

~~**Referral to the Transport, Housing and Local Government Committee**~~~~**Mr DEPUTY SPEAKER** (Mr Berry): Order! In accordance with standing order 131, the bill is now referred to the Transport, Housing and Local Government Committee.~~

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**<LIQUOR AND GAMING (RED TAPE REDUCTION) AND OTHER LEGISLATION
AMENDMENT BILL 2013****Message from Governor** **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (2.39): I present a message from Her Excellency the Governor.

The Speaker read the following message—

MESSAGE

LIQUOR AND GAMING (RED TAPE REDUCTION) AND

OTHER LEGISLATION AMENDMENT BILL 2013

Constitution of Queensland 2001, section 68


I, PENELOPE ANNE WENSLEY AC, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Body Corporate and Community Management Act 1997, the Casino Control Act 1982, the Civil Proceedings Act 2011, the Credit (Commonwealth Powers) Act 2010, the Funeral Benefit Business Act 1982, the Gaming Machine Act 1991, the Interactive Gambling (Player Protection) Act 1998, the Keno Act 1996, the Liquor Act 1992, the Lotteries Act 1997, the Recording of Evidence Act 1962, the Supreme Court Library Act 1968, the Wagering Act 1998 and the Work Health and Safety Act 2011 for particular purposes.

(sgd)

GOVERNOR

Date: 19 MARCH 2013

Tabled paper: Message, dated 19 March 2013, from Her Excellency the Governor recommending the Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013.**Introduction** **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (2.41 pm): I present a bill for an act to amend the Body Corporate and Community Management Act 1997, the Casino Control Act 1982, the Civil Proceedings Act 2011, the Credit (Commonwealth Powers) Act 2010, the Funeral Benefit Business Act 1982, the Gaming Machine Act 1991, the Interactive Gambling (Player Protection) Act 1998, the Keno Act 1996, the Liquor Act 1992, the Lotteries Act 1997, the Recording of Evidence Act 1962, the Supreme Court Library Act 1968, the Wagering Act 1998 and the Work Health and Safety Act 2011 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.*Tabled paper:* Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013.*Tabled Paper:* Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013, explanatory notes.

I am particularly pleased to introduce the Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill 2013 into the parliament today, because these are reforms that are in line with our commitment to the people of Queensland at the last state election. The liquor and gaming industries play a significant role in the Queensland economy and the community. Casinos, hotels, restaurants and cafes are important to tourism and the cultural life of our cities and towns. Community clubs provide valuable services to their local communities. They all provide employment to Queenslanders. However, the liquor and gaming industries suffer from high levels of red tape, stifling their development and opportunities.

After coming to power the Newman government has consulted extensively with industry and the community, appointing a red tape reduction expert panel to review liquor licensing and gaming regulation in this state. This government is committed to introducing a bill to implement red tape reduction in the liquor and gaming industries in the first half of this year and this bill meets that commitment.

This bill's primary purpose is to reduce red tape to ensure that the state's liquor and gaming industries can operate more freely and be competitive both nationally and internationally. The government has already taken a step to reduce red tape for the regulation of liquor and gaming with

amendments that we made in the Fiscal Repair Amendment Act 2012. This amendment act replaces the Queensland Liquor and Gaming Commission with a single Commissioner for Liquor and Gaming, streamlining decision-making processes for licence applications. It also removes requirements for gaming employees to be licensed, giving clubs and hotels access to a wider pool of job applicants and enabling more flexible use of staff. The bill introduced today is focused upon obvious and immediately achievable areas for regulatory red tape reduction. Primarily, these are removing impediments to low-risk areas of licensed premises and gambling operations and addressing those areas that have been overregulated for years beyond the necessity warranted.

To reduce the burden on small non-profit organisations from having to apply for a community liquor permit for one-off functions, the bill creates an exemption for these associations for low-risk events like fetes and trivia nights by removing a requirement to apply for a permit if they trade limited hours. Fundraising functions run by non-profit community organisations will be able to sell liquor for up to eight hours without needing a permit. This is a common-sense amendment, allowing organisations such as school parents and citizens associations, Rotary and Lions clubs, the Cancer Council, Red Cross to sell liquor as part of simple fundraising events without requiring them to jump through unnecessary regulatory hoops and pay additional unwarranted costs. Naturally, safeguards have been built into the exemption to ensure people do the right thing. Associations may lose their exemption status if they breach responsible service of alcohol conventions, cause disorderly conduct, or are convicted of liquor offences. Police may issue notices to cease alcohol sales if it is being undertaken irresponsibly. It is also anticipated this will reduce community liquor permit applications by around 60 per cent, or over 4,000 applications annually.

Another measure in this bill is the removal of the requirement for liquor and gaming applications to be advertised in the *Government Gazette* and local newspapers. Applications will still need to be advertised on site and notification provided on the Office of Liquor and Gaming's website. This initiative will save significant money and time for applicants, providing estimated savings of \$1,500 for certain applications.

The bill further reduces the regulatory burden for low-risk restaurants, cafes and bottle shops removing unnecessary processes. Restaurant operations and bottle shops in commercial precincts are not generally known as a source of alcohol related problems. Accordingly, the bill removes the requirement for these operators to advertise for public objection, though the commissioner may still require advertising if these premises are located near schools, churches or outside commercial precincts, or pose risks to the community. Additionally, the bill removes the requirement for approved risk assessed management plans for these operators and gives the commissioner the discretion to not require applicants for these licence types to complete a community impact statement if they pose little risk to the community. The bill also removes an unnecessary requirement for the chief executive to approve the content, format and duration of casino staff training courses, given that it is already in the casino operator's best interest to adequately train their staff.

To reflect current technology, the bill also amends gaming legislation to provide for the introduction of ticket-in, ticket-out technology in clubs, hotels and casinos. This will allow tickets with cash credits to be used to play machines rather than relying on cash or tokens, reducing cash-handling processes and providing more options for consumers. Other measures in the bill aimed at benefiting the club and hotel industries include—

- removing the renewal requirement for clubs and hotel gaming machine licences, to reduce the costs and effort required by the renewal process; and
- removing the requirement for existing clubs and hotel licensees to report on the make-up of their boards within seven days of a change, making it one annual submission instead.

Further regulatory reduction measures in the bill include—

- removing obligations for casino operators to forward gaming chip purchase orders for approval;
- removing state approval processes for responsible service of gambling and responsible service of alcohol trainers as trainers will be approved under Commonwealth legislation;
- removing the requirement for internal control systems for gaming operators other than casinos to be approved by the chief executive. Instead, operators will be required to provide the control systems on request to an inspector;
- removing some of the prescriptive requirements for internal control systems for all gaming operators, including casinos; and

- removing some of the prescriptive requirements for a gaming licence application under the Gaming Machine Act.

The bill also contains a number of other minor miscellaneous amendments to liquor and gaming legislation to ensure clarity and consistency.

Overall, the bill reduces the legislative requirements by approximately 40 per cent when comparing the current provisions of each section to the amended provisions. The government is committed to cutting red tape and regulation in this state by 20 per cent across-the-board and it is currently finalising the guidelines for implementation.

While the percentage reduction established by this bill is not based on the reductions against the relevant acts in their entirety and only on the relevant sections identified for amendment, it represents another significant step in the ongoing process to reduce the red tape burden across the liquor and gaming industries.

024 There will be further phases. A discussion paper was released by me in February canvassing further ideas and the results of the consultation on this discussion paper will provide us with direction in regard to additional red tape reduction initiatives in the future. To streamline administrative and financial processes, the bill amends various liquor and gaming legislation to abolish the community investment fund established to distribute a percentage of revenues collected from specific gaming taxes to fund various government and community initiatives. Upon its abolition all existing community investment fund commitments will be funded from consolidated revenue, including funding for the Office of Regulatory Policy, the Office of Liquor and Gaming Regulation and grant payments to the gambling and casino community benefit funds. It is important to note that grants made to community groups from gaming tax revenue will not—and I repeat will not—be impacted by this change in financial arrangements and the community and casino benefit funds will remain.

In addition, the bill amends the Body Corporate and Community Management Act 1997 to close a gap currently frustrating some major Queensland infrastructure projects. When a constructing authority resumes land from a community titles scheme, a new community management statement must be lodged as part of the registration of interest in the land. But first the statement must be endorsed by the body corporate. If the body corporate delays considering the statement, the whole land registration process, and potentially the project, is delayed. These amendments will allow a constructing authority to lodge a request to record a new community management statement, after giving the body corporate four months' notice, even if it is yet to be endorsed. These amendments ensure better governance and smoother processes for delivering projects to grow the Queensland economy.

Amendments to the Funeral Benefit Business Act implement the recommendation of the Webbe-Weller review of government boards, committees and statutory authorities to abolish the board of trustees for the Funeral Benefit Trust Fund and have its functions transferred to the administering department. These amendments streamline the process for reviewing and paying out claims for funeral benefits by enabling the chief executive to undertake these functions.

Upon the constitutional referral for phase 1 of the credit reforms, as per the Credit (Commonwealth Powers) Act 2010, Queensland decided to retain its interest rate cap pending the Commonwealth's decision to introduce a national cap. The other states with interest rate caps took a similar approach. On 17 September 2012, the Commonwealth enacted its new national cap on consumer credit contract costs via the Consumer Credit Legislation Amendment (Enhancements) Act 2012 which commences on 1 July 2013. The commencement of the national cap will now supersede the operation of the Queensland cap. To prevent unnecessary confusion, both for the credit industry and consumers, the relevant sections of the Credit (Commonwealth Powers) Act 2010 which retained the interest rate cap in Queensland will require repeal.

The bill also amends the Civil Proceedings Act 2011 to provide for the continuation of transitional arrangements provided for in the Civil Proceedings (Transitional) Regulation 2012 which expires on 1 September 2013. The main purpose of this amendment is to continue the transition of appointments of office holders, such as registrars, previously appointed under the now repealed Supreme Court Act 1995, to positions under the Civil Proceedings Act. It will also continue transitional arrangements in relation to process issued but not yet returned and appeal rights accrued at the time that the relevant provisions of the Civil Proceedings Act came into force.


The bill also includes amendments to the Supreme Court Library Act 1968 and the Recording of Evidence Act 1962 to provide a legislative basis for the Queensland Sentencing Information Service. This service, which is an internet based research tool developed in conjunction with the

Judicial Commission of New South Wales, contains a large collection of sentencing related information. The purpose of QGIS is to promote greater consistency in sentencing by providing parties appearing before a sentencing court with information to support well reasoned submissions on sentence. In addition to providing a legislative basis for the service, the proposed amendments will also extend access to the service to relevant legal entities and transfer responsibility for the service to the Supreme Court Library Committee.

The bill additionally amends the Work Health and Safety Act 2011, assented on 6 June 2011, which contains un-commenced amendments to the Electrical Safety Act 2002 to harmonise it with the national model Work Health and Safety Act. While these provisions have been postponed by regulation they are now due to automatically commence on 7 June 2013. It is necessary to further delay their commencement until 1 January 2014 to allow for the statutory review of the Electrical Safety Regulation 2002.

This government wants to restore a commonsense approach to the regulation of the liquor and gaming industries in Queensland rather than the reactionary, short-term policies of the previous government. I commend the bill to the house.

First Reading

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (2.53 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.>

Referral to the Legal Affairs and Community Safety Committee


Mr DEPUTY SPEAKER (Mr Berry): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

~~BODY CORPORATE AND COMMUNITY MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL~~

~~Second Reading~~

~~Resumed from 7 March (see p. 604), on motion of Mr Bleijie—~~

~~That the bill be now read a second time.~~

 ~~**Mr CRANDON** (Coomera—LNP) (2.55 pm): I rise to make a small contribution to the Body Corporate and Community Management and Other Legislation Amendment Bill 2012. The act provides the regulatory framework for community title schemes which can include small duplexes, town house complexes and large multistorey commercial and residential premises. A body corporate is responsible for the management of common property for the scheme and the body corporate assets. Shared costs are divided between lot owners in proportion to the contribution schedule lot entitlement for the scheme. Any adjustment of lot entitlements results in financial winners and losers. The reality is that most people in the past that have bought in know what the deal is when they are buying in and if they did not, quite frankly, they should have. It is entirely up to them to make their own inquiries. To ask after the fact for an adjustment to disadvantage others is in itself against natural justice.~~

~~As time goes on, however, it is fair to say that if an appropriately qualified judge, for example, QCAT, has had a look at situations further down the track and determined an injustice has occurred due to changes in conditions then so be it, they have made that call. To then allow one person or unit holder—and this is the crux of the changes to this particular legislation—to say no, take it back to what it was, is again a denial of natural justice.~~

~~I wind up my contribution with two key points. Firstly, this bill will address complex disputes. QCAT or similar will adjudicate in cases where adjustment of contribution schedule lot entitlements are sought by unanimous agreement of all lot owners. Lastly, as suggested by one of my constituents, George Hannaford, who has had a great deal to do with the act for the last 15 years or~~