



Speech by

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LIQUOR AND OTHER ACTS AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (3.47 pm): It is my pleasure to rise to speak to the Liquor and Other Acts Amendment Bill 2008, which has been discussed a lot in the last couple of days. This follows the bill that I brought to this House last year, the Liquor (Restriction of Supply to Minors) Amendment Bill 2007, which, of course, was rejected by 49 members of this government. We saw last night how the government mismanaged the process of bringing this bill to the House. That is why we have had to suspend standing order 87 so that we can debate this bill and the clauses that are contained within it.

Whilst I note the commitment of the LNP to supporting the bill, I note the reservations of the honourable member for Clayfield, who gave an extensive dissertation on the bill last night. This bill demonstrates the Bligh Labor government's commitment to spin over substance and, as I have seen before, its hypocrisy and mismanagement of the processes of this parliament. I note that last night during the debate on the motion to suspend standing orders, the honourable Treasurer said, 'We seek bipartisan support to pass the provisions.' I note that last night the member for Mount Ommaney in her contribution spoke about the Safe Youth Parties Task Force that the honourable police minister asked her to commission in 2005.

I can tell the House that there was no bipartisan support sought by the government, because the member for Currumbin and I, with the issues relating to alcohol that we had been advised of and been very aware of in our electorates, offered our bipartisan support to be on the Safe Youth Parties Task Force, but that offer was rejected. That was very disappointing and somewhat at odds with what the Treasurer said last night—that is, that all of a sudden even though last year the government refused to support the bill that I brought before the House now the government was happy to seek bipartisan support to pass the provisions in this bill. Ask not what it plans to do; look at what it has actually done. When it needs bipartisan support that is when it asks for it, but at other times when other people come with ideas they are rejected out of hand and often subject to a lot of derision.

As I say, I have been interested to note the contributions of members—and I will come to those later—to the debate last year including a minister, the minister who was at that time responsible for the review of the Liquor Act but it was obviously beyond the honourable member for Albert, Margaret Keech, because it was then passed on to the Treasurer. At first it might appear odd that a Treasurer would be introducing a bill for amendments to the Liquor Act because, after all, liquor is more of a health issue. Once one wades through the government's ever-growing spin about harm minimisation, they can see what these licensing reforms are really all about—the money. After all is said and spun, what Queensland will be left with in a year's time will be more licensed venues—including the Treasurer's favourite, the boutique bar—and possibly just as many trading until the early hours of the morning. Of course, the big difference is that the Bligh government will be getting a lot more money out of licensees for the privilege. That makes this bill rather aptly introduced by a Treasurer.

In his second reading speech the member for Mount Coot-tha said that this bill was about harm minimisation, but really this is an exercise in revenue raising. I note that in the reasons for the bill it says that one of the recommendations in the Brisbane City Safety Action Plan included a review of the Liquor

Act to ensure that it appropriately reflects current community attitudes, including concerns about alcohol abuse and binge drinking. So harm minimisation was certainly something that would have been considered in that, but this bill is about revenue raising. It is going to raise \$13 million during the remainder of this financial year and \$27 million in the year after. That shows that there is certainly going to be a lot more revenue coming in without any proof that there will be harm minimisation and an improvement in the situation that we currently see in terms of drinking problems.

Part 2 of the bill demonstrates how the Bligh government is tackling binge drinking by raising licence fees to venues. The Rudd federal government increased, as other members have pointed out, the price of alcopops through the alcopops tax but that drove young people to seek out other drinks and there is no proof that there is harm minimisation coming from that measure. The Treasurer believes that the system provided for in the bill will reduce red tape and allow more flexibility for licensees. In effect, this bill will increase bureaucracy by creating a convoluted arbitrary licensing system that has the potential to discriminate against licensees and put an end to community events, or at least make them more difficult to organise. This bill will introduce new annual licensing fees on top of the lofty fees already charged to keep the liquor industry in check.

For the first time pubs and clubs will have to pay an annual base fee prescribed by regulation before they can even open the door to trade and pull the first beer. Commercial hotel licences at clause 58(1)(a) will be liable for a \$2,700 base fee before trading hours, noise emission, provision of food and compliance history are even factored into the equation. This added cost will put more pressure on outback pubs and regional hotels, threatening, at least for some of them, their future viability. It is another cost—a cost basically of registration.

In my travels as a shadow minister I have often stopped, especially with other members of the LNP, in towns where the local hotel or pub is the social heart of the region, and that has been mentioned by other regional members during this debate. I visited a small pub in Toowoomba recently and there were only a couple of people there in the afternoon. It seems that there is a potential disparity in that there is just one base fee contained in the annual licence fee scale for hotels. Under the commercial hotel section, it is \$2,700. As the member for Toowoomba South mentioned, that is \$60 a week but in one fell swoop it is \$2,700 for the licensee of some of these very small pubs. There is a big difference between country and regional pubs and the big pubs on the Gold Coast, the Sunshine Coast or here in Brisbane. Once again I will probably be derided for even suggesting this, but it would seem to me that there could be some way of dividing hotels—that is, if it could be ascertained that it was a smaller hotel there could be some concession given to paying these fees because it is a sizeable amount that licensees have not had to pay until now.

The question is: how are these establishments going to afford another increase in their operational costs? The LNP has serious concerns, as I have expressed before, about the new schedule of fees on regional and rural Queensland. I believe it is important that licensed venues share in the associated costs of alcohol such as the provision of police, health and emergency services, but I do find it unjust that a country pub should have to subsidise an increased police presence to tackle irresponsible drinking in Brisbane city. The Treasurer has backed the new licensing system by suggesting that it will make it easier for businesses to operate and expand. I fail to see how imposing a raft of licence requirements will make it easier for publicans to do business and I fail to see how it will cut down on red tape. These liquor licensing reforms will not achieve a simpler, safer liquor industry; they will not prevent irresponsible drinking or reduce alcohol-fuelled violence in our communities. They will only create more bureaucracy and hit small businesses in the hip pocket.

The other objective of this bill is to restrict trading hours of licensed premises in Queensland. This is achieved at clause 9 of the bill which sets ordinary trading hours as 10 am to midnight. Of course, if a publican wants to trade outside those hours they can, but it will cost them. The Treasurer says that these 'more stringent requirements' are to ensure harm is minimised, but in fact he has discovered that extended trading hours is a nice little money spinner for his department. Under the new rules, restaurants will not be able to serve up a champagne breakfast before 9 am. Between 9 am and 10 am it will cost them an extra \$500. That is nearly \$10 a minute for the privilege to serve a champagne-infused orange juice before official trading hours begin.

As the honourable member for Clayfield said, I do not think that there is any evidence—I would be interested to hear it—that early-morning drinking has caused a lot of the ugly incidents and problems of drinking excesses. Therefore, this is just a new tax. Workers clubs and breakfast functions will also be hit, with the Treasurer set to collect \$1,000 for every club and function that wishes to serve alcohol before 10 am. I ask: how does this bode for the local RSL clubs that host a gunfire breakfast on Anzac Day for our diggers? As I understand it, if they give the rum and milk away then that is okay, but if they actually charge for it then of course they will have to pay a fee, and that is what happens at the Surfers Paradise RSL. It has a gunfire breakfast after the dawn service.

The problem is that when the committee meets to discuss its gunfire breakfast there will always be this talk now as to whether they need a licence and not everyone on the committee is going to remember that if you give it away it is okay and therefore it does not have to have a licence. It is just going to mean more problems for committee members, many of whom do not go on from year to year and therefore there are new people. They will not be sure about the rules and it is going to create uncertainty amongst committees when organising these sorts of things. Unless those clubs are prepared to fork out for the fee—money which might otherwise be spent helping our veterans meet the higher cost of living—there will be no milk and rumbos for the men and women who served our country in times of need because the Bligh government wants to cash in on clubs and community organisations.

Community organisations have been hard hit over the years by massive increases to public liability insurance and greater regulation of activity and food standards which have threatened the old lamington drive and sausage sizzles. Now the Bligh government is making it even more difficult to host community events by extending responsible service of alcohol training requirements to community clubs and groups run by volunteers. This means that a parent and friends association cannot serve a beer at a school fete unless at least one person has spent the time and money attaining the RSA certificate and, importantly, unless they are there to supervise. Once again, that can be a real problem at many schools in my electorate such as St Kevin's, Benowa State School, Benowa State High School or the school which my children attend, St Vincent's. There is a little can bar or, as other people have mentioned, a place where a parent can get a drink and it is going to make it a problem. If a parent is at the P&F meeting that is organising that fete and someone says, 'Will you work on this stall but you have to have the RSA certificate,' there will be people who will say, 'I don't have it and I can't be bothered doing that course.' I do not think that there are lots of problems at those fetes with drunken parents going around causing all of the alcohol problems that we have seen outside nightclubs and in the central city areas on the Sunshine Coast and the Gold Coast. Once again, it is another example of the Bligh government missing the point. As I said, when we look at the problem of binge drinking, parents having a drink at their children's school fete is not exactly the target that the Treasurer should have in mind.

So it is business as usual for nightclub owners and CBD bars that are renowned for their rowdy patronage and the irresponsible service of alcohol. The only person who will benefit from these new laws is the Treasurer, who will pocket an extra \$4.5 million in revenue from increased licensing fees. After a year of listening to the Treasurer take every opportunity to deliver a sermon on the mount about the evils of alcohol, rogue licensees and how his government intended to set things right, ridiculously this bill still allows the shenanigans of extended hours trading to continue, albeit at that new, higher and more righteous fee. I wonder if the Treasurer could tell this House why it is that his government is insisting on continuing to allow trading until 5 am when, as I understand it, even the hotel industry was ready to accept 3 am as the latest closing time.

Mr Nicholls: To buy an indulgence.

Mr LANGBROEK: Yes, one can buy an indulgence for another \$10,000 for the two hours between 3 am and 5 am. As I understand it, it was not worth the grief for many in the hotel industry, especially with the extra cost of \$10,000 for the licence fee for the hours between 3 am and 5 am. I ask: how is the Bligh Labor government minimising the problems caused by extended hours trading when the Treasurer has himself conceded in the media that blanket extended trading hours approvals could be given under these reforms?

Perhaps the most significant aspect of the bill relates to under-age drinking. Under-age drinking goes right to the heart of the bill's objectives as outlined in clause 4. As members would be well aware, and as we have heard canvassed in this parliament for the past couple of days, when it comes to the misuse and abuse of alcohol, no other group is a greater perpetrator and more at risk than teenagers and young adults. It is a significant problem right across the state but one which I am very familiar with in my electorate of Surfers Paradise, which is home to the largest celebration of the schoolies festival.

In fact, when I joined the Surfers Paradise Chamber of Commerce in 1999 and went to a meeting of the Surfers Paradise community consultative committee—a group about which I have spoken many times in this House—at the police station, that was when it was first brought home to me that police had no rights when people supplied alcohol to—

An honourable member interjected.

Mr LANGBROEK: I am a bit soporific, but I am speaking about these provisions. It was only at a meeting of the community consultative committee that I first became aware that police had no rights to enter private premises and that was something that needed to be changed. So I will happily go back there and say that, although it has taken 10 years, I am very pleased that that situation has changed.

As I said, I have a sense of *deja vu* standing in this House debating the secondary supply of alcohol as the provisions of clause 29 are a carbon copy of the Liquor (Restriction of Supply to Minors) Amendment Bill that I introduced to parliament 18 months ago. I know the Treasurer is a first-class

honours student, so I would have thought that he would be well versed in the rules with regard to plagiarism. In the real world outside this chamber, plagiarism is a very serious matter. It has brought an end to the academic pursuits of many students and careers have been severely limited by accusations of plagiarism. We have seen this recently in the judiciary. Plagiarism, not to mention breach of copyright, is a serious offence. Yet the members opposite plagiarise as a matter of course. The Beattie-Bligh Labor government cannot come up with its own ideas, so its modus operandi is to vote down private members' bills and replicate the policy in its own legislation.

I thank the Leader of Opposition Business for raising the issue with the Speaker yesterday, as it is a serious violation of the principles of parliament. The Premier wants to talk about fairness in her vision. So let us see her show some leadership and restore some fairness to this parliament. The honourable the Premier said—

Mr DEPUTY SPEAKER (Mr O'Brien): Order! As interesting as your comments are, they do not really have much to do with the bill that is currently before the House. I ask you to return to the bill.

Mr LANGBROEK: Yesterday and today the honourable the Premier said that we had no plans, but yesterday the Speaker ruled that the government was copying our plans. I think it is very interesting to note that that ruling was made.

In his second reading speech the Treasurer said that Queensland was leading the way by introducing a new offence targeting the secondary supply of alcohol to minors. The Bligh government is not leading the way; the LNP is. Let us have a look at what the members opposite had to say when the opposition moved to ban the irresponsible supply last year. The member for Redcliffe said it was a simplistic, blunt and unsophisticated response that risked alienating and penalising parents in trying to prescribe how they should supervise their children in their own homes. Yesterday the member said that she would rather concentrate on the consultation aspects of the bill. She said that the opposition's bill had no regard to the pressures that parents faced and the cultural role of alcohol in our community. If the member was really concerned about such implications, then I think she would be quite concerned about this bill, which is far more prescriptive than what the opposition's bill would have achieved.

I note that last year the member for Aspley said that the opposition's bill was completely impractical. She lamented the loss of the port-laced trifle at Christmas. I remember her questioning the definition of a 'responsible adult' and I vaguely remember that she then advocated, basically as part of her position, that cigarettes should be given to minors as well as long as they were in their own homes. What then does the member think of the Treasurer's bill, which gives police the power to raid the family home if they suspect an offence could be committed at some time in the future? That is the effect of clause 57, which amends the Police Powers and Responsibilities Act. Under this provision, any parent who has a bottle of booze in their liquor cabinet could be subject to a police search on the basis that it might contribute to an offence in the future.

The member for Springwood had similar concerns and I know she has spoken about those. Where was she when the Treasurer was talking up these new rules that go far beyond what was proposed in the opposition's bill? At the time she said that the rules would be impractical.

The member for Cleveland assured the people of Queensland that this was not a granny state. He stated further—

The government should not be telling parents whether they can give their kids a drink, when and where. It is not our role.

I look forward to hearing the member's contribution to this debate. Perhaps the Treasurer should have listened to this dressing-down by his senior ministerial colleague at the time, the member for Albert. She stated—

I am at a complete loss to know why those opposite think it is appropriate and good public policy for liquor licensees to supplant the rights of parents to make decisions about their teenage children and alcohol.

...

If we are to make inroads and change the Aussie drinking culture, we need the cooperation of parents. If we turn mums and dads into outlaws—and that is what is proposed here—how can we expect their cooperation? How can we ask police and Liquor Licensing inspectors to be responsible for a law that cannot be enforced.

Will we expect them to raid the dining rooms of family homes? Will we ask children to give evidence against their parents who let them have a glass of wine? Will mum be prosecuted for leaving the room to do the dishes after giving her 17-year-old a glass of Baileys after dinner?

Let us look at clause 29 of the bill and what we are asking police to do now. I say to the member for Albert that, yes, that is exactly what the Treasurer is proposing with this—as she called it last year—stupid bill that her government is now supporting. I am sure there are a lot of embarrassed Labor members in the House today.

I would like to raise a number of concerns with respect to particular provisions. New section 42A at page 18 grants new powers for the chief executive to issue guidelines to assist in the interpretation and

application of the act and the Liquor Regulation 2002. I submit that that pays insufficient regard to the institution of parliament. These guidelines should be contained in subordinate legislation tabled in parliament and available for public scrutiny to ensure that they meet the objectives of the bill. New section 86 states that in order for applications—

Time expired.