIQUOR (RESTRICTION OF SUPPLY TO MINORS) AMENDMENT BILL**

**Mr LANGBROEK** (Surfers Paradise—Lib) (9.25 pm), in reply: I thank all members for their contributions, especially coalition members. I also want to thank those members for contributing at short notice following the changes to the order of business that were moved earlier today.

Firstly, I want to comment on the contribution by the member for Aspley, who suggested that maybe I introduced this bill as a headline grabbing action. I note that the member for Aspley, along with the member for Springwood and the minister, were the only senior members of the government who were here for the debate. I say to the member for Aspley that I am not interested in headlines. I have a 17-year-old daughter who is going to schoolies this year. My greatest fear when she gets into her 1988 Volvo and goes to schoolies or goes to any parties before then is that she is not going to come home without some sort of injury. So I absolutely refute the suggestion that I am doing this in any way for any headlines. I am just one of hundreds of thousands of parents around the state who feel very strongly about this issue. I will continue on this issue.

I am no wowser. I can tell members that my sister and I were not great drinkers and we do not come from a family of great drinkers. I remember one night when my parents went out my sister, who was always the instigator in these things, said to me, 'Shall we hit that bottle of Advocaat that is in the pantry?' I think it was off. So we were not into alcohol, but I certainly have had alcohol in my time and I will deal with that later. But I want to refute absolutely what the member for Aspley has suggested about me introducing this bill in terms of headlines, because this is a major issue not just in my electorate but throughout the state.

We are seeing the results of these teen under-age parties quite regularly. Unless we do something about this in terms of legislation, we are going to see them occur with greater frequency. I think the members on this side of the House made those points quite well. Of course, on the other side we just had members criticising the legislation. The junior members opposite—new members—clearly only followed the minister's speech, which I found to be a dumbfounding response. I want to thank the minister for giving me two months to prepare my response, because for the 10 minutes of her contribution I sat here and wondered about the hundreds of pages of legislation in her portfolio as she managed to completely misinterpret a seven-page bill which, in her own words, was simplistic and limited.

The member for Gladstone wanted some clarification about what the member for Aspley said about the definition of a 'responsible adult'. As the member for Lockyer pointed out, the definition of a 'responsible adult' in this liquor bill is a carbon copy of the definition of 'responsible adult' in the Labor government's Tobacco and Other Smoking Products Act. So I say to the member for Aspley, thank God you are not my daughter's aunt, because you would not just give her a drink; you would probably give her a fag as well.

How on earth is the minister going to cope with a review of the entire Liquor Act 1992? From her speech it is clear that the minister is confused about to whom the responsible adult defence applies. As is the case under the current legislation, the definition of responsible adult clearly encompasses parents. Why then has the minister embarked on a 10-minute rant about how the bill alienates and penalises parents?

Perhaps the minister somehow missed page 5 of the bill. In new section 155A referred to by the member for Clayfield there is clearly a defence available for parents who responsibly supervise their children. Given that the minister believes that there is absolutely no defence for the parents of the child, it must be that the minister does not understand the meaning of 'responsibly' or does not understand the meaning of 'supervisors'. Perhaps she is overwhelmed by the concept of responsibly supervised.

On pages 1,925 to 1,927 of the *Hansard* of 6 June the minister sought to attack the bill by stating—

The bill seeks to intrude in family relationships by dictating to parents what decisions they may make about their teenagers and alcohol.

Perhaps the minister is not aware that much of the legislation in Queensland seeks to do exactly that. We intrude in family relationships and dictate that child abuse is not acceptable. We intrude in family relationships and dictate when a parent is allowed to teach their child to drive. We intrude in family relationships and dictate when a child must be sent to school. Is the minister voicing her objection to all of these other intrusions into the family relationship?

For the benefit of an obviously confused minister, the bill makes it an offence to supply or sell alcohol to minors. However, the bill also provides a defence to parents who responsibly supply their own teenagers with alcohol. Rather than intruding in family relationships by dictating to parents what decisions they make, the bill strengthens parents' rights to make decisions about their own teenagers and alcohol rather than having someone else make the decision for them by supplying their teenager with alcohol at a house party and doing so legally. Which option are parents going to be happier with: being the only adult deciding when and how their teenage daughter should be introduced to alcohol, or letting some 21-year-old male at a house party decide? According to the minister's logic, that 21-year-old male has a right to supply alcohol to a 17-year-old girl at a house party.

This is the dilemma that my eldest daughter faces, and my second daughter and my 10-year-old son will face it in the future. My 17-year-old said to my wife, 'I don't want to talk to my father about alcohol at schoolies. What am I going to do? He does not want me to drink.' I understand that she may well be faced with incredible peer pressure to drink alcohol. We have all faced it. I do not want to sound like an old-timer talking about the olden days, but clearly the focus has changed. My wife Stacey said that when she was at schoolies and staying at Broadbeach she barely got through a cask. Now the focus seems to be getting absolutely blotto every night. That is the dilemma my daughter faces, but she cannot talk to her father or is scared to talk to her father because she is worried that I am talking about legislation that will affect her relationship with her peers.

The minister noted that—

The bill prohibits licensees from selling alcohol to an adult if the licensee knows or ought to know that the adult intends to provide the alcohol to a minor.

She asks—

How are licensees and bottle shop staff expected to know whether an adult intends to provide some or all of the alcohol they are purchasing to their teenage child?

That is odd because the Beattie government thought fit to use this type of approach in section 23 of the Summary Offences Act 2005. It is a little difficult to see how a licensee cannot know that an adult intends to supply alcohol to a minor when the minor is in the bottle shop pointing out to the adult what to buy. That happens all the time at the Gold Coast, especially during schoolies. We do not need to hear trite lines about certain types of alcohol that no self-respecting adult would drink. It is a serious problem. Schoolies are out there identifying what they want their parents to buy and the parents are clearly buying it for them.

This part of the offence in new section 155A sends a clear message to the community that it is not okay to purchase alcohol on behalf of minors. The requirement of the prohibition sign in new section 61AA is aimed at educating the public through targeted advertising just like those required under the tobacco laws.

A few weeks ago I was in Kingscliff. They have signs in the pub that say that you are not allowed to buy for a minor. If we can do it for tobacco we can do it for alcohol in this state, as they clearly do in New South Wales. People will be deterred by the knowledge that is passed onto them that something is against the law. The offence also puts a responsibility on rogue licensees who think that schoolies week is a sales-boosting opportunity.

The minister feels that legislation that cannot be properly enforced is not worth having. The new offences created under this bill build on the current offences contained in the Liquor Act 1992. Is the minister admitting that the current legislation is unenforceable? For legislation to be enforceable it needs to be free of loopholes and it needs to be clear. This bill does both. The bill removes the loophole that allows

irresponsible persons to supply alcohol to minors for unsupervised parties, leading to the familiar alcohol-fuelled youth violence that we have tragically seen in Queensland.

The minister proposes that we change Aussie drinking culture, so now the minister is equating the problem with being Australian. Which nationality would she prefer Queenslanders to be? While the Beattie government seeks to engage in its new social engineering of the public and its attack on Aussie culture, how many more minors are to be lost to alcohol problems and what on earth will this do about the legal loophole currently allowing under-age drinking and secondary supply?

With heavy overtones of doom, the minister supposes that we expect police to raid the dining rooms of family homes. Will mum be prosecuted for leaving the room to do the dishes after giving her 17-year-old a glass of Baileys after dinner? The offences in the bill are not specific to family homes. The minister implies that they are directed at mums and dads rather than irresponsible people. That point was made by the member for Burdekin.

Most offences in the Queensland Criminal Code and various other acts are offences that can occur in the family home. Is the Beattie government having police conduct raids on family homes on a daily basis now? It is absolutely nonsensical to suggest such a thing. As for mum leaving the 17-year-old to finish off a glass of Baileys, as the minister mentioned in her speech, if she had read the bill the minister would have seen that such a mother would have been able to make out the defence available.

While providing some examples of parents supplying minors with alcohol, the minister plays on the images of minors as young adults, as teenagers on the verge of adulthood. Under the Acts Interpretation Act 1954, and therefore also under the Liquor Act 1992, a minor is any individual under the age of 18. There is no distinction between a 17-year-old, a seven-year-old or a two-year-old. All are minors. When the minister excuses providing alcohol to a minor, she is not only excusing providing alcohol to teenagers but she is also excusing providing alcohol to children as well. A glass of Baileys for a 17-year-old at dinner is vastly different to a glass of Baileys for a seven-year-old or even a 17-year-old at an unsupervised house party.

While advocating the supply of alcohol to minors in her speech, the minister proposes to have a regulatory approach addressed in the comprehensive review of the Liquor Act 1992.

**Mr McArdle:** It's still going on.

**Mr LANGBROEK:** Exactly; it is still going on. With all of the complexities of liquor licensing and the resulting consultation, the review of the Liquor Act 1992 will not provide a new law enforced by schoolies week this year. However, between now and then how many more teenage parties are Queenslanders to endure? How many more alcohol-fuelled incidents involving minors will there be? How many more school tragedies? If the Beattie government finally acts, it will be forced to address this problem in exactly the same manner that has been done in this bill. Until then, what new initiative is the Beattie government going to use to comfort the next grieving parent?

The minister triumphantly sports industry support for her opposition to the bill, as also mentioned by the member for Clayfield, informing the House, 'On 6 June, Queensland Day, at Michael's Restaurant I had the opportunity to gauge the level of industry support for the opposition's bill.' That is amazing! Mr Speaker, I am sure staff in your department will be overwhelmed with joy that you have endorsed this type of industry consultation. For the mere price of a meal at Michael's Restaurant, one can receive an accurate account of the entire liquor industry's support or opposition to a legislative proposal. I trust that the minister has booked in her policy officers for the review of the Liquor Act 1992.

If the minister was aware of the legislation that her portfolio administered, she would be aware that Michael's Restaurant is a licensed premises. Under the current Queensland law, no person—parent or otherwise—is permitted to provide a minor with alcohol at a licensed premises and no minor is permitted to drink alcohol at a licensed premises. This bill would make no change to the current law as it relates to minors, alcohol and licensed premises, so it must be the current laws that the industry rejects.

I wish to deal with the comments made by the member for Springwood. She said that she put the legislation to the Liquor Industry Action Group in her electorate which opposed the bill. When I was drafting this bill, I consulted Liquor Licensing via my electorate officer. I could not be there in person and I am sorry that I cannot be at everything. In the future I will probably highlight the times when the minister does not make it to every bit of community consultation via parliament at the Gold Coast. I am terribly sorry, but I sent my electorate officer.

When Jim Bell from the Gold Coast Licensed Venues Association suggested restricting the supply of liquor to under-aged teens, I understand that the fair trading minister looked daggers at him. There we go! We have licensed venues at the Gold Coast endorsing the bill.

This bill has the endorsement of the Australian Drug Foundation as well as senior Gold Coast police and Liquor Licensing. It is a recommendation supported by the youth task force. The police minister is on the record on 1 April 2007 alluding to the fact that these amendments are necessary. The Premier and the fair trading minister have also conceded that binge drinking by under-age youth is a problem. Why are we playing politics with this?

As the youth task force and the minister for police have recognised, this problem needs a regulatory approach because a large part of the cause is a regulatory flaw. This bill fixes a loophole in the current legislation that allows for under-age drinking and secondary supply. In fixing this regulatory flaw, this bill sends a clear message to the community that under-age drinking and secondary supply are not okay. This bill does not attack parents, nor does it dictate to parents that someone else will decide how and when their children are exposed to alcohol. It simply prohibits the irresponsible supply of alcohol to minors no matter where that occurs in Queensland.

Will the passing of this bill prevent every alcohol related youth tragedy? Maybe not. Will the minister's approach of doing nothing prevent any alcohol related youth tragedy? Definitely not. It is for this parliament to realise when a regulatory response is needed, and when it is it is for this parliament to act. It is not for this parliament to sit idle while the government embarks on some ridiculous social engineering experiment or distracts from the issue with yet another government initiative of inaction. The question for members is: why do we need to wait? Why do we need to have more tragedies and grieving parents? This bill addresses the problem of under-age drinking and secondary supply now—not when the government eventually feels enough of a voter backlash but now. With this bill the members of this parliament can act and they can do it now.

I am not surprised at the callousness of this government in rejecting this bill. Experience has conditioned me to expect this outcome, because in the nine years that this government has tyrannised Queensland not one private member's bill by coalition members has been ratified by this government. If the hallmark of democracy is diversity of ideas and opinion, it seems democracy is dead in Queensland. Here tonight we have a chance to make a change. We have a chance to make a difference to the four million lives we represent in this place. Instead, in disparaging this bill to amend the Liquor Act we are effectively saying, 'Here's cheers to a generation of drinkers.' This weekend hundreds of under-age school kids are going to get messy, smashed or blind. Call it whatever you will, it means the same thing—binge drinking—and it is hurting our kids.

This is not a new phenomenon. Drinking to excess has been around since my high school days, as I have highlighted before. Most of us have suffered the after-effects of a carton. I note that the member for Gaven is now abstaining, and good luck to those who do and who choose to. I enjoy a drink just as much as the next person. I cannot deny that drinking, which is embedded in our Australian culture, is also found in cultures across the globe. But at some point, and as we have often seen in Queensland, on-the-drink, lovable larrikins can turn into louts. I have had people who have told me that their kids have come home from overseas and have said, 'We just don't see the level of alcohol and the violence that accompanies it overseas.' They just do not see it when they are in America or Europe. The culture is just not the same. For some reason it is creating problems here.

The destructive effect of alcohol on the community is evident on our streets and it is evident in statistics. I want to commend the Parliamentary Library for the research brief on binge drinking that it prepared over the last couple of months. I thought it was very interesting and I want to quote some of the information from it. To give members an idea, one in four Australians across all age groups is classified as a problem drinker. This one in four is becoming younger and younger. The Safe Youth Parties Task Force reported that 82 per cent of 14- to 17-year-olds drink at risky or high levels compared with just over 60 per cent of the rest of the population. It gets worse. Visit a hospital emergency ward—for example, the Gold Coast, the second busiest emergency ward in the state—on a Friday or a Saturday night and ask the staff, and you will find that young people are well and truly overrepresented. The number of teenagers being admitted to hospital for alcohol infused injury or harm is rising at an alarming rate. In the 10 years to 2002 about 500 under-age drinkers died as a result of risky behaviour associated with drinking.

We now know that alcohol is responsible for more than a quarter of all deaths among young people in Australia, more so than internationally. Yet another study released yesterday estimates that more than 200,000 Australians are living with undiagnosed brain damage as a result of binge drinking. A point made by the member for Moggill, the Leader of the Liberal Party, is that we all seem to think drinking alcohol is a bit of a laugh but young, impressionable brains can clearly be affected by these abuses through their developmental years. We need to change this culture that somehow drinking to excess is okay.

When I look at the statistics, as a parent I have to wonder what we are doing wrong. Perhaps the greatest concern in the under-age binge-drinking epidemic is that most of these kids go 'bottoms up' with their parents' blessing. This is evident when we look at where young teenagers are getting their booze

from. I have had it within my own family. I have had family members who have said that their kids were at schoolies. They say, 'Come on, John-Paul; everyone is doing it. What are you, the fun police?'

At the state government post schoolies forum on the Gold Coast in December we heard that 64 per cent of under-age kids get their alcohol from either their own parents or a friend's parents. This supports reams of other research that points to an Australian staple out of control. By age 11 half of all Australian kids have drunk a full glass of alcohol and by 15 years almost one-third are binge drinking—11 years of age! In a press release put out by the Premier in February he said, 'Too many of our young Queenslanders who are making their journey into adulthood are having their lives ravaged by drug and alcohol abuse.' He is dead right, and yet what is this government doing about it? Education—the lightweight solution of his fair trading minister? I say to the Premier that education is not working. Alcohol education is about as wasted as these kids are on a Saturday night. That is not my opinion or that of the Queensland coalition. The National Drug and Alcohol Research Centre concedes that education fails when it is up against the mateship ethics of young males. And it is not just teenagers who are apathetic to the dangers of drinking. When one parent turns up to a state government information night on the schoolies festival, clearly the message is falling on deaf ears.

Where education might work, however, is with the conceited Queensland cabinet, because from what I have heard here tonight none of the Beattie government ministers have a clue as to what this solution is about. The fair trading minister is on the record stating that it is time parents took more responsibility for their kids. Well, let us make sure they are held to account. The Labor government decries this bill as a degradation of civil liberties, but that has not stopped it from rubbishising such rights when it suits it. Education did not work with cigarette smoking, it did not work with drink driving, it did not work with road hooners and it did not work with drug driving. Reining in these forms of destructive behaviour required drastic legislative reform, and the coalition supported all of the government's initiatives in these areas—drink driving, hooning, drug driving and cigarette smoking—but when we have an idea we get rubbishised and you guys will not support it.

I want to quote Peter Cameron from the *Gold Coast Bulletin* who said, 'Preaching responsible drinking to tearaway teenagers sounds like optimism on a bender.' If we are going to educate teenagers in a bid to save them from the bottle, let us give them and their parents reason to listen to us. We need deterrents, which this bill would achieve. Education is an important tool in our arsenal against youth binge drinking, but education alone will not stop teenagers getting smashed at schoolies. Ten years ago school leavers were surveyed on their schoolies experience. The results are horrifying, to say the least, particularly for parents such as me who have someone going to schoolies this year. Of the 1,800 or so schoolies surveyed, three-quarters of the boys got drunk every night as did more than half of the girls. This study was carried out 10 years ago. It worries me to think of those figures extrapolated to the current day.

What this proves is that the beliefs commonly held about schoolies week are to a large extent correct. School leavers do drink heavily, which in many cases sends good, decent teenagers on a downward spiral. In 2005 more than 700 people copped \$225 fines for under-age drinking or drinking in public. Our reputation for lightweight law enforcement in Queensland precedes us. School principals are telling students and their parents to head for the Gold Coast if they want to get drunk. How much damage is this doing to our reputation as one of Australia's most liveable cities and premier holiday destinations? And it is true. I know that it has been noted in many tourism guides: 'Don't go to the Gold Coast in November because it is full of schoolies.' That is what is in the *Lonely Planet*. How smart is that?

Jim Keogh, the Gold Coast police chief superintendent, said that last year's schoolies were drunker than ever. Unsurprisingly, he also pointed the finger of blame at parents. He said that the supply of alcohol to children by their parents perhaps needs a bit of a re-think. The fair trading minister's concern about this practice is also on the record. 'What is of concern is parents dropping off to young 17-year-old children bootloads of alcohol and then helping them take it up to their units,' she says. 'If you knew there were four 17-year-old girls with 10, 12 or 15 cartons of alcohol in their apartments you would be staggered.' I am staggered—staggered that the minister would rubbish these amendments when clearly she and her government agree in principle with what the coalition is trying to do.

I thought that the police minister might bring some common sense to the debate given her endorsement of a coalition crackdown on secondary supply in a lead article in the *Sunday Mail* in April. So does Geoff Munro, the director of the Community Alcohol Action Network arm of the Australian Drug Foundation. The Australian Drug Foundation has long advocated the adoption of legislation similar to that of New South Wales which is the only state in Australia which has a legal drinking age. It is illegal for alcohol to be sold to or bought by a minor but in every state except New South Wales any adult can give as much alcohol as they like to any child in their care. This legal loophole needs to be closed before more lives are affected by grossly inadequate laws.

This bill has been endorsed by the Australian Drug Foundation, not to mention has received strong support from the public who concede that under-age drinking on private premises is a grave problem. Obviously the difference is I did not book them all in at Michael's Restaurant. In a submission to the

Victorian government, the ADF recommended the Liquor Amendment Bill as an improvement on the New South Wales legislation which allows for penalties of up to \$11,000 for an aggravated offence or 12 months imprisonment. I hope this government's Victorian counterparts have more sense than those opposite. I would like to quote from Geoff Munro. Referring to the member for Albert, he stated—

The minister appears not to understand the bill because it does not prevent parents giving alcohol to their children. It does not dictate to parents about their own children. Her preferred model is hardly sufficient. We all agree that there is a need to change the drinking culture but there is little sign that this will be achieved by any single measure. We know from worldwide evidence that education is the least effective single measure and social marketing has similarly shown little effect. Legislation is important because it helps set a community standard.

I know that this legislation is tough but I make no apologies for that because something needs to be done about curbing under-age drinking. It is vital that law makers and law enforcers get serious on the issue of private supply to minors. I do not want to see another alcohol caused injury or death on my watch while I am in this place. In Queensland there are no rules or guidelines for parents of teenagers when it comes to alcohol. Most parents think that by supplying their kids with alcohol they will drink responsibly. I have seen it at schoolies. They come, they drop their kids off and do not believe that their kids do the things that they are shown to be doing. We know that this is not the case. We know that the kids are overindulging because they have peer pressure, because it is a fun thing to do and because it is easy to get carried away, as we probably all have done but not to the extent that kids are doing and with the regularity with which they are doing it now.

Paul Stanley, the father of 15-year-old Matthew Stanley whose life was tragically cut short by an act of alcohol-fuelled violence, made this point in the *Sunday Mail* article that I referred to—

We want to see a situation where parents are not dropping their 15-year-olds off at parties with crates of beer. It is happening. It is irresponsible and it is wrong.

I agree. The coalition agrees. Liquor Licensing and the lobby groups agree. The overwhelming majority of Queenslanders agree. The only people who do not are the members of the Beattie government who will not admit that they agree because they have got some political point-scoring to do. We saw it with ice pipes. We saw it with smoking in cars. I remind those opposite that this is not a game. These are people's lives we are talking about. They are the lives of our kids. I challenge the police minister chairing the youth task force to explain to Paul Stanley why the Beattie government will not support the recommendations of yet another committee born of Labor's great solution to the problems of Queensland: more spin, more publicly funded task forces, reviews and reports that go nowhere.

This bill will set down parameters to give parents guidance on the complex issue of under-age drinking. We know learning to consume alcohol in a socially acceptable way is not a skill naturally acquired at 18. Like anything, learning to use alcohol responsibly takes time, experimentation and inevitable mistakes. I am not suggesting that this legislation is the hangover cure. Young people will still drink. What this bill will achieve, however, is a uniform position on teenagers and alcohol consumption. Where we fail is where there is a grey area, and until the Beattie government accepts that education alone is not the divine answer we will continue to fail this generation of Queenslanders. What will work is a combination of legislative early intervention and harm reduction measures in addition to education.

The advantages of this legislation, if it were brought to bear, would support parents and other adults who do not want to give alcohol to minors or encourage drinking. It would discourage adults from giving alcohol to minors because it would be unlawful to do so thus reducing the prevalence of under-age drinking. Parents would retain the right to serve their own children if they so desired, but perhaps the greatest achievement of this legislation would have been its educative effect—there is the minister's favourite catchword again. Placing further restrictions on the secondary supply of alcohol to minors would demonstrate to Queenslanders that under-age drinking requires care and supervision.

The bill does not seek to persecute parents who support a cautious, controlled approach to introducing their kids to alcohol. It does not affect police powers and responsibilities because it does not need to. Finally, alcohol is not the problem. A cold beer is a quintessential ingredient in the Aussie barbecue and I do not wish to change that. I finish with a quote—

No drug, not even alcohol, causes the fundamental ills of society. If we are looking for the source of our troubles we should test people not for drugs, we should test them for stupidity, ignorance, greed and love of power.

I commend the bill to the House.