

FORTITUDE VALLEY CHAMBER OF COMMERCE

LIQUOR ACT REVIEW  
REGULATORY IMPACT STATEMENT &  
DRAFT PUBLIC BENEFIT TEST

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SUBMISSIONS IN RESPONSE

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# 1. Introduction

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The State Government recently published a report known as a Regulatory Impact Statement/Draft Public Benefit Test (“RIS”) relating to the review of the Liquor Act. The RIS is part of the legislative process. It sets out the proposed changes, and calls for submissions from any interested party.

Unfortunately, the RIS raises many questions, and lacks the detail necessary to form a proper view of the changes in many respects. Nevertheless, the submissions set out below identify a number of important issues for the Fortitude Valley Chamber of Commerce, and for the Valley Entertainment Precinct, which emerge from a consideration of the often inadequate information contained in the RIS.

## 2. Valley Entertainment Precinct

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In 1991 legislation established the Valley Malls and funding program for Brisbane City Council to implement and manage with State Government committee representation. These additional Valley Malls levy rates are paid by Valley Businesses and now fund services such as the CCTV system in place throughout the precinct, a Police Beat in Brunswick St Mall, additional cleaning, public toilets and other infrastructure.

A lengthy period of research and analysis saw the development of the Valley Harmony Music Plan, and in 2006 legislation created the Valley Entertainment Precinct, with Brisbane City Council simultaneously changing its bylaws to implement the Valley Harmony Music Plan.

The Valley Entertainment Precinct (“VEP”) is the first officially recognised and designated entertainment precinct in Queensland, and recognises that Fortitude Valley has certain special characteristics. These characteristics include:

- ❖ High concentration of all forms of licensed liquor and gaming premises, and in particular late night entertainment businesses
- ❖ Definable geographic boundaries
- ❖ Strong networks between regulatory bodies, charitable and community organisations, and the business community
- ❖ Private sector funding for certain essential services and safety initiatives traditionally funded from the public purse
- ❖ Efficient and comprehensive transport infrastructure
- ❖ Innovative and active representative bodies
- ❖ Highly efficient communication channels between stake holders, and between liquor industry participants
- ❖ An effective and entrenched Liquor Accord

- ❖ Regular and reliable very high levels of patronage for businesses
- ❖ Strong daytime and night time economies
- ❖ Recognition of a close interface between residents and business participants

The combination of these characteristics is rare, if not unique. What has emerged as a result is a vibrant, safe, desirable precinct which consistently attracts tens of thousands of patrons each week.

Such success ought clearly to be:

- ❖ built upon and enhanced
- ❖ analysed to identify the key elements of its success
- ❖ modelled for replication in other appropriate parts of the State
- ❖ promoted as such, and used to support the promotion of the State generally

and not placed under threat by ill-conceived or misguided policy and legislative decisions.

The management of the precinct has included a number of Safety Audits which have been attended by high ranking government officers and elected representatives.

Finally, it should be noted that many of the licensed premises are buildings with significant heritage value, and must be preserved.

### 3. RIS Observations

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One of the key issues for the Fortitude Valley precinct which arises from the RIS is the threat which some of the proposed changes represent for local business, and for the balance which at present exists within the liquor industry, and within the broader Fortitude Valley business and residential community.

There are two key strategies which create this threat in a direct sense. First, the proposal to add significantly to the costs of conducting a late night entertainment business through the proposed introduction of a licence renewal fee, and second, the proposal to make liquor licences available to a broader range of businesses. In relation to the latter item, the proposal to facilitate or even encourage the licensing of boutique bars and wine bars is of serious concern.

Indirectly, other strategies set out in the RIS contribute to the economic pressure. These are the proposed manager's licence, and the requirements for additional RSA and RMLV training.

Finally, the omission of any targeting of take away liquor sales among the proposals is also a key aspect of the concerns held by the Valley Chamber, and is dealt with in detail below.

Before turning to the issues associated with the identified strategies, it is important that some comment be made regarding the likely effects of the economic pressures, and regarding aspects of the current dynamics of licensed premises patronage.

#### ***Spend per head***

Per capita expenditure in licensed premises in Fortitude Valley is between \$20 and \$50. Access to the most popular venues costs between \$5 and \$25. Drinks prices vary, but on average, the cost of a standard drink in the late trading venues in the Valley is around \$8 or higher. Working on an average entry fee of \$15, and an average spend per head of \$40 and an average price per standard drink of \$8, what becomes immediately apparent is that as an average proposition, each patron only consumes 3 to 4 standard drinks, during a typical period of around 6 hours on the busy nights of the week. Consumption at these levels is well below what would be regarded as risky according to the RIS itself (see page 13).

***Arrival times***

Information from VEP licensees supports what most observers currently believe, which is that patrons attending late night venues do not arrive in the Valley until around 10.30 or 11.00pm.

Anecdotal evidence also suggests that many patrons arrive in the area in taxis, and have liquor in their possession at this time, reflecting the pattern often referred to of patrons attending private parties, or drinking at home before coming out to places like the VEP.

***Standard drink prices***

The average price per standard drink purchased in late night venues, \$8 as noted above, needs to be compared with the price per standard drink for takeaway liquor. Recent advertising for Dan Murphy's liquor outlets includes the following examples:

PRODUCT	PRICE	No standard drinks
Famous Grouse Scotch Whisky (700ml)	\$24.90	20
Bacardi Rum (700ml)	\$26.90	20
Wild Turkey Bourbon (700ml)	\$33.90	20
4 pack of Smirnoff Double Black	\$11.90	5.2
10 pack of Johnnie Walker Red and Cola RTDs	\$19.90	13
10 Pack of Bundaberg Rum and Cola RTDs	\$19.90	13
Hahn Superdry stubbies (carton)	\$37.90	31.2

Based on these approximate (and conservative) figures, the average price per standard drink is around \$1.40. There are of course far cheaper types of alcohol available. Bottles of red wine containing between 8 and 9 standard drinks are routinely available for as little as \$6 or \$7.

***RIS fails to address takeaway liquor aspect***

It is acknowledged that between 70 and 80% of liquor consumed in Queensland is takeaway liquor and not liquor purchased and consumed on premises. The strategies reflected in the RIS, almost without exception, are targeted at on premises consumption, and there is a stark omission of any strategies directed at takeaway liquor consumption.

The two sources of consumption, takeaway and on premises, are linked through a common consumer. Due to the pattern of consuming prior to coming out, the VEP becomes the recipient of problems related to the consumption of takeaway liquor, but does not in any way contribute to them.

It is the absence of a consideration of these phenomena at a policy level which engenders or contributes to the threat to the present economic balance in the industry. As that balance permits the sustainable existence of the VEP, ignoring threats to that balance in turn places it at risk.

***Nature of the threat caused by economic pressure***

As is evident from a comparison of the costs to the patron of consuming liquor as they vary depending upon source, licensed premises, and in particular late night entertainment premises are characterised by high costs, which are passed on to patrons through liquor and entry pricing. The costs of conducting a business of this kind are by no means limited to the costs associated with liquor compliance. The current challenges facing the industry as a result of the uplift in PPCA licence fees is one further example.

The threat represented by the illegal recreational drug industry is another. In a balanced view, it must be acknowledged that whilst Police, in co-operation with licensees, have been effective in maintaining an absence of drug dealing within licensed venues in the VEP, the availability and use of recreational drugs is an unfortunate fact of life.

The risk which the Valley Chamber and VEP licensees perceive is that adding to the economic burden on licensed premises, and in particular late night entertainment businesses, will drive prices higher, and takeaway liquor and illegal drugs will become more attractive options. Ultimately venues may become unviable and will close or be sold off, with the potential for the VEP to be lost in its current form. It is perhaps an alarming thought that existing businesses may be replaced by venues specifically catering for persons who are already intoxicated as a result of liquor consumption or drug-taking (or both) prior to coming out.

***Licence restructure – proliferation of venues***

It is noted from the RIS that the Government's preferred option is that the licence categories will be streamlined into two distinct types – commercial and community – with subcategories for each based on risk. The proposal is for effectively 5 licence categories – Commercial Hotel, Commercial Casino, Commercial Other, Community Club and Community Other.

It is also proposed to introduce new licences for what are referred to in the RIS as boutique bars or wine (exclusive) bars with a restricted venue capacity. The RIS states that these licences will be available for premises which seat less than 60.

The obvious criticism of the RIS is that there is very little or no detail provided regarding how the risk-based sub-categories of the Commercial

Other designation will work. If what is proposed is merely a re-naming exercise, without deeper change, then there would be little threat. However, there are indicators in the RIS that licences will be easier to obtain, and will be available to a greater range of business types, which raises questions about proliferation of liquor outlets, and the likely impact upon the community and the industry.

The comments regarding boutique bars or wine bars are, in this context, of real concern. At page 28 of the RIS the following statements appear regarding the licence type restructure:

*It would also allow innovative businesses to be placed into the appropriate risk category, without the negotiation involved in the current narrow, business-specific categories.*

...

*This restructure would also aid the growth of a boutique bar or wine bar (seating less than 60) market in Queensland. Small, wine and boutique bars are considered to enhance the ambience of a city, result in less harm, and are a current trend in NSW and Victoria. The ability to open these unique themed and eclectic establishments will allow the growth of live music and cultural venues across the state.*

Alarming, the RIS does not at any stage acknowledge the risk posed by proliferation. Considerable attention is paid to the question of trading hours earlier in the document, with around 20 reports, articles and commentators cited on various issues, despite the absence of any proposal to relevantly alter trading hours. Many commentators and academics also identify the number of liquor outlets as a contributing factor to alcohol-related harm. For example, in its submission to the Liquor Advisory Council of Australia in April 2007, the City of Darebin stated at page 5:

*The majority of international studies, research and analysis support the link between increased availability and the correlation to consumption and harm level.*

The Darebin submission goes on quote:

*There is a substantial body of research which supports the view that regulating and restricting the geographic and population distribution of alcohol outlets could beneficially reduce problem rates. Such research has shown a relation between the number and density of liquor outlets and the level of alcohol consumption. (Gruenewald et al, 1993.)*

The reference material relied upon to support these propositions includes Marsden Jacob Associates' report from June 2005 which is relied upon in relation to the RIS commentary on trading hours, but is notably not referenced in the short discussion about licence type restructure.

The National Alcohol Strategy 2006-2009 repeatedly refers to the level of availability of alcohol as a cause of many alcohol-related concerns, and reduction in its availability being an appropriate response to a number of the problems it seeks to address. One of the expressly stated aims of the strategy is to “[f]acilitate safer and healthier drinking cultures by developing community understanding about the special properties of alcohol and through regulation of its availability”. It states that Australia, as a significant exporter of alcohol, “has a responsibility and is in a position to provide leadership to regional neighbours to minimise the social and public health risks associated with increased availability of alcohol”. It is clear that the proliferation of licensed premises is an issue at both State and Federal level.

As reported in the New South Wales Bureau of Crime Statistics and Research report (New South Wales Bureau of Crime Statistics and Research, Liquor Outlet Concentrations and Alcohol-Related Neighbourhood Problems, (April 2006)) “the key policy question, from a National Competition Policy perspective, is whether it is necessary to place restrictions on the total number of premises (regardless of type) in a given area. The current study, in showing a relationship between liquor outlet concentrations and reported neighbourhood problems with drunkenness and property damage strongly suggests there is a need for such restrictions”.

Recent media articles have also taken up this matter, and the Prime Minister’s expressed views on liquor problems are in line with the above.

Therefore the proposal to facilitate growth in the number and kind of licensed businesses runs against the current of recent opinion. However, the potential threat represented by permitting entry into the industry through the device of a boutique bar is also obvious as a matter of simple logic. Under the present regulatory framework, licences are categorised according to primary purpose. What this means in a practical and economic sense is that entry costs associated with establishing basic infrastructure, such as a commercial kitchen for example, are sufficient in most cases to deter rogue operators. If a low cost boutique bar licence which also lacked the set up and fit out costs associated with the current system was made available, or even promoted (as it appears may be the case looking at the language used in the RIS and in the press), then this deterrent will vanish, and the way will be opened for persons to enter the liquor industry without anything genuinely at stake.

The sustainability of boutique bars is also questionable. Most of the licensees consulted about the proposal were of the view that without the economies of scale which are present in larger venues the viability of a boutique bar would be marginal. Combined with the ostensible attractiveness of such a business to an inexperienced operator, it was felt that the failure rate of these businesses would be very high, with the unpleasant consequences for the

industry which are usually occasioned by these circumstances, including losses to trade creditors, uncertainty in employment, heavy discounting to boost exit cash flow and so on.

Viability issues may mean that boutique bars are unlikely to be located in inner city areas where rents are very high. An effect of this might be that small bars become scattered throughout suburban areas, and operate as stand alone businesses, rather than as part of a definable precinct. This would be inconsistent with the accord model which has attracted uniformly positive responses.

One licensee provided the following comments which succinctly express the predominant view among VEP licensees:

*I anticipate that what will eventuate will be the closure of a significant number of suburban restaurants, completely contrary to the stated endeavour of the State Govt to increase the "ambience" of this city. One of the critical areas of financial pressure in a restaurant comes from building, staffing and running the kitchen – it is for this reason that only the best survive in that industry which is surely a plus for the State. To suddenly remove this operating impost (i.e. the provision of meals in conjunction with the consumption of liquor) will allow rogue traders to flourish, closing down kitchens in suburban and city restaurants to reopen the next week as a bar.*

*The QHA has advised the State Govt that the Melbourne experience is a clear point of reference for this position – liquor licences have exploded from 3,200 to over 19,000 licences since similar legislative reforms were introduced in Melbourne. The author of the review that led to those changes now says "I was looking to promote a more European, civilised style, but we seem to have been swept away by a wave of binge drinking". There is clear conflict in the RIS which has as its principal objective "harm minimisation", yet on the other hand seeks to aid the growth of a boutique bar sector in Qld*

*Relevant reference articles include "Mean Streets of Melbourne", "This is Melbourne at Night: Anarchy", "Melbourne's Nightlife should be vibrant, not violent" all in The Age on 23 Feb 2008 – they are very informative.*

*Further, the commercial realities would leave open an outcome of these suburban bars resorting to selling liquor at extremely discounted rates to attract customers away from traditional established venues such as restaurants and hotels. One questions what negative impact this reform will have on the restaurant industry, with many venues forced to close with customers choosing to eat at home and then go to their local "bar" to consume alcohol – this surely cannot do anything to increase the ambience of the city and state and achieve an increase in harm minimisation. In fact it will be the complete opposite outcome.*

The Valley Chamber supports the view that establishing a new class of business without a proper understanding of the underlying economic considerations would be a mistake.

In all the circumstances, there appears to be no balanced case for increasing the opportunities for businesses selling liquor, and valid concerns about the negative effects of taking such an approach. These concerns are underlined by the purported harm minimisation imperative for the review of the Liquor Act.

***Manager's licence***

An amendment to the legislation will make it mandatory for an approved manager to be present if the venue is licensed to operate after 12am, or is catering to a function (on or off-site) where the number of consumers for the current licensed operation or activity is increased.

It is proposed that a manager's licence/approval will be assessed according to the same criteria as an application for a new nominee which includes:

- completion of a RMLV course;
- completion of a separate RSA course;
- probity check; and
- assessment of management history e.g. infringement notices, complaints.

In the event a licensed manager is found to have a poor management record, such as frequent infringement notices or documented complaints, the licence may be refused.

The issues here again relate to the absence of any detail in the report. For example, what will be the effect of processing delays with Liquor Licensing? How many licensed managers will be required for each venue? In an emergency situation, the venue might be without a manager, or a rostered manager might call in sick. Consideration should also be given to the effect on labour force participation in duty manager roles if the requirements are too difficult. Although any measure which improves the quality of management is supported, yet another licensing system will create further compliance issues.

The situation will be exacerbated by any inability to process applications in a timely fashion. If more than 6600 licensed premises in Queensland at present each require multiple managers, then the administrative burden will be significant. The RIS indicates that manager's licences will be renewable annually. Allowing for an average of just 3 managers per premises, the demand will be for more than 20,000 applications to be processed annually. An additional burden will be placed on the Department by intended liquor

industry participants, and if compliance history at former venues is to be taken into consideration, then new data bases will need to be developed, and systems put in place for checking this additional area. Unless sufficient additional resources (which would appear contrary to the stated objective of reducing red tape) are to be provided to administer such a system, the net effect will be significant and increasing delays in processing times, and an industry which will struggle to remain compliant due to staff movements.

As noted above, a requirement for an occupational licence, linked to personal liability for the manager, may well deter labour force participation, creating further compliance difficulties for licensees, and adding to the well-publicised labour shortage problem in the hospitality industry.

Finally, these circumstances are likely to lead to increased recurrent wages costs due to the increased importance of the manager role caused by statutory recognition. Some VEP licensees have experienced this effect in the adult entertainment industry, where a similar requirement applies to staff supervising adult entertainers.

These increased recurrent costs will add to the shift in the economic balance, and contribute to the possible effects noted elsewhere in these submissions.

### ***Licence fee restructure***

It is proposed to amend the Liquor Act and the Liquor Regulation to require annual renewal of licences. The annual renewal fee is stated to be intended to cover the direct costs to Government of regulating the liquor industry.

It is noted that the amount of the fee varies with the category of licence, trading hours, noise limits, food provision, compliance history, bottleshop entitlements etc etc.

The issues here are relatively obvious:

First, the proposal is incorrectly predicated on the basis that licence fees are not paid at present. Although annual licence fees were largely abolished in 1997, following the NSW tobacco licensing cases in the High Court, these were immediately replaced with an uplift in sales tax, which was in turn replaced in 2000 with GST. As such, licensees contribute to the general revenue to the tune of millions of dollars annually, with that contribution returned to the State, more or less, through the current arrangements with the Commonwealth Government. In other words, licensees are already contributing to meeting the costs of regulation. The RIS ignores this. Direct and indirect State taxes are also paid by licensees. It is understood that these taxes generate revenue for the State of more than \$1.5 billion annually.

Second, the proposed renewal fee scheme is inherently unfair. There is no distinction made between venues based on geographic location or size. The economic pressure will therefore vary from one venue to another, with small venues paying the same amount as larger venues, but with far less capacity to meet those costs.

Underpinning the proposal to introduce further licence fees is the following, perhaps misleading statement regarding the features of the current licensing system:

*Government activities which directly respond to alcohol abuse and misuse are principally funded from general revenue rather than being recovered from licence holders. (RIS page 9)*

Such a statement is fundamentally flawed. Licence holders contribute to general revenue, as do liquor consumers, including that majority of liquor consumers which do so in a risk-free way. To adopt a cost recovery justification for licence fees is mere opportunism. When one considers the cost to the community of obesity, for example, would it then be reasonable or fair to seek to recover this cost by imposing an annual fee structure on fast food outlets, or chocolate retailers? Of course, many people consume fast food and chocolate in a responsible way, and therefore as a consumer group they should not be penalised for the excesses of a minority. The same reasoning applies to liquor consumers. At least with a consumption tax, those who consume more, and are therefore more likely to constitute a financial burden on the community, will have paid in accordance with their volume of consumption.

Accordingly, it is the view of the Valley Chamber that if renewal fees for licences are to be introduced, then more work should be undertaken to develop a system which is fair and reasonable for all licensees.

A further comment is required with respect to that element of the proposal which will take into account compliance history for the purposes of calculating a renewal fee. It is the opinion of licensees that such a system is unworkable in the form in which it is set out in the RIS. Adopting this approach will dramatically change the value of a warning or infringement notice, and most licensees consulted have indicated that they would be forced to take these matters through the courts rather than incur the additional penalty.

The underlying logic of a risk-based renewal fee is also flawed. For example, the fees proposed for venues that sell liquor with no food before and post 12am are \$1000 and \$10000 respectively. This would indicate that venues that trade past 12 am are ten times more likely to be a high risk venue. It is

illogical that the same venue is considered low risk one minute before midnight, but high risk at the stroke of twelve.

Nor does the purported recovery of the costs associated with regulating the industry positively affect liquor-related harm. This may achieve no more than a change in the economics affecting the consumer's choice of substance or venue. It is accepted that increased pricing is likely to diminish consumption. However, none of the reforms will materially affect packaged liquor prices, nor the availability of packaged liquor, nor the prices of other substances.

Finally, as an objective observation, and with no intention to offend any existing licensing staff, the fact that relatively minor matters, which are often within the control of individual compliance officers, may end up costing significantly more creates a heightened opportunity for corruption among those officers. At present this risk is perceived to be very small.

## 4. Key Recommendations

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The proposal to facilitate or encourage boutique bars or wine exclusive bars should be abandoned, as should any proposal to extend the opportunity to sell liquor in new kinds of businesses unless there are strict controls in place to prevent a proliferation of licensed outlets. One way this could be achieved would be for the licensing requirements to insist on a high standard of fit out and décor. This would be a similar approach to that undertaken with the introduction of the Tavern licence category to the Liquor Act 1912 in 1970. Regulation 40L to the 1912 Act is highly instructive.

Annual renewal fees should not be introduced unless a fair and reasonable method of calculation can be achieved, such as would distinguish between premises of varying size or capacity and different geographic location, and would abandon any “double dipping” for non-compliance. Moreover, there should be a re-organisation of the contributions made through annual renewal fees to more equitably recognise the amount of liquor purchased from take away liquor outlets. As a minimum, the proposed annual renewal fee for a detached bottleshop should be increased to \$5000, and extended to include attached bottleshops. There should be a corresponding reduction in the annual fees payable for on-premises venues.

As there is no direct harm minimisation benefit from the payment of annual renewal fees, it is suggested that a meaningful proportion of the funds collected from a given area should be provided direct to the Accord group for that area for the purpose of undertaking harm minimisation activities. This would tie in well with the proposal to provide statutory recognition for accords, and with the recommendation in these submissions that accord participation be mandated.

It is recommended that there be accountability for the discretionary elements of the licence renewal fee calculation. In keeping with the existing arrangements under the Liquor Act, a right of appeal to the Commercial and Consumer Tribunal should perhaps be maintained.

It is recommended that the all the elements of the renewal fee calculation model be carefully defined in consultation with the industry to eliminate to the greatest extent possible any vagueness and uncertainty. This particularly applies in the areas of noise levels, provision of food and compliance history. In relation to the compliance history aspect, it is recommended that mechanisms be developed to ensure a renewal fee uplift only occurs if the licensee is at fault, allowing a due diligence style response to such a proposal, with harm minimisation as the underlying philosophy for these decisions.

With respect to standard trading hours, the Valley Chamber supports the proposal to phase out liquor and gaming activity prior to 10.00am. However, it is recommended that this phasing out not remove the ability for licensees to open their premises for the purpose of providing breakfasts.

The Valley Chamber supports fully the recognition of accords in the statute. However, it is recommended that membership and participation not be voluntary, but compulsory. It was observed during the consultation that the strength of accords lies in part upon voluntary participation. However, the loss of this aspect was felt to be justified by the clear benefits of full membership. In combination with the recommendation that funding be provided to accord groups as a component of the licence renewal fees proposed, requirements which achieve full participation will create the potential for accords to achieve far better results.

The Valley Entertainment Precinct, as the only State Government and Council legislated Entertainment Precinct wish to be nominated by the Queensland Government as the role model for the State on responsible management practices and enter detailed discussions with Government on how this can be progressed further with venue owners committed to a clean safe environment in a commercial entertainment precinct. The Valley Chamber and licensees believe, for example, that the VEP can be used as testing ground for new policies and strategies.

Any changes to the Liquor Act should provide sufficient flexibility to deal harshly with rogue operators, but recognise and reward good practices.

The legislation should provide for the establishment or recognition of the Valley Entertainment Management Plan (VEMP). The statutory recognition should extend to a management committee which includes:

- ❖ Policy Advisor from the office of the Minister for Liquor Licensing & Gaming
- ❖ Local State Member: Grace Grace MP
- ❖ Brisbane City Council – Lord Mayor/Local Councillor appointee
- ❖ Business representative (Valley Chamber of Commerce)
- ❖ Chair of VAMP
- ❖ Liquor Licensing
- ❖ Queensland Police Service
- ❖ Queensland Health

- ❖ Queensland Tourism
- ❖ Queensland Transport and Translink
- ❖ BCC Operations/Malls Manager/Safety, Brisbane Marketing
- ❖ President Valley Chamber of Commerce and Project Coordinator, Valley Chamber of Commerce
- ❖ Taxi Council

The legislation ought to retain sufficient flexibility to impose different regulatory frameworks on different parts of the State, to ensure that the opportunities which exist for bodies like VEMP, and the VEP licensees to work with Government to develop effective policy.

Any review of the legislation should examine ways of addressing the sale of packaged takeaway liquor, in recognition that between 70% and 80% of liquor consumed in Queensland is supplied in this form. The suggestion made above that the annual renewal fee for bottleshops be increased to at least \$5000 is one strategy. This would possibly achieve a reduction in the number of such outlets, which would have a positive harm minimisation benefit according to most commentators. Another suggestion is that take away liquor be subject to the same advertising restrictions which apply to on premises venues, namely that advertising the price of liquor should be prohibited. This strategy has been an outstanding success in eliminating inappropriate discounting practices for on-premises venues, and there is no reason why the same results cannot be achieved for the majority of liquor consumed in the State which is sourced through packaged liquor retailers.