




Speech By  
**Laura Gerber**

**MEMBER FOR CURRUMBIN**

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Record of Proceedings, 17 November 2021

## **JUSTICE LEGISLATION (COVID-19 EMERGENCY RESPONSE—PERMANENCY) AMENDMENT BILL**

 **Mrs GERBER** (Currumbin—LNP) (2.15 pm): The Justice Legislation (COVID-19 Emergency Response—Permanency) Amendment Bill 2021 aims to make permanent several temporary changes which were introduced during the COVID-19 pandemic. Over the course of the pandemic, the LNP has strongly advocated that emergency legislation is no substitute for proper legislative reform, so the certainty provided by this legislation is welcome—particularly considering certainty is something that has been in short supply during the health crisis thanks to the Palaszczuk Labor government.

For almost two years, I have stood in this chamber calling on the state government to provide my constituents with certainty and clarity, but all we received was chaos, confusion, ever-changing border restrictions and zero transparency. As the saying goes 'See not, hear not, speak not', and this Premier is doing everything in her power to see not, hear not and speak not of the struggles of my border community.

Our border community has shouldered the burden of border closures and restrictions for the rest of Queensland for too long with insufficient support from the Palaszczuk Labor government. With Christmas fast approaching and a critical holiday trade period for our small and family businesses, my community is still left wondering what the newest measures that have been announced will look like when they come into play. Small and family businesses need certainty to invest, to trade and to grow. Whilst I am glad the government has brought proper legislation before this parliament, like the LNP has called for, it is a pity Labor has not listened to the LNP's calls for certainty regarding a pathway out of the pandemic.

The reforms in the bill can roughly be divided into four areas: liquor reforms, document reforms, domestic and family violence reforms, and leases reforms. I will address each in turn. I will first turn to the liquor reforms, which prompted several strong submissions—with no one submitter being entirely happy with where the government has landed on this. The bill proposes to make permanent the temporary measure during COVID-19 that allowed restaurants to also sell takeaway liquor. During the pandemic, licensed food venues could sell up to 2.25 litres of alcohol, excluding spirits, so a restaurant could sell takeaway beer, wine, premix and cider along with a takeaway meal.

The bill proposes to permanently retain aspects of that arrangement by allowing licensed food venues to sell up to 1.5 litres of wine with a takeaway meal. That equates to around two bottles. Groups including Restaurant & Catering Australia, the CCIQ and the Independent Brewers Association all submitted that the watering down of the temporary measures so as to only allow takeaway wine will negatively impact on an already struggling industry. Restaurant and Catering Australia stated—

The removal of beer and RTDs—

which stands for ready-to-drink beverages—

from the legislation, as well as a cap at only a 1.5 litre bottle of wine, will have a devastating effect on an already hurting industry.

They went on to state—

This announcement, without consultation, makes little sense as to why the sale of beer and RTDs would be removed from the current laws. The loss of RTDs and beer from takeaway sales will have ... adverse effect—

They are their words, not mine. This is an issue that has struck a chord locally in my electorate of Currumbin, with local brewers like Currumbin Valley Brewing and Balter Brewing Company now missing out.

The feedback I have received from local brewers, including Currumbin Valley Brewing, is clear. These temporary measures that included beer and premixes provided a much needed additional income stream for both breweries and hospitality venues. Brewers and restaurants are concerned that by winding back these emergency provisions, a portion of their wholesale revenue stream that they have come to rely on will be cut off.

The government's justification for the removal of beer and premixed alcoholic drinks is that some beer and premixed alcoholic drinks with spirits have a high percentage of alcohol by volume, therefore pose a greater risk of adverse intoxication. However, as many submitters to the committee noted, there is in fact little evidence to suggest that beer or premixed alcoholic drinks pose a greater risk of adverse intoxication than wine.

Pete from Currumbin Valley Brewing pointed out to me that craft brewers and venue owners alike need as many income streams as they can get, especially at the moment. Pete and his team are passionate about ensuring an even playing field in these reforms, and I acknowledge his advocacy for craft beverages to be included in the reforms. Pete notes that beer rarely has more alcohol by volume than wine. In fact, he says that beer often has less. He also notes that craft beer usually costs more which is understood to be a factor in the amount of alcohol consumption by a person.

My local brewers' comments are backed up by the peak national body, the Independent Brewers Association, who submitted—

It is difficult to understand the exclusion—

of beer—

given we have seen no data that provides evidence to back claims made about adverse intoxication.

Also, Spirits & Cocktails Australia submitted—

There is simply no policy justification for restricting the sale of alcoholic beverages and takeaway meals to the wine category, from either a harm minimisation perspective or an industry and economic perspective. The current drafting of the bill allows for higher amounts of alcohol to be sold via two bottles of wine and is contained to a sixpack of premixed spirits or a sixpack of beer.

There were stakeholders opposed to the sale of any takeaway liquor by restaurants and cafes, namely the Queensland Hotels Association, Clubs Queensland, Retail Drinks Australia and the Foundation for Alcohol Research and Education. In summary, their concerns highlighted the risks associated with the irresponsible supply of liquor, such as adverse intoxication outcomes, and that there was a lack of community need or justification for continuing the arrangements on a permanent basis, and they emphasised the potential adverse impacts this reform could have on existing liquor retailers.

Whilst there are strong positions on this matter, I believe it is possible to balance health and responsible service of alcohol while still supporting small and family businesses and our local craft breweries. I am glad that the Attorney-General has indicated that, in the future, she is willing to consider the committee's recommendation that the bill be amended to provide the option of allowing 1.5 litres of either wine, beer, cider or premixed drinks to be sold with a takeaway meal. I will always fight for my community in this place, and that includes my local craft brewers like Currumbin Valley Brewing and Balters.

The other areas of reform in this bill, namely documents reform, domestic and family violence reform and leases reform, are largely uncontroversial. Turning to documents reform, it makes permanent certain aspects of the emergency powers which allow certain legal documents, including affidavits, statutory declarations, oaths, deeds, certain mortgages and general powers of attorney, to be signed electronically or witnessed over an audiovisual link. Stakeholder feedback on this was predominantly favourable. The Queensland Law Society noted the benefits provided by the modernisation of legislation which, it reports, resulted in increased access to justice, in particular for regional Queensland and for those who have work and/or care commitments. The bill also permanently implements arrangements introduced which allow nurse practitioners to sign a certificate which forms part of an advance health directive.

The leases reform seeks to preserve any rent relief arrangements made under the leases regulation and allows the Queensland Small Business Commissioner to continue to provide mediation of eligible lease disputes until a permanent statutory office of the QSBC is established.

Finally, the domestic and family violence reforms make permanent commonsense measures introduced during the pandemic, including providing alternative options in certain circumstances to the traditional methods of verifying and filing applications and appearance at domestic and family violence proceedings. The bill provides that the modified verification arrangements are limited to urgent situations only for the purpose of seeking a temporary protection order where an applicant is unable to access a justice of the peace or commissioner for declarations or a solicitor before the respondent is served the application.

The move towards using technology to support our legal system and increased accessibility to court services while maintaining the safety of those who experience domestic and family violence is widely supported. The domestic and family violence provisions are a positive move towards protecting survivors from having to come face to face with their perpetrator in circumstances where justice is better served by allowing a vulnerable witness to give evidence by audiovisual link. The LNP will always support survivors and changes to technology which will help keep them safe during legal proceedings.

In summing up, this pandemic has devastated the hospitality and tourism industry across Queensland, but especially in my electorate of Currumbin. We have had to plead for the Queensland government to listen, and fight for the provision of any support, and even then there are still small and family businesses falling through the cracks. Yet, despite all the challenges our community has endured, we still see the incredible spirit of our locals who have banded together and will not give up—the spirit of locals like Dane and Veri who organised a surfboard giveaway to promote our border businesses despite their own business, the Coolangatta Board Store, being significantly impacted by border closures. Stories like this are a testament to the amazing community spirit which I am so proud to represent.

I am pleased that the Attorney-General is going to look at the reforms further in relation to the liquor space because when I buy my buddha bowl from Sumptuous Fine Food in Currumbin Valley, I would like to also get a fourpack of beer from Currumbin Valley Brewing.