



15 March 2013

The Hon Jarrod Bleijie MP
Queensland Attorney-General and Minister for Justice
C/- Liquor and Gaming Red Tape Reform
Office of Regulatory Policy
Department of Justice and Attorney General
Locked Bag 180
CITY EAST QLD 4002

Dear Minister Bleijie

Red tape reduction and other reform proposals for regulation of liquor and gaming

The National Alliance for Action on Alcohol (NAAA) is pleased to provide a submission on the Queensland Government's discussion paper – *Red tape reduction and other reform proposals for regulation of liquor and gaming*.

The NAAA is a national coalition of more than 70 health and community organisations from across Australia that has formed with the goal of preventing and reducing harms caused by alcohol. The NAAA has set three priority areas for action, based on the scientific evidence from Australia and overseas regarding the most effective ways to prevent and reduce alcohol related harm. These include:

- Increasing the cost of alcohol through pricing and taxation policies;
- Restricting the marketing and promotion of alcohol; and,
- Controlling the access and availability of alcohol.

The latter is of particular relevance in the context of the Queensland Government's discussion paper, and given the policy directions taken by many other Australian jurisdictions in recent years and the measurably negative effects of these policies on public health. The National Preventative Health Taskforce¹ reported that:

In recent years there has been a significant liberalisation of state and territory liquor licensing laws, and a corresponding growth in the diversity and number of alcohol outlets, both on- and off-premises. Recent research from three states has demonstrated consistent links between the availability of alcohol in a region and the alcohol-related problems experienced there. In particular, these studies have linked rates of violence to density of alcohol outlets. The results of this research are clear: liberalising alcohol availability is likely to increase alcohol-related problems.

Our members include several Queensland-based organisations who are very concerned about the adverse impacts on community health and wellbeing if the Government's proposed

¹ National Preventative Health Taskforce. *A roadmap for action: National Preventative Health Strategy*. Commonwealth of Australia. Canberra. 2009

reforms to liquor regulation are implemented, including: Alcohol and Drug Foundation of Queensland (part of Lives Lived Well); Centre for Youth Substance Abuse Research at the University of Queensland; Drug Arm; Independent Order of Rechabites Queensland District No. 87 Inc.; Queensland Network of Alcohol and Drug Agencies; Queensland Alcohol and Drug Research and Education Centre; Russell Family Fetal Alcohol Disorders Association. The NAAA urges the Queensland Government to thoroughly consider the submissions made by these Queensland based members of the NAAA, along with our own submission, detailed below.

1. Liquor regulation must prioritise public health and safety ahead of commercial interests

The NAAA is deeply concerned that, for the purposes of only reducing ‘red tape’, the Queensland government is seeking to weaken several important liquor regulations that are in place to protect the interests of public health and safety. The net public benefit of liquor regulation far outweighs the relatively small costs of administration, and prevents further social and economic costs (e.g. injury, disease, and deaths and financial burden to the health system, policing, and workplaces) that would be incurred if appropriate regulations were not already in place.

Because alcohol is a potentially harmful product and therefore a commodity that needs to be carefully controlled, it is essential that the interests of public health and safety are the primary consideration in the creation and implementation of laws and regulations relating to the sale and supply of liquor. The NAAA is concerned that the proposed reforms outlined in the Government’s discussion paper neglect to do this, and more specifically, are in direct conflict with the existing Queensland *Liquor Act 1992*, including the primary purposes listed in §3 of the Act:

The main purposes of this Act are—

- (a) to regulate the liquor industry, and areas in the vicinity of licensed premises, in a way compatible with—*
 - (i) minimising harm, and the potential for harm, from alcohol abuse and misuse and associated violence; and*
 - Examples of harm—*
 - *adverse effects on a person’s health*
 - *personal injury*
 - *property damage*
 - (ii) minimising adverse effects on the health or safety of members of the public; and*
 - (iii) minimising adverse effects on the amenity of the community;*

The NAAA strongly recommends that the introduction of any proposed reforms to liquor regulation in Queensland should be determined by whether or not they support the purposes in listed in §3(a)(i-iii), above. The NAAA is alarmed that these purposes are not explicitly referred to and thoroughly considered in the Government’s discussion paper.

2. Alcohol-related harm costs the Queensland community \$ billions every year

The NAAA is concerned that the discussion paper provides no acknowledgment of the how much the harmful effects of alcohol consumption already cost the Queensland community,

estimated to be \$3.07 billion each year², including costs to health systems, law enforcement, lost productivity, and pain and suffering. The suggestion in the Government's discussion paper that 'reducing red tape' and thereby increasing alcohol availability will yield economic benefits is not only unconvincing, but is also socially and economically irresponsible.

Furthermore, the NAAA is concerned that the cost/benefit assessment provided for each of the proposed regulatory reforms neglect to include the costs of alcohol related harm that will potentially be incurred by the community, such as increased incidence of risky drinking, alcohol related crime, alcohol related violence and antisocial behaviour, increased demand on health systems and emergency services, adverse impacts on businesses such as employee absenteeism, property damage, and loss of amenity in local neighbourhoods, to name just a few of the social and economic costs.

3. Extending opening hours and weakening regulation of liquor outlets will make a bad situation worse.

The National Preventative Health Taskforce³ reported that 'most Australian studies have shown that increased trading hours have been accompanied by significantly increased levels of alcohol consumption and/or harms'. The NAAA is therefore very concerned that the proposed reforms in the discussion paper to extend opening hours and weaken regulation of late night liquor outlets will exacerbate the prevalence of risky drinking and alcohol related harm in Queensland, where the peak time of alcohol-related harm (e.g. alcohol related assault, alcohol poisoning) is late at night. The Queensland Injury Surveillance Unit (QISU), which collects and analyses data from emergency department injury presentations on behalf of Queensland Health, identified 9,431 alcohol related injury presentations for patients >12 years of age during the period January 1999 to June 2010 (11.5 years)⁴. Across this 11.5 year period, the peak time for alcohol related injuries was between 1:00am and 2:00am. Friday nights (between 2:00am and 3:00am) and Saturday nights (between 1:00am and 2:00am) were the peak times for attendance at a hospital emergency department with an alcohol related injury.

On this basis, the NAAA opposes any of the proposed reforms that will lead to the extension of opening hours, or the weakening of controls on liquor outlets, especially at times (i.e. late at night) when the risk of alcohol related harm is greatest. The NAAA therefore strongly **opposes** the following:

- Any extension to late night trading hours for licensed venues [refer to section 1.4 of the discussion paper].
- Discontinuation of the current moratorium on extended liquor trading hours [refer to section 3.5 of the discussion paper]. The NAAA strongly supports the further extension of the moratorium (i.e. Option 1).
- Any weakening of the current regulations of venues that meet the "high risk" categorisation for glassing [refer to section 1.6 of the discussion paper].
- Any extension to trading hours for the sale of packaged liquor from 10am to 9am for bottle shops in Queensland [refer to section 1.3 of the discussion paper].

² Based on 20.1% (QLD pop.) of the total cost to the Australian community of \$15.3 billion per year. Source: Collins D and Lapsley H. *The Costs of Tobacco, Alcohol and Illicit Drug Abuse to Australian Society in 2004/05*. Australian Institute of Health and Welfare. Canberra. 2008.

³ National Preventative Health Taskforce. *A roadmap for action: National Preventative Health Strategy*. Commonwealth of Australia. Canberra. 2009

⁴ Barker R, Swaminathan M, Arora A, Scott D. *Emergency Department Presentations due to Alcohol-Related Injury in Queensland*. Queensland Injury Surveillance Unit (QISU). Injury Bulletin. No. 111. April 2011.

Furthermore, the NAAA strongly supports the recommendations of the Queensland Law, Justice and Safety Committee's final report of its inquiry into alcohol related violence in 2010⁵, particularly the following:

41. *That standard on-premises trading hours be 10am to midnight.*
42. *Maximum hours for detached bottle-shops are to be 10am to 9pm.*
43. *Extended trading hours for venues outside special entertainment precincts to be no later than 1am Sundays to Thursdays and no later than 3am Fridays and Saturdays.*

However, the NAAA does not support the Committee's recommendation (#44) that 'extended trading hours for venues in special entertainment precincts to be no later than 2am Sundays to Thursdays and no later than 4am Fridays and Saturdays'. Our opposition to this proposal is based on evidence from Australian research showing that reducing opening hours to 3am, along with other controls such as stopping the sale of shots and pre-mixed spirits after 10pm and imposing a 1am lockout, can significantly reduce the incidence of alcohol related assault.⁶

The NAAA strongly opposes the removal of liquor trading restrictions on days of cultural significance [refer to section 3.6 of the discussion paper]. Australian research⁷ has shown that alcohol related harm peaks around days of cultural significance when alcohol is available, and any relaxation of this will most likely exacerbate the situation. This research shows that there are significant increases in alcohol-related incidents (ambulance attendance, hospital presentations, motor vehicle accidents, police reports of assaults and family incidents) around the time of most public holidays, particularly the days before New Year's Day, Australia Day, Good Friday, ANZAC Day and the last working day before Christmas.

Pending the findings of an independent evaluation, the NAAA supports the continuation of place-based approaches in Queensland, such as 'Drink Safe Precincts', and the extension of these to other areas according to need and appropriateness. The NAAA supports the funding of place-based initiatives using revenue from liquor licence fees, as suggested in the discussion paper [refer to section 1.4 of the discussion paper].

4. Communities should have a say in liquor licensing decisions and local impacts should be measured

The NAAA strongly supports the proposal to provide local communities in Queensland with a greater say in liquor licensing decisions [refer to section 2.6 of the discussion paper], particularly given the majority of the Australian population are concerned that not enough is being done to reduce alcohol problems in the community. A recent poll (18% of the sample from QLD) found that 75% of Australians believe that more action is needed to reduce the harm caused by alcohol-related illness, injury, death, and related issues⁸. Furthermore, local

⁵ Law, Justice and Safety Committee. *Final report: Inquiry into alcohol related violence in 2010*. Legislative Assembly of Queensland. Brisbane. 2010

⁶ Jones C *et al*. *The impact of restricted alcohol availability on alcohol-related violence in Newcastle, NSW*. Crime and Justice Bulletin No. 137 (November 2009). NSW Bureau of Crime and Justice Research. 2009

⁷ Lloyd B, Matthews S, Livingston M, Jayasekara H. Alcohol intoxication in the context of major public holidays, sporting and social events: a time-series analysis in Melbourne, Australia, 2000-2009. *Addiction* 2012 Nov 8. doi: 10.1111/add.12041

⁸ Foundation for Alcohol Research and Education (FARE). *Annual Alcohol Poll: Attitudes and Behaviours*. FARE. Canberra 2012.

communities and their local governments are often best placed to make decisions in relation to local alcohol matters, particularly liquor licensing, as they often have in-depth knowledge of the local circumstances and context. The NAAA recommends that the proposed legislative amendments to provide local government with more weight in liquor licence decision-making should clearly prescribe a consistent state-wide approach and the range of factors that local government must take into account. This should include:

- The best available evidence regarding the likely impact of the proposed licenced premises on public health and safety in the local community and surrounding areas, particularly the impact on alcohol consumption - especially among people, and the impact on the level of alcohol attributable harms in the local community such as injuries, diseases, and deaths.
- The cumulative effect of the proposed licenced premises upon outlet density in the local community and surrounding areas and the likely impact of this upon public health and safety.
- The likely impact of the proposed licenced premises upon the demand for emergency services (police, ambulance) and health and community services (hospitals, women's refuges, mental health services) in the local community and surrounding areas.
- The likely impact of the proposed licenced premises upon the health and wellbeing of local Indigenous communities.
- The likely impact of the proposed licenced premises upon the amenity of the local area, including noise, property damage, and litter.

Furthermore, the NAAA strongly supports the recommendations of the Queensland Law, Justice and Safety Committee's final report of its inquiry into alcohol related violence in 2010⁹, particularly the following:

29. *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.*
30. *That a definition of 'amenity' by reference to elements such as noise and other criteria in the Act, transport, nuisance, the lifestyle of the community and the nature of the precinct be inserted in the Liquor Act 1992.*
31. *That conferences be made a mandatory part of the process of considering applications for all licences under the Act where an objection to an application is made.*

The NAAA recommends that online liquor sales should also be subject to community input and statewide controls [refer to section 1.7 of the discussion paper]. The NAAA is concerned that online liquor suppliers of alcohol into Queensland from other states are currently able to evade their responsibilities under Queensland liquor regulations as they do not require a Queensland liquor license. The NAAA recommends that the Queensland government require all interstate and intrastate online liquor suppliers to obtain a Queensland liquor license and that there be state regulations they are bound to comply with requiring

⁹ Law, Justice and Safety Committee. *Final report: Inquiry into alcohol related violence in 2010*. Legislative Assembly of Queensland. Brisbane. 2010

certification of who liquor may be delivered to (to ensure that they are not under age) and limiting the hours in which deliveries can be made.

5. A comprehensive approach is needed to reduce alcohol-related harm

The NAAA acknowledges that in addition to State-based liquor regulation, other policies and programs are an important part of a comprehensive strategy to prevent and minimise alcohol related harm in the community. This includes alcohol pricing and taxation policies, restrictions on the marketing and promotion of alcohol, and education for the general public about the health risks of alcohol via product warning labels and social marketing campaigns.

On behalf of the NAAA, thank you for the opportunity to provide a submission on the important alcohol policy matters raised in the Queensland government's discussion paper. If you require any further information please contact the Executive Officer of the NAAA (email Brian.Vandenberg@cancervic.org.au or phone 03 9635 5384).

Yours sincerely



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cc. The Hon Mark Butler MP
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