



Speech by

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MEMBER FOR CURRUMBIN

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LIQUOR AND OTHER LEGISLATION AMENDMENT BILL

Mrs STUCKEY (Currumbin—LNP) (4.09 pm): I rise to join the debate on the Liquor and Other Legislation Amendment Bill 2010, introduced on 28 October by the Minister for Tourism and Fair Trading, the honourable member for Southport. The primary aim of the bill is to amend the Liquor Act 1992 to enable the government's long awaited liquor reforms for Queensland by adopting a number of recommendations from the inquiry into alcohol related violence by the Law, Justice and Safety Committee in 2009. Specifically, amendments to the Liquor Act propose to create drink-safe precincts to be known as DSPs, provide court based banning powers for DSPs and allow for standard conditions to be prescribed for certain licence types, limit trading hours of new applications for bottle shops and other takeaway liquor outlets, extend the moratorium on applications for extended trading hours outside the prescribed extended trading hours precincts until December 2013, and prescribe the definition of 'amenity' to provide further clarity in decision making by the commission or chief executive. The bill will also amend the Gaming Machine Act 1991, the Penalties and Sentences Act 1992, the Bail Act 1980 and the Adult Proof of Age Card Act 2008.

As honourable members have heard from the shadow minister and honourable member for Mermaid Beach, the LNP is supporting the government on this bill. However, as honourable members have heard, we have considerable reservations as we believe it to be a minimalist response when one considers the serious implications of binge drinking and similar activities. The opposition is also concerned at the lack of education and funding this Bligh Labor government has directed to this ever-growing problem permeating our society.

The legislation has been introduced in response to the parliament's request in 2009 for the Law, Justice and Safety Committee to conduct an inquiry and report on alcohol related violence in Queensland. Specifically, the committee was tasked to focus on community safety and preventive measures to reduce levels of alcohol related violence, including its ramifications. Best practice harm minimisation, the impact of late opening hours, education campaigns, and the flow-on issues affecting emergency and health workers were some of the key areas to be examined during the inquiry. Over 155 submissions were received and consultation took place through the form of public hearings, a student forum, a youth summit, a youth parliament and precinct inspections. Thankfully, someone had the sense to realise that the allocated period for the inquiry needed to be extended beyond the unrealistic four-month time frame initially given to the inquiry.

The committee's final report was handed down on 18 March 2010. The government's response, dated 27 August 2010, was tabled on 30 August, albeit one month later than the required deadline. I congratulate those involved in the creation of the report, as it was a cumbersome task and there was very little data already available. However, it appears that the extra time did not transpire into any extra substance, as what we have before us today, albeit with some good initiatives, is best described as a lame attempt to resolve a sobering issue. Commentators labelled the government's long awaited response as follows: 'underwhelming' by the *Gold Coast Bulletin*, 'weak' by Gary Baidon, 'disappointing' by the *Courier-Mail* and 'nothing more than a glossy brochure' by the editor of the *Gold Coast Bulletin*.

This Bligh Labor government has failed to implement any of the committee's hard-hitting recommendations, which could have made significant changes and discouraged the culture of alcohol abuse and alcohol related violence. Opposition members on the Law, Justice and Safety Committee commented in a statement of reservation that they 'seriously question the integrity and robustness of the government's public policy making process when it appears to be based on ad hoc approaches rather than on proper planning and evaluation of initiatives.' They say that statements of the Premier before the referral pre-empted the inquiry when she stated that her government would ban glass from problem and high-risk venues. This placed the sincerity of the government's attitude to this committee's recommendations under question.

Given the shocking neglect this Labor government has shown over the past decade, allowing the culture of binge drinking to escalate without adequate interventions and our licensed premises to become avenues for uncontrolled violence, today my contribution will focus on the amendments relating to liquor reform. There is no doubt that alcohol related violence has become an increasing problem in our society in recent years. Data published in the *Australian and New Zealand Journal of Public Health* in June 2008 revealed an upward trend in alcohol related harm among young people aged 16 and above.

A total of 68 recommendations were made by the committee in the final report released in March, with the government providing a positive response to 58. However, the government made it clear that its support of many of the recommendations was based on already existing policies and legislation, and few changes would indeed be introduced. Those not supported by the government included recommendation 5, which is the banning of advertising of bottle shop discounted liquor prices, recommendations 20 and 22 calling for a reduction in licence fees as an incentive for implementing ID scanners and CCTV at licensed venues, recommendations 23 to 25 mandating the phasing out of regular glass, recommendations 43, 44 and 46 to wind back late-night trading hours and lockout times, and recommendation 47 to undertake a police/ambulance unit trial in entertainment precinct areas with a high concentration of licensed venues and at major events.

The government's support of place based management has seen the proposed creation of drink-safe precincts to be trialled for two years in three locations, being Fortitude Valley, Surfers Paradise and Townsville, from December 2010. The cost to the Queensland taxpayer will be \$4.267 million for the first year, with \$3.141 million going to the Police Service for overtime police resources and \$1.126 million to the Department of Communities to fund NGO operations. A share of the cost is expected to be shouldered by the industry after December 2011.

In light of this funding announcement, the *Gold Coast Bulletin* revealed that the new measures for the DSPs are largely already implemented, especially in Surfers Paradise, such as the provision of services from community groups in special safe zones—the Chill Out Zone has been operating in Surfers for years—and better public transport information. Queensland Police Union President Ian Leavers summed up the Bligh government's plan for Surfers Paradise in the *Gold Coast Bulletin* on 30 August by saying, 'Other than asking hotels to hand out free water, there is not one single new initiative in the Premier's announcement.'

No-one will be fooled by the trickery of this government in announcing a boost to police resources during peak times in the precincts, supposedly up 39 per cent. Instead of putting new police on the beat, the numbers will be made up by existing officers doing overtime. While some officers will be keen to earn extra dollars, and I think everyone in this House would agree that that is fair, this approach does not address the issue of police numbers or the issue of police pay.

Earlier in the year reports confirmed that Surfers Paradise was the worst place in Queensland a police officer could be stationed. Only last week the assistant commissioner revealed that there is low interest in policing jobs in Surfers when they are advertised, causing him to rotate first- or second-year officers through the precinct. Violence and abuse dished out on Friday and Saturday nights in particular is highly damaging and the accumulation of working under stressful conditions affects a number of our overworked officers. Consequences can be measured in attrition rates, sick leave, stress leave and so on. Representing an electorate such as Currumbin with a busy entertainment precinct, I am all too aware of the tragedies caused by alcohol related violence.

This legislation also provides for new powers to ban people from specified areas. It establishes a civil banning order regime under the Liquor Act 1992 to ban an individual from entering or remaining in a stated premises or stated classes of premises or from attending a stated event for up to 12 months for engaging in certain violent behaviour within a drink-safe precinct. Applying a civil ban to a person who has not been charged with an offence does present issues concerning the rights and liberties of individuals. It is important to note that licensees already have existing powers to ban a person within a venue for a period when appropriate. Just how this new system will be enacted and enforced remains to be seen. Perhaps the minister would be kind enough to elaborate on that point in his summation.

According to the Queensland Hotels Association, the introduction of ID scanners has proven to be an effective deterrent for inappropriate behaviour within licensed premises. Indeed, the Police Union, the

QHA and the Liquor, Hospitality and Miscellaneous Union all support the use of ID scanners in pubs and clubs. The government has shown a reluctance to enforce ID scanners and CCTV as security measures due to the implications this has for personal privacy and security of information. As such, it has indicated it will not support the committee's recommendation to reduce fees for licensees who install ID scanner technology and CCTV cameras at their venues. The shadow minister gave a strong argument in favour of supporting licensees to protect patrons with those security measures.

Alarming, the November 2009 interim report by the committee stated, under the section headed 'Lack of data', that there is an 'apparent lack of comprehensive, reliable data relating to alcohol related violence, indicating that further research uniform collection of data may be required to fully assess the prevalence and impact of, and possible solutions to, alcohol related violence'. This is an appalling admission of successive state Labor governments to prioritise community safety and harm minimisation. It is inexcusable considering this government has ruled for over a decade and undergone task forces, talkfests, forums and all manner of other diversionary tactics which it has boasted about in the media yet failed to collate vital statistics that could be used in a variety of ways.

As a former nurse and being married to a GP, I am particularly concerned by the lack of data collected in hospital emergency departments. Why is there no measure of the number of alcohol related injuries or intoxicated persons presenting for medical treatment in public hospital ERs across Queensland, taking up the beds of other seriously ill patients? Why has there been a reluctance by Queensland Health to collect these figures? Surely they cannot all be doctor bashers, like so many members in here.

I note in the November 2009 report reference to the Drug and Alcohol Brief Intervention Team. This is a pilot program conducted at the Cairns Base Hospital emergency department, collecting information from individuals such as the last venue they attended, how much alcohol they had consumed and so on. While reliance on self-reported data is not always the most favourable option, it is a step towards some form of data collection.

The rate of nurses and other health workers being assaulted is disgusting. Paul Williams in the *Courier-Mail* on 5 October stated that '52 per cent of nurses ... report being physically assaulted by a drunk while on the job'. In its submission to the committee, the LHMU stated the following statistics following a survey of its members. Of the respondents that are ambulance workers, 94.37 per cent reported being assaulted or verbally abused by an intoxicated person in the course of their work. Additionally, 92.25 per cent noticed an increase in the intensity of alcohol related violence; 92.96 per cent noticed an increase in the frequency of alcohol related violence; and 87.32 per cent reported feeling unsafe as a result of intoxicated persons they have been required to treat or persons in the vicinity of the area in which ambulance workers are providing emergency care.

The issue of drink promotions was discussed this year at a Gold Coast LICA meeting. LICA has been mentioned by the honourable member for Gaven and I think also by the shadow minister. Licensees said that happy hours and all-you-can-drink-for-two-hours-for-\$30 deals cannot make venues a profit, which is not beneficial to anyone. They concurred that drink promotions are causing grief and that no licensee should be inviting patrons to all-you-can-drink sessions.

The rejection of recommendations on trading hours and lockout times certainly gives the impression that the government has sided with those who stand to profit from no-one tinkering with their trading hours and ability to supply alcohol. The *Courier-Mail* revealed that out of approximately 42,500 complaints and investigations into licensed venues in Queensland only 75 received disciplinary action, suggesting the state Labor government is not doing its job.

What has our society come to when governments are having to legislate to remove drinking glasses from a venue to stop patrons using them as assault weapons? For a state government to be forced into this position, an alarmingly high number of such incidents must occur, which has unfortunately been the case in Queensland.

Calls for tougher sentences have surfaced again in the last month. In sentencing a perpetrator of a Gold Coast glassing attack, even the judge voiced his frustration with Labor's weak sentencing mandate. Southport District Court judge Clive Wall QC said that, while the maximum sentence for unlawful wounding was seven years imprisonment, the average glassing sentence upheld by the Court of Appeal ranged from only 18 months to two years, which is not a strong enough deterrent.

The Gold Coast faces a real problem with a high level of glassing attacks. In a statement to parliament on 4 August 2009, the Minister for Tourism and Fair Trading revealed that in the previous 12 months 36 out of the 47 recorded glassing attacks were committed on the Gold Coast. A recent poll published in the *Gold Coast Bulletin* revealed that 95 per cent of respondents thought jail should be mandatory for glassing offences.

Tougher sentences for glassing attacks were in fact one of the recommendations made by the committee in its final report. Yet, while offering 'support in principle', the government ruled out implementing any changes based on existing provisions within the Criminal Code and the Penalties and

Sentences Act 1992 and their application by the courts, advising that no amendment is required. This contradicts the sentiment of the statement by Judge Wall, who said—

If I had my way, the sentences which would be imposed on offenders would be heavier than the Court of Appeal appears to mandate. However, I am bound by what the Court of Appeal says, whether I agree with them or not.

That is a frightening admission. Who are these laws really designed for? I will be interested to see what the newly formed Sentencing Advisory Council will have to say on this pressing matter.

The most important change the Police Union pushed for with these recommendations was winding back closure times of hotels and clubs and differentiation between licences for nightclubs/cabarets and general permit hotels. As it stands there is no differentiation, which means that the same trading hours apply and patrons are not dispersed throughout the night by different closing times. The union said—

There is a need to distribute hours so that patrons leave in an orderly fashion throughout the night as opposed to all leaving at 3 am.

Currently, all patrons from multiple venues leave at 3 am—thousands of patrons spilling onto the streets, filled up to the brim with alcohol and other party drugs, causing risk to safety of community and police. They said—

It is a lot easier for police to deal with patrons if they are distributed over the night.

Police want hours wound back to cease trading at midnight at large general permit hotels. The Coolangatta Hotel can have a patronage of almost 2,000 patrons. It caters for 1,148 upstairs and 700 downstairs. All of these people disperse at 3 am. Police do not want more extended-trading permits. Their argument is that extended trading means an increase in sales of alcohol for the benefit of licensees. The police want closures brought back to the time that their permit states—which, as they say, is midnight for general permit hotels.

Nothing in this legislation provides any direct or indirect benefit to improve the situation in my electorate of Currumbin, which sits on the New South Wales border. The culture of binge drinking in Australia has reached an unprecedented level. Coolangatta is an established entertainment and tourism precinct within my electorate that unfortunately cops its fair share of alcohol fuelled violence. The government's failure to implement the recommendations of the committee will be to the detriment of police and the community of Coolangatta and the surrounding area. In the words of the Gold Coast Police Union Secretary Bill Kaz, this legislation is 'as weak as water' and will do nothing to see the situation improve.

Before I close, I would like to congratulate Senior Constable Tony Unicomb, who was awarded the stature of Adopt-a-Cop for the Year on the Gold Coast. Tony is an invaluable member of our police beat at Elanora and has been working very successfully with youth in our primary and senior schools.

As has been stated by the shadow minister, the LNP supports this legislation but we would like to see it contain more of the recommendations from the Law, Justice and Safety Committee.