




Speech By
Hon. Jarrod Bleijie

MEMBER FOR KAWANA

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

Second Reading

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (3.31 pm): I move—

That the bill be now read a second time.

I thank the Legal Affairs and Community Safety Committee for its consideration of the Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013. I note that the committee tabled its report on 14 May 2013 and I now table a copy of the government's response to the committee report.

Tabled paper: Legal Affairs and Community Safety Committee: Report No. 30—Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013, government response [\[2669\]](#).

I thank also the stakeholders who took the time to make submissions to the committee's inquiry. The committee has made five recommendations on the bill. The government supports all five recommendations. I note the member for Rockhampton's statement of reservation, although no detail has yet been provided as to the reasons for this reservation or what issues there may be with the bill. In fact, on the point of statements of reservation, could I digress and make the point that when this government was in opposition and we provided statements of reservation we actually set out what our reservations were through the committee process. We actually said what we had reservations about. I note that in many statements of reservation the member for Rockhampton or honourable opposition members say, 'Here is our statement of reservation. We will explain to you later.' I do not think they understand the legislation and they have to wait until they work out what is going on. It is not until we come to this point in time—the anticipation nearly kills me—we finally work out where the opposition stand on all of these important matters.

A government member: Twenty-two staff is not enough. They need more staff.

Mr BLEIJIE: I take the interjection from the honourable assistant minister at the back, I think it was. Someone interjected that they need more staff. I make the point that the opposition is the most overresourced—well resourced—opposition in Australia. For seven members of parliament they have about 22 staff members. If all they can do is concoct a statement of reservation that says 'we reserve our position' then what is the whole committee process for? If they do not have the guts to put forward what they are actually reserving their position on or dissenting on and leaving it to the very last minute then what is the whole committee process for? That is how the opposition—the most overresourced opposition in the country—do things. We know they are absolutely lazy about the whole legislative process.

I particularly note the first recommendation that the bill be passed. As I said in the explanatory speech, the passage of this bill will mean significant reductions in red tape for Queensland's clubs, hotels, restaurants, cafes, casinos and community groups which will provide many benefits for the broader community such as better community services and more enjoyment and employment

opportunities. Secondly, the committee recommends that the government prepare guidelines to clarify best practice in relation to the service and the sale of alcohol at low-risk community events and ensures the guidelines are publicly available on the Department of Justice and Attorney-General's website. This is a sensible recommendation. The government endorses it. The government does not seek to dictate to community groups every detail of how to conduct their events by inflexible one-size-fits-all legislative provisions.

Can I digress again? I note the enthusiasm last night of my honourable ministerial colleague, the Hon. Andrew Cripps, in relation to the changes to vegetation management laws. My enthusiasm is equivalent to his enthusiasm for vegetation management laws. We are getting out of the business of telling community groups what they can and cannot do. This law is about making sure that community groups can go and fundraise without government intervention, without government being at every step of every person's life when a rotary club wants to run a raffle, when a community group wants to have a local small show, when a rodeo wants to take place. It is about government getting out of the way, letting community groups get on with the job of doing what they do best. What situation have we got ourselves into in Queensland—the nanny state—when a P&C that wants to have a school trivia night has to pay \$57, fill out an application form for a community liquor permit and, if the numbers are assessable, have a security guard out the front to make sure the P&C members and the principal do not misbehave at the trivia night? That is what the Labor Party have done to this state. It is a nanny state. I am pre-empting what will happen because I am not sure whether those opposite support the bill—I hope they do—but in the event they do not this is all relevant. The Labor Party have put us in the nanny state we find ourselves in today where we are dictating to a P&C. Members will know why. Because the Labor Party do not trust the community. They do not trust teachers, they do not trust the president of the P&C, they do not trust principals of schools to hold these events without government intervention. It is the typical socialist way. Socialists say, 'We do not trust people. We have to hold their hand and make sure they get it right.' This LNP government believes in the individual and their capacity to have a social fun night without government intervention, regulation and red tape.

Minister Cripps last night was so enthusiastic about vegetation management. This is my vegetation management equivalent because we are freeing up communities to get on with the job and fundraise. When we sell this to our constituents we can now tell Rotary clubs that with the passage of the bill, if it goes through, they no longer have to have the bureaucracy of a liquor permit for their little fundraising event. At a P&C meeting I attended a few weeks ago at Meridan State College, a great local school in my electorate, they asked me when this legislation was going through because they have a school fete coming up. When I visited the Pacific Lutheran College open day a few weeks back, teachers asked me when the liquor laws were being revised because they have their school fete coming up. They love this stuff because government will get out of the way so they can get on with the job. They do not have the bureaucracy, red tape and the \$57 application fee.

If I can give a statistic to honourable members in this place, in 2011-12 we issued about 6,500 community liquor permits. Under these changes we are making today we will impact about 4,500 community groups that will no longer have to get community liquor permits. They will no longer have to fill out paperwork. Their hands will be washed of bureaucracy. Labor Party bureaucracy and red tape will be washed away because we believe in those community groups. I make the point that if anyone mucks up at these events the law is there to protect the citizens of this great state. If anyone assaults anyone or mucks up, the laws are there. Government does not need to intervene at the outset to make sure we know what is going on at every school across Queensland. We want people to free their capacity and get on with the job of raising money for their schools.

Safeguards have been built into the legislation. Not only do we have laws applicable to licensing and other criminal laws, if that is ever to happen, we have built some safeguards into the legislation. Much of the detail on how to manage liquor sales at fundraising events is best dealt with in guidelines that we can issue. Consistent with the committee's recommendations these will be made public and available online.

Thirdly, the committee recommends clause 152 of the bill be amended to ensure it is consistent with clause 144. Specifically, it recommends that the legislative provision should be clear that for the purposes of section 155AD—in the case where the holder of a commercial special facility licence has entered into an arrangement under section 153 of the Liquor Act with another person—the approved manager that is required to be present or reasonably available should be an employee of the other person and not the commercial special facility licence holder.

Again, I say to the committee that that is a sensible recommendation. Commercial special facility licensees, such as the Brisbane Airport or South Bank, sublet premises to other persons to sell liquor. I will propose an amendment to the bill to clarify that the person who is responsible for the sale

of liquor is also responsible for ensuring that an approved manager is fulfilling their role in accordance with the legislation.

The bill also addresses important amendments to the Body Corporate and Community Management Act 1997 to close a gap in the legislation with the potential to delay or put at risk some key Queensland infrastructure projects. These are integral to the government's plan to drive Queensland forward as part of our four-pillar plan. When completed, the projects will provide infrastructure that improves the everyday lives of Queenslanders and will also enhance the experience of tourists to our great state.

The committee made two recommendations in relation to the amendments to the Body Corporate and Community Management Act 1997. Recommendation 4 was for clause 4 of the bill to be amended to clarify that a review under section 47B(2A)(b) of the Body Corporate and Community Management Act 1997 is only available because of a formal acquisition affecting the scheme. The government supports this recommendation as it was not the intent that a broadscale review right be granted under section 47B. Rather, the intent was that a right to apply for an order of a specialist adjudicator or QCAT for an adjustment of the contribution schedule for the scheme be available.

The intent of new section 47B(2A) is that this right is only available where an adjustment has been made to the contribution schedule attached to a new community management statement that has been recorded following a formal acquisition of land and the owner of a lot in the scheme believes the contribution schedule lot entitlements are not consistent with the deciding principle or are not just and equitable to the extent the deciding principle allows or, if there is no apparent deciding principle, are not just and equitable. Because it is possible to apply a wider interpretation to the proposed new section 47B(2A), an amendment during the consideration in detail stage of this bill will be moved to clarify the limits to this application right.

The final committee recommendation is that clause 5 of the bill be amended to clarify that the amended sections 51(7) and 51A(6) of the Body Corporate and Community Management Act 1997 will compel a constructing authority to include any changes to lot entitlements that have been requested by a body corporate under sections 51(5)(b) and 51A(4)(b) of that act when lodging a new community management statement. Clause 6 will also be similarly amended to affect the amendment to section 51A(6) noted by the committee. The government supports this recommendation and I will be moving an amendment during the consideration in detail stage of the bill to achieve this clarity. I would like to thank the Strata Community Australia Queensland branch for the written submission they made which assisted the committee during the committee's examination of the bill.

Additionally, I want to foreshadow that I intend to move a number of other minor amendments during the consideration in detail stage of the bill. I will propose a minor amendment in relation to country shows to the section that deals with community liquor permit exemptions. The bill provides for an exemption for fundraising events from the requirement to have a permit to sell liquor under the Liquor Act. However, this is limited to low-risk fundraising events that start and end on one day and where the sale of liquor is for not more than eight hours in one day.

We know however that there are many country shows that go over a two-day period or are on one day but go for longer than eight hours, which is an issue if they are selling alcohol. I will propose an amendment that will allow low-risk country shows to be exempt from these two restrictions. These shows are important cultural events and are often part of the fabric of many of our smaller rural and regional towns in Queensland. It is appropriate that these small important local community events are exempted even if they extend beyond eight hours or a single day. The Liquor Act will provide authority for a regulation to prescribe criteria which the show must meet to minimise any adverse effects on the health and safety and amenity of the community. This will ensure that it is only low-risk events that are exempted. All other exemption criteria that apply to other fundraising events will apply to country shows.

I will also propose a minor amendment to clarify that non-profit associations cannot hold a fundraising event that is exempted from the requirement to obtain a community liquor permit if they or an executive officer has been convicted in the last five years of an offence of selling or supplying liquor to a minor, in a licensed premises, public place or private home, under section 155A, 156 or 156A. Additionally, they will not be exempted if they or an executive officer has been convicted in the last five years of an unauthorised sale of liquor, as a licensee or otherwise, under section 169. This will disqualify the entity from being an eligible entity. The current provisions only apply to convictions for these offences if the person is a current or former licensee or permit holder. The intent of the amendment is to apply these provisions to all persons convicted of these offences, and so a minor change is required to the bill.

Two minor amendments will also be moved to amend a reference to a defined term in the Gaming Machine Act and change a cross-reference in the Liquor Act. Further amendments will also be proposed to the bill in relation to amendments which provide for the Queensland Sentencing Information Service known as QGIS. QGIS, which up until now has been managed by the Department of Justice and Attorney-General, does not currently contain certain highly sensitive transcripts. To ensure that this practice is continued, I will propose an amendment to ensure that the QGIS collection does not include: any part of a record of a criminal proceeding that has been made while the court is closed under a provision of an act or an order made under a provision of an act requiring the court to be closed; and any part of the record of a criminal proceeding if a court makes an order prohibiting access to or the disclosure or publication of the recording.

Prior to starting the debate today, can I clarify for speakers on this bill today the late amendment that I am proposing to move. We offered the opposition a briefing on this, which I believe occurred a little while ago. Currently under this legislation to be exempt from requiring a community liquor permit the event must be held on one day or go for less than eight hours. To make sure that our small regional and rural shows that are low risk are exempted from complying with the requirements of the Liquor Act, I am proposing an amendment, which has not been foreshadowed until now but has been distributed, that essentially says that if a small country show meets certain criteria at a later date through regulation then we will also exempt that country show. It may be the case that a country show is a low-risk venue but it has a two or three day country event or has a one day show where they sell liquor from midday to midnight, which is 12 hours. They necessarily may not be exempt under this act because of the eight hour issue. However, the amendment I will move will make sure that frees up the agricultural, horticultural and cultural shows in rural and regional Queensland. They will have just as much right to be exempt from the Liquor Act.

Regional and rural communities will know this more than suburban shows, but regional shows may have a liquor stall and it has a hessian fence around it.

Mr Johnson interjected.

Mr BLEIJIE: We do not cage people in in Longreach. The member for Gregory raises an important issue, though. This is the stupidity of the current law. Labor governments in the past have not trusted people to drink alcohol responsibly with their families. They put them all in the corner and put a hessian fence around them and hope for the best. We believe people are responsible and these show societies are responsible. They will be allowed to pull down the hessian fence and actually participate properly with their families at the shows as they ought to be able to do. However, if the show society, for instance, want to on their own account apply their own rules—and that is local community members deciding that—then that is completely a matter for them. The best part of this is that the government will move out of the way and we will let the community get on with the job and fundraise for those vitally important community groups that contribute so much to Queensland society that has made this state a great state to live and that we all want opportunities in. I commend the bill to the House and I look forward to the debate.