



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

Hansard Tuesday, 23 November 2010

LIQUOR AND OTHER LEGISLATION AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—LNP) (6.04 pm): I rise to make a contribution to the debate on the Liquor and Other Legislation Amendment Bill. Among the stated objectives of the bill are to amend the Liquor Act to increase community safety and improve public amenity by reducing alcohol related violence through the creation of drink-safe precincts, new civil banning powers for drink-safe precincts and standard conditions applied to licences; restricting the availability of the sale and supply of liquor by limiting trading hours for new bottle shops and other takeaway outlets; and extending the extended trading hours application moratorium as it applies to persons or licensees outside of the prescribed extended trading hours precincts until December 2013.

These amendments seek to give effect to a number of the recommendations contained in report No. 74 of the Law, Justice and Safety Committee into alcohol related violence, tabled in March this year. As a member of that committee, along with the LNP opposition I welcome these amendments and intend to support their passage through the House. However, it is worth understanding how we came to be considering these amendments today.

In August 2009, when this parliament directed the Law, Justice and Safety Committee to inquire into rising instances of alcohol related violence in Queensland, I expressed my concern in this place about the level of public comment by the Premier and the Minister for Tourism and Fair Trading outlining what the government intended to do to crack down on specifically the issue of glass being used as a weapon in licensed premises. For the two weeks leading up to the referral of the matter to the Law, Justice and Safety Committee, the Premier and the Minister for Tourism and Fair Trading effectively pre-empted the work of the Law, Justice and Safety Committee and any recommendations that it would eventually make.

In addition to the media commentary, the Bligh government issued bans on the use of glass in licensed venues deemed to be high risk. There was considerable concern expressed that the process by which these venues were determined to be high risk was arbitrary and lacked evidence. This chest-beating exercise by the Premier and the Minister for Tourism and Fair Trading impeded the capacity of the Law, Justice and Safety Committee to pursue its inquiry unfettered by preconceived expectations on what the results of the committee's inquiry may be, or at least what the government would do regardless of any recommendations made by the committee. Those were the compromised circumstances in which the Law, Justice and Safety Committee was forced to undertake its inquiry into alcohol fuelled violence, and it would be naive to believe that this environment did not influence the submissions that were received by the committee during its consultation with stakeholder groups, including the liquor and hospitality industries. Notwithstanding the substantial efforts of the committee, its work was certainly compromised by the environment of distrust between the government and these industries which undermined the work of the committee.

The other circumstances in which the Law, Justice and Safety Committee was required to undertake its inquiry were of great uncertainty. Industry stakeholder groups pointed to the fact that the Queensland parliament had agreed to amendments to the Liquor Act in September 2008. The Liquor and Other Acts Amendment Bill 2008 included amendments that proposed to implement the recommendations arising from a comprehensive review of the Liquor Act, which commenced in 2005. That bill included a wide range

of amendments, including an emphasis on harm minimisation in the provisions of the Liquor Act 1992; reduced trading hours; a ministerial power to ban undesirable alcohol products; licence fees based on risk and a requirement for risk assessment management plans as part of the licensing process; the mandatory training for all staff, licensees and managers in the responsible service of alcohol and responsible management of licensed venues; and an offence of irresponsible supply.

As the LNP opposition members of the Law, Justice and Safety Committee noted in their statement of reservation to the committee's report into alcohol related violence, no evaluation of the success or otherwise of the measures implemented as a result of the amendments to the Liquor Act contained in the Liquor and Other Acts Amendment Bill 2008 has been undertaken. At that point in time there had been no real opportunity for such an evaluation to occur. Less than 12 months after the bill was debated in this parliament, the committee received its referral to look at many of these matters again. Given these ad hoc approaches, the LNP opposition members of the Law, Justice and Safety Committee questioned the integrity and the robustness of the government's public policy making in respect of liquor licensing because it has failed to base its decisions on proper planning processes and evaluation of initiatives. The constantly changing regulatory environment has had a negative impact on the liquor and hospitality industry. This is particularly the case when the industry cannot have any confidence that the decisions being made by government are based on sound data and a coherent public policy-making process.

This concern proved to be justified during the course of the committee's inquiry. The show-cause notices relating to the use of glass in so-called high-risk venues were contested by a number of licensees by way of court action to have them overturned. This reflected the lack of confidence within the liquor and hospitality industry in the policies of the Bligh government. In October this year the Supreme Court of Queensland overturned the total glass ban on a hotel in Townsville in North Queensland. Not only did the Supreme Court overturn the glass ban; it awarded costs against the government.

Mr Lawlor: That's under appeal.

Mr CRIPPS: Other licensed premises affected by the show-cause notices issued this year are now considering their position in respect of contesting the glass bans imposed on them by the Bligh government after being deemed high risk, a process deemed by the Supreme Court to involve a denial of natural justice for the licensed premise involved. How did this dilemma come about?

Mr DEPUTY SPEAKER (Mr Hoolihan): Member for Hinchinbrook, is the matter to which you refer under appeal because if it is—

Mr Lawlor: The appeal period hasn't expired.

Mr Stevens: The report is the government is considering the appeal.

Mr Lawlor: The appeal period hasn't expired.

Mr DEPUTY SPEAKER: Minister and member for Mermaid Beach, would you please stop the chatter across the chamber. Is it under appeal?

Mr CRIPPS: The report is that no date has yet been set for the Office of Liquor and Gaming Regulation's appeal against the matter.

Mr DEPUTY SPEAKER: Which would indicate it probably is under appeal if that is the case. No date has been set for the hearing of the appeal.

Mr CRIPPS: It is considering whether or not it will undertake an appeal.

Mr Lawlor: That is not what that says.

Mr DEPUTY SPEAKER: That is not what you just read to me. Minister, would you please refrain from comment. If it is under appeal and if you are unaware whether it is under appeal or not, I would suggest that you do not continue along those lines, thank you.

Mr CRIPPS: Certainly, Mr Deputy Speaker. I will refrain from any further reference to the matter. How did this dilemma come about, though? The answer is certainly because of the way that the government acted arbitrarily to declare certain licensed premises as high-risk venues without any robust mechanism or process for doing so. The Law, Justice and Safety Committee found this out during its inquiry in the course of the public hearing in Brisbane on 30 October last year.

The committee heard evidence from Professor Paul Mazerolle, a leading expert from Griffith University in respect of the issues of alcohol related violence who has undertaken leading research in this area. I asked Professor Mazerolle if his research had revealed that there was little evidence to suggest that anyone, let alone the government, could profile a high-risk venue for a glassing incident and if his research had also revealed that it was difficult to provide a profile for a high-risk patron for a glassing incident. Professor Mazerolle agreed that that was a fair representation of his research. Expert research in this field to this point in time has failed to identify any criteria to reliably identify a licensed venue or a patron as high risk. So how has the government done it?

The Law, Justice and Safety Committee also found this out during its inquiry in the course of the public hearing in Brisbane on 30 October last year. I asked the executive director of the Office of Liquor and Gaming Regulation what the criteria was for a venue to be classified as high risk. The advice from the executive director was that a venue was listed as high risk if only one glassing had occurred at that venue. I then asked the executive director, in view of the findings of Professor Mazerolle that indicated there is no reliable profile of a high-risk patron or a high-risk venue in relation to the possibility of an offence of glassing, how the Office of Liquor and Gaming Regulation justified the issuing of glass bans to licensed premises based on a single, one-off incident. The executive director replied that the Office of Liquor and Gaming Regulation was charged with the administration of the Liquor Act and the provisions in relation to the glassing issues were clear and the government's policy around this issue, he thought, had been made very clear by the Premier.

So there you have it. The policy of the Bligh government to declare a venue as high risk was because a single, one-off, isolated incident had occurred and because the Premier said so. As I have already outlined, the research of experts in this field rejects this approach. This is precisely why I expressed concern about the way that the Premier and the Minister for Tourism and Fair Trading inappropriately pre-empted the work of the inquiry into alcohol related violence by the Law, Justice and Safety Committee and arbitrarily imposed glass bans on supposedly high-risk venues. This is exactly the sort of information that an inquiry by a parliamentary committee is supposed to achieve, and might I say did achieve in this case, to inform the decision making of the parliament and the government of the day. Under the Bligh government what we have in this case is pre-emptive, arbitrary measures undertaken in a knee-jerk fashion that we now know is not supported by expert research in this field purely in response to political pressure that it was feeling at the time.

The 2008 amendments to the Liquor Act, the impacts of which have not yet been evaluated, the amendments contained in this bill and any forthcoming amendment bills the government intends to introduce to cover the balance of the recommendations in the committee's report represent a very substantial amount of regulatory change for the liquor and hospitality industries in Queensland in a relatively short period of time. This has created problems for these industries. Investment, jobs and the bottom lines of businesses in these industries are affected by uncertainty in the regulatory environment the same as any other industry. These industries in many areas of the state are highly integrated into the tourism industry, which we know has been suffering a downturn in recent times. I hope the minister and the government as a whole give serious consideration to the collective financial impact that this very substantial number of regulatory changes will have. The recommendations in the Law, Justice and Safety Committee's report, both in these amendments and the amendments to come, underline issues relating to the cost of compliance with those recommendations and advocate the provision of support for their implementation.

As the member for Mermaid Beach has outlined, the bill contains only a few of the recommendations of report No. 7 of the Law, Justice and Safety Committee into alcohol related violence. The LNP opposition looks forward to the balance of the recommendations being implemented. I would certainly like to acknowledge the efforts of the other members of the committee who worked hard during the course of this rather unique inquiry. It was a very interesting experience for members of the committee to be out late at night and in the early hours of the morning. Certainly absolutely no-one could accuse the committee of not having a hands-on approach to this inquiry. I pay special tribute to Mr Stephen Finnimore, our then research director, and Ms Amanda Honeyman, the principal research officer of our committee, both of whom really went above and beyond the call of duty to support this inquiry. Their outstanding work, often in very difficult circumstances, was very much appreciated by the members of this committee.