Speech By

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MEMBER FOR INALA

LIQUOR AND GAMING (RED TAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL

Ms PALASZCZUK (Inala—ALP) (Leader of the Opposition) (3.49 pm): I thank the members of the committee who participated in the report in relation to the Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013. I also thank the Attorney for the briefing that was provided to my office. But in relation to the amendments we might seek some further clarification from his office, if he does not mind, just before we go into consideration in detail at a later stage this evening.

From the outset I want to say that the opposition will be supporting this bill but we will be raising a few issues. I am quite sure that the Attorney and his staff will be able to answer some of these issues in more detail. I note that the Attorney has tabled some amendments and I note the comments of the member for Gregory in relation to the fact that there is going to be a permit to sell alcohol over two days for country shows. That is my understanding from what the Attorney just said. Whilst I do not see any huge issue in relation to that, I do want to ask the Attorney what that criteria will be. Whilst I acknowledge that most people when they intend to go to these shows do expect to behave responsibly, as the member for Gregory pointed out, with their families, I do have some concerns about alcohol fuelled violence that could occur on the rare occasion. In relation to that matter, I would ask the Attorney if he could address in some detail the criteria and what safeguards will be put in place to ensure that there will not be any alcohol fuelled violence at these particular events.

Mr Choat: They're responsible people!

Mr DEPUTY SPEAKER (Dr Robinson): Order! Member for Ipswich West, I am going to warn you under standing order 253A. That was a completely unnecessary interjection. I call the Leader of the Opposition.

Ms PALASZCZUK: Thank you very much, Mr Deputy Speaker. In relation to the offences, I think the Attorney mentioned a second amendment that he was proposing where if a person had—please correct me if I am wrong—a conviction over the last five years they would be exempt from approval. If that is the case then we would have no problems with supporting that amendment. But I do want to know what the criteria is if you have an event over two days. Whilst I acknowledge that the majority of people do act responsibly when around their families, there will be other people attending the event and my concern is of alcohol fuelled violence, especially when there are young children around these particular individuals. We all know that everyone goes there with good intentions, but it only takes one or two people to cause a problem, and that can then flow on to the event and make it uncomfortable for those people who are there who want to actually enjoy the show. I think we might be able to reach a compromise here tonight in relation to this—the responsible serving of alcohol and ensuring that it is a safe event for the families that attend these shows.

Whilst we are talking about travelling country shows, I want to point out that it was this government that actually shut down the travelling show school. I know that was an issue last year that we raised extensively in estimates. I was able to meet with those families.

A government member: What's the relevance?

Ms PALASZCZUK: The relevance is that we are talking about country shows. I will end on this point: it was the federal Labor government that actually came to the aid of the travelling show school and saved that school when the state government should not have touched that school in the first place. We were talking about nine school closures; it was actually 10 school closures.

I will not go into depth in relation to consultation on omnibus bills. I think that was raised extensively by some parts of the committee. We do accept in this parliament that we address omnibus bills. But sometimes there are issues in those bills that could be dealt with separately. That is probably the preferred method of the parliament.

I now move on to the substantive parts of the contents of the bill. The vast majority of the amendments contained in this bill relate to liquor and gaming. As the explanatory notes state, one of the purposes of the legislation is to 'reduce the regulatory burden on the liquor and gaming industries'. One of the red-tape reduction strategies in the bill is to exempt low-risk community organisations from requiring a permit to conduct not-for-profit events. This will include schools, community organisations such as Lions and Rotary clubs, and sporting organisations for one-off events.

The opposition supports moves that reduce the burden for volunteers working for the good of the community. All members of this House will be aware of the untold hours that go into organising each and every community event across their electorates, and many of the same people are involved in more than one of those organisations. However, we are not prepared to do so where safety is sacrificed in the name of red-tape reduction. This is particularly, as I mentioned previously in my comments, where children are concerned. These amendments have a sound basis but we are concerned about the impact on the amenity of these events for families, especially those with young children.

Both the Queensland Police Union of Employees and P&Cs Qld expressed concerns in their submissions to the committee about these amendments. What they are worried about—and the opposition echoes these concerns—is that, without any restrictions on or regulation of how these events are organised, community safety could be put at risk. Schools can often be large places. The schools will be permitted to serve alcohol for up to eight hours—some of those hours could be after dark. The responsibility for event organisers or for parents trying to supervise multiple children at the event then becomes quite onerous. If alcohol can be served and consumed across the entire venue, how can parents be sure that children will not be able to access alcohol from persons out of sight of the alcohol service area?

Without a designated area for the consumption of alcohol—an area that can be supervised by persons charged with that responsibility—the dangers are very real. The danger posed by abandoned glass bottles from alcohol is also very real, where empty bottles can be strewn around the school grounds, not only left broken for children to find that night in the dark but also carelessly disposed of in grass and bushes to be found the next school day by students. Could the Attorney perhaps explain in his reply how he can guarantee the safety of the community in relation to those two aspects of the bill and whether he considered the proposed amendments suggested by the union.

Insurance for the organisation might also be an issue. Just because something is not illegal or prohibited by law does not mean it is not negligent. Community organisations need to have guidelines to protect them when conducting these events. P&Cs Qld has recommended that guidelines be produced. I note that the Department of Justice and Attorney-General in its response to the submissions advised the committee that it will consider preparing guidelines 'in line with P&C Qld's recommendation' to clarify best practice. The department also noted—

The Department recognises that the recommendations of P&Cs Qld provide a sound basis for best practice for the supply of liquor in schools. However, the Department believes this can be achieved without further prescription in the legislation, as the amendments in the Bill already provide an effective framework, with safeguards to protect minors and community amenity.

However, even if guidelines were introduced, there is no requirement in the legislation for any such guidelines to be complied with. Therefore, there can be no action taken for noncompliance with the guidelines.

There are consequences prescribed in the legislation for noncompliance with the specific criteria in the bill. If, during the course of the event, an investigator or police officer considers that the school or community organisation has not complied with the criteria, the investigator or police officer may give a notice stating what must be done to conform with the criteria of the exemption or that the sale of liquor must cease immediately. If such a notice is served, this means the community organisation cannot qualify for the exemption for six months. It also means that, where a community organisation auspices an event where other groups have stalls or their own areas, each of the groups, provided they fit within the criteria set out in the act, will be able to come within the exemption. This means many organisations can benefit from the new provisions. The exemptions in themselves are a

sound idea, but the opposition is just looking for some guarantee from the Attorney that community safety will not be jeopardised.

The bill also contains an exemption from a liquor licence for a non-profit group that has alcohol as a prize in a fundraising raffle. There are some restrictions such as the prize must be worth no more than $1,000, tickets must only be sold to and prizes delivered to adults who cannot be unduly intoxicated, and the proceeds of the raffle must go to either the objects of the non-profit group or the benefit of the community.

These amendments make good sense, and there are sufficient protections contained in the bill to ensure community safety is not jeopardised. The opposition has no objections to these amendments. Similarly, there are amendments which allow hospitals and nursing homes to serve a limited amount of alcohol to patients. This brings these establishments into line with retirement villages which have a similar exemption allowing them to serve a limit of two standard drinks to residents and guests. Some hospitals already serve a small amount of alcohol, usually beer or wine, with their meals so this clarifies the law for those places. There has been some concern expressed by certain stakeholders about hospitals, in particular, serving alcohol to patients. The National Alliance for Action on Alcohol stated in its submission—

The NAAA is very alarmed by the proposal to exempt the supply and sale of liquor to hospital patients from the *Liquor Act.* Around 30,000 Queenslanders are hospitalised each year because of injuries and diseases attributable to alcohol consumption. The NAAA is astonished that, in the face of this enormous drain on the State's hospital system, the Queensland Government is considering ways to increase the access and availability of alcohol to hospital inpatients. This is a senseless proposal and should be abandoned.

They are the words of the National Alliance for Action on Alcohol. In a letter from the Department of Justice and Attorney-General dated 19 April 2013, it states—

The provision of any liquor to patients would also be subject to the determination of the administrating health professionals.

As that is not contained in the bill, could the Attorney address during his speech in reply where that protection is contained? Some commercial operators have suggested the restriction of two standard drinks is too low for hospitals and nursing homes as they feel it is also too low for other exemptions currently existing, for example, for hairdressers and limousine operators. As the department explained in its response, and the opposition supports this view, the exemptions are 'not intended to allow operators to set up quasi bars not regulated by the act'. For this reason, a limit of two standard drinks is currently considered appropriate. Any operator who wishes to supply more than two standard drinks is entitled to apply for a liquor licence and comply with the regulation that goes with providing more alcohol than is currently allowed under the exemption. This exemption, however, will save hospitals and nursing homes up to $500 per year and the inconvenience of applying for a licence where they wish to restrict the supply in the manner provided.

I also note with interest the amendment that is extending the exemption for liquor sold at Parliament House. Section 12 of the Liquor Act is amended by this bill to exempt a sale of liquor in Parliament House by permission and under the control of the parliament. This means that the sale of alcohol in the Parliament House Gift Shop and other areas of parliament will be excluded from the provisions of the Liquor Act. Let us hope there is a lot of responsible drinking that occurs in the House.

Mr Bleijie: I think the Clerk put that one in there.

Ms PALASZCZUK: I can speak for my team. You can talk for your own team, Attorney-General. As the act currently stands, the exemption in this section applies only to the supply of liquor in a refreshment room of Parliament House. In fact, I note that coffee outsells alcohol in Parliament House by something like four times. The coffee machines get a very good work-out here on any parliamentary sitting day.

Mr Bleijie interjected.

Ms PALASZCZUK: I take the Attorney's interjection and say to him in response that I think members of government enjoy frequenting the bar on a regular occasion.

I turn now to the amendments in the bill removing the need to advertise for liquor and gaming licences in the *Government Gazette* and newspapers. The reason given for these amendments is that the vast majority of objections come from people who have seen on-site signs. Few members of the public read or are even aware of the *Government Gazette* and the cost of advertising is up to $1,500. Instead of newspaper advertising, applications will have to be published on the department website. This procedure will commence on 1 January 2014 to allow the department to prepare the website for

this new requirement. Whilst the argument in relation to the *Government Gazette* is understandable, people will often read their local newspaper and see the advertisement for the application. This may be the first time they know of a licence being applied for in their local area. By only requiring advertising on the website, this eliminates this important method of public consultation. People would have to be aware of the existence of an application before they even go on to the website. As the submission from the National Alliance for Action on Alcohol states—

... we strongly support providing local communities in Queensland with a greater say in liquor licensing decisions ... Local communities are often well placed to inform decision-making in relation to local alcohol matters, particularly liquor licensing, as they often have in-depth knowledge of the local circumstances and context.

The response letter from the department states—

The removal of the requirements to advertise in newspapers and in the Government Gazette reduces red tape and modernises the process by requiring notifications online. The Department does not believe this decreases the ability for the community to have input, as the internet is widely available. On-site advertising will remain for all but those venues deemed low risk.

With all due respect, this is not a logical argument for the reasons I have already outlined. A reduction in community consultation should be of concern to community members. In 2010 the Law, Justice and Safety Committee released its report into the inquiry into alcohol related violence. Both the Manager of Government Business and the Attorney-General served on that committee. Recommendation 29 states—

That there be legislative amendment to ensure a greater emphasis on community consultation and opinion in the application process, with a licence to be granted only if, on balance overall, the grant of the licence will benefit the community.

This amendment reduces community consultation, in direct contradiction of the report's recommendation. The reduction in community consultation in this bill under the guise of red-tape reduction goes even further. Applications for low-risk premises such as restaurants, cafes and bottle shops will be exempt through amendments in the bill from having to advertise for public objections if they are not applying to trade outside ordinary trading hours, which is after midnight for restaurants and cafes and after 10 pm for bottle shops, and there is no amplified entertainment provided at the venue. This exemption from advertising even applies to on-site advertising.

The bill also removes the need for applicants for restaurant and cafe licences to complete a risk assessed management plan if they do not trade after 12 midnight. A RAMP is a submission lodged during the application process requiring applicants to detail the employment of security, suitability of lighting and noise mitigation on the premises as well as the availability of public transport. The commissioner will still have a discretionary power to require otherwise exempt premises to prepare a risk assessed management plan for the approval of the commissioner where it is considered appropriate in order to ensure reasonable compliance with the Liquor Act or to minimise alcohol related disturbances.

Many of the community organisations opposed this amendment on the basis that it does not have regard to the damaging effect of alcohol on the community, and it extends the provision of alcohol in suburban areas close to residents without informing the general public and allowing them to have a say. The amendments are not even supported by all industry organisations. The BARS Consultants, Commercial Licensing Specialists and RSA Liquor Professionals also expressed concerns in their submission to the committee. As they submitted—

Whilst the vast majority of restaurant premises are low risk, the removal of easily achieved and best practice procedures such as a RAMP, strips away almost any deterrent to a rogue trader obtaining a restaurant license.

The department has responded that—

... safeguards are in place to guard against this, as the exemption is restricted to operators who close before midnight, and the Bill allows the Commissioner to require a RAMP if there is a potential risk to public safety or amenity.

The opposition cannot accept the proposition that the concerns should be allayed because the exemption only applies to premises which close by midnight. Significant disturbance to a community can occur before midnight. RAMPs are considered best practice, even by industry. To remove the need for advertising and a risk assessed management plan is more than red-tape reduction and the government should reconsider these particular proposals.

Mr Bleijie: No.

Ms PALASZCZUK: The Attorney can have his response later. In their submission to the committee BARS Consultants, Commercial Licensing Specialists and RSA Liquor Professionals recommended an amendment to the bill to require that a risk assessed management plan form part of the accompanying documents to support the office of the department for its consideration of a licence but the requirement of the commissioner to approve the RAMP for all licence types is removed. I understand that is the current requirement for community impact statements under the act. Whilst that may appear to be a waste of resources for the applicant of a licence, the submission contends that,

'the reality is that a RAMP is a management plan that should be developed by all licensees regardless of whether they are low or high risk'. It is certainly the case that licensees should consider all issues that are currently contained in a RAMP to consider the risk that their licence application will pose.

The opposition believes there is some merit in this suggested proposal. There are matters that should already be considered before an application for a licence is made so the burden would not be too great. Coming from the industry as it is, and balanced with a degree of protection this would provide to the community, it should be considered by the government rather than being rejected out of hand. But not even content with the attack on community consultation and abolishing the need for a risk assessed management plan, this bill goes even further. The bill enables the commissioner to exempt certain applicants of restaurant and cafe licences from completing a community impact statement.

Many of the stakeholders who made submissions to the committee have expressed concern about the commission being given the authority to waive the requirement for this at restaurants and cafes. It is their view that operators who sell liquor from such premises should be required to demonstrate that they have properly considered the impact of their business upon their local community. This is similar to the previous argument about the risk assessed management plans. If licence applicants should be considering these issues in any event, the burden cannot be so great as to outweigh the confidence that the community would gain in this process.

One of the other amendments contained in the bill is to remove the requirement that currently exists for an approved managers' register to be kept for all licensed premises. Since 1 January 2009 approved managers have replaced liquor nominees under the Liquor Act as the person responsible for ensuring alcohol is supplied or possessed in line with the licence. Approved managers are required to undergo probity checks and to have completed the responsible management of licensed venues course. Currently, licensees are required by the act to keep a register which states the name of the approved manager on duty as well as the dates and starting and finishing times of each shift worked. This bill removes that requirement. It does not affect the requirement for licensees to have an approved manager on premises during operating hours and to keep approved manager certificates available on the premises.

One of the submissions expressed concern about the removal of this requirement and felt the register should be retained as it ensures that licensed premises are required to have responsible and qualified personnel at the premises at all times to manage the premises. It seems that they may have been under a misapprehension about the amendment. There is no change to the requirement for a responsible, qualified person to be on premises; they still must be there. Existing licensees' employment records would also be able to establish whether or not a person was employed to work and was working at the premises at any given time. The opposition considers that registers may have been an unnecessary administrative burden and a duplication of existing employment records kept by licensees and, therefore, does not oppose this amendment.

One of the more concerning aspects of this bill, however, is that it will abolish the Community Investment Fund and the Sport and Recreation Benefit Fund. The Community Investment Fund collects a percentage of gaming machine taxes from licensees. The money collected by the Community Investment Fund has been of significant benefit to the community. It is used to fund research into gambling and social issues arising from gambling and to provide grants to community groups and for major public sporting facilities. The fund also provides funding for the operations of the Office of Regulatory Policy and the department in relation to risk and harm minimisation. When the fund is abolished, moneys will instead be paid directly into, and be distributed from, consolidated revenue. In the explanatory notes the government has given an assurance that the amendments will not affect the continuance of activities funded by the Community Investment Fund, particularly the various community benefit funds.

Currently, all annual fees paid by the liquor industry in excess of $18 million are paid into the Community Investment Fund. As the submission from BARS Consultants, Commercial Licensing Specialists and RSA Liquor Professionals contends, the moneys from this fund go to finance not only community initiatives and grants but also, as the then minister said when the fund was established in 2008—

> The new fees will ensure that licensees contribute appropriately to the direct on-going costs to Government of administering, managing and regulating the sale, supply and consumption of liquor at the premises; to harm minimisation initiatives aimed at changing social and cultural attitudes towards alcohol consumption, particularly among young Queenslanders; and backed-up with additional inspectors to ensure licensees are under no doubt as to the Government's commitment to ensuring the safety and amenity in and around licensed premises.

Although the government has pledged that there will be no change to the current practices, once the money is paid into consolidated revenue there can be no guarantee that it will be paid out in

accordance with the current practice. So my question to the Attorney-General is: as he has given an assurance to the committee, will he give an assurance to this House that the same amount of moneys that are paid in will be the same amount of moneys that are paid out? We are not the only people to hold this view. As BARS Consultants, Commercial Licensing Specialists and RSA Liquor Professionals raised in their submission, they also hold concerns regarding the impact of this amendment. The committee report states—

In particular, these organisations considered the current mechanism whereby monies are paid into the CIF ensures the administration of OLGR is not '*left to ... "Whole of Government" budgetary considerations*' and ensures the OLGR is sufficient staffed and resourced with monies used in a '*defined manner to benefit the industry and community*.' It is their view that where monies are '*absorbed into consolidate revenue*' they 'are likely never to be returned to the current system'.

The bill is a dead giveaway of their intent. It does not even protect payments where the Treasurer or the minister had decided before these amendments take effect to make a payment from the fund and the payment has not yet been made. The bill provides that the payment 'may' be made in those circumstances. Surely the bill should require that the payment be made by using the word 'shall'.

The next set of amendments that I intend to address is the amendments to the Body Corporate and Community Management Act 1997. These amendments relate to compulsory acquisition of body corporate land by a constructing authority. The Airport Link, Gold Coast Rapid Transit and Cross River Rail are all projects that pass through community title scheme land. These projects apparently affect some 18 to 79 community title schemes. Under the act as it currently stands, if a constructing authority intends to resume body corporate land under the Acquisition of Land Act 1967, it must obtain the endorsement of the relevant body corporate for the premises to record a new community management statement. There is currently no enforcement regime in place in the circumstances where a body corporate fails to comply with its obligations under this process. This can have significant consequences for the project that would prevent the final step of the registration process being carried out by the constructing authority. It was suggested in a submission from Strata Community Australia that, as currently drafted, a lot owner may be able to seek a review through QCAT or a specialist adjudicator of the entire contribution schedule lot entitlement rather than a review limited to the changes resulting from the formal acquisition and that this is not the intention of the bill.

In its response, the department has also agreed that greater clarification may be useful in order to avoid this unintended consequence. The committee has therefore recommended that an amendment be made to the bill to the effect that a review under this particular section, section 47B(2A)(b) of the Body Corporate and Community Management Act 1997, only be available because of a formal acquisition affecting the scheme.

A further concern that was raised by Strata Community Australia relates to the current drafting of the bill, which does not compel a constructing authority to incorporate changes in the community management statement which have been requested by the body corporate. They therefore suggest that the bill ought to be amended to expressly compel the constructing authority to include the requested changes. The committee supported this suggestion and recommended that such an amendment be made. I am pleased to see that the Attorney-General has accepted the recommendations made by the committee to this effect.

There are further amendments in this bill that transfer responsibility for the Queensland Sentencing Information Service to the Supreme Court library. The amendments also extend access to QSIS to a number of different groups, including prosecuting agencies, community legal centres and legal practitioners. They also provide protection to staff who collate the QSIS database from liability for any offence and ensure that access to, and use of, personal information available on QSIS is restricted.

The Queensland Law Society has suggested that restricted information that has been made available about juvenile offenders or victims, for example, should be de-identified. The department has explained that only specified categories of entities will be given access to restricted information on the database, and access to the database will only be granted for limited purposes and will be the subject of a written agreement. Misuse of information obtained from the database will be an offence. These protections should put to rest the fears of the Law Society, and the opposition supports these amendments.

The Queensland Law Society has suggested that consideration be given to enable the Queensland Law Society's members and educational and research bodies to have access so that much needed research on sentencing matters regarding criminal justice may be undertaken. The department has explained that the Supreme Court library committee has the power to authorise access by QLS entities to all parts of the QSIS database that do not contain restricted information.

The committee may allow full access to individual members of the QLS who fall within particular categories. This would include access to restricted information contained in the collection of sentencing remarks. University libraries, researchers and members of the media may be provided with access to any part of the database that does not contain restricted information.

We move now to the amendments to the Work Health and Safety Act 2011 that are also contained in this bill. These amendments cause some concerns to the opposition, and I will now address those concerns.

The bill amends the Work Health and Safety Act 2011 to defer 'uncommenced' amendments to the Electrical Safety Act 2002 so that it will harmonise with the national model. The Work Health and Safety Act commenced on 6 June 2011. The 'uncommenced' amendments to the Electrical Safety Act 2002 were postponed by regulation for a period of two years and are now due to automatically commence on 7 June 2013. Electrical safety is not a concern for this government. As I mentioned earlier, amendments were made to the Electrical Safety Act last year to abolish the position of the Commissioner of Electrical Safety, as well as the Electrical Safety Education Committee and the Electrical Education Committee.

This followed on from last year's budget, when it was announced that Workplace Health and Safety Queensland and the Electrical Safety Office inspectorate's numbers will be reviewed so as to bring them into line with Victoria and New South Wales. This review means a massive reduction in inspectorate numbers and savings of $3 million over two years. The department is conducting a review of the Electrical Safety Regulation 2002. As we have seen, any review of electrical safety could mean a reduction in safety protections. The government's desire to delay the 'uncommenced' provisions until this review is completed can only mean that they want to cut back the protection provided by these provisions.

Mr Bleijie: Wrong!

Ms PALASZCZUK: I take the Attorney's interjection. He says it is wrong. I would ask him to give a detailed explanation in his reply and address these issues that are of concern to us. This is something that the opposition is very concerned about. The protection of electrical workers—in fact, everyone—is far too important to dismiss lightly. We would like a full explanation. I would like to hear what the Attorney has to say.

This completes my comments on the specific amendments contained in the bill. The concerns which I have expressed during this debate are real and have been expressed by members of both the community and the industry, as has been outlined in detail in my response. I would ask the Attorney to kindly address those concerns in his speech in reply and to reassure Queenslanders that steps purportedly taken in the name of red-tape reduction are not in fact reductions in regulations which serve to lessen the safety of our community.